

18.38.125 EMERGENCY SHELTERS AND RECUPERATIVE CARE/MEDICAL RESPITE.

An Emergency Shelter, as defined in Section 50801(e) of the California Health and Safety Code, and/or Recuperative Care/Medical Respite Uses, as defined by subsection .180 of Section 18.36.040 (Non-residential Primary Use Classes) of Chapter 18.36 (Types of Uses) of Title 18 (Zoning) of the Anaheim Municipal Code, shall comply with all of the following provisions:

.010 Location. An Emergency Shelter and/or Recuperative Care/Medical Respite use that meets the Separation, Approval, Facility and Operations Plan requirements of this Section 18.38.125 (Emergency Shelters and Recuperative Care/Medical Respite) may be located on any parcel:

.0101 Designated by the General Plan for Industrial land use; and,

.0102 Within the Industrial (I) Zone or Development Areas 1 and 2 of the Anaheim Canyon Specific Plan No. 2015-01 (SP 2015-01) Zone.

.0103 Supportive and Transitional Housing, as defined by subsections .110 and .120 of Section 18.36.030 (Residential Primary Use Classes) of Chapter 18.36 (Types of Uses) of Title 18 (Zoning) of the Anaheim Municipal Code, may be co-located with an Emergency Shelter, subject to the requirements of subsection 18.38.125.080 (Supportive and Transitional Housing) of this Chapter 18.38 (Supplemental Use Regulations).

.020 Separation. An Emergency Shelter and/or Recuperative Care/Medical Respite use is prohibited on parcels that meet any of the criteria below, unless otherwise approved by a conditional use permit consistent with Chapter 18.66 (Conditional Use Permits) and subsection 18.38.125.060 (Additional Findings Required).

.0201 Parcels within 300 feet, measured from the property line, from any other Emergency Shelter and/or Recuperative Care/Medical Respite use,

.0202 Parcels within 1000 feet, measured from the property line, from any property designated for residential use by the Anaheim General Plan, including any mixed-use designation that permits residential uses,

.0203 Parcels within 1000 feet, measured from the property line, from any public or private school serving a minor population, any day-care center and any assisted-living facility.

.030 Approval. The following shall be the approval process for an Emergency Shelter and/or Recuperative Care/Medical Respite use that meets the Location, Separation, Facility and Operations Plan requirements of this Section 18.38.125 (Emergency Shelters and Recuperative Care/Medical Respite):

.0301 A single Emergency Shelter housing up to 50 occupants, a single Recuperative Care/Medical Respite use housing up to 50 occupants, or a combination of multiple Emergency Shelters and/or Recuperative Care/Medical Respite uses with a combined capacity not to exceed 50 occupants, shall be a permitted use.

CITY OF ANAHEIM MUNICIPAL CODE

.0302 Approval of an Emergency Shelter during a Shelter Crisis. The City Manager is the approval authority for the first 425 shelter beds developed in a single Emergency Shelter or combination of Emergency Shelters following the City Council's adoption of Resolution No. 2018- 118 ("Shelter Crisis").

.01 The City Manager's approval shall be pursuant to a written agreement with the property owner or Emergency Shelter Operator, which must include a detailed Operations Plan for the proposed shelter(s).

.02 The City Manager may also approve the relocation/replacement of the first 425 shelter beds, permitted during a Shelter Crisis, in another Emergency Shelter or combination of Emergency Shelters. The City Manager's approval of relocation/replacement beds shall be pursuant to a written agreement with the property owner or Emergency Shelter Operator, which must include a description of how the relocation/replacement will be sequenced, including the date the existing beds will cease to be in use and the date the relocated/replaced beds will be in use. In addition, the property owner or Emergency Shelter Operator shall submit a detailed Operations Plan for the proposed new location of shelter(s) which outlines the property owner's or Emergency Shelter Operator's plans to comply with the Separation, Facility, and Operations Plan requirements of this Section 18.38.125.

.0303 Religious and Community Assembly Uses may establish on site Emergency Shelters for up to 50 occupants without the need to amend an existing conditional use permit or apply for a new conditional use permit.

.0304 Any other Emergency Shelter and/or Recuperative Care/Medical Respite use shall be subject to approval of a Conditional Use Permit consistent with Chapter 18.66 (Conditional Use Permits).

.0305 The Separation, Facility and Operations Plan requirements of this Section 18.38.125 (Emergency Shelters and Recuperative Care/Medical Respite) may be modified through the approval of a conditional use permit consistent with Chapter 18.66(Conditional Use Permits) and subsection 18.38.125.060 (Additional Findings Required).

.040 Facility. All Emergency Shelters and/or Recuperative Care/Medical Respite uses shall comply with Title 15 (Buildings and Housing) of the Anaheim Municipal Code, and the following requirements, which may be modified through the approval of a conditional use permit consistent with Chapter 18.66 (Conditional Use Permits) and subsection 18.38.125.060 (Additional Findings Required):

.0401 Exterior lighting. Exterior lighting plans shall be provided for the entire outdoor area of the site and shall be subject to review and approval by the Planning and Building and Police Departments.

.0402 Waiting area. A waiting area shall be provided to accommodate all potential clients prior to and during the intake process. The waiting area may be located either inside or outside of the facility and shall be of a sufficient size to accommodate clients of the

CITY OF ANAHEIM MUNICIPAL CODE

facility. If the waiting area is located outside of the Emergency Shelter building, the area shall be in a location not adjacent to the public right of way, shall be visually separated from public view by a minimum 6-foot tall screening of mature landscaping or by a minimum 6-foot tall decorative masonry wall, and shall provide shade and protection from the elements.

.0403 Any outdoor storage, including, but not limited to, items brought on-site by clients for overnight stays, shall be screened from public view. Any outdoor storage areas provided shall be screened from public view by a minimum 6-foot tall wall screened by landscaping or by a minimum 6-foot tall decorative masonry wall.

.0404 Kitchen facilities and a designated dining area shall be provided for the preparation and serving of meals for clients and staff.

.0405 The facility may provide the following services; however, these services shall be in a designated area separate from sleeping areas:

.01 Indoor and outdoor recreation facilities.

.02 A counseling center for job placement and/or educational, legal, or mental and physical health services.

.03 Laundry facilities to serve the clients at the shelter.

.04 Other similar facilities and services geared towards the needs of homeless clients.

.050 Operations Plan. An Operations Plan shall be submitted for review and approval by the Planning and Building Director and Police Chief, or their designee, prior to the operation of the Emergency Shelter, or in the case of a conditional use permit, as part of the application for said permit. The Operations Plan may be required to address additional specific needs as identified by the Director or Chief. The approved Operations Plan shall remain active throughout the life of the facility. At a minimum, the Operations Plan shall contain provisions addressing the following:

.0501 Staffing and Volunteers. The Operations Plan shall indicate the maximum and minimum number of staff and/or volunteers that will be at the facility during any one time during a twenty-four (24) hour period and a justification for the proposed staffing levels. The proposed staffing shall include:

.01 24-hour security. Security staffing for both on and off-site needs.

.02 Staff and Volunteer Training. A training program shall be developed for staff and volunteers to provide adequate knowledge and skills necessary to assist clients to advance in the continuum of care.

.0502 Admittance and Discharge Procedures. The Operations Plan shall describe the proposed system for daily admittance and discharge procedures. A screening program to determine client eligibility is required. The facility shall also utilize the Orange County region's current Homeless Management Information System.

CITY OF ANAHEIM MUNICIPAL CODE

.0503 Communications and Outreach. The Operations Plan shall describe the efforts that will be made by the operator to maintain good communication and respond to operational issues, which may arise from the neighborhood, City staff, or the general public.

.0504 Prohibition of alcohol and narcotics use. The Operations Plan shall indicate that the facility shall prohibit alcohol and narcotics use on premises and describe the measures that the operator will take to enforce this prohibition.

.0505 Loitering control. The Operations Plan shall describe the measures the operator will implement to minimize the congregation of clients in the vicinity of the facility.

.0506 Litter control. The Operations Plan shall describe the measures that the facility will take to remove any litter and trash attributable to the clients within the vicinity of the facility.

.060 Additional Findings Required. Before the approval authority, or City Council on appeal, may approve modifications to the requirements of this Section through the approval of a conditional use permit consistent with Chapter 18.66 (Conditional Use Permits), it must make a finding of fact, by resolution or written decision, that the evidence presented shows that the following conditions exists:

.0601 That the City Council has declared that a shelter crisis exists pursuant to California Government Code Section 8698 et seq., as the same may be amended from time to time;

.0602 That strict compliance with the requirements of this Separation, Facility and Operation Plan requirements of this Section would prevent, hinder, or delay the City's participation in the Homeless Emergency Aid Program established by Senate Bill 850 (2017-2018 Reg. Sess.) and/or the mitigation of the effects of a Shelter Crisis.

.070 Recuperative Care/Medical Respite. Recuperative Care/Medical Respite uses shall be subject to the following requirements:

.0701 Operator. The name of the Operator of the Recuperative Care/Medical Respite use shall be provided along with a summary of the Operator's experience operating similar facilities. The Operator shall comply with all State and/or Federal licensing requirements and the standards specified in the latest version of the Standards for Recuperative Care/Medical Respite Programs, prepared by the National Health Care for the Homeless Council. A conditional use permit shall not be granted for a Recuperative Care/Medical Respite use without an Operator identified at the time of application submittal.

.0702 Operations Plan. An Operations Plan shall be submitted for review and approval by the Planning and Building Director, or their designee, prior to the operation of the Recuperative Care/Medical Respite facility, or in the case of a conditional use permit, as part of the application for said permit. The Operations Plan may be required to address additional specific needs as identified by the Director. The approved Operations Plan shall remain active throughout the life of the facility. At a minimum, the Operations Plan shall contain provisions addressing the following, which may be modified through the approval of a conditional use permit consistent with Chapter 18.66 (Conditional Use Permits):

CITY OF ANAHEIM MUNICIPAL CODE

.01 Community, Government, or Licensed Medical Facility Agreement. A Memorandum of Understanding (MOU) or other written agreement with a local area community, government, or licensed medical facility that establishes a reciprocal relationship for referring and admitting patients between the medical facility and the Recuperative Care/Medical Respite facility.

.02 Access to Oxygen. A description of the Recuperative Care/Medical Respite facility's access to oxygen and plan for providing oxygen to occupants of the facility.

.03 Staffing Levels. A detailed description of the number and type of employees and contract staff, including on-call medical staff, of the Recuperative Care/Medical Respite facility.

.0703 Client Eligibility. The Operator shall provide short term care and case management to individuals who are homeless or at risk of being homeless who have been referred by or discharged from a government, community or licensed medical facility, and who are recovering from an acute illness or injury that does not necessitate hospitalization during recovery. All clients shall be transported to the Recuperative Care/Medical Respite use by the referring agency, Operator or family members. No "walk-in" clients shall be accepted at the facility.

.0704 Six (6) Month Review. Recuperative Care/Medical Respite uses shall be subject to a six (6) month review, commencing from the date of occupancy of a facility, as follows:

.01 Up to fifty (50) occupants. Facilities with up to fifty (50) occupants shall be subject to review by the Planning and Building Director. Surrounding properties within a 500-foot radius of the subject property shall be notified ten (10) days advance of the Planning and Building Director's review. Future compliance reviews may be required if significant violations are identified. The applicant shall pay for the cost of staff's processing of the review. The Planning and Building Director may refer applications for facilities with up to fifty (50) occupants to the Planning Commission in accordance with Section 18.60.080 (Planning Director Reviews).

.02 Over fifty (50) occupants. Facilities with over fifty (50) occupants shall be subject to review by the Planning Commission. Planning and Building Department staff shall submit to the Planning Commission a "Reports and Recommendations" (R&R) item in order to verify that an approved Recuperative Care/Medical Respite use is operating without negative impacts to the surrounding neighborhood. Surrounding properties within a 500-foot radius of the property shall be notified ten (10) days in advance of the Planning Commission meeting and the applicant shall pay for the cost of processing the R&R item. Future compliance reviews may be required if significant violations are identified or if required by the Planning Commission. Additional conditions of approval may be added as determined appropriate.

.080 Supportive and Transitional Housing. Supportive and Transitional Housing, as defined by subsections .110 and .120 of Section 18.36.030 (Residential Primary Use Classes) of Chapter 18.36 (Types of Uses) of Title 18 (Zoning) of the Anaheim Municipal Code, may be co-located with an Emergency Shelter subject to the requirements of this

CITY OF ANAHEIM MUNICIPAL CODE

Section 18.38.125 including approval of a Memorandum of Understanding (MOU) and a Conditional Use Permit (CUP), with the exception of a units approved during a Shelter Crisis, as further described below.

.0801 Approval of Supportive and Transitional Housing during a Shelter Crisis. The City Manager is the approval authority for the first 100 units of Supportive and Transitional Housing co-located with an Emergency Shelter following the City Council's adoption of Resolution No. 2018-118 ("Shelter Crisis"). The City Manager's approval shall be pursuant to a written agreement with the property owner or housing operator, which must include a detailed Operations Plan for the proposed housing prepared pursuant to the requirements of paragraph 18.38.125.080.0810.

.0802 Memorandum of Understanding (MOU) Required. The permitted location and distribution of Supportive and/or Transitional Housing units proposed to be co-located with an Emergency Shelter, pursuant to subsection 18.38.125.080, shall be determined on a project-by-project basis by the City Council through a MOU between the applicant and the City to ensure the equitable and appropriate distribution of units throughout the city in relation to other forms of housing and services offered to the intended target population. The applicant shall enter into the MOU with the City prior to the Planning Commission's review of the CUP application. The applicant shall request an MOU by submitting a Development Application to the Planning and Building Department. The application shall include a Preliminary Site Plan and Project Description that describe the following:

.01 Target population.

.02 Maximum number of residents.

.03 Maximum and minimum number of staff and/or volunteers that will be at the facility during any one time during a twenty-four (24) hour period.

.04 Maximum number of units.

.05 Maximum number of bedrooms in the proposed units.

.06 Size and type of common areas, including recreational/leisure areas and kitchen facilities/dining areas.

.07 Preliminary plan for funding and providing "Wrap around and Supportive Services".

.0803 Conditional Use Permit Required. Following, or concurrent with, a request for approval of an MOU for Supportive and/or Transitional Housing proposed to be co-located with an Emergency Shelter, the property owner shall submit a Development Application for approval of a CUP consistent with Chapter 18.66 and the requirements of this subsection 18.38.125.080 (Transitional and Supportive Housing). The CUP will not be reviewed by Planning Commission prior to the City Council's approval of the MOU. The Development Application shall include plans and documents to establish the following:

.01 Development Standards. Plans shall demonstrate compliance with the underlying Zone in which the property is located. Any modification of these development standards,

CITY OF ANAHEIM MUNICIPAL CODE

including, but not limited to, parking as required by 18.42 (Parking and Loading), shall be processed as part of the CUP and meet the findings in 18.38.125.080.0802. The applicant shall provide justification for any modification of standards as part of the Development Application.

.02 Design Considerations. Plans shall demonstrate consistency with the General Plan Community Design Element and the City of Anaheim Affordable Housing Development Residential Design Guidelines.

.03 Maximum Occupancy. The CUP shall establish and memorialize the total maximum occupancy for all staff, volunteers and residents of the Supportive and/or Transitional Housing units.

.04 Operations Plan. The Development Application shall include a preliminary Operations Plan prepared pursuant to the requirements of paragraph 18.38.125.080.0810. The Planning and Building Director, and/or their designee, shall approve the final Operations Plan prior to issuance of Building Permits.

.0804 Conditional Use Permit Findings. Approval of the CUP is subject to the required findings pursuant to Chapter 18.66 (Conditional Use Permits), and the following findings:

.01 The Supportive and/or Transitional Housing proposed meets all of the provisions of this section; and, (1) achieves a high level of livability for residents, (2) is designed and would be operated in such a manner as to be compatible with surrounding uses, and (3) is consistent with the City's goals and policies to address homelessness and find creative housing solutions.

.02 The Supportive and/or Transitional Housing proposed in accordance with this section must demonstrate the living units are of sufficient size and design to provide a quality living environment, and the project includes common recreation and community facilities such as, but not limited to, community rooms, community gardens, facilities for pets, barbeque areas, and active and passive recreation areas.

.03 The project site is reasonably accessible to necessary services, including grocery stores (ideally within one mile), transit stops (ideally within half mile), and medical facilities (ideally within one mile) and/or that shuttle service will be provided by the operator to such services.

.0805 Affordability Covenant. Prior to issuance of building permits, the property owner(s) shall execute and record affordability covenants with the City of Anaheim, agreeing to the requirements of this section. The covenants shall be acceptable to, and approved by, the Community and Economic Development Department and the City Attorney's Office, and shall include, but need not be limited to, the following provisions:

.01 Identification of the affordable units.

.02 The initial rent for each unit.

.03 The method of calculating periodic rental increases.

CITY OF ANAHEIM MUNICIPAL CODE

.04 A minimum term of thirty (30) years on the control of rent for the housing units or other specified term as may be required by the project funding.

.05 The right of the Community and Economic Development Department to supply, or otherwise approve, the qualifications of the low-income households who will rent the housing units.

.0806 Affordability Mix. The affordability mix for Supportive and Transitional Housing shall be dictated by the affordable housing funding program requirements and as approved by the Community and Economic Development Department pursuant to a written agreement and the affordability covenants required in subsection 18.38.125.080.0807.

.01 The term "Extremely Low Income Households," as used in this section shall mean households having an income not exceeding thirty percent (30%) of the median family income, adjusted for family size.

.02 The term "Very Low Income Households," as used in this section shall mean households having an income not exceeding fifty percent (50%) of the median family income, adjusted for family size.

.03 The term "Low Income Households," as used in this section shall mean households having an income not exceeding sixty percent (60%) of the median family income, adjusted for family size.

.0807 Maximum Rents. Maximum rents shall be determined by the applicable affordable housing funding programs. To the extent of an inconsistency between or among the funding programs relating to affordable rent and other covenants or agreements applicable to the project, the most restrictive covenants or agreement regarding the affordable rent for the housing units in the project shall prevail.

.0808 Anaheim Preference. Offering and maintaining an Anaheim preference is a priority for the City. The following provisions shall apply:

.01 At a minimum, for the purposes of admissions into a unit, an Anaheim preference shall apply to the greater of a proportionate share of Supportive and/or Transitional Housing units at the site when there is a combination of funding sources for said units, such as government sponsored funds.

.02 When Anaheim funding is the only or primary source of gap funding, a live/work preference shall apply to all assisted units.

.03 For potential residents who are homeless at the time of application, an Anaheim preference may be granted if the individuals can demonstrate a connection to Anaheim as outlined in admissions guidelines established for the Anaheim Housing Choice Voucher (HCV) Program.

.04 For the purposes of this paragraph 18.38.125.080.0807, the application process begins upon receipt of a referral to an open unit, which includes an imminent opening at the property that an individual is considering. In order to be eligible for a preference at the

CITY OF ANAHEIM MUNICIPAL CODE

time of referral, potential residents must be able to demonstrate an Anaheim connection in order to be eligible for a preference at the time of referral.

.05 The Anaheim preference shall be memorialized in the Affordability Covenant.

.0809 Marketing and Tenant Selection Plan Required. Prior to occupancy of any Supportive and/or Transitional Housing Unit, a Marketing and Tenant Selection Plan shall be submitted to and approved by the Community and Economic Development Department. The Plan shall outline steps to be taken to affirmatively market housing units at the project. Procedures shall address outreach to stakeholders who interface with the target population for this type of housing and as needed, address language issues. All procedures must be in compliance with federal fair housing laws and include recordkeeping methods that will permit the Community and Economic Development Department to audit compliance in this area. Changes to the Plan are subject to the review and approval of and must be submitted to and approved by the Community and Economic Development Department prior to implementation of such a change.

.0810 Operations Plan. The Operations Plan shall be a detailed plan and strategy for the longterm operation, maintenance, repair, security, social/supportive services, marketing of the project, method of selection of tenants, rules and regulations for tenants, and other rental and operational policies for the project. The Operations Plan may be required to address additional specific needs as identified by the Planning and Building Director and the Police Chief. The approved Operations Plan shall remain active throughout the life of the facility. Any modifications to the Operations Plan shall require approval of the Planning and Building Director and the Police Chief. At a minimum, the Operations Plan shall contain provisions addressing the following:

.01 Staffing. The operations plan shall indicate the maximum and minimum number of staff and/or volunteers that will be at the facility during any one time during a twenty-four (24) hour period and a justification for the proposed staffing levels. The proposed staffing shall include:

a) An on-site manager. The operations plan shall include a detailed description of the manager's duties and responsibilities to ensure the proper and orderly operation of the facility in a manner that serves the needs of residents, staff, and service providers while minimizing potential impacts on surrounding uses.

b) 24-hour security staffing for both on and off-site needs. The on-site manager may provide the security staffing, subject to the approval of the Police Chief.

.02 Funding and provision of Wrap-Around Supportive Services for the residents. The term "Wrap-Around Supportive Services" shall mean a holistic program of support services provided as an ancillary use to Transitional and Supportive Housing to stabilize an individual or a family. The services can be provided in a collaborative manner by a number of organizations and commonly include services related to mental health, counseling, medical care, drug rehabilitation, parenting, budgeting and life skills, and educational and job training.

CITY OF ANAHEIM MUNICIPAL CODE

.03 Communications and Outreach. The operations plan shall describe the efforts that will be made by the operator to maintain good communication and respond to operational issues, which may arise from the neighborhood, City staff, or the general public.

.04 Loitering control. The operator shall describe the measures that it will implement to minimize the congregation of residents near the facility.

.05 Litter control. The operator shall describe the measures that the facility will take to remove any litter and trash attributable to the clients within the vicinity of the facility. (Ord. 6234 § 2 (part); February 28, 2012: Ord. 6358 § 4; February 9, 2016: Ord. 6450 § 1; November 20, 2018: Ord. 6459 § 3 (part); March 5, 2019: Ord. 6475 § 1; January 14, 2020: Ord. 6602 §§ 6, 7; January 28, 2025.)