

**TOWN OF SAN ANSELMO ORDINANCE NO. 1098
AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF SAN ANSELMO
ADOPTING TITLE 10 CHAPTER 12 (EMERGENCY SHELTERS) AND AMENDING
LAND USE TABLE 3A AND SECTION 10-3.1701 (DEFINITIONS) OF THE SAN
ANSELMO MUNICIPAL CODE**

WHEREAS, the Town of San Anselmo's current Housing Element, which was adopted on November 13, 2013, specifies that San Anselmo is committed to expanding the resources for homeless individuals in the community, particularly the supply of permanent supportive housing (2013 Housing Element at p. 76); and

WHEREAS, the 2013 Housing Element provides that because five percent of the total population of Marin county lives in San Anselmo, it is estimated that five percent of the homeless population, or 17 people, reside in San Anselmo; and

WHEREAS, 2013 Housing Element Program H4.A proposes to amend the Town Zoning Code to permit emergency shelters without discretionary action in Limited Commercial, General Commercial, and Public Facility zoned areas where the facility is within ¼ mile of a transit stop; and

WHEREAS, a site analysis in the 2013 Housing Element concludes that there is sufficient capacity in these areas to accommodate the need for emergency shelters in Town (2013 Housing Element at p. 76); and

WHEREAS, the Town also wishes to comply with State law, which requires local planning and zoning regulations to facilitate homeless shelters by providing at least one zoning category in which emergency shelters can be located without discretionary approval (Cal. Gov. Code § 65583(a)(4)); and

WHEREAS, the adoption of a Emergency Shelter Ordinance is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061.b.3 of the CEQA Guidelines because adoption of this zoning ordinance is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment, and this project does not have the potential for causing a significant effect on the environment; and

WHEREAS, adoption of Emergency Shelter Ordinance is consistent with the Town of San Anselmo's General Plan.

NOW THEREFORE, the Town Council of the Town of San Anselmo does hereby ordain as follows:

SECTION 1 Title 10, Chapter 12 (Emergency Shelter) of the Town of San Anselmo Municipal Code is adopted to read as follows:

10-12.01 Title and Purpose.

Title. This Chapter shall be known as the "San Anselmo Emergency Shelter Ordinance".

Purpose. This ordinance is adopted to ensure the Town of San Anselmo facilitates homeless shelters by providing zoning categories in which emergency shelters can be located without discretionary approval by the Town.

10-12.02 Definitions.

"Emergency Shelter" means housing as defined in California Health and Safety Code §50801(e)". This section shall be understood to be amended by operation of law in the event and to the extent this statute is amended.

10-12.03 Emergency Shelters.

- A. Applicability. Emergency Shelters are a permitted use in the Limited Commercial, General Commercial, and Public Facility zones when the site is located within one-quarter mile of a transit stop. An Emergency Shelter shall comply with the standards of this section.
- B. Performance standards. An Emergency Shelter shall meet the following development and performance standards:
 - 1. On-site management and on-site security shall be provided during hours when the emergency shelter is in operation.
 - 2. Adequate external lighting shall be provided for security purposes. The lighting shall be stationary, directed away from adjacent properties and public rights-of-way, and of intensity compatible with the surrounding area.
 - 3. The development may provide one or more of the following specific common facilities for the exclusive use of the residents and staff:
 - a. Central cooking and dining room(s).
 - b. Recreation room.
 - c. Counseling center.
 - d. Child care facilities.
 - e. Other support services.
- C. Parking and outdoor facilities shall be designed to provide security for residents, visitors, employees and the surrounding area.
- D. A refuse storage area shall be provided that is completely enclosed with masonry walls not less than five feet high with a solid-gated opening and that is large enough to accommodate a standard-sized trash bin adequate for use on the parcel, or other enclosures as approved by the Planning Director. The refuse enclosure shall be accessible to refuse collection vehicles.
- E. The agency or organization operating the Emergency Shelter shall comply with the following requirements:
 - 1. Temporary shelter shall be available to residents for no more than six months. No individual or household may be denied emergency shelter because of an inability to pay.

- 2. Staff and services shall be provided to assist residents to obtain permanent shelter and income.
- 3. The provider shall have a written management plan including, as applicable, provisions for staff training, neighborhood outreach, security, screening of residents to insure compatibility with services provided at the facility, and for training, counseling, and treatment programs for residents.
- F. No Emergency Shelter shall be located within three hundred feet of another Emergency Shelter site.
- G. The facility shall be in, and shall maintain at all times, good standing with Town and/or state licenses, if required by these agencies for the owner(s), operator(s), and/or staff on the proposed facility.
- H. The maximum number of beds or clients permitted to be served (eating, showering and/or spending the night) nightly shall not exceed seventeen persons.

BE IT FURTHER ORDAINED that Chapter 10, Article 3, Chapter 3 (Land Use Regulations) is hereby amended to include Emergency Shelter as a permitted use in the Limited Commercial, General Commercial, and Public Facility zones. This amendment shall be reflected in the Land Use Table 3A as follows:

	R-1 H	R-1 C	R-1	R-2	R-3	P	C-1	C-2	C-L	C-3
Emergency Shelter	-	-	-	-	-	P	-	-	P	P

BE IT FURTHER ORDAINED that Section 10-3.1701 (Definitions) of the Town of San Anselmo Municipal Code is amended to include the following definition:

"Emergency Shelter" means housing as defined in California Health and Safety Code §50801(e)". This section shall be understood to be amended by operation of law in the event and to the extent this statute is amended.

Section 2. The adoption of this Ordinance is exempt from the application of the California Environmental Quality Act (CEQA), Public Resources Code section 21000, *et seq.*, in accordance with Section 15061.b.3 of the CEQA Guidelines; and

Section 3. If any section or portion of this Ordinance is for any reason held to be invalid and/or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 4. This Ordinance shall be published once within fifteen (15) days after its passage and adoption in a newspaper of general circulation in the Town of San Anselmo.

Section 5. This Ordinance shall be in full force and effect thirty (30) days after the date of its adoption.

THE FOREGOING ORDINANCE was introduced at a regular meeting of the San Anselmo Town Council on the 9th day of December, 2014 and was adopted at a regular meeting on the 13th day of January 2015 by the following vote:

AYES: Councilmembers: Coleman, Greene, Kelly, McInerney, Wright
NOES: Councilmembers: None
ABSENT: Councilmembers: None

John D. Wright
John D. Wright, Mayor

ATTEST:

Joanne Kessel
Joanne Kessel

For Barbara Chambers, Town Clerk