

ORDINANCE No. 1554

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARCATA
AMENDING THE HOUSING FOR HOMELESS COMBINING ZONE**

The City Council of the City of Arcata does hereby ordain as follows:

Section 1. Zoning text Amendment, Section 9.28.110. Title IX, *Planning and Zoning*, Chapter 1, *Planning and Zoning Standards*, Section 9000, *Land Use Code*, Article 2, *Zoning Districts and Allowable Uses*, Chapter 9.28, *Combining Zones*, Section 9.28.110, *Housing for Homeless (:HH) Combining Zone*, is hereby amended as shown in the following strike through (deletions) and double underscore (additions) text:

9.28.110 Housing for Homeless (:HH) Combining Zone

- A. Purpose.** The :HH combining zone is applied to sites and areas identified in Figures 2-23.1 and 2-23.2. The :HH combining zone is intended to create a zone in which emergency shelters, transitional housing, or supportive housing (hereafter “facility”) may locate as a permitted use, if the facility is within the combining zone and meets the criteria in Section 9.42.200 Housing for Homeless. If a facility locates outside the Combining Zone, or does not meet the criteria at Section 9.42.200, then the facility may require permits for the appropriate zoning district as outlined in Table 2-4 or Table 2-10.
- B. Applicability.** The :HH combining zone may be combined with any residential, commercial, industrial, or public facility zoning district established by Section 9.12.020 (Zoning Map and Zoning Districts). When combined with a zoning district, the development standards that apply to other residential or commercial developments in the same zone will apply, with the exceptions specified in Section 9.42.200.
- C. Land use and development standards.** Proposed development and new land uses within the :HH combining zone shall comply with the requirements of Section 9.42.200, the primary zoning district, and all other applicable provisions of this Land Use Code.

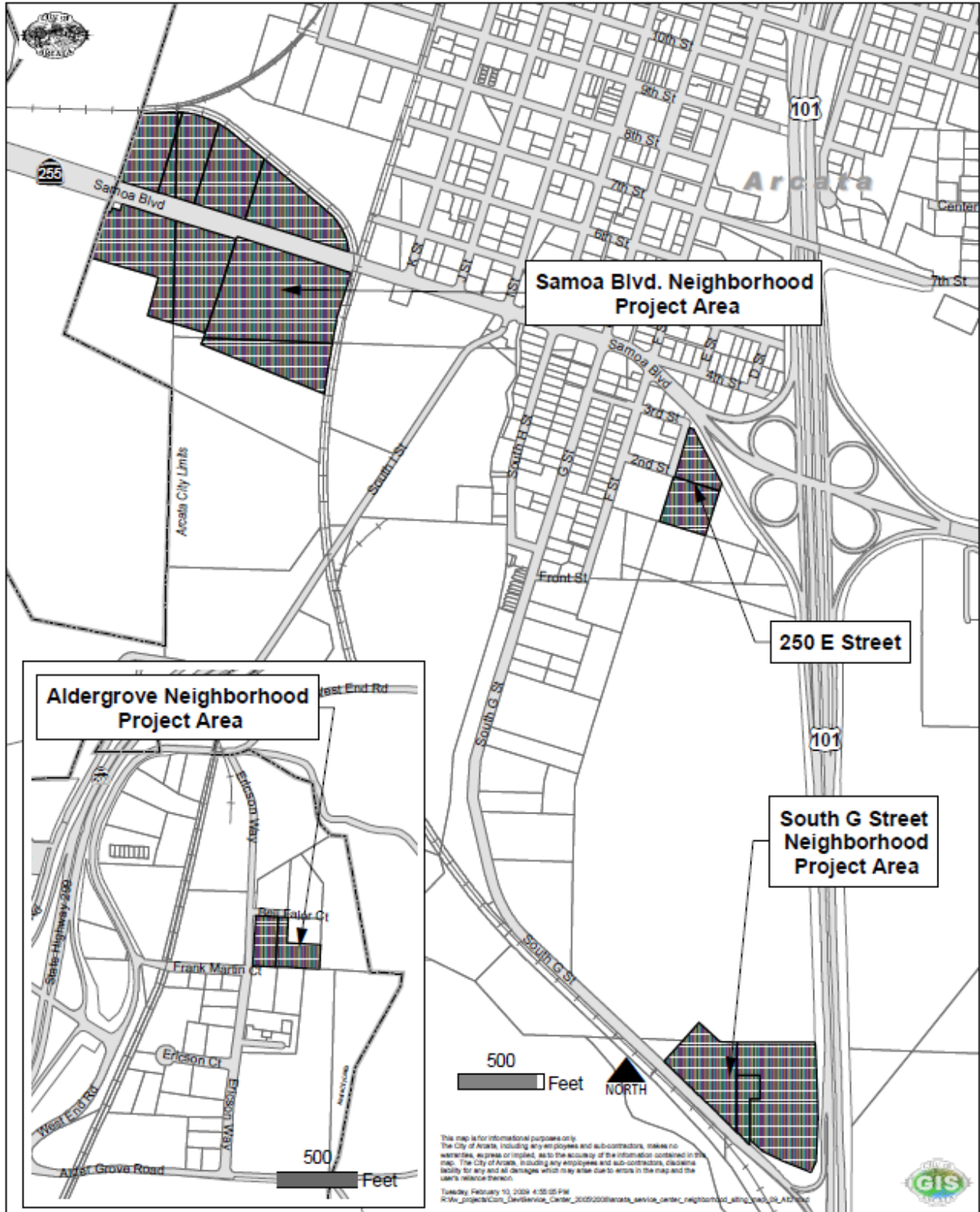


Figure 2-23.1 Housing for Homeless Combining Zone

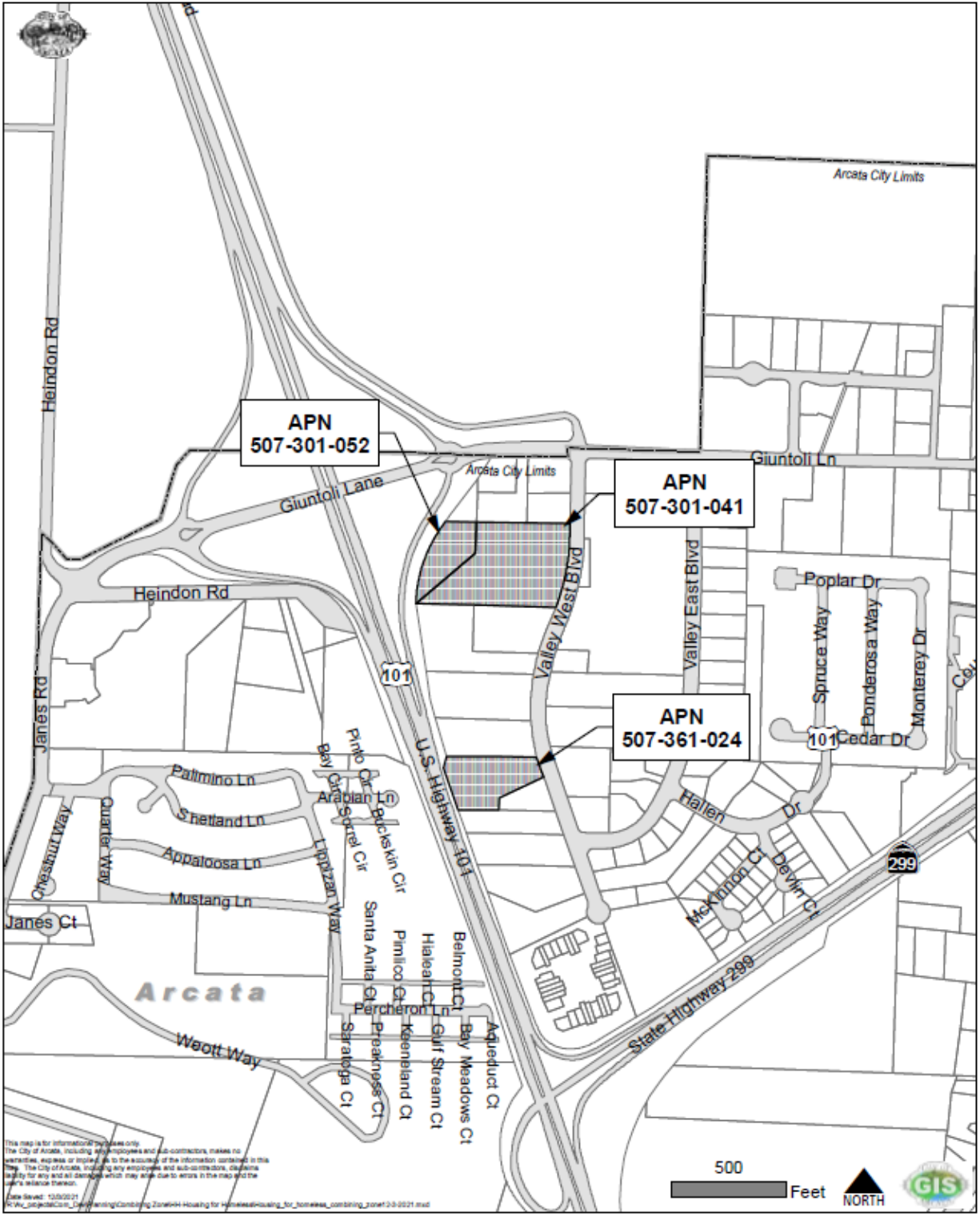


Figure 2-23.2 Housing for Homeless Combining Zone

Section 2. Zoning text Amendment, Section 9.42.200. Title IX, *Planning and Zoning*, Chapter 1, *Planning and Zoning Standards*, Section 9000, *Land Use Code*, Article 4, *Standards for Specific Land Uses*,

Section 9.42.200, *Housing for Homeless*, is hereby amended as shown in the following strike through (deletions) and bold double underscore (additions) text:

9.42.200 Housing for Homeless

This Section establishes standards for the development and operation of emergency shelters, transitional housing, or supportive housing (hereafter "facility") where allowed by Article 2 (Zoning Districts and Allowable Land Uses) and by the Housing for Homeless Combining Zone per section 9.28.110. Standards that apply to other residential developments in the same zone per Article 2 shall apply. This section 9.42.200 shall not impose any additional standards on transitional or supportive housing locating in a permitted zone per Article 2.

A. Permit and application requirements. A facility locating in a zone specified in Article 2 shall require a Use Permit as specified in Article 2. A facility locating in the combining zone per Section 9.28.110 (Figures 2-23.1 and 2-23.2), with residential units located above nonresidential uses or at ground level behind the street-fronting nonresidential uses pursuant to Section 9.42.110(A), shall be principally permitted. **A facility providing permanent supportive housing locating in the combining zone per Section 9.28.110, Figure 2-23.2, shall be principally permitted.** Except as provided for in California Government Code Section 65589.5(e), no discretionary permit shall be required from the City. A facility shall require Design Review in compliance with Section 9.72.040 and the item shall be noticed as outlined in Chapter 9.74.

B. Limitations on location.

- 1. Eligible locations.** A new facility shall be an eligible use in zones specified in Table 2-10, in compliance with section 9.42.110(A), as well as locations within the Housing for Homeless Combining Zone per section 9.28.110.
- 2. Separation between emergency shelters.** A new emergency shelter shall not be closer than three hundred (300) feet to another emergency shelter. The distance shall be measured along the street frontage from one emergency shelter to another emergency shelter.

C. Lighting. Adequate external lighting shall be provided for security purposes to ensure fully lit parking, gathering, and waiting areas.

D. Building design standards.

- 1. Number of Beds.** The **Emergency Shelter or Transitional Shelter** facility **facilities** shall contain a maximum of forty (40) beds per half-acre and shall serve no more than forty (40) persons if operated as an Per Section 9.100.020, Definitions, the optimum size for a homeless facility is twenty to forty (20 to 40) beds. For the purposes of determining density **for Permanent Supportive Housing facilities**, the Residential-High Density development standard shall be used. If a facility is considered Affordable Housing, it ~~would be~~ **is** entitled to a density bonus.
- 2. Client Waiting Areas.** **Emergency Shelter or Transitional Shelter** Facilities shall have an interior, enclosed client waiting and intake area large enough to accommodate the number of persons equal to twenty-five percent (25%) the number of beds. The area shall be based on space required for seated persons. The facility shall also have an adjoining, exterior overflow waiting area of equal size to the interior waiting area. The exterior waiting area shall be fenced,

screened, gated, and shall not obstruct sidewalks or driveways. **Permanent Supportive Housing facilities are not required to have client waiting areas.**

3. **Client Gathering Areas. Emergency Shelter or Transitional Shelter facilities** Facilities shall have an interior multipurpose area separate from the sleeping area. The multipurpose area shall be large enough to accommodate maximum occupancy for the number of beds. The facility shall have an exterior gathering area equal to at least one hundred square feet (100 ft²) per bed, fenced, screened, and landscaped. **Permanent Supportive Housing facilities are not required to have client gathering areas.**

E. Facility operating standards.

1. **On-Site Management.** The facility shall provide a management plan for City review and approval. **The management plan shall be approved or disapproved based on objective feasibility criteria. If the facility is not subject to discretionary review, the Community Development Director shall be the review authority. Decisions shall be appealable pursuant to Land Use Code Chapter 9.76.** The management plan must be of sufficient detail for the Review Authority to make a determination. The management plan must document that management is sufficient for adequate control of the facility. The management plan shall include descriptions of:
 - a. On-site manager and operational costs associated with an on-site manager
 - b. Target Clients
 - c. Case Management
 - d. Client Services
 - e. Service Limitations
 - f. ADA Compliance
 - g. Behavioral Guidelines
 - h. Parking
 - i. Facility Maintenance
 - j. Emergency Plan
 - k. Security (per item 4 below)
2. **Vehicle parking. Emergency Shelter or Transitional Shelter facilities shall provide sufficient off-street parking.** The number of off-street parking spaces shall be calculated based on the amount of office space at the facility plus one (1) parking space per ten (10) beds. The square footage of office space shall be used to determine the number of spaces per the standards specified in Table 3-6 for Service Uses (residential care and medical services).

3. Length of Stay.

- a. Emergency Shelter: Temporary shelter shall be available to residents for no more than sixty (60) days. Extensions up to a total stay of one hundred eighty (180) days in any continuous 12-month period may be provided if no alternative housing is available.
- b. Transitional Housing or Temporary Supportive Housing: Housing shall be available to residents for no more than twenty-four (24) months.
- c. Permanent Supportive Housing: Time limits shall not be imposed on permanent residency facilities.

4. **Security.** The management plan for Emergency Shelter or Transitional Shelter facilities shall specify the security plan for the facility. The facility shall only accept clients between the hours of 7 a.m. and 8 p.m., except in cases where clients come from a pre-arranged off-site location designated in the management plan. The facility must have a minimum of one (1) fully trained staff person with at least one (1) year of homeless services experience on site at all times when a client is on the premises. The management plan must document how the facility staff will coordinate with Law Enforcement and Emergency Services, including medical services, in case of an emergency. The management plan shall specify how the facility will discharge clients after hours (8 p.m. to 7 a.m.).

5. Site Specific Standards.

- a. APNs 021-122-007 and 021-121-010 are limited to development of transitional housing or supportive housing.
- b. APNs 507-251-039 and 507-251-040 are limited to bussed-in clients only, and hours of operation shall be limited to 7 p.m. to 8 a.m.

Section 3. Findings of Approval. Based upon the whole record, information received in public hearings, comments from responsible agencies, and the Arcata Planning Commission recommendation dated December 14, 2021, and the January 4, 2022, study session, the following findings are hereby adopted:

1. The proposed amendments are consistent with the General Plan in accordance with California Government Code, Section 65860; and
2. The proposed amendments would not be detrimental to the public interest, health, safety, convenience, or welfare of the City.

Section 4. California Environmental Quality Act (CEQA) Determination. This Ordinance is Categorical Exempt from CEQA. The proposed zone change would allow a change in use consistent with existing or allowed uses on the sites. On the parcels added by Figure 2-23.2, current short-term hotel stays would continue to be allowed. Permanent Supportive Housing as a new use would allow for long-term residency. As such, the project does not significantly change the baseline environmental condition, and qualifies under the common sense exemption since the zoning change and authorized uses do not have an impact on the environment. In addition, the project will use existing buildings and built environment. All construction will be internal or minor external, including potentially adding small accessory structures. As such, the projects that may arise from the zone amendment qualify for Class 1, Existing Facilities (CEQA Guidelines Sec. 15301); Class 3, New Construction or Conversion of Small Structures (CEQA Guidelines Sec. 15303); and Class 11, Accessory Structures (CEQA Guidelines Sec. 15311). Lastly, the rezone for parcels located in Figure 2-23.2 are subject to CEQA exemption pursuant

to Health and Safety Code Section 50675.1.4 for Project Homekey Round 2 projects.

Section 5. Severability. If any provision of this ordinance is invalidated by any court of competent jurisdiction, the remaining provisions shall not be affected and shall continue in full force and effect.

Section 6. Limitation of Actions. Any action to challenge the validity or legality of any provision of this ordinance on any grounds shall be brought by court action commenced within ninety (90) days of the date of adoption of this ordinance.

Section 7. Effective Date. This ordinance shall take effect thirty (30) days after adoption.

DATED: January 5, 2022

ATTEST:

APPROVED:

 /s/ Bridget Dory
City Clerk, City of Arcata

 /s/ Emily Goldstein
Vice Mayor, City of Arcata

CLERK'S CERTIFICATE

I hereby certify that the foregoing is a true and correct copy of Ordinance No. 1554, passed and adopted at a regular meeting of the City Council of the City of Arcata, County of Humboldt, State of California, on the 5th day of January, 2022, by the following roll call vote:

AYES: ATKINS-SALAZAR, GOLDSTEIN, MATTHEWS, SCHAEFER

NOES: WATSON

ABSENT: NONE

ABSTENTIONS: NONE

 /s/ Bridget Dory
City Clerk, City of Arcata