

RESOLUTION NO. 15-39

A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF FAIRFAX  
RECOMMENDING THE TOWN COUNCIL ADOPT ORDINANCE NO. \_\_\_\_ AMENDING  
SECTION 17.138.010 ('EMERGENCY HOMELESS SHELTER STANDARDS') OF TITLE 17  
( 'ZONING' ) OF THE FAIRFAX TOWN CODE

WHEREAS, on May 6, 2015, the Town Council adopted Ordinance No. 788, amending the zoning ordinance of the Fairfax Town Code to include procedures and standards for the approval of emergency homeless shelters as permitted uses within certain zoning districts, subject to such uses meeting enumerated development standards; and

WHEREAS, by letter dated August 11, 2015, the State of California Department of Housing and Community Development advised the Town that the Department had reviewed Ordinance 788 and had determined that certain provisions related to the on-site management of emergency homeless shelters within said Ordinance required revision in order to ensure that the standards were objective and that approval of such uses was not subject to the exercise of discretion; and

WHEREAS, in response to this direction from the Department, staff has prepared amendments to the Emergency Shelter Ordinance (a true and correct copy of which is attached as **Attachment 1** hereto); and

WHEREAS, staff has submitted these proposed revisions to the Department and has received written confirmation from Department staff that the proposed revisions are acceptable; and

WHEREAS, the adoption of the proposed ordinance is exempt from the California Environmental Quality Act (codified at California Public Resources Code §§ 21000, *et seq.*, and 14 California Code of Regulations §§ 15000, *et seq.*, collectively, "CEQA") because it is covered by the general rule set forth in 14 C.C.R. § 15061(b)(3) that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Here, the amendment of the emergency homeless shelter ordinance's on-site management provisions have no potential to cause a significant effect on the environment and is thus not subject to CEQA; and

WHEREAS, in accordance with the State Planning and Zoning Law, the Planning Commission is tasked with considering whether any proposed amendment to the Town's zoning ordinance would be in conformance with the terms of the Town's general plan, and the Planning Commission has determined that the proposed Ordinance would, in fact, conform to the Town's General Plan based on the following:

The terms of the proposed ordinance will revise the standards applicable to the on-site management of emergency homeless shelters in accordance with SB 2 thereby implementing Fairfax General Plan Housing Element Policy H-2.1.6, which states, "[a]mend the Zoning Code to Comply with SB 2. Consistent with SB 2 (GC Sections 65582, 65583, and 65589.5), the Town will establish zoning designations for transitional and supportive housing, and will define "transitional housing" and "supportive housing" in the Zoning Ordinance. The Town will establish procedures to encourage and facilitate the creation of emergency shelters and transitional and supportive housing, and link this

housing to programs of the Department of Health and Human Services whenever possible;" and

**WHEREAS**, the Planning Commission has conducted a duly-noticed public hearing to consider the draft ordinance, hear the presentation of a staff report, and receive public comment on the matter.

**NOW, THEREFORE, BE IT RESOLVED** by the Planning Commission of the Town of Fairfax as follows:

**SECTION 1.** The recitals set forth above are adopted as further findings of the Planning Commission.

**SECTION 2.** The Planning Commission has reviewed the draft ordinance attached hereto as **Attachment 1** and finds that it is consistent with the Town General Plan, as set forth above.

**SECTION 3.** The Planning Commission hereby recommends that the Town Council adopt the draft Homeless Shelter Ordinance, **Attachment C** hereto, in order to amend the Fairfax Town Code to adopt emergency homeless shelter management standards in accordance with Government Code Section 65583(a)(4).

The forgoing Resolution was duly passed and adopted at a regular meeting of the Planning Commission of the Town of Fairfax held in said Town on the 17th day of December 2015 by the following vote, to wit:

AYES: Ackerman, Fragoso, Kehrlein, Newton, Chair Green  
NOES: None  
ABSENT: Hamilton, Gonzalez-Parber  
ABSTAIN: None

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Laura Kehrlein, Vice Chair

Attest:

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Jim Moore, Planning Director