

ORDINANCE NO. 2788

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE
ADOPTING A NEGATIVE DECLARATION AND APPROVING AMENDMENT NO.
A-157-10, AN AMENDMENT TO TITLE 9 OF THE GARDEN GROVE
MUNICIPAL CODE RELATING TO EMERGENCY SHELTERS, TRANSITIONAL
HOUSING, AND SUPPORTIVE HOUSING

City Attorney Summary

This Ordinance amends Title 9 of the Garden Grove Municipal Code in accordance with Senate Bill (SB) 2 to permit emergency homeless shelters, supportive housing facilities, and transitional housing facilities in certain areas within the city. Supportive housing and transitional housing facilities serving six or less residents are designated as permitted uses in all single-family residential (R-1) and multi-family residential (R-2 and R-3) zones in the city, while those serving seven or more residents are designated as conditionally permitted uses in all multi-family (R-2 and R-3) zones in the city. Emergency homeless shelters are designated as a permitted use in an overlay zone covering certain property zoned limited industrial (M-1) in the city, subject to certain development standards and operational regulations.

THE CITY COUNCIL OF THE CITY OF GARDEN GROVE FINDS AND
DETERMINES AS FOLLOWS:

WHEREAS, the case, initiated by the City of Garden Grove, proposes an amendment to Title 9 of the Garden Grove Municipal Code Section 9.04.060 (Definitions), Sections 9.08.020.030, 9.12.020.030, and 9.16.020.030 (Uses Permitted), and Section 9.16.020.050 (Special Operating Conditions and Development Standards), introducing new definitions and uses relating to Emergency Shelter (Homeless), Transitional Housing, and Supportive Housing;

WHEREAS, the Planning Commission at a Public Hearing held on November 4, 2010, recommended adoption of a Negative Declaration of Environmental Impact pursuant to the California Environmental Quality Act for this project for Amendment No. A-157-10;

WHEREAS, pursuant to the Planning Commission Resolution No. 5725, at a Public Hearing on November 4, 2010, recommended approval of Amendment No. A-157-10;

WHEREAS, pursuant to legal notice a Public Hearing was held by the City Council on December 14, 2010, and all interested parties were given an opportunity to be heard; and

WHEREAS, the City Council gave due and careful consideration to the matter.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GARDEN GROVE DOES ORDAIN AS FOLLOWS:

Section 1. The City Council of Garden Grove has considered the proposed Negative Declaration together with comments received during the public review process. The record of proceedings on which the City of Garden Grove City Council decision is based is located at the City of Garden Grove, 11222 Acacia Parkway, Garden Grove, California. The custodian of record of proceedings is the Director of Community Development. The City Council of Garden Grove finds on the basis of the whole record before it, including the initial study and comments received, that there is no substantial evidence that the project will have a significant effect on the environment. The City Council of Garden Grove further finds that the adoption of the Negative Declaration reflects the City Council's independent judgment and analysis. Therefore, City of Garden Grove City Council adopts the Negative Declaration.

Section 2. Amendment No. A-157-10 is hereby approved, pursuant to the facts, findings and reasons stated in Planning Commission Resolution No. 5725, a copy of which is on file in the City Clerk's Office and incorporated herein by reference with the same force and effect as if set forth in full.

Section 3. Subsection C of Section 9.04.060 (Definitions) of Chapter 04 of Title 9 of the Garden Grove Municipal Code is hereby amended by adding the following definitions for "Emergency Shelter (Homeless)"; "Transitional Housing"; and "Supportive Housing" to the current list of definitions, to be placed in alphabetical order, and to read as follows:

"Emergency Shelter (Homeless)" means a facility that provides immediate and short-term housing, limited to occupancy of six months or less, to homeless persons or families on a first-come, first serve basis where the individual(s) must vacate the facility each morning and have no guaranteed bed for the next night. The facility may offer minimal supplemental supportive services that may include counseling, food, and access to social programs. No individual or household may be denied emergency shelter because of an inability to pay (consistent with Section 50801(e) of the California Health and Safety Code)."

"Supportive Housing" pursuant to California Health and Safety Code Section 50675.14, 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" 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 4500) 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 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 residential apartments and includes the following:

"Residential Apartments" means two or more dwelling units on one parcel, where each unit functions as a single housekeeping unit. This use is subject to the Duplex/Triplex or Multiple Family Dwelling development standards of the zoning code.

"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 Community Care Facility with 6 persons or less, and subject to the same development standards.

"Residential Group Living 7 Persons or More" means a residential facility, with 7 or more residents, 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 Community Care Facility with 7 persons or more, and subject to the same development standards."

"Transitional Housing" means temporary rental housing with length of stay that ranges between six months to two years for homeless individuals or families who are transitioning to permanent housing, 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. "Transitional housing development" means a housing development configured such that each unit constitutes a unit of Transitional Housing and includes the following:

"Residential Apartments" means with two or more dwelling units on one-parcel, where each unit functions as a single housekeeping unit. This use is subject to the Duplex/Triplex or Multiple Family Dwelling development standards of the zoning code.

"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 Community Care Facility with 6 persons or less, and subject to the same development standards.

"Residential Group Living 7 Persons or More" means a residential facility, with 7 or more residents, 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 Community Care Facility with 7 persons or more, and subject to the same development standards."

Section 4, Table 1, entitled "Garden Grove Land Use Matrix" of, Subsection 9.08.020.030 (Uses Permitted) of Section 9.08.020 of Chapter 08 of Title 9 of the Garden Grove Municipal Code is hereby amended to add "Transitional Housing" and "Supportive Housing" to the current list of residential uses, to be placed in alphabetical order, as follows:

USES	R-1
RESIDENTIAL	
Supportive Housing	
Residential Apartments	P
Residential Group Living	
6 Persons or Less	P
Transitional Housing	
Residential Apartments	P
Residential Group Living	
6 Persons or Less	P

Section 5, Table 1, entitled "Garden Grove Land Use Matrix" of Subsection 9.12.020.030 (Uses Permitted) of Section 9.12.020 of Chapter 12 of Title 9 of the Garden Grove Municipal Code is hereby amended to add "Transitional Housing" and "Supportive Housing" to the current list of residential uses, to be placed in alphabetical order, as follows:

USES	R-2	R-3
RESIDENTIAL		
Supportive Housing		
Residential Apartments	P	P
Residential Group Living		
6 Persons or Less	P	P
Residential Group Living		

7 Persons or More Transitional Housing	C	C
Residential Apartments	P	P
Residential Group Living 6 Persons or Less	P	P
Residential Group Living 7 Persons or More	C	C

Section 6. Table 1, entitled "Garden Grove Land Use Matrix" of Subsection 9.16.020.030 (Uses Permitted) of Section 9.16.020 of Chapter 16 of Title 9 of the Garden Grove Municipal Code is hereby amended to add "Emergency Shelter (Homeless)" to the current list of residential uses, to be placed in alphabetical order, as follows:

USES	O-P	C-1	C-2	C-3	M-1	M-P	O-S
RESIDENTIAL							
Emergency Shelter (Homeless)	-	-	-	-	P*	-	-

Section 7. Subsection 9.16.020.050 (Special Operating Conditions and Development Standards) of Section 9.16.020 of Chapter 16 of Title 9 of the Garden Grove Municipal Code is hereby amended to designate the Emergency Shelter Overlay Zone and to add new special operating conditions for "Emergency Shelter (Homeless)" to the current list of conditional uses and other uses requiring special consideration, to read as follows, to be placed in alphabetical order, and to subsequently re-number the subsection accordingly:

"Emergency Shelters (Homeless). Subject to the following conditions:

1. Emergency Shelters shall be permitted in those areas shown on the map attached to the Ordinance codified in this subsection, which shall constitute the Emergency Shelter Overlay Zone.
2. Maximum number of beds or persons to be served per night by a single shelter shall not exceed 60.
3. The facility shall operate on a first-come, first serve basis with clients only permitted on-site and admitted to the facility between 6:00 p.m. and 8:00 a.m. during Pacific Daylight Time, and 5:00 p.m. and 8:00 a.m. during Pacific Standard Time. Clients must vacate the facility by 8:00 a.m. and have no guaranteed bed for the next night.
4. The maximum stay at the facility shall not exceed 120 days in a 365 day period.

5. A minimum distance of 300 feet shall be maintained from any other Emergency Shelter, as measured from the property line.
6. A minimum of one staff member per 15 beds shall be awake and on duty when the facility is open.
7. Exterior lighting shall be provided for the entire outdoor and parking area of the property per Section 9.16.040.200.4 of the Garden Grove Municipal Code.
8. A waiting area shall be provided which contains a minimum of ten square feet per bed provided at the facility. Said waiting area shall be in a location not adjacent to the public right-of-way, shall be visually separated from public view by a minimum six foot tall visually screening mature landscaping or a minimum six foot tall decorative masonry wall, and shall provide consideration for shade/rain provisions.
9. All facility improvements shall comply with the Garden Grove Municipal Code, and the most current adopted Building and Safety Code, specific to the establishment of Dormitories.
10. A Security and Safety Plan shall be provided for the review and approval of the City Manager or his designee. The plan may be required to address additional security and safety needs as identified by the City Manager or his designee. The approved Security and Safety Plan shall remain active throughout the life of the facility. The plan shall contain provisions addressing the topical areas outlined below:
 - a. Sleeping Areas - addressing the separation of male/female sleeping areas as well as any family areas within the facility.
 - b. Loitering Control – with specific measures regarding off-site controls to minimize the congregation of clients in the vicinity of the facility during hours that clients are not allowed on-site.
 - c. Management of Outdoor Areas – including a system for daily admittance and discharge procedures and monitoring of waiting areas with goals to minimize disruption to nearby land uses.
 - d. Alcohol and Illegal Drugs – addressing how the operator will control and regulate alcohol and illegal drug use by clients on the premises.
 - e. The operator (s) shall provide the City with the most current contact information for the operator of the facility during the

- normal daytime office business hours, and the nighttime contact information for the "person on duty" when the emergency shelter is operating.
- f. The operator(s) shall ensure proper compliance with all state laws pertaining to client residency and occupancy.
11. The facility may provide the following services in designated areas separate from sleeping areas:
- a. A recreation area either inside or outside the shelter.
 - b. A counseling center for job placement, education, health care, legal, or mental health services.
 - c. Laundry facilities to serve the number of clients at the shelter.
 - d. Kitchen for the preparation of meals.
 - e. Dining hall.
 - f. Client storage area (i.e., for the overnight storage of bicycles and personal items).
 - g. Counseling programs to be provided with referrals to outside assistance agencies, and provide an annual report to the City.
 - h. Or similar services geared to homeless clients.
12. An emergency shelter facility shall provide off-street parking at the ratio of 1 space per 4 beds, and/or .5 per bedroom designed as a family unit with children, plus 1 per staff member or shall submit a parking study, subject to approval by the Development Services Director, demonstrating the required parking demand justifies a reduced amount of off-street parking. Each facility is also encouraged to provide bike racks for clients in a secured area."

Section 8. Severability. If any section, subsection, subdivision, sentence, clause, phrase, word, 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 hereby declares that it would have adopted this Ordinance and each section, subsection, subdivision, sentence, clause, phrase, word, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, words or portions thereof be declared invalid or unconstitutional.

Section 9. The Mayor shall sign and the City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same, or the summary thereof, to be published and posted pursuant to the provisions of law and this Ordinance shall take effect thirty (30) days after adoption.

The foregoing Ordinance was passed by the City Council of the City of Garden Grove on the ____ day of _____.

ATTEST:

MAYOR

CITY CLERK

STATE OF CALIFORNIA)
COUNTY OF ORANGE) SS:
CITY OF GARDEN GROVE)

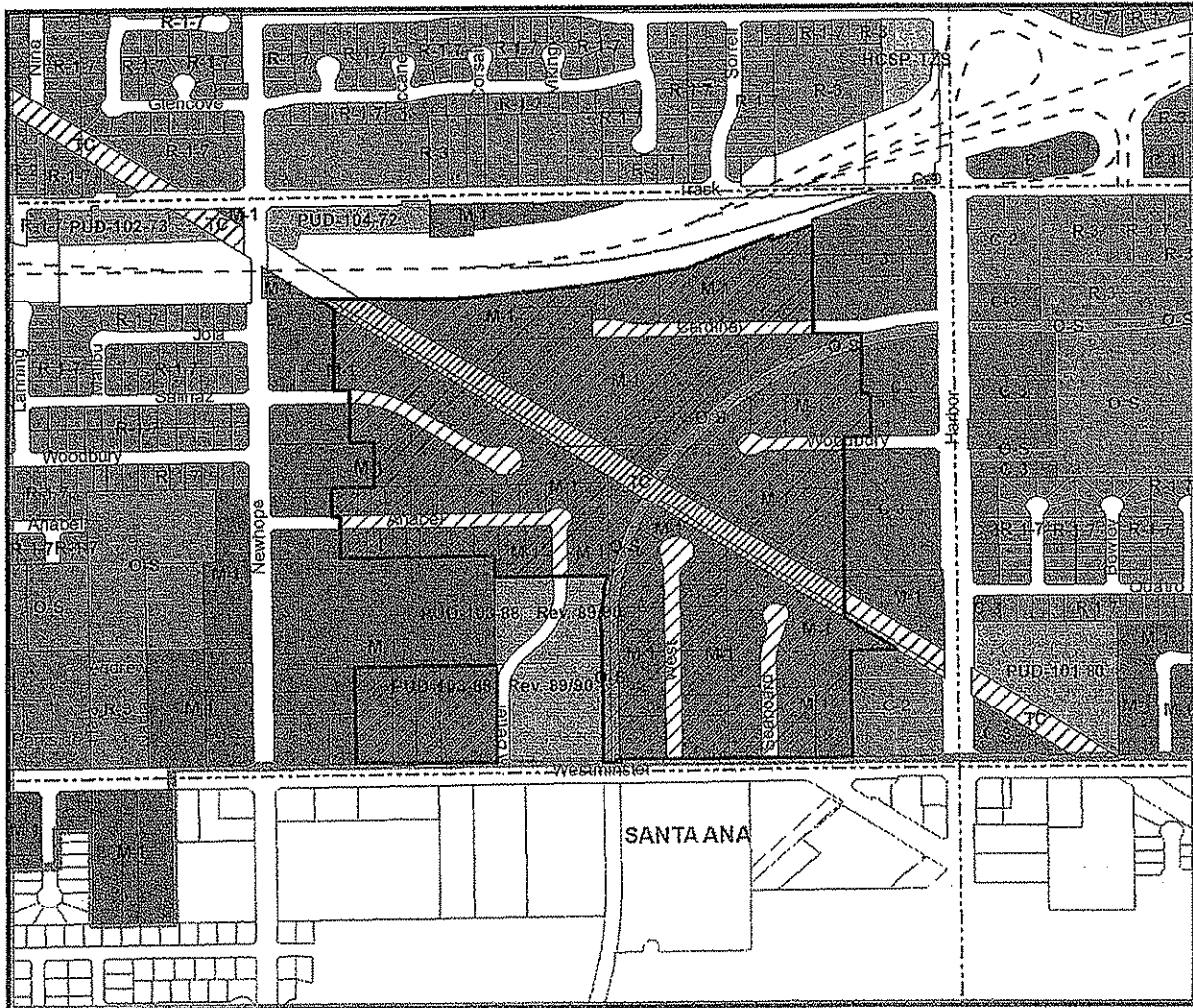
I, KATHLEEN BAILOR, City Clerk of the City of Garden Grove, do hereby certify that the foregoing Ordinance was introduced and presented on December 14, 2010, with a vote as follows:

AYES: COUNCIL MEMBERS: (5) BROADWATER, DO, JONES, NGUYEN, DALTON
NOES: COUNCIL MEMBERS: (0) NONE
ABSENT: COUNCIL MEMBERS: (0) NONE




EMERGENCY SHELTER OVERLAY ZONE

Amendment No. A-157-10

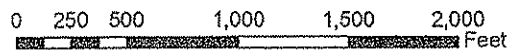


LEGEND

 PROJECT SITE - EMERGENCY SHELTER
 OVERLAY ZONE

ASSESSOR'S PARCEL NUMBERS:

100-130-10, 35, 38, 41; 100-471-03, 05-10, 12-17;
 100-472-03, 6-10, 16-19; 100-592-01; 100-591-27;
 100-611-08, 09-12, 20, 21, 23; 100-122-01, 02-05,
 16, 20, 21, 24, 27; 100-123-01, 04, 06, 08;
 100-130-39, 54, 55; 100-591-04, 05, 8-13, 15-16,
 21-24, 32, 33, 38; 100-130-58, 61-69.



CITY OF GARDEN GROVE
 COMMUNITY DEVELOPMENT DEPARTMENT
 PLANNING DIVISION
 GIS SYSTEM
 OCTOBER 2010