

ORDINANCE NO. 1002

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROSEMEAD, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, FOR THE APPROVAL OF MCA 21-03, AMENDING ROSEMEAD MUNICIPAL CODE SECTION 17.30.120 OF TITLE 17 (ZONING) TO COMPLY WITH OBJECTIVE STANDARDS FOR EMERGENCY SHELTERS.

WHEREAS, on October 13, 2007, Governor Arnold Schwarzenegger signed Senate Bill 2, which amended Government Code Section 65583 pertaining to local regulations for emergency shelters; and

WHEREAS, on September 26, 2019, Governor Gavin Newsom signed Assembly Bill 139 which further amended Government Code Section 65583 pertaining to local regulations for emergency shelters; and

WHEREAS, local ordinances shall be compliant with state provisions pertaining to emergency shelters as a part of the City's 6th Cycle Housing Element Update (2021-2029) efforts for a certified Housing Element from the Department of Housing and Community Development; and

WHEREAS, the City of Rosemead's current Municipal Code conflicts with the regulations specified in Government Code Section 65583; and

WHEREAS, amendments to Title 17 (Zoning), specifically RMC Section 17.30.120 are necessary to update objective standards for the establishment of emergency shelters in conformance with Government Code Sections 65583; and

WHEREAS, Section 17.152.060.B of the Rosemead Municipal Code provides the criteria for a Zoning Code Amendment; and

WHEREAS, Section 17.152.050 of the Rosemead Municipal Code authorizes the City Council to approve amendments to the City's Zoning Code;

WHEREAS, on December 20, 2021, the Planning Commission held a duly noticed public hearing and recommended approval of Ordinance No. 1002 to the City Council;

WHEREAS, on December 30, 2021, eight-hundred and fifty-one (851) notices were sent to property owners within a 300-foot radius from the subject properties, published in the Rosemead Reader, and posted in six public locations, specifying the availability of the proposal, and the date, time, and location of the public hearing for MCA 21-03; and

WHEREAS, on January 11, 2022, the City Council raised several concerns and directed staff to work with the City Attorney's Office to incorporate additional parameters in the proposed

ordinance. As a result, the public hearing on Municipal Code Amendment 21-03 was continued to a future City Council Meeting; and

WHEREAS, on April 14, 2022, eight-hundred and fifty-one (851) notices were sent to property owners within a 300-foot radius from the subject properties, published in the Rosemead Reader, and posted in six public locations, specifying the availability of the proposal, and the date, time, and location of the public hearing for MCA 21-03; and

WHEREAS, on April 26, 2022 the City Council held a duly noticed and advertised public hearing to receive oral and written testimony relative to Municipal Code Amendment 21-03; and

WHEREAS, the City Council has sufficiently considered all testimony presented to them in order to make the following determination.

THE CITY COUNCIL OF THE CITY OF ROSEMEAD DOES ORDAIN AS FOLLOWS:

SECTION 1. Findings. The City Council HEREBY FINDS AND DETERMINES that facts do exist to justify approving Ordinance No. 1002, in accordance with Section 17.152.060 of the Rosemead Municipal Code ("RMC") as follows:

A. The proposed amendment is consistent with the General Plan and any applicable specific plan;

FINDING: The proposed amendment is consistent with the General Plan as the purpose of the proposed ordinance is to comply with the amended provisions of Government Code section 65583 and would update objective standards in Section 17.30.120 pertaining to capacity, location, parking, and client restrictions for emergency shelters. In addition, as part of the City's 6th Cycle Housing Element Update (2021-2029), the State Department of Housing and Community Development requires local ordinances be compliant with State provisions pertaining to emergency shelters. The proposed amendment would not affect any applicable specific plan within the City.

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

FINDING: The proposed amendment will not be detrimental to the public interest, health, safety, convenience, or welfare of the City, as emergency shelters are currently permitted in the Zoning Code. The State legislature has identified that homelessness in California is a continuing crisis that demands the effective involvement of both the public and private sectors. California has the highest population of people experiencing homelessness in the nation. In order for the State to address its homelessness crisis, there is a need for heightened and coordinated planning and action toward the provision of emergency shelters and transitional housing strategies. The adoption of SB 2 and AB 139 into State Housing law limits the City's ability to regulate emergency shelters by reducing regulatory barriers and streamlining the approval process for emergency shelters. To comply with State law, the proposed revisions would bring Section 17.30.120 of the Rosemead Municipal Code into full compliance with State law.

C. The proposed amendment is internally consistent with other applicable provisions of this Zoning Code.

FINDING: MCA 21-03 is intended to bring Rosemead Municipal Code Section 17.30.120 of Title 17 (Zoning) up to compliance with State legislation regarding objective standards pertaining to capacity, location, parking, and client restrictions for emergency shelters in accordance with the provisions of Government Code Sections 65583 and does not affect other applicable provisions of the Zoning Code.

SECTION 2. Code Amendment. RMC Section 17.30.120 Emergency shelters and temporary aid centers is hereby amended, as follows:

17.30.120 Emergency shelters and temporary aid centers.

- A. Applicability. The requirements of this section apply to all emergency shelters and temporary aid shelters as defined in Article 1, Section 17.04.050 (Definitions) and where allowed in compliance with Article 2 (Zoning Districts, Allowable Land Uses and Zone Specific Standards). Upon providing documentation sufficient to allow the Community Development Director to determine that the following operational standards will be met, an emergency shelter or temporary aid center may begin operation.
- B. Emergency Shelters.
1. Location. An emergency shelter may be on any parcel in M-1 (Light Manufacturing and Industrial) by-right.
 2. Capacity. Emergency shelters may provide a maximum of 30 beds per establishment.
 3. Maximum Length of Stay. The maximum length of stay of any person shall be six months.
 4. Intake/Waiting Areas. On-site intake areas shall be enclosed or screened from the public right-of-way and adjacent properties. Queuing within the public right-of-way or any parking area is not permitted.
 5. Lighting. Lighting shall be stationary, directed away from adjacent properties and public rights-of-way, and of an intensity that is consistent with existing lighting in the neighborhood.
 6. Noise. For the purposes of noise abatement, organized outdoor activities and intake of residents in non-enclosed areas may only be conducted between the hours of seven a.m. and ten p.m.
 7. On-Site Management. The shelter shall have full-time on-site management. Emergency shelter providers must submit a written management plan prior to beginning operation, including provisions for staff training, and counseling, treatment, and training programs for residents. The management plan shall be subject to approval by the Community Development Director.

8. Parking. Emergency shelters must provide one parking space per staff member to meet the needs of the shelter's on-site management. Nonoperational and unregistered vehicles shall not be kept on site. Towing shall be the responsibility of the shelter operator.
9. Security. Emergency shelter providers must submit a written security plan prior to beginning operation that includes the following:
 - a. Hours of Operation.
 - b. Intake/Discharge Procedures.
 - c. Screening of Clients Prior to Admission to the Shelter. The emergency shelter operator must restrict client intake in accordance with state and local registered sex offender residency restrictions. Additional security measures shall be included if children are present.
 - d. Provisions for on-site security guards, if any.
 - e. A site plan shall also be provided which clearly indicates parking areas, lighting, and the location of on-site walk-in and client intake areas.
 - f. The security plan shall be subject to approval by the Chief of Police.
10. Separation from Other Shelters. No emergency shelter shall be located within a radius of three hundred (300) feet from the nearest shelter, as measured from property line to property line. This requirement does not apply to Temporary Aid Centers.
11. Storage. For emergency shelters that accept walk-in clients, an enclosed area must be provided for residents to store their belongings, such as bicycles, shopping carts, and other possessions. Off-street parking for clients with vehicles are highly encouraged, but not required.

C. Temporary Aid Centers.

1. Intake/Waiting Areas. On-site intake areas shall be enclosed or screened from the public right-of-way and adjacent properties. Queuing within the public right-of-way or any parking area is not permitted.
2. Lighting. Lighting shall be stationary, directed away from adjacent properties and public rights-of-way, and of an intensity that is consistent with existing lighting in the neighborhood.
3. Noise. For the purposes of noise abatement, organized outdoor activities and intake of residents in non-enclosed areas may only be conducted between the hours of seven a.m. and ten p.m.
4. On-Site Management. Temporary aid centers must submit a written management plan prior to beginning operation, including provisions for staff training and counseling, training, treatment and programs for clients. The management plan shall be subject to approval by the Community Development Director.
5. Security. Temporary aid centers must submit a written security plan prior to beginning operation including, as applicable, the hours of operation, intake/discharge procedures, screening of clients prior to admission to the temporary aid center, and provisions for on-site security guards, if any. A site plan shall also be provided which clearly indicates

parking areas, lighting, and the location of on-site walk-in and client intake areas. The security plan shall be subject to approval by the Chief of Police.

6. [No Overnight Stays Provided.] Temporary aid centers will not provide facilities for overnight stays.

SECTION 7. Environmental Review. MCA 21-03 (Ordinance 1002) is not a project pursuant to California Environmental Quality Act (CEQA) Guideline 15378, because the activity undertaken involves general text amendments that would not cause either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment and does not meet the definition of a "Project" under CEQA. The text amendments are procedural and technical in nature and will ensure that local regulations align with the applicable provisions of State law. The proposed ordinance does not involve any activities that will directly or indirectly alter the environment from its current conditions. The proposed Code Amendment is also exempt from CEQA under Section 15061(b)(3) of the CEQA Guidelines because CEQA only applies to projects which have the potential for causing a significant effect on the environment.

SECTION 8. Construction. This Ordinance must be broadly constructed in order to achieve the purposes stated in this Ordinance. It is the City Council's intent that the provisions of this Ordinance be interpreted or implemented by the City and others in a manner that facilitates the purposes set forth in this Ordinance.


SECTION 9. Enforceability. Repeal of any provision of the RMC does not affect any penalty, forfeiture, or liability incurred before, or preclude prosecution and imposition of penalties for any violation occurring before this Ordinance's effective date. Any such repealed part will remain in full force and effect for sustaining action or prosecuting violations occurring before the effective date of this Ordinance.

SECTION 10. Severability. If any part of this Ordinance or its application is deemed invalid by a court of competent jurisdiction, the City Council intends that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this Ordinance are severable.

SECTION 11. Effective Date. This Ordinance shall take effect thirty (30) days after its adoption.

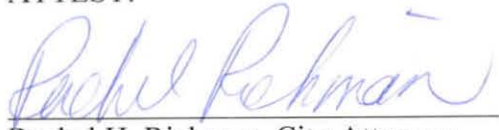
SECTION 12. Publication. The City Clerk shall certify to the adoption of this Ordinance and shall publish a summary of this Ordinance and post a certified copy of the full Ordinance in the office of the City Clerk at least five days prior to the adoption and within 15 days after adoption of the Ordinance, the City Clerk shall publish a summary of the Ordinance with the names of the Council Members voting for and against the Ordinance. This Ordinance shall take effect thirty (30) days after the date of its adoption.

PASSED, APPROVED, AND ADOPTED this 14th day of June, 2022.




Polly Low, Mayor

ATTEST:


Rachel H. Richman, City Attorney

APPROVED AS TO FORM:


Ericka Hernandez, City Clerk

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss
CITY OF ROSEMEAD)


I, Ericka Hernandez, City Clerk of the City of Rosemead, County of Los Angeles, State of California, hereby attest to the above signature and certify that Ordinance No. 1002 was first introduced at the regular meeting of April 26, 2022 by first reading. Said Ordinance was approved and adopted by the City Council of the City of Rosemead at a regular meeting held on the 14th day of June 2022, by the following vote:

AYES: ARMENTA, DANG, LOW

NOES: NONE

ABSENT: CLARK, TANG

ABSTAIN: NONE


Ericka Hernandez, City Clerk

