

ORDINANCE NO. 2507

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF WESTMINSTER AMENDING TITLE 17 (LAND USE) OF THE WESTMINSTER MUNICIPAL CODE REGARDING EMERGENCY SHELTERS; TRANSITIONAL HOUSING AND SUPPORTIVE HOUSING; ESTABLISHING AN EMERGENCY SHELTER OVERLAY DISTRICT; AND REZONING A 21.4 ACRE AREA INTO THE PROPOSED EMERGENCY SHELTER OVERLAY DISTRICT

WHEREAS, in 2007, the Governor signed into law Senate Bill (SB) 2, which places specific mandates upon all local jurisdictions regarding emergency shelters, transitional housing, and supportive housing; and

WHEREAS, in 2008, the Mayor and City Council adopted the Housing Element update, which included specific programs to comply with the mandates specified in SB 2; and

WHEREAS, following the adoption of the Housing Element update in 2008, the Community Development Department begin implementing the mandates of SB 2, and the programs specified in Housing Element, including a citywide analysis of parcels, zoning districts and zoning regulations for the purpose of addressing emergency shelters, transitional housing and supportive; and

WHEREAS, in 2010, the Mayor and City Council adopted an ordinance updating the City's zoning code, which included provisions to allow emergency shelters by right in the P/SP (Public/Semi-Public) zoning district and to allow for emergency shelters in the C-2 (General Business) and C-M (Commercial Manufacturing) zoning districts, subject to the issuance of a conditional use permit; and

WHEREAS, following the adoption of the City's zoning code update in 2010, and by implementing the specific programs within the City's adopted Housing Element, the Community Development Department initiated a citywide analysis of parcels to determine the most appropriate location where the operation of an emergency shelter would have the least impact upon the community, while also fulfilling the mandates of SB 2; and

WHEREAS, the final steps in achieving full compliance with SB 2 are the adoption of an ordinance providing the development and operational standards applicable to emergency shelters and also providing an appropriate zoning classification for the specific sites where such uses could be constructed and operated without the need for a discretionary permit, such as a conditional use permit; and

WHEREAS, at its regular meeting of August 21, 2013, the Planning Commission, held a duly advertised public hearing and considered the proposed amendments to Title 17 (Land Use) of the Westminster Municipal Code and a proposed zone change to add the proposed Emergency Shelter (ES) Overlay Zoning District to a 21.4 acre area and t, voted 5-0 (Commission Ho recommending adoption of the ordinance to the Mayor and City Council; and

WHEREAS, the Mayor and City Council conducted a duly advertised public hearing on September 25, 2013, to consider all testimony pertaining to the proposed amendment; and

WHEREAS, the Mayor and City Council, at its regular meeting of September 25, 2013, having duly considered all written and oral statements presented in regard to the proposed ordinance, have determined that the adoption of the ordinance will not impair the public health, safety, and general welfare.

NOW, THEREFORE, the Mayor and City Council of the City of Westminster HEREBY ORDAINS AS FOLLOWS:

SECTION 1: Pursuant to Section 17.620.030 of the Westminster Municipal Code, the Mayor and City Council make the following specific findings of fact related to the proposed zoning text amendment and the California Environmental Quality Act (CEQA):

1. The proposed amendment ensures and maintains internal consistency with the goals, policies, and strategies of all elements of the General Plan and will not create any inconsistencies with this Title, in the case of a Zoning Code amendment:

The content of the proposed amendments will precisely implement programs that are specified in the Housing Element of the City's General Plan. Since the content of the City's Housing Element was determined to be internally consistent with the City's General Plan, when the City's Housing Element was adopted in 2008, and since the proposed amendments implement specific programs regarding emergency shelters, transitional housing, and supportive housing, as specified in the City's adopted Housing Element, the proposed amendments, therefore, will maintain internal consistency with the goals, policies, and strategies of all elements of the General Plan and will not create any inconsistencies with this Title, in the case of a Zoning Code amendment.

2. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City; and

The proposed amendments will implement the specific provisions of SB 2, which were approved by the legislature and signed by the Governor in 2007. In adopting SB 2, the Governor and legislature declared that the provisions contained within SB 2, including specific actions each local jurisdiction must implement to address

emergency shelters, transitional housing and supportive housing, are in the public's interest and are necessary as it is the responsibility of the legislature to promote strong communities and ensure that housing and residential services are available in all communities. Furthermore, the specific language provided within the proposed zoning text amendments will implement specific programs found within the City's adopted Housing Element. Because the content of the City's Housing Element was determined to not be detrimental to the public interest, health, safety convenience, or welfare of the community at the time the Housing Element was adopted in 2008, and because the proposed amendments implement specific programs provided within the City's Housing Element and the provisions specified in SB 2, the proposed amendments, therefore, would not be detrimental to the public interest, health, safety, convenience, or welfare of the City.

3. The proposed amendment is in compliance with the provisions of CEQA.

The proposed amendments are in compliance with the provisions of CEQA as the project was determined to not be exempt from CEQA, and an Initial Study was prepared as specified in CEQA. Furthermore, the assessment provided within the Initial Study concluded that the project could not have a significant effect upon the environment. A Negative Declaration was adopted by a separate resolution of the Mayor and City Council.

SECTION 2: A portion of Table 2-2 (Permitted Uses and Permit Requirements For Residential Zoning Districts) is hereby amended as follows (new text underlined and removed text is ~~strikethrough~~):

Land Use <sup>1</sup>	Permit Requirements by District					See Specific Use Regulations
	R1	R2	R3	R4	R5 <sup>4</sup>	
Residential care facilities, 6 or fewer clients	P	P	P	P	P	
Residential care facilities, 7 or more clients	CUP	CUP	CUP	CUP	CUP	
Secondary dwelling units	P		-	-	-	Section 17.400.135
Senior housing	CUP	CUP	CUP	CUP	CUP	Section 17.400.085
Small lot subdivisions	-	P	P	P	P	Section 17.400.150
<u>Supportive Housing</u>	-	P	P	P	P	

Land Use <sup>1</sup>	Permit Requirements by District					See Specific Use Regulations
	R1	R2	R3	R4	R5 <sup>4</sup>	
<i>Dwelling unit (excluding residential group living and/or boarding house).</i>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<i>Residential group living – Six or persons or less.</i>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<i>Residential group living – Seven persons or more</i>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	
Transitional Housing	–	P	P	P	P	
<i>Dwelling unit (excluding residential group living and/or boarding house).</i>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<i>Residential group living – Six or persons or less.</i>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<i>Residential group living – Seven persons or more</i>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	
Two-family dwelling	-	P	P	P	P	Section 17.400.125

**SECTION 3:** A new chapter 17.250.018 (Emergency Shelter (ES) Overlay District ) is hereby added to Title 17 (Land Use) of the Westminster Municipal Code to read as follows:

**17.250.018 Emergency Shelter (ES) Overlay**

- A. Purpose. This Section provides land use regulations for the Emergency Shelter (ES) Overlay zoning district as established by Section 17.200.010, *Zoning Districts Established*. This district applies to manufacturing/industrial sites, which due to their size and location, are appropriate for emergency shelter facility use.
- B. Allowed Uses. A parcel within the ES Overlay district may be used as follows:
1. Emergency Shelter Facility as defined in Article 7 (Definitions) and in compliance with Chapter 17.400.053 (Emergency Shelters) and all other applicable provisions of the WMC; or
  2. Uses Permitted in the M2 (Medium Industrial) Zoning District, as established in Chapter 17.230 (Industrial Zoning Districts) and all other applicable provisions of the WMC.

C. Requirements For Establishment of the ES Overlay Zoning District. Each parcel within the ES Overlay Zoning District, shall comply with each of the following:

1. *Underlying Zoning Classification.* The parcel shall have an M2 (Medium Industrial) Zoning District classification. For the purpose of determining if a parcel is within the M2 (Medium Industrial) zoning district and therefore meets the requirements for establishment of the Emergency Shelter (ES) Overlay zoning, any parcel located within the M2 (Medium Industrial) zoning district, where a portion of said parcel is also within the B-1 (Buffer) zoning district, shall be considered in whole as a M2 (Medium Industrial) zoned parcel.
2. *Proximity To Parcels Zoned for Residential Use.* No parcel shall abut a parcel zoned for residential use.

SECTION 4: A portion of Table 3-5 (Parking Requirements by Land Use) is hereby amended as follows (new text underlined and removed text is ~~strikethrough~~):

Land Use	Required Parking Spaces
Residential	
Boardinghouses, lodging houses, fraternity or sorority houses, student dormitories, student housing facilities	1 parking space for every 2 guest rooms, dwelling units, or living units
<u>Emergency shelter facilities</u>	<u>1 parking space for each staff member, plus one 1 parking space for each 5 beds and ½ space for each room designated for families with children.</u>
Multifamily dwellings (two or more units)	For units with 1 or fewer bedrooms (bachelor) – 1 enclosed garage space per unit and 0.5 off-street, open parking space per unit
	For units with 2 bedrooms – 1 enclosed garage space per unit and 1 off-street, open parking space per unit
	For units with 3 or more bedrooms – 2 enclosed garage spaces per unit and 0.5 off-street, open parking spaces per unit
Residential care facilities	6 or fewer residents – as required for the type of dwelling
	7 or more residents – 1 parking space for every 3 patient beds

Land Use	Required Parking Spaces
Secondary residential units	1 additional garage space in addition to the required garage space for the primary single-family dwelling
Single-family dwellings in any residential district	For dwellings with 4 or fewer bedrooms – two-car enclosed garage having minimum interior dimensions of 20 feet in width and 20 feet in depth
	For dwellings with 5 or more bedrooms – 3 enclosed garage spaces with minimum interior dimensions of 10 feet by 20 feet (for each space) and 3 open parking spaces with minimum dimensions of 9 feet by 19 feet

SECTION 5: a new Chapter 17.400.053 (Emergency Shelters) is hereby added to Title 17 (Land Use) of the Westminster Municipal Code to read as follows:

17.400.053 Emergency Shelters

- A. Purpose and Intent. This Section provides development standards for Emergency Shelters in compliance with Article 2, *Zoning Districts, Permitted Land Uses, and Zone-Specific Development Standards*, and as defined in Article 7, *Definitions*.
- B. Maximum Number of Beds. The maximum number of beds permitted at an Emergency Shelter Facility shall be as follows:
  - 1. Shelters within the Emergency Shelter Overlay District. An Emergency Shelter Facility located within the Emergency Shelter Overlay District shall not exceed 70 beds.
  - 2. Shelters Outside the Emergency Shelter Overlay District. An Emergency Shelter Facility not located within the Emergency Shelter Overlay District shall not exceed 30 beds.
- C. Site Development Standards. All Emergency Shelter Facilities shall be subject to the development standards of the WMC, all other applicable regulations and statutes and the following standards.
  - 1. Client Intake and Waiting Area. Each emergency shelter facility shall provide an on-site client intake and waiting area, subject to the following:

- a. The minimum area of a client intake and waiting area shall be no less than 10 square feet of floor area for each bed provided at the emergency shelter facility.
  - b. A client intake and waiting area shall not be located within a required yard area. For an emergency shelter facility located in a zoning district where a yard setback is not specified, the client intake and waiting area shall not be located between a building and the public right-of-way.
  - c. A client intake and waiting area shall be fully screened from view from all public streets adjoining the emergency shelter facility.
2. Exterior Lighting. Exterior lighting shall be provided throughout the facility to ensure the safety of all persons on-site. The placement, illumination, and shielding of such lighting shall be subject to the applicable provisions of the WMC.
  3. Proximity to Other Emergency Shelters. No emergency shelter facility shall be less than 300-feet from any other emergency shelter facility. In determining the distance between two emergency shelter facilities, the distance shall be measured from the property line of one facility to the nearest property line of another facility.
- D. Permitted Amenities and Services. A proposed emergency shelter facility offering immediate and short-term housing may provide on-site supplemental services and amenities to the homeless individuals and families staying at such facility. These on-site services and amenities may include, but are not limited to the following:
1. Recreation Area. An indoor and/or outdoor recreation area may be provided.
  2. Counseling Center. A counseling center for job placement, education, health care, legal or mental services, or similar services intended to assist homeless clients may be provided.
  3. Laundry Facilities. Laundry facilities, located within an enclosed structure may be provided.
  4. Kitchen and Dining Hall. A kitchen for the preparation of meals serving on-site clients and a dining hall may be provided.
  5. Client Storage. A client storage area for the personal belongs of the on-site clients may be provided.

E. Operational standards. All Emergency Shelter Facilities shall be subject to the following operational standards:

1. Maximum Stay. The maximum stay of any individual shall not exceed 120 days in a 365-day period.
2. Availability of Beds. Stays at an emergency shelter facility shall be on a first-come first-serve basis with clients housed on-site. Clients shall have no guaranteed bed for the next night.
3. Hours of Operation. Clients may only be permitted on-site and admitted to the emergency shelter facility between 5:00 PM to 8 AM. All clients shall vacate the emergency shelter facility no later than 8:00 AM.
4. Minimum Staffing Requirements. A minimum of one employee for each 15 beds within an emergency shelter facility shall remain awake and on-duty during the emergency shelter facility's hours of operation.
5. Counseling Referrals and Reporting. Any counseling programs are to be provided with referrals to outside assistance agencies.

F. Safety, Security, and Operational Plan. A Safety, Security and Operational Plan shall be submitted to the Director for review and approval, prior to initial occupancy of an emergency shelter facility. The site-specific Safety, Security and Operational Plan shall address all of the following:

1. Facility Management. The provisions necessary to manage the ongoing emergency shelter facility's needs, both on and off-site, including, but not limited to, the separation of individual male and female sleeping areas, provisions of family sleeping areas, and the various services and functions of such facility shall be provided.
2. Client Congregation. The specific measures used by the emergency shelter facility to discourage clients from congregating off-site and/or disturbing nearby uses during the hours when clients are not allowed on site at the emergency shelter facility.
3. Admittance and Discharge. The provisions for the daily management for admittance and discharge procedures shall be provided, with the objective of giving priority to Westminster residents.



4. Refuse Collection. The refuse collections schedule to provide the timely removal of associated client litter and debris on and within the vicinity of the emergency shelter facility shall be provided
5. Alcohol and Drug Regulation. The provisions for addressing how the operator will ensure that the emergency shelter facility remains alcohol and illegal drug free at all times.
6. Contact Information. The operator shall provide the City with the most current contact information for the operator of the facility during the normal daytime business hours, and the nighttime contact information for the "person on duty" when the emergency shelter is receiving and housing clients. The appropriate email addresses, phone numbers and fax numbers shall be provided.

The Safety, Security and Operational Plan shall include a site plan and a floor plan of the emergency shelter facility. The Safety, Security and Operational Plan approved by the Director shall remain in effect for the entire life of the emergency shelter facility, unless an amended plan is prepared by the operator and approved by the Director.

SECTION 6: Article 7 (Definitions) is hereby amended as follows (new text underlined and removed text is ~~strikethrough~~):

Emergency Shelter Facility. One or more structure located on the same site, where the purpose of said structure(s) is the Facilities for the emergency or temporary immediate and short term housing for homeless individuals or families on a first-come, first-serve basis, shelter and feeding of indigents or disaster victims, operated by a public or nonprofit agency. ~~These Accommodations may include temporary lodging, meals, laundry facilities, bathing, counseling, and other basic support services.~~

Proposed Definitions for Supportive Housing and Transitional Housing:

Supportive Housing. Pursuant to California Health and Safety Code Section 50657.14, means housing with no limit on length of stay (permanent affordable housing), that is occupied by the "target population," and that is linked to on-site or off-site services that assist tenants to retain the housing, improve their health status, maximize their ability to live and when possible, to work in the community. The "target population, in accordance with the Health & Safety Code means adults with low-incomes, having one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health conditions, or individuals eligible for services provided under the Lanterman Developmental Disabilities Services Act (Division 4.5 (commencing with Section 45000) of the Welfare and Institutions Code) and may, among other populations, include families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, or

homeless people. Supportive housing shall be considered as a residential use and only subject to those restrictions that apply to other residential uses of the same type in the same zone. Supportive housing may be designed as residential group living facilities or dwelling units and include the following:

Dwelling Unit, as defined in Article 7 of this Title, intended for one family.

Residential Group Living 6 Persons or Less. Means one residential facility on a parcel, with 6 residents or less (including minor children), excluding staff, that operates as a group living facility, where the residents share a common living area and a kitchen. The facility is similar to a Residential Care Facility (with 6 persons or less), as defined in Article 7 of this Title.

Residential Group Living 7 Persons or More. Means one residential facility on a parcel, with 7 residents or more (including minor children), excluding staff, that operates as a group living facility, where the residents share a common living area and a kitchen. The facility is similar to a Residential Care Facility (with 7 persons or more), as defined in Article 7 of this Title.

SECTION 7: Pursuant to Section 17.620.030 of the Westminster Municipal Code, the Mayor and City Council makes the following specific findings of fact related to the zoning map amendment:

1. The proposed amendment ensures and maintains internal consistency with the goals, policies, and strategies of all elements of the General Plan and will not create any inconsistency with Title 17, in the case of a Zoning Code Amendment; and

The proposed zoning map amendment, would add the Emergency Shelter (ES) overlay zoning district to the following parcels, each with an underlying M2 (Medium Industrial) zoning designation:

Address:	Assessor's Parcel No.
15030 Goldenwest Circle.	142-011-28, 29 & 30
15040 Goldenwest Circle.	142-011-25
15051 Goldenwest Circle	142-012-03
15080 Goldenwest Circle	142-011-26
15192 Goldenwest Circle	142-421-09
15172 Goldenwest Circle	142-421-13
15170 Goldenwest Circle	142-421-12
15152 Goldenwest Circle	142-421-07
15121 Goldenwest Circle	142-422-05
15132 Goldenwest Circle	142-421-10
7300 Bolsa Avenue	142-012-02
7354 Bolsa Avenue	142-422-06

7382 Bolsa Avenue	142-421-04
7402 Bolsa Avenue	142-421-11

Adding the Emergency Shelter (ES) overlay zone to the parcels specified above does not remove, diminish, or alter the current industrial land uses that are permitted pursuant to underlying M2 (Medium Industrial) zoning classification provided for each parcel, since the proposed Emergency Shelter (ES) overlay zone is limited to adding emergency shelters as a permitted use to the subject parcels. Furthermore, each of the above listed parcels has an "Industrial" general plan land use designation, thus providing precise consistency between the zoning designation and general plan designation for each site. Because the proposed overlay zone will not change the industrial nature of the subject parcels (in terms of permitted land uses), and because the proposed overlay zone will implement a program specified in the City's adopted Housing Element, the proposed map amendment, therefore, ensures and maintains internal consistency with the goals, policies and strategies of all elements of the General Plan.

2. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City.

At the time the City's General Plan was adopted in 1996, The General Plan land use designations provided for each parcel within the City were determined to be in the public interest, and would promote the, health, safety, convenience and welfare of the City. In addition, the proposed zoning map amendment does not diminish the permitted uses currently allowed for each parcel (as provided by the M2 (medium Industrial) zoning designation for each of the subject parcels) since the proposed amendment is limited to allowing emergency shelters as one of the possible permitted uses. Furthermore, the proposed zoning map amendment will implement the specific provisions of SB 2, which were approved by the legislature and signed by the Governor in 2007, by providing a specific location within the City where one or more emergency shelter, of sufficient size to accommodate the needs of the community, can be constructed and operated as mandated by state law. Because the Governor and legislature declared that the provisions contained within SB 2 are in the public's interest and are necessary as it is the responsibility of the legislature to promote strong communities and ensure that housing and residential services are available in all communities and because the proposed zoning text amendment does not diminish the permitted uses currently allowed for each parcel, the proposed zoning map amendment, therefore, would not be detrimental to the public interest, health, safety, convenience, or welfare of the City.

3. The proposed amendment is in compliance with the provisions of CEQA.

The proposed amendments are in compliance with the provisions of CEQA as the project was determined to not be exempt from CEQA, and an Initial Study was prepared as specified in CEQA. Furthermore, the assessment provided within the Initial Study concluded that the project could not have a significant effect upon the environment. A Negative Declaration was adopted by a separate resolution of the

Mayor and City Council.

4. The site(s) is physically suitable (including access, provision of utilities, compatibility with adjoining land uses, and absence of physical constraints) for the requested zoning designation(s) and anticipated land use development;

The site, which includes each of the parcels listed above, and as shown in the attached map (Attachment "A") is fully developed with industrial structures and all utilities are provided to each parcel. The subject map amendment area is bounded on the west and south by a freeway; to the east by an overhead electrical transmission right-of-way and railroad right-of-way; and to the north by similar industrial uses. Therefore, the subject parcels are compatible with adjoining land uses. Because the proposed zoning map amendment is limited to adding emergency shelters to the current list of permitted land uses for each of the subject parcels, and no other changes are proposed, and because each of the sites are full developed and are compatible with adjoining land uses and there is no physical development associated with the proposed zoning map amendment, the sites, therefore are physically suitable (including access, provision of utilities, compatibility with adjoining land uses, and absence of physical constraints) for the proposed overlay zoning designation.

SECTION 8: If any section, subsection, clause or phrase or portion of the code is for any reason held to be invalidated 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 hereby declares that it would have passed the ordinance codified in this Chapter, and each section, subsection, sentence, clause and phrase or portion thereof, irrespective of the fact that any one or more of the sections, subsections, sentences, clauses, or phrases or portions thereof be declared invalid or unconstitutional.

SECTION 9: The City Clerk shall certify to the passage and adoption of this ordinance and cause the same to be published in the manner required by law. This ordinance shall become effective thirty (30) days from and after its passage.

Approved for introduction at a regular meeting on the 25<sup>th</sup> day of September, 2013 by the following vote:

AYES:	COUNCIL MEMBERS: TA, QUACH, CAREY, CONTRERAS, RICE
NOES:	COUNCIL MEMBERS: NONE
ABSENT:	COUNCIL MEMBERS: NONE

PASSED, APPROVED, AND ADOPTED this 9<sup>th</sup> day of October, 2013 by the following vote:

AYES: COUNCIL MEMBERS: TA, QUACH, CAREY, CONTRERAS, RICE  
NOES: COUNCIL MEMBERS: NONE  
ABSENT: COUNCIL MEMBERS: NONE

TRIMETA  
TRI TA, MAYOR

ATTEST:

[Signature]  
ROBIN L. ROBERTS, MMC, CITY CLERK

APPROVED AS TO FORM:

[Signature]  
RICHARD D. JONES, CITY ATTORNEY

STATE OF CALIFORNIA )  
COUNTY OF ORANGE ) ss.  
CITY OF WESTMINSTER )

I, ROBIN L. ROBERTS, City Clerk of Westminster, do hereby certify that the foregoing ordinance was introduced on the 25<sup>th</sup> day of September, 2013, was regularly adopted at a meeting thereof on the 9<sup>th</sup> day of October, 2013 and was published/posted pursuant to law.

[Signature]  
Robin L. Roberts, MMC  
City Clerk