

ORDINANCE NO. 14-944

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONTCLAIR ADDING CHAPTER 11.37 TO THE MONTCLAIR MUNICIPAL CODE RELATED TO EMERGENCY SHELTERS AND SINGLE-ROOM OCCUPANCY LODGING FACILITIES (CASE NO. 2014-18)

WHEREAS, the Housing Element is one of seven statutorily required elements of the General Plan; and

WHEREAS, the California Government Code requires cities to review and update their Housing Element according to a schedule set forth by the State's Housing and Community Development Department (HCD); and

WHEREAS, the City, through its consultant, RBF Consulting, prepared the 2014-2021 Housing Element as an update to its previously adopted Housing Element in compliance with State law; and

WHEREAS, in January 2014, HCD provided the City with a letter of substantial compliance indicating that upon adoption by the City Council, the Housing Element would fully comply with State law; and

WHEREAS, on February 3, 2014, the City Council adopted Resolution No. 14-3018 approving a General Plan Amendment adopting the 2014-2021 Housing Element Update; and

WHEREAS, the "Policy Program" chapter of the adopted Housing Element sets forth 25 Policy Actions that are required to be undertaken by the City to successfully implement the adopted Housing Element; and

WHEREAS, Policy Action 2.2 requires staff to "identify zoning districts available to encourage and facilitate a variety of housing types, including single-room occupancy units (SROs)...The City shall revise the Zoning Code to define SROs, identify the zones in which they are permitted, and establish regulatory standards that encourage and facilitate single-room occupancy units"; and

WHEREAS, Policy Action 4.1 states, in part, that "...the City will analyze and revise the existing Zoning Ordinance to allow for emergency shelters..." and "...will comply with the requirements of the State in the following manner:

- o Provide at least one zoning category...in which emergency shelters can be located and permitted 'by-right' without a CUP or other discretionary approvals. The subject zoning category(ies) shall include sites with sufficient capacity to meet the local need for emergency shelters.
- o Ensure the provisions of the Housing Accountability Act are enforced and prohibit the denial of emergency shelter/transitional/supportive housing facility via discretionary approvals if it is consistent with adopted regulatory standards.
- o Evaluate development standards and regulatory provisions to ensure that standards encourage rather than discourage development."

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MONTCLAIR DOES HEREBY ORDAIN AS FOLLOWS:

SECTION I. Amendment of Code.

Chapter 11.37 is hereby added to the Montclair Municipal Code as follows:

Chapter 11.37
EMERGENCY SHELTERS AND SINGLE-ROOM OCCUPANCY
LODGING FACILITIES

Sections:

- 11.37.010 Purpose and intent.**
- 11.37.020 Definitions.**
- 11.37.030 Emergency shelters.**
- 11.37.040 Single-room occupancy lodging facilities.**

11.37.010 Purpose and intent.

The purpose of this Chapter is to identify locations where emergency shelters and single-room occupancy lodging facilities ("SROs") may locate in the City and to provide development standards to facilitate their development. The City Council finds that these types of supportive housing units are different in so many respects from other types and forms of development as to require a specialized set of regulations.

11.37.020 Definitions.

As used in this Chapter:

Emergency shelter shall have the same meaning as that term defined in California Health and Safety Code Section 50801, which currently is defined to mean housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay.

Single-room occupancy (SRO) lodging facilities means any building containing five or more guestrooms or units intended for or designed to be used, rented, and occupied for sleeping purposes by residents, which is also the primary residence of those residents. The individual units shall lack either cooking facilities or individual sanitary facilities or both. For purposes of this definition, an SRO does not include residential care homes, senior housing projects, rooming and boarding houses, hotels and motels, bed and breakfast lodging, extended care facilities or hospitals.

11.37.030 Emergency shelters.

A. Permitted locations. Emergency shelters shall be permitted "by-right" in the "BP" (Business Park) land use district of the Holt Boulevard Specific Plan.

B. Development standards. The development standards for emergency shelters shall be governed by those outlined in Chapter IV ("Development Regulations") for the "BP" (Business Park) land use district of the Holt Boulevard Specific Plan, except that the following specific standards shall apply to emergency shelters:

1. The maximum number of persons that may be served by an emergency shelter on a nightly basis shall be 20. Community sanitary facilities shall be provided in a location, design, and capacity to the satisfaction of the Building Official.

Room sizes. Living spaces intended to be occupied by persons needing shelter shall be between 150 and 300 square feet in area, exclusive of closets or storage areas.

3. Access. Each living space or room within the emergency shelter shall be accessed exclusively from the interior of the building. No direct access to the exterior of the building shall be permitted from any private living space.

3. Resident intake/waiting areas. Emergency shelters shall provide a client intake area of at least 150 square feet in area and located entirely within the interior of the building.

4. Parking. Emergency shelters shall provide a minimum of one parking space per bed provided.

5. Lighting. The exterior illumination level around the building perimeter and in the parking lot shall be maintained at a minimum of one foot-candle at grade during all hours of darkness.

6. Open space/recreation area. If an emergency shelter desires to provide an area for rest, relaxation, or recreation on the exterior of the building, it shall be located outside of any front yard or street side yard setback and shall

be fenced at a height of six feet (6'-0") and in a manner to provide a solid screen as viewed from any adjacent public right-of-way or adjacent property. The preferred access to such an area is directly from the interior of the building in order to provide a safe, secure area for residents of the emergency shelter.

7. Proximity to other emergency shelters. No emergency shelter shall be located within 300 feet of another emergency shelter.

C. Operational standards.

1. Prior to commencing operation, an emergency shelter provider shall prepare a written management and operations plan and submit it to the City for review and approval by the Community Development Director and Police Chief. The management and operations plan shall include, without limitation, hours of operation; staffing levels; provisions for staff training; resident identification process; maximum length of stay; neighborhood outreach; policies regarding pets; the timing and location of outdoor activities; temporary storage of residents' personal belongings; safety and security; loitering control; management of outdoor areas; screening of residents to ensure compatibility with services provided at the shelter; and training, counseling, and social service programs for residents, as applicable. Emergency shelters shall provide on-site management on a 24-hour per day basis at all times when a shelter is open for business.

2. A minimum of one uniformed, licensed, and bonded security guard shall be provided on-site from dusk until dawn each day when the shelter is open for business or is occupied by at least one resident. Security guards shall comply with Section 7580 *et. seq.* of the California Business and Professions Code.

3. The maximum stay at an emergency shelter for an individual, couple or family shall be 180 consecutive days.

11.37.040 Single-room occupancy lodging facilities.

A. Permitted locations. Single-room occupancy ("SRO") lodging facilities shall be permitted in the "BP" (Business Park) land use district of the Holt Boulevard Specific Plan subject to approval of a Conditional Use Permit by the Planning Commission.

B. Development standards. The development standards for SROs shall be governed by those outlined in Chapter IV ("Development Regulations") for the "BP" (Business Park) land use district of the Holt Boulevard Specific Plan, except that the following specific standards shall apply to SROs:

1. Number of units. An SRO lodging facility shall have a minimum of five (5) units and a maximum of 30 units.

A maximum of two (2) persons may occupy any single SRO unit.

3. Unit sizes. The living space of each SRO unit shall be between 150 and 300 square feet in area, exclusive of closets or storage areas.

4. Kitchens and bathrooms. Either a kitchen or bathroom may be provided in an SRO unit, but no individual unit shall contain both.

5. Community cooking and/or sanitary facilities shall be provided in a location, design, and capacity to the satisfaction of the Building Official.

6. Access. Each unit within the SRO shall be accessed exclusively from the interior of the building. No direct access to the exterior of the building shall be permitted from any SRO unit.

7. Resident intake/waiting areas. Emergency shelters shall provide a client intake area of at least 150 square feet in area and located entirely within the interior of the building.

8. Common areas. A minimum of 50 square feet per unit of indoor common areas shall be provided for the use of SRO residents, except that any SRO lodging facility shall provide a minimum of 400 square feet of indoor common area. The required square footage shall be exclusive of storage rooms, closets, laundry areas, common kitchens, dining areas, sanitary facilities, and hallways. If outdoor common areas are provided, the square footage of such areas shall not be counted as a credit toward the required indoor common areas.

9. Laundry facilities. Community laundry facilities consisting of at least one washer and one dryer shall be required for every ten (10) SRO units or fraction thereof. If the SRO facility is multiple stories, washers and dryers shall be provided on each floor based on the number of SRO units on that floor at the ratio stated herein.

10. Parking. SRO facilities shall provide a minimum of one parking space per unit.

11. Lighting. The exterior illumination level around the building perimeter and in the parking lot shall be maintained at a minimum of one foot-candle at grade during all hours of darkness.

12. Open space/recreation area. If an SRO lodging facility desires to provide an area for rest, relaxation, or recreation on the exterior of the building, it shall be located outside of any front yard or street side yard setback and shall be fenced at a height of six feet (6'-0") and in a manner to provide a solid screen as viewed from any adjacent public right-of-way or adjacent property. The preferred access to such an area is directly from the interior of the building in order to provide a safe, secure area for residents of the SRO facility.

13. Separation. No more than one SRO development shall be permitted within a radius of one-quarter mile (1,320 feet) of another SRO development.

C. Operational standards.

1. Prior to issuance of a Certificate of Occupancy, the SRO operator shall submit a management plan to the City for review and approval by the Community Development Director and Police Chief. The management plan shall address operations, safety and security, and building maintenance.

2. SRO lodging facilities shall provide on-site management on a 24-hour per day basis at all times when the facility is open for business. The management shall be solely responsible for the enforcement of all rules reviewed and approved by the City as part of the Conditional Use Permit.

3. A minimum of one uniformed, licensed, and bonded security guard shall be provided on-site from dusk until dawn each day when the shelter is open for business. Security guards shall comply with Section 7580 *et. seq.* of the California Business and Professions Code.

4. Affordability requirements. The owner/operator of an SRO lodging facility shall execute a deed restriction to the satisfaction of the City Attorney ensuring the facility complies with Section 65580 *et. seq.* of the California Government Code regarding affordability.

SECTION II. Severability.

If any section, subsection, subdivision, paragraph, sentence, clause, or phrase of this Ordinance or any part thereof is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portion of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases be declared unconstitutional.

SECTION III. Effective Date.

This Ordinance shall be in full force and effect thirty (30) days after passage.

SECTION IV. Posting.

The Deputy City Clerk shall certify to the passage of this Ordinance and cause the same to be posted pursuant to Government Code Section 36933.

APPROVED AND ADOPTED this XX day of XX, 2014.

Mayor

ATTEST:

Deputy City Clerk

I, Yvonne L. Smith, Deputy City Clerk of the City of Montclair, DO HEREBY CERTIFY that the foregoing is a true and correct copy of Ordinance No. 14-944 of said City, which was introduced at a regular meeting of the City Council held on the 2nd day of September, 2014, and finally passed not less than five (5) days thereafter on the 15th day of September, 2014, by the following vote, to-wit:

AYES: Dutrey, Raft, Paulitz, Ruh, Eaton
NOES: None
ABSTAIN: None
ABSENT: None

Yvonne L. Smith
Deputy City Clerk