

COUNTY OF PLACER

Community Development/Resource Agency

Michael J. Johnson, AICP Agency Director

PLANNING SERVICES DIVISION

Paul Thompson
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MEMORANDUM

TO: Honorable Board of Supervisors

FROM: Michael Johnson, Agency Director

Community Development/Resource Agency

DATE: June 21, 2011

SUBJECT: ZONING TEXT AMENDMENT (PZTA T20080448)

EMERGENCY SHELTERS, TRANSITIONAL HOUSING, SUPPORTIVE

HOUSING; NEGATIVE DECLARATION

ACTION REQUESTED

Consistent with the programs and policies previously adopted by the Board in conjunction with the County's Housing Element, the Board of Supervisors is being asked to consider a Zoning Text Amendment related to emergency shelters, transitional housing and supportive housing as recommended by the Planning Commission.

BACKGROUND

Emergency Shelters

California has enacted law, Senate Bill (SB) 2, to ensure that the need for emergency shelters is accommodated by local jurisdictions. Through the Housing Accountability Act, the law limits the ability of local jurisdictions to deny the establishment of emergency shelters.

To assure the proper implementation of state law, the following program was added to the County's Housing Element, adopted by the Board of Supervisors on May 12, 2009:

Program G-3: Zoning For Emergency Shelters

The County shall amend the Zoning Ordinance to include emergency shelters as an allowed land use in the following zoning districts with the indicated permit requirements:

- Residential Multi-family (RM) Zoning Clearance
- Neighborhood Commercial (CI) Minor Use Permit
- General Commercial (C2) Conditional Use Permit
- Commercial Planned Development (CPD) Conditional Use Permit
- Highway Service (HS) Minor Use Permit
- Resort (RES) Minor Use Permit

Emergency shelters proposed in these districts should follow the prescribed development standards. These standards shall not pose a constraint to the development of these types of facilities.

Transitional Housing

SB 2 also addresses transitional and supportive housing by requiring that these uses be subject to the same restrictions that apply to the same housing types in the same zone. In a broader sense, SB 2 requires local jurisdictions to remove governmental constraints that hinder the locality from meeting its share of the regional housing need for persons with disabilities.

To address State law, the following program was added to the Housing Element:

Program G-2: Sites for Transitional and Supportive Housing

The County shall continue to provide transitional and permanent supportive housing in the form of group housing. Additionally, the Zoning Ordinance shall be updated to explicitly state that transitional and supportive housing are considered residential uses subject only to those restrictions that apply to other residential uses of the same type in the same zone. The County shall identify sites for use as transitional and permanent supportive housing to address the unmet need for these services. Appropriate sites shall have the following characteristics:

- Close to public services and facilities;
- Zoning classifications that allow the siting of transitional housing and permanent supportive housing, and zoning regulations that do not impede their development, the use of the facility, or the conversion of an existing structure for such use; and
- Development standards, such as parking requirements, fire regulations, and design standards, that do not impede the efficient use of the site.

PROJECT DESCRIPTION

The Planning Services Division proposes to modify Sections 17.04.030, 17.06.050, and 17.20.010 of the Placer County Zoning Ordinance and add section 17.56.295 in order to bring the Code into compliance with State housing law for emergency shelters, transitional housing, and supportive housing.

Based on the Housing Element Program G-2, and Program G-3 as well as SB 2, staff is proposing amendments to the zoning text. The proposed language is provided in Attachment A and is discussed below. The proposed changes to the Zoning text are shown as <u>underlined</u>; deleted text is shown as <u>strikeout</u>.

DISCUSSION OF ISSUES

Emergency Shelter Amendment

Definition and Allowed Zoning Districts

The proposed amendments to the Zoning Ordinance would add a definition for an Emergency Shelter, also known as homeless shelter and ancillary services.

"Emergency Shelter" means a facility or use, which provides temporary housing (six months or less) for homeless individuals or families and may involve supplemental services. Supplemental services may include, but are not limited to, meal preparation, an activities center, day care for homeless person's children,

vocational rehabilitation, and other similar activities. This definition does not include such emergency shelters as may be provided for relief following a natural disaster or during a state of emergency or those provided at a House of Worship less than five days in any 30-day period. (See Section 17.56.295)

In addition, an amendment to the House of Worship definition is proposed to clarify that emergency shelters that provide humanitarian assistance are allowed as an accessory use (e.g., the Gathering Inn non-profit program).

"Houses of Worship" (land use) means religious organization facilities operated for worship or promotion of religious activities, including churches, synagogues, temples, etc. and also includes religious accessory uses on the same site, including, but not limited to living quarters for staff, emergency shelters to provide humanitarian assistance, and child day care facilities where authorized by the same type of land use permit required for the house of worship itself. Other establishments maintained by religious organizations, such as full-time educational institutions, hospitals and other potentially related operations (such as a recreational camp) are classified according to their respective activities.

The proposed amendments to the Zoning Ordinance would allow Emergency Shelters in five zoning districts consistent with Program G-3 of the Housing Element. The amendments propose that Emergency Shelters with a capacity of 60 persons or fewer would be allowed in the Residential Multi-family (RM) zoning district with Zoning Clearance (Zoning Ordinance Section 17.06.040) and over 60 persons with a Minor Use Permit. For all size shelters in the Neighborhood Commercial (C-1), Highway Service (HS) and Resort (RES) zoning districts, a Minor Use Permit is required. In the General Commercial (C-2), and Commercial Planned Development (CPD) zoning districts, a Conditional Use Permit is required for shelters of all sizes.

Providers originally were seeking a capacity of 100 persons while staff recommended 20. The sixty person capacity is recommended based upon discussions staff had with service providers. Staff arrived at the 60-person standard since the maximum density permitted in Residential Multi-family (RM) zoning is 20 units/acre, it would be feasible to have 60 bedrooms (three-bedroom residential units), or 60 beds/person, per acre. Service providers agreed that a 60 person threshold is appropriate.

Development Standards and Business Practices

The proposed amendments to the Zoning Ordinance would also add a new section for development standards designed to ensure the orderly development and/or conversion to Emergency Shelters. The standards include provisions for site development consistent with multi-family residential, on-site management, lighting, parking, hours of operation, and proximity to other Emergency Shelters. Proposed language for such a section is provided below.

Add new Section 17.56.295 Emergency Shelter:

When allowed by Sections 17.06.030 et seq., (Allowable land uses and permit requirements) in the zone applicable to a site, an Emergency Shelter in a fixed location is subject to the requirements of this section.

- A. Location. Emergency shelter programs shall not be located within three hundred (300) feet of any other emergency shelter, or other similar program, unless such program is located within the same building or on the same lot. A Minor Use Permit shall be required for any emergency shelter to be located within five hundred (500) feet from any elementary school, secondary school, or any zone district where emergency shelters are not permitted.
- B. <u>Development Standards. Comply with Development Standards for the Residential Multi-family zoning district and applicable Design Guidelines.</u>
- C. <u>Business Practices</u>. The emergency shelter must comply with the following business practices:
 - 1. The emergency shelter shall be in compliance with all building codes and fire standards.
 - 2. Adequate security lighting shall be provided on-site.
- D. Parking. Off-street parking shall be provided based upon a demonstrated need; however, the parking standard shall not require more parking than for other residential or commercial uses within the same zone. As a guideline, an emergency shelter should provide at a minimum one space designated exclusively for the manager and one space for each employee on the site. All parking is required to be off-street and on-site.

Emergency shelters are encouraged to be located no more than one-half mile from an existing bus route or provide transportation between the facility and a transit corridor or bus line.

Transitional and Supportive Housing Amendments

Definition and Allowed Zoning Districts

The proposed amendments to the Zoning Ordinance would add a definition for a Transitional Housing and Supportive Housing as follows:

"Supportive Housing" means a facility or use that provides housing with no limit on length of stay, that is occupied by the target population, as defined by Section 53260(d) of the California Health and Safety Code, and that is linked to onsite or offsite services that assist the tenant to retain the housing, improve his or her health status, maximize their ability to live and, when possible, to work in the community. 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.

"Transitional Housing" means a facility or use that provides housing accommodations and support services for persons and families, but restricts occupancy to no more that 24 months. Support services may include meals, counseling, and other services, as well as common areas for residents of the facility. Transitional 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.

In addition, staff is proposing to redefine residential care homes to provide further clarification on the use. This amended definition would provide clarification of residential

care homes verses transitional and supportive housing. The proposed definition is as follows:

"Residential care homes" (land use) means a facilities providing residential social and personal care for children, the elderly, and people with some limits on their ability to self-care, but where medical care is not a major element. Includes: children's homes; halfway houses; orphanages; rehabilitation center; self-help group homes. (SIC: Group 836)

"Residential care homes" means any family home, group care facility, or similar facility as determined by the Planning Director, providing for twenty-four-hour non-medical care of persons in need of personal services, supervision or assistance essential for sustaining the activities of daily living or for the protection of the individual. A residential care home serving six or fewer persons shall be considered a single-family dwelling for all zoning purposes.

PLANNING COMMISSION ACTION

On October 8, 2009, a Planning Commission hearing was held for this Zoning Text Amendment. After hearing reports from Development Review Committee staff, the Planning Commission took action to continue the public hearing. The Planning Commission directed staff to present the item to the Municipal Advisory Councils for consideration. Several changes were made to the proposed text amendment based on comments received at that hearing. 'Temporary Residential Shelter' was renamed 'Emergency Shelter' to be consistent with State language. In addition, parking requirements were changed and the requirement for full-time staff at Emergency Shelters was eliminated.

On October 28, 2010, the Planning Commission held a second hearing to consider the proposed Zoning Text Amendment. After listening to substantial public testimony, the Commission took action to recommend approval to the Board of Supervisors (5:2; Commissioners Moss and Crabb opposed saying the uses permitted may not be appropriate if located adjacent to residential areas). At the hearing, the Planning Commission expressed concern about inviting large numbers of people from outside a neighborhood into a residential area. The Commission also expressed concern that six months of temporary housing residency was too long, and the Commission wanted assurances that the churches currently hosting The Gathering Inn would not be subject to discretionary (use permit) review.

To address the concerns regarding impacts to The Gathering Inn, staff has added additional language to the definition of Emergency Shelter exempting emergency shelters located at Houses of Worship less than five days in any 30-day period.

MUNICIPAL ADVISORY COUNCIL REVIEW

Staff presented the proposed Zoning Text Amendment to all Municipal Advisory Councils for comment and/or a vote. The comments and recommendations received from the MACs are presented in Attachment C.

FISCAL IMPACT

The proposed Zoning Text Amendment would result in no fiscal impact to the County.

CEQA COMPLIANCE

A Negative Declaration has been prepared for this project and has been finalized pursuant to CEQA (Attachment B). The Negative Declaration was released for public comment on July 16, 2009 and the public comment period ended on August 14, 2009. One comment letter from the City of Lincoln was received and is provided in Attachment B. The City commented that any future project would be subject to the October 2000, Placer County Airport Land Use Compatibility Plan; staff concurs with this comment. Based on the environmental assessment, the proposed project is not anticipated to have a significant impact on the environment. The Negative Declaration must be found to be adequate by the Board of Supervisors to satisfy the requirements of CEQA, and findings for this purpose can be found at the end of this staff report.

RECOMMENDATION

The Planning Services Division brings forward the Planning Commission's recommendation that the Board of Supervisors approve the Zoning Text Amendment related to emergency shelters, transitional housing and supportive housing by adopting the Ordinance found in Attachment A based on the following findings:

FINDINGS:

CEQA

The Negative Declaration prepared for this Zoning Text Amendment is adequate by making the following findings in accordance with the California Environmental Quality Act:

- a. The negative declaration has been prepared as required by law;
- There is no substantial evidence in the record as a whole that the adoption of the updated Housing Element will have a significant effect on the environment; and
- c. The negative declaration as adopted reflects the independent judgment and analysis of Placer County, which has exercised overall control and direction of its preparation.

Zoning Text Amendment

The Zoning Text Amendment is consistent with the Placer County General Plan, and will service the public's interest as highlighted in this staff report.

ATTACHMENTS:

Attachment A - Proposed Zoning Ordinance Revision

Attachment B – Negative Declaration

Attachment C – MAC Meeting Summary

Attachment D – Legal Services of Northern California correspondence

Attachment E – HCD Memorandum

cc Karin Schwab - County Counsel
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