

COUNTY OF PLACER
Community Development/Resource Agency

Michael J. Johnson, AICP
Agency Director

**PLANNING
SERVICES DIVISION**

Paul Thompson, Deputy Director

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

The Board of Supervisors is being asked to consider the adoption of a Zoning Text Amendment to modify Sections 17.04.030, 17.06.050, 17.20.010, 17.22.010, 17.26.010, 17.30.010, 17.34.010 and 17.48.010 of Chapter 17 of the Placer County (Zoning Ordinance) and add section 17.56.295 in order to implement Housing Element Programs G-2 and G3 related to emergency shelters, transitional housing and supportive housing as recommended by the Planning Commission.

BACKGROUND

The proposed Zoning Text Amendment is intended to implement Programs G-2 and G-3 of the County's Housing Element. Implementation of these programs is required under State law.

In 2007 Senate Bill (SB) 2 was signed into law and amended Government Code Sections 65582, 65583 and 65589 of the State Housing Element Law. SB2 took effect on January 1, 2008. It required all jurisdictions, including Placer County, to amend their zoning ordinances to provide at least one zone where emergency shelters are allowed "by right" and to ensure that other zones do not unduly restrict the development of emergency shelters. SB 2 also requires local jurisdictions to address 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 order to comply with State Housing Element Law, which compliance is required to obtain State certification of the County's Housing Element and all required updates, the following programs were added to the County's Housing Element Update, adopted by the Board of Supervisors on May 12, 2009:

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.*

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 (C1) - 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.

PROJECT DESCRIPTION

The Planning Services Division proposes to modify Sections Sections 17.04.030, 17.06.050, 17.20.010, 17.22.010, 17.26.010, 17.30.010, 17.34.010 and 17.48.010 of Chapter 17 of the Placer County (Zoning Ordinance) and add section 17.56.295 in order to implement Housing Element Programs G-2 and G3. The proposed Zoning Text Amendment is provided in Attachment A and is discussed below. The proposed changes to the Zoning text are shown as underlined; deleted text is shown as ~~strikeout~~.

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. Development Standards. Comply with Development Standards for the Residential Multi-family zoning district and applicable Design Guidelines.
- C. Business Practices. 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 than 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 versus 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;
- b. 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
Kathie Denton - Health and Human Services
Placer County Redevelopment Agency
All MAC's
Legal Services of Northern California, Herb Whitaker
The Gathering Inn, Suzie DeFosset

**Before the Board of Supervisors
County of Placer, State of California**

In the matter of:

Ordinance No.: _____

**An amendment to the Placer County Code
Chapter 17, Sections 17.04.030, 17.06.050,
17.20.010, 17.22.010, 17.26.010, 17.30.010,
17.34.010, 17.48.010 and adding Section
17.56.295 related to Emergency Shelters,
Transitional Housing, Supportive Housing.**

The following Ordinance was duly passed by the Board of Supervisors of the County of Placer at a regular meeting held _____, by the following vote on roll call:

Ayes:

Noes:

Absent:

Signed and approved by me after its passage.

Chairman, Board of Supervisors

Kirk Uhler

Attest:
Clerk of said Board

Clerk of the Board Signature

THE BOARD OF SUPERVISORS OF THE COUNTY OF PLACER, STATE OF CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

ATTACHMENT A

58

Section 1. Section 17.04.030 of Chapter 17 of the Placer County Code is hereby amended as follows:

17.04.030 Definitions of land uses, specialized terms and phrases

"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.

"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)

"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.

~~“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 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.

Section 2. Section 17.06.050 of Chapter 17 of the Placer County Code is hereby amended as follows:

LAND USE TYPES	RESIDENTIAL				COMMERCIAL						INDUSTRIAL				AGRICULTURAL, RESOURCE, OPEN SPACE						
	RS	RM	RA	RF	C1	C2	C3	CPD	HS	OP	RES	AP	BP	IN	INP	AE	F	FOR	O	TPZ	W
Residential Uses																					
Caretaker and employee housing (Section 17.56.090)					C	C	MUP	C	C	C	MUP	C	MUP	C	C	MUP	MUP	MUP		MUP	
Emergency Shelter, 60 or fewer clients (Section 17.56.295)		C			MUP	CUP		CUP	MUP		MUP										
Emergency Shelter, 61 or more clients (Section 17.56.295)		MUP			MUP	CUP		CUP	MUP		MUP										
Farm labor housing (Section 17.56.090)			MUP													MUP	MUP				
Home occupations (Section 17.56.120)	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C				C
Mobile home parks (Section 17.56.140)		CUP			CUP	CUP															
Mobile homes (Section 17.56.150)	C	C	C	C							C					C	C				
Multifamily dwellings, 20 or fewer units		C			MUP	CUP		CUP	MUP		MUP										
Multifamily dwellings, 21 or more units		MUP			MUP	CUP		CUP	MUP		MUP										
Residential accessory uses (Section 17.56.180)	C	C	C	C	C	C		CUP			C	C	MUP			C	C				
Residential care homes, 6 or fewer clients	C	C	C	C							C							C			
Residential care homes, 7 or more clients		MUP	MUP															MUP			
Secondary dwellings (Section 17.56.200) (Ord. 5126-B required ARP)	C	C	C	C							C					C	C				
Senior housing projects (Section 17.56.210)		CUP			CUP	CUP		CUP	CUP												
Single-family dwellings (Section 17.56.230)	C	C	C	C							C					C	C				
Storage, Accessory (Section 17.56.250)	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Supportive Housing 60 or fewer clients		C			MUP	CUP		CUP	MUP		MUP										
Supportive Housing 61 or more clients		MUP			MUP	CUP		CUP	MUP		MUP										
Temporary dwelling (Section 17.56.280)			C	C							C			C		C	C			C	
Temporary dwelling - hardship/disaster (Section 17.56.290)	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*

<u>Transitional Housing 60 or fewer clients</u>		<u>C</u>			<u>MUP</u>	<u>CUP</u>		<u>CUP</u>	<u>MUP</u>	<u>MUP</u>								
<u>Transitional Housing 61 or more clients</u>		<u>MUP</u>			<u>MUP</u>	<u>CUP</u>		<u>CUP</u>	<u>MUP</u>	<u>MUP</u>								

Key To Permit Requirements	
Allowed use, zoning compliance required (Section 17.06.050)	A
Zoning Clearance required (Section 17.06.050)	C
Administrative Review Permit required (Section 17.06.050)	ARP
Minor Use Permit required (Section 17.06.050)	MUP
Conditional Use Permit required (Section 17.06.050)	CUP
Permit requirements set by Article 17.56	*
Use not allowed	

Section 3. Section 17.20.010 of Chapter 17 of the Placer County Code is hereby amended as follows:

Commercial Planned Development (CPD)

B. Allowable Land Uses and Permit Requirements. The following land uses are allowed in the CPD zone district as provided by Sections 17.06.050 et seq., (Allowable land uses and permit requirements), subject to the land use permit shown for each use, any applicable specific standards, and all other applicable provisions of this chapter. See also subsection C of this section for permit requirements where a proposed site is to be subdivided.

ALLOWABLE LAND USES	LAND USE PERMIT	SPECIFIC STANDARDS IN SECTION
<i>Residential Uses</i>		
Caretaker and employee housing	C	17.56.090
<u>Emergency Shelter, 60 or fewer clients</u>	<u>CUP</u>	<u>17.56.295</u>
<u>Emergency Shelter, 61 or more clients</u>	<u>CUP</u>	<u>17.56.295</u>
Home occupations	C	17.56.120
Multifamily dwellings, any size	CUP	17.20.010
Residential accessory uses	CUP	17.56.180
Senior housing projects	CUP	17.56.210
<u>Supportive Housing 60 or fewer clients</u>	<u>CUP</u>	
<u>Supportive housing, 61 or more clients</u>	<u>CUP</u>	
<u>Transitional Housing 60 or fewer clients</u>	<u>CUP</u>	
<u>Transitional Housing 61 or more clients</u>	<u>CUP</u>	

Section 4. Section 17.22.010 of Chapter 17 of the Placer County Code is hereby amended as follows:

General Commercial (C2)

B. Allowable Land Uses and Permit Requirements. The following land uses are allowed in the C2 zone district as provided by Sections 17.06.050 et seq., (Allowable land uses and permit requirements), subject to the land use permit shown for each use, any applicable specific standards, and all other applicable provisions of this chapter.

ALLOWABLE LAND USES	LAND USE PERMIT	SPECIFIC STANDARDS IN SECTION
<i>Residential Uses</i>		
Caretaker and employee housing	C	17.56.090
<u>Emergency Shelter, 60 or fewer clients</u>	<u>CUP</u>	<u>17.56.295</u>
<u>Emergency Shelter, 61 or more clients</u>	<u>CUP</u>	<u>17.56.295</u>
Home occupations	C	17.56.120
Mobile home parks	CUP	17.56.140
Multifamily dwellings, any size	CUP	17.20.010
Residential accessory uses	C	17.56.180
Senior housing projects	CUP	17.56.210
<u>Supportive Housing 60 or fewer clients</u>	<u>CUP</u>	
<u>Supportive housing, 61 or more clients</u>	<u>CUP</u>	
<u>Transitional Housing 60 or fewer clients</u>	<u>CUP</u>	
<u>Transitional Housing 61 or more clients</u>	<u>CUP</u>	

Section 5. Section 17.26.010 of Chapter 17 of the Placer County Code is hereby amended as follows:

Highway Service (HS)

B. Allowable Land Uses and Permit Requirements. The following land uses are allowed in the HS zone district as provided by Sections 17.06.050 et seq., (Allowable land uses and permit requirements), subject to the land use permit shown for each use, any applicable specific standards, and all other applicable provisions of this chapter.

ALLOWABLE LAND USES	LAND USE PERMIT	SPECIFIC STANDARDS IN SECTION
<i>Residential Uses</i>		
Caretaker and employee housing	C	17.56.090
<u>Emergency Shelter, 60 or fewer clients</u>	<u>MUP</u>	<u>17.56.295</u>
<u>Emergency Shelter, 61 or more clients</u>	<u>MUP</u>	<u>17.56.295</u>
Home occupations	C	17.56.120
Multifamily dwellings, any size	MUP	17.20.010
Senior housing projects	CUP	17.56.210

ALLOWABLE LAND USES	LAND USE PERMIT	SPECIFIC STANDARDS IN SECTION
<u>Supportive Housing 60 or fewer clients</u>	<u>MUP</u>	
<u>Supportive housing, 61 or more clients</u>	<u>MUP</u>	
<u>Transitional Housing 60 or fewer clients</u>	<u>MUP</u>	
<u>Transitional Housing 61 or more clients</u>	<u>MUP</u>	

Section 6. Section 17.30.010 of Chapter 17 of the Placer County Code is hereby amended as follows:

Neighborhood Commercial (C1)

B. Allowable Land Uses and Permit Requirements. The following land uses are allowed in the C1 zone district as provided by Sections 17.06.050 et seq., (Allowable land uses and permit requirements), subject to the land use permit shown for each use, any applicable specific standards, and all other applicable provisions of this chapter.

ALLOWABLE LAND USES	LAND USE PERMIT	SPECIFIC STANDARDS IN SECTION
<i>Residential Uses</i>		
Caretaker and employee housing	C	17.56.090
<u>Emergency Shelter, 60 or fewer clients</u>	<u>MUP</u>	<u>17.56.295</u>
<u>Emergency Shelter, 61 or more clients</u>	<u>MUP</u>	<u>17.56.295</u>
Home occupations	C	17.56.120
Mobile home parks	CUP	17.56.140
Multifamily dwellings, any size	MUP	17.30.010(D)
Residential accessory uses	C	17.56.180
Senior housing projects	CUP	17.56.210
<u>Supportive Housing 60 or fewer clients</u>	<u>MUP</u>	
<u>Supportive housing, 61 or more clients</u>	<u>MUP</u>	
<u>Transitional Housing 60 or fewer clients</u>	<u>MUP</u>	
<u>Transitional Housing 61 or more clients</u>	<u>MUP</u>	

Section 7. Section 17.34.010 of Chapter 17 of the Placer County Code is hereby amended as follows:

Resort (RES)

B. Allowable Land Uses and Permit Requirements. The following land uses are allowed in the RES zone district as provided by Sections 17.06.050 et seq., (Allowable

land uses and permit requirements), subject to the land use permit shown for each use, any applicable specific standards, and all other applicable provisions of this chapter.

ALLOWABLE LAND USES	LAND USE PERMIT	SPECIFIC STANDARDS IN SECTION
<i>Residential Uses</i>		
Caretaker and employee housing	MUP	17.56.090
<u>Emergency Shelter, 60 or fewer clients</u>	<u>MUP</u>	<u>17.56.295</u>
<u>Emergency Shelter, 61 or more clients</u>	<u>MUP</u>	<u>17.56.295</u>
Home occupations	C	17.56.120
Mobile homes	C	17.56.150
Multifamily dwellings	MUP	
Residential accessory uses		17.56.180
Residential care homes, 6 or fewer clients	C	
Secondary dwellings	C	17.56.200
Single-family dwellings	C	17.56.230
Temporary dwelling	C	17.56.280
<u>Supportive Housing 60 or fewer clients</u>	<u>MUP</u>	
<u>Supportive housing, 61 or more clients</u>	<u>MUP</u>	
<u>Transitional Housing 60 or fewer clients</u>	<u>MUP</u>	
<u>Transitional Housing 61 or more clients</u>	<u>MUP</u>	

Section 8. Section 17.48.010 of Chapter 17 of the Placer County Code is hereby amended as follows:

Residential Multi-Family (RM)

B. **Allowable Land Uses and Permit Requirements.** The following land uses are allowed in the RM zone district as provided by Section 17.06.050 et seq., (Allowable land uses and permit requirements), subject to the land use permit shown for each use, any applicable specific standards, and all other applicable provisions of this chapter.

ALLOWABLE LAND USES	LAND USE PERMIT	SPECIFIC STANDARDS IN SECTION
<i>Residential Uses</i>		
Home occupations	C	17.56.120
<u>Emergency Shelter, 60 or fewer clients</u>	<u>C</u>	<u>17.56.295</u>
<u>Emergency Shelter, 61 or more clients</u>	<u>MUP</u>	<u>17.56.295</u>
Mobile home parks	CUP	17.56.140
Mobile homes	C	17.56.150
Multifamily dwellings, 20 or fewer units	C	

ALLOWABLE LAND USES	LAND USE PERMIT	SPECIFIC STANDARDS IN SECTION
Multifamily dwellings, 21 or more units	MUP	
Residential accessory uses	C	17.56.180
Residential care homes, 6 or fewer clients	C	
Residential care homes, 7 or more clients	MUP	
Secondary dwellings	C	17.56.200
Senior housing projects	CUP	17.56.210
Single-family dwellings	C	17.56.230
<u>Supportive Housing 60 or fewer clients</u>	<u>C</u>	
<u>Supportive housing, 61 or more clients</u>	<u>MUP</u>	
<u>Transitional Housing 60 or fewer clients</u>	<u>C</u>	
<u>Transitional Housing 61 or more clients</u>	<u>MUP</u>	

Section 9. Article 17.56 of Chapter 17 of the Placer County Code is hereby amended to add Section 17.56.295, which shall read as follows:

Section 17.56.295 Emergency Shelters

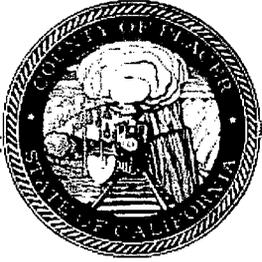
When allowed by Sections 17.06.030 et seq., (Allowable land uses and permit requirements) in the zone applicable to a site, an Emergency Shelter in a fixed location is subject to the requirements of this section.

- 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 where emergency shelters are not permitted.**
- B. Development Standards. Comply with Development Standards for the Residential Multi-family zoning district and applicable Design Guidelines.**
- C. Business Practices. 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.**
- 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 shall 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.

Section 10. This ordinance shall take effect and be in full force thirty (30) days after the date of its passage. The Clerk is directed to publish this ordinance, or a summary thereof, within fifteen (15) days in accordance with government code section 25124.



COUNTY OF PLACER
Community Development Resource Agency

**ENVIRONMENTAL
COORDINATION
SERVICES**

Michael J. Johnson, AICP
Agency Director

Gina Langford, Coordinator

NOTICE OF AVAILABILITY

**NEGATIVE DECLARATION
FOR PUBLIC REVIEW**

The project listed below was reviewed for environmental impact by the Placer County Environmental Review Committee and was determined to have no significant effect upon the environment. A proposed Negative Declaration has been prepared for this project and has been filed with the County Clerk's office.

**PROJECT: Emergency Shelters, Transitional Housing, Supportive Housing –
Housing Element Implementation (PZTA T20080448)**

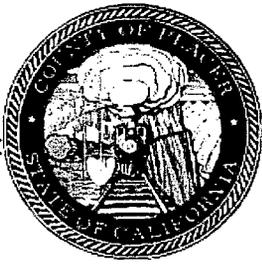
PROJECT DESCRIPTION: The project proposes to revise the Placer County Code (Zoning Ordinance) to bring the Code into compliance with State housing law for emergency shelters, transitional housing, and supportive housing.

PROJECT LOCATION: Placer County

PROPONENT: Community Development Resource Agency, Planning Department, 3091 County Center Drive, Auburn, 530-745-3000

The comment period for this document closes on **August 14, 2009**. A copy of the Negative Declaration is available for public review at the County's web site <http://www.placer.ca.gov/Departments/CommunityDevelopment/EnvCoordSvcs/NegDec.aspx> Community Development Resource Agency public counter; and at the Applegate, Auburn, Colfax, Foresthill, Granite Bay, Kings Beach, Lincoln, Rocklin, Roseville, Tahoe City, and Truckee Library. Additional information may be obtained by contacting the Environmental Coordination Services, at (530)745-3075 between the hours of 8:00 am and 5:00 pm at Community Development Resource Agency, 3091 County Center Drive, Auburn, CA 95603.

Newspaper: Auburn Journal, Monday, July 20, 2009
Roseville Press Tribune, Saturday, July 18, 2009
Sierra Sun, Wednesday, July 22, 2009



COUNTY OF PLACER
Community Development Resource Agency

**ENVIRONMENTAL
COORDINATION
SERVICES**

Michael J. Johnson, AICP
Agency Director

Gina Langford, Coordinator

NEGATIVE DECLARATION

In accordance with Placer County ordinances regarding implementation of the California Environmental Quality Act, Placer County has conducted an Initial Study to determine whether the following project may have a significant adverse effect on the environment, and on the basis of that study hereby finds:

- The proposed project will not have a significant adverse effect on the environment; therefore, it does not require the preparation of an Environmental Impact Report and this **Negative Declaration** has been prepared.
- Although the proposed project could have a significant adverse effect on the environment, there will not be a significant adverse effect in this case because the project has incorporated specific provisions to reduce impacts to a less than significant level and/or the mitigation measures described herein have been added to the project. A **Mitigated Negative Declaration** has thus been prepared.

The environmental documents, which constitute the Initial Study and provide the basis and reasons for this determination are attached and/or referenced herein and are hereby made a part of this document.

PROJECT INFORMATION

Title: Emergency Shelters, Transitional Housing, Supportive Housing – Housing Element Implementation	Plus# PZTA T20080448
Description: The project proposes to revise the Placer County Code (Zoning Ordinance) to bring the Code into compliance with State housing law for emergency shelters, transitional housing, and supportive housing.	
Location: Unincorporated Placer County	
Project Applicant: Planning Department, Community Development Resource Agency	
County Contact Person: Christopher Schmidt	530-745-3076

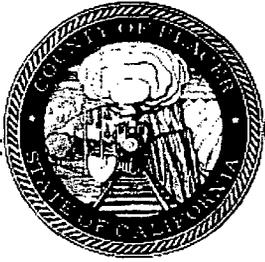
PUBLIC NOTICE

The comment period for this document closes on **August 14, 2009**. A copy of the Negative Declaration is available for public review at the County's web site:

<http://www.placer.ca.gov/Departments/CommunityDevelopment/EnvCoordSvcs/NegDec.aspx>,

at the Community Development Resource Agency public counter and at the Applegate, Auburn, Colfax, Foresthill, Granite Bay, Kings Beach, Lincoln, Rocklin, Roseville, Tahoe City, and Truckee Library. Additional information may be obtained by contacting the Environmental Coordination Services, at (530)745-3132 between the hours of 8:00 am and 4:00 pm at 3091 County Center Drive, Auburn, CA 95603. For Tahoe projects, please visit our Tahoe Office, 565 West Lake Blvd., Tahoe City, CA 96145.

If you wish to appeal the appropriateness or adequacy of this document, address your written comments to our finding that the project will not have a significant adverse effect on the environment: (1) identify the environmental effect(s), why they would occur, and why they would be significant, and (2) suggest any mitigation measures which you believe would eliminate or reduce the effect to an acceptable level. Regarding item (1) above, explain the basis for your comments and submit any supporting data or references. Refer to Section 18.32 of the Placer County Code for important information regarding the timely filing of appeals.



COUNTY OF PLACER
Community Development Resource Agency

**ENVIRONMENTAL
COORDINATION
SERVICES**

Michael J. Johnson, AICP
Agency Director

3091 County Center Drive, Suite 190 • Auburn • California 95603 • 530-745-3132 • fax 530-745-3003 • www.placer.ca.gov/planning

INITIAL STUDY & CHECKLIST (Revised)

The Initial Study & Checklist was posted for a 30-day public review from July 16, 2009 to August 17, 2009. Subsequent to the public posting period, comments were received resulting revisions and/or clarifications to the analysis/discussions in "Project Description", namely, the proposed allowable Emergency Shelters' capacity is now increased from 20 to 60 persons.

The above cited revision, made on September 8, 2010 does not constitute a "substantial revision" as defined by CEQA Guidelines Section 15073.5(b) and it has been determined that recirculation is not required (Section 15073.5(c)).

This Initial Study has been prepared to identify and assess the anticipated environmental impacts of the following described project application. The document may rely on previous environmental documents (see Section C) and site-specific studies (see Section I) prepared to address in detail the effects or impacts associated with the project.

This document has been prepared to satisfy the California Environmental Quality Act (CEQA) (Public Resources Code, Section 21000 et seq.) and the State CEQA Guidelines (14 CCR 15000 et seq.) CEQA requires that all state and local government agencies consider the environmental consequences of projects over which they have discretionary authority before acting on those projects.

The Initial Study is a public document used by the decision-making lead agency to determine whether a project may have a significant effect on the environment. If the lead agency finds substantial evidence that any aspect of the project, either individually or cumulatively, may have a significant effect on the environment, regardless of whether the overall effect of the project is adverse or beneficial, the lead agency is required to prepare an EIR, use a previously-prepared EIR and supplement that EIR, or prepare a Subsequent EIR to analyze the project at hand. If the agency finds no substantial evidence that the project or any of its aspects may cause a significant effect on the environment, a Negative Declaration shall be prepared. If in the course of analysis, the agency recognizes that the project may have a significant impact on the environment, but that by incorporating specific mitigation measures the impact will be reduced to a less than significant effect, a Mitigated Negative Declaration shall be prepared.

A. BACKGROUND:

Project Title: Emergency Shelters, Transitional Housing, Supportive Housing – Housing Element Implementation	Plus# PZTA T20080448
Entitlements: Zoning Text Amendment	
Site Area: n/a	APN: n/a
Location: Unincorporated Placer County	

Project Description:

The project proposes to revise the Placer County Code (Zoning Ordinance) to bring the Code into compliance with State housing law for emergency shelters, transitional housing, and supportive housing. The proposed Zoning Ordinance amendments will implement Housing Element Program G-2, and Program G-3. The amendments are summarized below and Attachment A provides specific language for the amendments.

The proposed amendments to the Zoning Ordinance would add a definition for Emergency Shelters, also known as homeless shelters and ancillary services. In addition, an amendment to the House of Worship definition is proposed to allow emergency shelters that provide humanitarian assistance as an accessory use (e.g., the Gathering Inn non-profit program).

69

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, in the Neighborhood Commercial (C-1), Highway Service (HS) and Resort (RES) zoning districts with a Minor Use Permit and in the General Commercial (C-2), and Commercial Planned Development (CPD) zoning districts with a Conditional Use Permit. Shelters proposed to accommodate more than 60 persons would be allowed in the Residential Multi-family (RM), Neighborhood Commercial (C-1), General Commercial (C-2), Commercial Planned Development (CPD) and Highway Service (HS) zoning districts with a Conditional Use Permit. 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 of facilities 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. A summary of these standards is provided below.

- Emergency shelter programs must be three hundred (300) feet apart from another emergency shelter, or other similar program. A Minor Use Permit is required for any emergency shelter that is proposed within five hundred (500) feet from a school, or any zone where emergency shelters are not permitted.
- The emergency shelter must meet all building and housing codes and fire standards and comply with the business practices such as: one staff member must be present when the facility is open; buildings should have adequate security lighting; a 24-hour security phone number shall be posted at the entrance and be maintained; and set hours for client intake/discharge.
- Off-street parking must 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 district. As a minimum standard, an emergency shelter shall provide one space for every ten adult beds, with one space designated for each employee. All parking is required to be off-street and on-site. Also, temporary residential shelters are encouraged to be located no more than one-half mile from an existing bus route, or to provide transportation between the facility and a transit corridor or bus line.

The proposed amendments to the Zoning Ordinance would also add a definition for Transitional Housing and Supportive Housing. In addition, the amendments will re-define residential care homes to provide further clarification on the use. This re-defining would change the definition to clarify residential care homes verses transitional and supportive housing.

No specific housing projects are approved as part of these zoning text amendments. In fact, these amendments, in themselves, would not directly result in changes to the physical environment (environmental effects). After the zoning text amendments are adopted, the County will evaluate specific housing development proposals based on their compliance with the General Plan, relevant Community Plans, Zoning Ordinance, and other ordinances. Additional environmental review of potential environmental effects in compliance with the California Environmental Quality Act may be required prior to development of any specific special needs housing project.

Project Site: County-wide

B. ENVIRONMENTAL SETTING:

Placer County is a geographically diverse county. While the western portion of the County contains suburbs of the Sacramento Region, the eastern portion lies within the Lake Tahoe Region. Placer County is one of the fastest growing counties in the state. Between 2000 and 2007, the County's population grew from 248,399 to 324,495. The 2009 Housing Element discusses and provides Programs G-2 and G-3 to address special needs housing for the County.

C. PREVIOUS ENVIRONMENTAL DOCUMENT:

The County has determined that an Initial Study shall be prepared in order to determine whether the potential exists for unmitigatable impacts resulting from the proposed project. Relevant analysis from the County-wide General Plan and Community Plan Certified EIRs, and other project-specific studies and reports that have been generated to date, were used as the database for the Initial Study. The decision to prepare the Initial Study utilizing the analysis contained in the General Plan and Specific Plan Certified EIRs, and project-specific analysis summarized herein, is sustained by Sections 15168 and 15183 of the CEQA Guidelines.

Section 15168 relating to Program EIRs indicates that where subsequent activities involve site-specific operations, the agency should use a written checklist or similar device to document the evaluation of the site and

the activity, to determine whether the environmental effects of the operation were covered in the earlier Program EIR. A Program EIR is intended to provide the basis in an Initial Study for determining whether the later activity may have any significant effects. It will also be incorporated by reference to address regional influences, secondary effects, cumulative impacts, broad alternatives, and other factors that apply to the program as a whole.

The following documents serve as Program-level EIRs from which incorporation by reference will occur:

- ➔ Placer County General Plan EIR

Section 15183 states that "projects which are consistent with the development density established by existing zoning, community plan or general plan policies for which an EIR was certified shall not require additional environmental review, except as may be necessary to examine whether there are project-specific significant effects which are peculiar to the project or site." Thus, if an impact is not peculiar to the project or site, and it has been addressed as a significant effect in the prior EIR, or will be substantially mitigated by the imposition of uniformly applied development policies or standards, then additional environmental documentation need not be prepared for the project solely on the basis of that impact.

The above stated documents are available for review Monday through Friday, 8am to 5pm, at the Placer County Community Development Resource Agency, 3091 County Center Drive, Auburn, CA 95603. For Tahoe projects, the document will also be available in our Tahoe Division Office, 565 West Lake Blvd., Tahoe City, CA 96145.

D. EVALUATION OF ENVIRONMENTAL IMPACTS:

The Initial Study checklist recommended by the State of California Environmental Quality Act (CEQA) Guidelines is used to determine potential impacts of the proposed project on the physical environment. The checklist provides a list of questions concerning a comprehensive array of environmental issue areas potentially affected by the project (see CEQA Guidelines, Appendix G). Explanations to answers are provided in a discussion for each section of questions as follows:

- a) A brief explanation is required for all answers including "No Impact" answers.
- b) "Less Than Significant Impact" applies where the project's impacts are insubstantial and do not require any mitigation to reduce impacts.
- c) "Less Than Significant with Mitigation Measures" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less than Significant Impact." The County, as lead agency, must describe the mitigation measures, and briefly explain how they reduce the effect to a less-than-significant level (mitigation measures from earlier analyses may be cross-referenced).
- d) "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
- e) All answers must take account of the entire action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts [CEQA Guidelines, Section 15063(a)(1)].
- f) Earlier analyses may be used where, pursuant to the tiering, Program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or Negative Declaration [CEQA Guidelines, Section 15063(c)(3)(D)]. A brief discussion should be attached addressing the following:
 - ➔ **Earlier analyses used** – Identify earlier analyses and state where they are available for review.
 - ➔ **Impacts adequately addressed** – Identify which effects from the above checklist were within the scope of, and adequately analyzed in, an earlier document pursuant to applicable legal standards. Also, state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - ➔ **Mitigation measures** – For effects that are checked as "Less Than Significant with Mitigation Measures," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- g) References to information sources for potential impacts (i.e. General Plans/Community Plans, zoning ordinances) should be incorporated into the checklist. Reference to a previously-prepared or outside document should include a reference to the pages or chapters where the statement is substantiated. A source list should be attached and other sources used, or individuals contacted, should be cited in the discussion.

I. AESTHETICS – Would the project:

Environmental Issue	Potentially Significant Impact	Less Than Significant with Mitigation Measures	Less Than Significant Impact	No Impact
1. Have a substantial adverse effect on a scenic vista? (PLN)				X
2. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings, within a state scenic highway? (PLN)				X
3. Substantially degrade the existing visual character or quality of the site and its surroundings? (PLN)				X
4. Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area? (PLN)				X

Discussion- All Items:

The proposed amendments to the zoning ordinance would add a definition for emergency shelters, transitional housing and supportive housing but does not identify the location and type of new development. Therefore, it is not possible to anticipate how development of new special needs housing will potentially impact the existing visual character of unincorporated areas of the County. To ensure that significant impacts to aesthetic resources do not occur, future development of special needs housing uses will be in accordance with applicable County standards and guidelines, as well as the requirements mandated during the environmental review of individual projects.

II. AGRICULTURAL RESOURCE – Would the project:

Environmental Issue	Potentially Significant Impact	Less Than Significant with Mitigation Measures	Less Than Significant Impact	No Impact
1. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide or Local Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? (PLN)				X
2. Conflict with General Plan or other policies regarding land use buffers for agricultural operations? (PLN)				X
3. Conflict with existing zoning for agricultural use, or a Williamson Act contract? (PLN)				X
4. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland (including livestock grazing) to non-agricultural use? (PLN)				X

Discussion- All Items:

Adopting the zoning text amendment will not by itself convert Prime Farmland, Unique Farmland, or conflict with existing zoning for agricultural use or a Williamson Act contract. A land inventory analysis undertaken in Section II of the Housing Element showed the County has sufficient properly zoned land capacity to accommodate any new special need housing.

III. AIR QUALITY – Would the project:

Environmental Issue	Potentially Significant Impact	Less Than Significant with Mitigation Measures	Less Than Significant Impact	No Impact
1. Conflict with or obstruct implementation of the applicable air quality plan? (APCD)				X
2. Violate any air quality standard or contribute substantially to an existing or projected air quality violation? (APCD)				X
3. Result in a cumulatively considerable net increase of any criteria for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)? (APCD)				X
4. Expose sensitive receptors to substantial pollutant concentrations? (APCD)				X
5. Create objectionable odors affecting a substantial number of people? (APCD)				X

Discussion- All Items:

The proposed zoning text amendments does not revise, replace or attempt to supersede existing standards and procedures to ensure compliance with State and County codes and policies that pertain to Air Quality. Individual future special needs housing projects will be subject to supplemental environmental review as required by State law and County policy.

IV. BIOLOGICAL RESOURCES – Would the project:

Environmental Issue	Potentially Significant Impact	Less Than Significant with Mitigation Measures	Less Than Significant Impact	No Impact
1. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies or regulations, or by the California Department of Fish & Game or U.S. Fish & Wildlife Service? (PLN)				X
2. Substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number of restrict the range of an endangered, rare, or threatened species? (PLN)				X
3. Have a substantial adverse effect on the environment by converting oak woodlands? (PLN)				X
4. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies or regulations or by the California Department of Fish & Game or U.S. Fish & Wildlife Service? (PLN)				X
5. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? (PLN)				X

6. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? (PLN)				X
7. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? (PLN)				X
8. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? (PLN)				X

Discussion- All Items:

The proposed amendments to the zoning ordinance would add a definition for emergency shelters, transitional housing and supportive housing but does not identify the location and type of new development and therefore will not affect biological resources. Potential biological impacts associated with construction of special needs housing would vary on a project-by-project basis. Each development project would be subject to separate environment review at the time a specific development proposal is made, and project-specific biological constraints (e.g., presence of rare/endangered species, locally designated species or habitats) would be further assessed at that time in accordance with the California Environmental Quality Act (CEQA).

V. CULTURAL RESOURCES – Would the project:

Environmental Issue	Potentially Significant Impact	Less Than Significant with Mitigation Measures	Less Than Significant Impact	No Impact
1. Substantially cause adverse change in the significance of a historical resource as defined in CEQA Guidelines, Section 15064.5? (PLN)				X
2. Substantially cause adverse change in the significance of a unique archaeological resource pursuant to CEQA Guidelines, Section 15064.5? (PLN)				X
3. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? (PLN)				X
4. Have the potential to cause a physical change, which would affect unique ethnic cultural values? (PLN)				X
5. Restrict existing religious or sacred uses within the potential impact area? (PLN)				X
6. Disturb any human remains, including those interred outside of formal cemeteries? (PLN)				X

Discussion- All Items:

The proposed amendments to the zoning ordinance would add a definition for emergency shelters, transitional housing and supportive housing but does not identify the location and type of new development and therefore it is not possible to determine potential impacts to cultural (historic and archeological) resources.

Review of new special needs housing development(s) will permit an analysis of how such development may potentially conflict with cultural resources. Adherence to applicable County, State, and Federal standards and guidelines related to the protection/preservation of cultural resources, as well as the requirements mandated during the environmental review of individual projects will be implemented when a future project is proposed.

VI. GEOLOGY & SOILS – Would the project:

Environmental Issue	Potentially Significant Impact	Less Than Significant with Mitigation Measures	Less Than Significant Impact	No Impact
1. Expose people or structures to unstable earth conditions or changes in geologic substructures? (ESD)				X
2. Result in significant disruptions, displacements, compaction or overcrowding of the soil? (ESD)				X
3. Result in substantial change in topography or ground surface relief features? (ESD)				X
4. Result in the destruction, covering or modification of any unique geologic or physical features? (ESD)				X
5. Result in any significant increase in wind or water erosion of soils, either on or off the site? (ESD)				X
6. Result in changes in deposition or erosion or changes in siltation which may modify the channel of a river, stream, or lake? (ESD)				X
7. Result in exposure of people or property to geologic and geomorphological (i.e. Avalanches) hazards such as earthquakes, landslides, mudslides, ground failure, or similar hazards? (ESD)				X
8. Be located on a geological unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse? (ESD)				X
9. Be located on expansive soils, as defined in Section 1802.3.2 of the California Building Code (2007), creating substantial risks to life or property? (ESD)				X

Discussion- All Items:

The proposed amendments to the zoning ordinance would add a definition for emergency shelters, transitional housing and supportive housing but does not identify the location and type of new development and therefore will not affect geologic and soil conditions. Potential geologic impacts associated with the construction of new special needs housing would vary on a project-by-project basis. Each development project would be subject to separate environmental review at the time a specific development proposal is made, and project-specific geologic constraints (e.g., potential for fault rupture, ground shaking, ground failure, subsidence, expansive soils, etc.) would be evaluated at that time.

VII. HAZARDS & HAZARDOUS MATERIALS – Would the project:

Environmental Issue	Potentially Significant Impact	Less Than Significant with Mitigation Measures	Less Than Significant Impact	No Impact
1. Create a significant hazard to the public or the environment through the routine handling, transport, use, or disposal of hazardous or acutely hazardous materials? (EHS)				X
2. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? (EHS)				X

3. Emit hazardous emissions, substances, or waste within one-quarter mile of an existing or proposed school? (APCD)				X
4. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? (EHS)				X
5. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? (PLN)				X
6. For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing in the project area? (PLN)				X
7. Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? (PLN)				X
8. Create any health hazard or potential health hazard? (EHS)				X
9. Expose people to existing sources of potential health hazards? (EHS)				X

Discussion- All Items:

The proposed amendments to the zoning ordinance will not create concerns regarding hazards or hazardous materials. Future special needs housing development in the county will be subject to hazardous materials regulations and would be required to meet fire safe guidelines. Project-specific health hazards will be evaluated at the time a specific development proposal is made.

VIII. HYDROLOGY & WATER QUALITY – Would the project:

Environmental Issue	Potentially Significant Impact	Less Than Significant with Mitigation Measures	Less Than Significant Impact	No Impact
1. Violate any potable water quality standards? (EHS)				X
2. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lessening of local groundwater supplies (i.e. the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? (EHS)				X
3. Substantially alter the existing drainage pattern of the site or area? (ESD)				X
4. Increase the rate or amount of surface runoff? (ESD)				X
5. Create or contribute runoff water which would include substantial additional sources of polluted water? (ESD)				X
6. Otherwise substantially degrade surface water quality?(ESD)				X
7. Otherwise substantially degrade ground water quality? (EHS)				X

8. Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard boundary or Flood Insurance Rate Map or other flood hazard delineation map? (ESD)				X
9. Place within a 100-year flood hazard area improvements which would impede or redirect flood flows? (ESD)				X
10. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam? (ESD)				X
11. Alter the direction or rate of flow of groundwater? (EHS)				X
12. Impact the watershed of important surface water resources, including but not limited to Lake Tahoe, Folsom Lake, Hell Hole Reservoir, Rock Creek Reservoir, Sugar Pine Reservoir, French Meadows Reservoir, Combie Lake, and Rollins Lake? (EHS, ESD)				X

Discussion- All Items:

All future development will be subject to site-specific environmental studies as determined appropriate by the County and will comply with all applicable County policies related to hydrology and water quality. Any new special needs housing development project would be subject to separate environmental review at the time a specific development proposal is made, and project-specific hydrologic impacts (e.g. changes in drainage patterns, increased surface runoff, flood hazards, water quality degradation, etc.) would be evaluated as part of this review.

IX. LAND USE & PLANNING – Would the project:

Environmental Issue	Potentially Significant Impact	Less Than Significant with Mitigation Measures	Less Than Significant Impact	No Impact
1. Physically divide an established community? (PLN)				X
2. Conflict with General Plan/Community Plan/Specific Plan designations or zoning, or Plan policies adopted for the purpose of avoiding or mitigating an environmental effect? (EHS, ESD, PLN)				X
3. Conflict with any applicable habitat conservation plan or natural community conservation plan or other County policies, plans, or regulations adopted for purposes of avoiding or mitigating environmental effects? (PLN)				X
4. Result in the development of incompatible uses and/or the creation of land use conflicts? (PLN)				X
5. Affect agricultural and timber resources or operations (i.e. impacts to soils or farmlands and timber harvest plans, or impacts from incompatible land uses)? (PLN)				X
6. Disrupt or divide the physical arrangement of an established community (including a low-income or minority community)? (PLN)				X
7. Result in a substantial alteration of the present or planned land use of an area? (PLN)				X
8. Cause economic or social changes that would result in significant adverse physical changes to the environment such as urban decay or deterioration? (PLN)				X

Discussion- All Items:

The proposed amendments to the zoning ordinance would add a definition for emergency shelters, transitional housing and supportive housing but does not identify the location and type of new development. Amending the

Zoning Ordinance does not grant entitlements for any projects. The proposed zoning ordinance amendments are required to implement the County General Plan Housing Element Programs G-2 and G-3.

X. MINERAL RESOURCES – Would the project result in:

Environmental Issue	Potentially Significant Impact	Less Than Significant with Mitigation Measures	Less Than Significant Impact	No Impact
1. The loss of availability of a known mineral resource that would be of value to the region and the residents of the state? (PLN)				X
2. The loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? (PLN)				X

Discussion- All Items:

Adopting the proposed amendments to the zoning ordinance will not by itself substantially result in the loss of the availability of mineral resources, particularly mineral (minerals include several different types of aggregate that are used for purposes other than petroleum) resources. All future special need housing development proposals will be analyzed for specific project impacts to mineral resources.

XI. NOISE – Would the project result in:

Environmental Issue	Potentially Significant Impact	Less Than Significant with Mitigation Measures	Less Than Significant Impact	No Impact
1. Exposure of persons to or generation of noise levels in excess of standards established in the local General Plan, Community Plan or noise ordinance, or applicable standards of other agencies? (PLN)				X
2. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? (PLN)				X
3. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? (PLN)				X
4. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? (PLN)				X
5. For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels? (PLN)				X

Discussion- All Items:

The proposed amendments to the zoning ordinance would add a definition for emergency shelters, transitional housing and supportive housing but does not identify the location and type of new development and therefore will not affect noise conditions. Potential noise impacts associated with construction and occupation of special needs housing would vary on a project-by-project basis. The County's existing Noise Ordinance (Article 9.36 of the County Code) would apply to proposed special need housing developments and each development project would be subject to separate environmental review at the time a specific development proposal is made; project-specific noise impacts or constraints would be evaluated at that time.

XII. POPULATION & HOUSING – Would the project:

Environmental Issue	Potentially Significant Impact	Less Than Significant with Mitigation Measures	Less Than Significant Impact	No Impact
1. Induce substantial population growth in an area, either directly (i.e. by proposing new homes and businesses) or indirectly (i.e. through extension of roads or other infrastructure)? (PLN)				X
2. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? (PLN)				X

Discussion- All Items:

Adopting amendments to the zoning ordinance will not by itself induce substantial population growth in unincorporated Placer County. Implementation of the Housing Element Programs is designed to address the special needs housing forecasted for unincorporated Placer County for the 2006-2013 planning period. Without specific details regarding future developments, it is impossible to evaluate inducement of population growth. Through the County's environmental review process, future development projects would be evaluated for potential growth inducing impacts. No aspect of the project involves the displacement of existing housing.

XIII. PUBLIC SERVICES – Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental services and/or facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services?

Environmental Issue	Potentially Significant Impact	Less Than Significant with Mitigation Measures	Less Than Significant Impact	No Impact
1. Fire protection? (EHS, ESD, PLN)				X
2. Sheriff protection? (EHS, ESD, PLN)				X
3. Schools? (EHS, ESD, PLN)				X
4. Maintenance of public facilities, including roads? (EHS, ESD, PLN)				X
5. Other governmental services? (EHS, ESD, PLN)				X

Discussion- All Items:

The proposed amendments to the zoning ordinance will not change residential land use designations within the Land Use Element of the Placer County General Plan and / or Community Plan and, therefore, would not cause an increase in demand for public services. All future special need housing development will be subject to site-specific environmental studies as determined appropriate by the County, and will comply with all applicable County policies and regulation related to public services.

XIV. RECREATION – Would the project result in:

Environmental Issue	Potentially Significant Impact	Less Than Significant with Mitigation Measures	Less Than Significant Impact	No Impact
1. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? (PLN)				X
2. Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment? (PLN)				X

Discussion- All Items:

The proposed amendments to the zoning ordinance do not grant entitlements for any projects. It will not change residential land use designations in the Land Use Element of the Placer County General Plan and, therefore, would not cause an increase in demand for recreational facilities. All future development will be subject to site-specific environmental studies as determined appropriate by the County, and will comply with all applicable County policies and regulation related to recreational services.

XV. TRANSPORTATION & TRAFFIC – Would the project result in:

Environmental Issue	Potentially Significant Impact	Less Than Significant with Mitigation Measures	Less Than Significant Impact	No Impact
1. An increase in traffic which may be substantial in relation to the existing and/or planned future year traffic load and capacity of the roadway system (i.e. result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)? (ESD)				X
2. Exceeding, either individually or cumulatively, a level of service standard established by the County General Plan and/or Community Plan for roads affected by project traffic? (ESD)				X
3. Increased impacts to vehicle safety due to roadway design features (i.e. sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? (ESD)				X
4. Inadequate emergency access or access to nearby uses? (ESD)				X
5. Insufficient parking capacity on-site or off-site? (ESD, PLN)				X
6. Hazards or barriers for pedestrians or bicyclists? (ESD)				X
7. Conflicts with adopted policies supporting alternative transportation (i.e. bus turnouts, bicycle racks)? (ESD)				X
8. Change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks? (ESD)				X

Discussion- All Items:

The proposed amendments to the zoning ordinance will not directly affect transportation facilities or traffic conditions. The nature and extent of local traffic impacts would vary on a project-by-project basis. Project-specific traffic impacts

(e.g., level of service operation, access, traffic or pedestrian safety hazards, etc.) would be evaluated when such proposed project plans are submitted to the County. We don't know what future projects will create at this time.

XVI. UTILITIES & SERVICE SYSTEMS – Would the project:

Environmental Issue	Potentially Significant Impact	Less Than Significant with Mitigation Measures	Less Than Significant Impact	No Impact
1. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? (ESD)				X
2. Require or result in the construction of new water or wastewater delivery, collection or treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? (EHS, ESD)				X
3. Require or result in the construction of new on-site sewage systems? (EHS)				X
4. Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? (ESD)				X
5. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? (EHS)				X
6. Require sewer service that may not be available by the area's waste water treatment provider? (EHS, ESD)				X
7. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs in compliance with all applicable laws? (EHS)				X

Discussion- All Items:

The proposed amendments to the zoning ordinance would add a definition for emergency shelters, transitional housing and supportive housing but does not identify the location and type of new development and therefore would not increase the demands on existing utilities and services systems. It is impossible to accurately determine utility and service system requirements of future development without identified site locations and specific project details. Future utility and service system needs will be evaluated on an ongoing basis as each new development is proposed.

E. MANDATORY FINDINGS OF SIGNIFICANCE:

Environmental Issue	Yes	No
1. Does the project have the potential to degrade the quality of the environment, substantially impact biological resources, or eliminate important examples of the major periods of California history or prehistory?		X
2. Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)		X

3. Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?		X
--	--	---

Discussion- All Items:

The proposed amendments to the zoning ordinance would add a definition for emergency shelters, transitional housing and supportive housing but does not identify the location and type of new development. Accordingly, these changes do not authorize specific special needs housing development projects for specific sites. Housing projects undertaken in the course of implementing the revised ordinance will be subject to project-specific environmental review in accordance with Section 10562 et seq. of the CEQA Guidelines. Any indirect impacts associated with future special needs housing construction have already been addressed in the Placer County General Plan EIR and various community plan EIRs.

F. OTHER RESPONSIBLE AND TRUSTEE AGENCIES whose approval is required:

<input type="checkbox"/> California Department of Fish and Game	<input type="checkbox"/> Local Agency Formation Commission (LAFCO)
<input type="checkbox"/> California Department of Forestry	<input type="checkbox"/> National Marine Fisheries Service
<input type="checkbox"/> California Department of Health Services	<input type="checkbox"/> Tahoe Regional Planning Agency
<input type="checkbox"/> California Department of Toxic Substances	<input type="checkbox"/> U.S. Army Corp of Engineers
<input type="checkbox"/> California Department of Transportation	<input type="checkbox"/> U.S. Fish and Wildlife Service
<input type="checkbox"/> California Integrated Waste Management Board	<input type="checkbox"/> _____
<input type="checkbox"/> California Regional Water Quality Control Board	<input type="checkbox"/> _____

G. DETERMINATION – The Environmental Review Committee finds that:

Although the proposed project **COULD** have a significant effect on the environment, there **WILL NOT** be a significant effect in this case because the mitigation measures described herein have been added to the project. A **NEGATIVE DECLARATION** will be prepared.

H. ENVIRONMENTAL REVIEW COMMITTEE (Persons/Departments consulted):

- Planning Department, Christopher Schmidt, Chairperson
- Engineering and Surveying Department, Rebecca Taber
- Engineering and Surveying Department, Wastewater, Janelle Heinzler
- Department of Public Works, Transportation, Andrew Gaber
- Environmental Health Services, Jill Kearney
- Air Pollution Control District, Angel Rinker
- Flood Control Districts, Andrew Darrow
- Facility Services, Parks, Andy Fisher
- Placer County Fire/CDF, Bob Eicholtz/Brad Albertazzi

Signature  Date September 8, 2010
 Loren Clark, Acting Environmental Coordinator

I. SUPPORTING INFORMATION SOURCES:

The following public documents were utilized and site-specific studies prepared to evaluate in detail the effects or impacts associated with the project. This information is available for public review, Monday through Friday, 8am to 5pm, at the Placer County Community Development Resource Agency, Environmental Coordination Services, 3091 County Center Drive, Suite 190, Auburn, CA 95603. For Tahoe projects, the document will also be available in our Tahoe Division Office, 565 West Lake Blvd., Tahoe City, CA 96145.

County Documents	<input checked="" type="checkbox"/> Community Plan(s)	
	<input checked="" type="checkbox"/> Environmental Review Ordinance	
	<input checked="" type="checkbox"/> General Plan	
	<input type="checkbox"/> Grading Ordinance	
	<input type="checkbox"/> Land Development Manual	
	<input type="checkbox"/> Land Division Ordinance	
	<input type="checkbox"/> Stormwater Management Manual	
	<input type="checkbox"/> Tree Ordinance	
	<input checked="" type="checkbox"/> 2009 Housing Element	
Trustee Agency Documents	<input type="checkbox"/> Department of Toxic Substances Control	
	<input type="checkbox"/> _____	
	<input type="checkbox"/> _____	
Site-Specific Studies	Planning Department	<input type="checkbox"/> Acoustical Analysis
		<input type="checkbox"/> Biological Study
		<input type="checkbox"/> Cultural Resources Pedestrian Survey
		<input type="checkbox"/> Cultural Resources Records Search
		<input type="checkbox"/> Lighting and Photometric Plan
		<input type="checkbox"/> Paleontological Survey
		<input type="checkbox"/> Tree Survey and Arborist Report
		<input type="checkbox"/> Visual Impact Analysis
		<input type="checkbox"/> Wetland Delineation
		<input type="checkbox"/> _____
		<input type="checkbox"/> _____
	Engineering & Surveying Department, Flood Control District	<input type="checkbox"/> Phasing Plan
		<input type="checkbox"/> Preliminary Grading Plan
		<input type="checkbox"/> Preliminary Geotechnical Report
		<input type="checkbox"/> Preliminary Drainage Report
		<input type="checkbox"/> Stormwater and Surface Water Quality BMP Plan
		<input type="checkbox"/> Traffic Study
		<input type="checkbox"/> Sewer Pipeline Capacity Analysis
		<input type="checkbox"/> Placer County Commercial/Industrial Waste Survey (where public sewer is available)
		<input type="checkbox"/> Sewer Master Plan
		<input type="checkbox"/> Utility Plan
		<input type="checkbox"/> _____
	Environmental Health Services	<input type="checkbox"/> Groundwater Contamination Report
		<input type="checkbox"/> Hydro-Geological Study
		<input type="checkbox"/> Phase I Environmental Site Assessment
		<input type="checkbox"/> Soils Screening
		<input type="checkbox"/> Preliminary Endangerment Assessment
		<input type="checkbox"/> _____
	Air Pollution Control District	<input type="checkbox"/> CALINE4 Carbon Monoxide Analysis
		<input type="checkbox"/> Construction Emission and Dust Control Plan

Initial Study & Checklist continued

		<input type="checkbox"/> Geotechnical Report (for naturally occurring asbestos)
		<input type="checkbox"/> Health Risk Assessment
		<input type="checkbox"/> URBEMIS Model Output
		<input type="checkbox"/> _____
		<input type="checkbox"/> _____
	Fire Department	<input type="checkbox"/> Emergency Response and/or Evacuation Plan
		<input type="checkbox"/> Traffic and Circulation Plan
		<input type="checkbox"/> _____
	Mosquito Abatement District	<input type="checkbox"/> Guidelines and Standards for Vector Prevention in Proposed Developments
		<input type="checkbox"/> _____

Jennifer Dzakowic

From: George Dellwo [GDELLWO@ci.lincoln.ca.us]
Sent: Tuesday, July 21, 2009 2:42 PM
To: jdzakowi@placer.gov
Cc: Stan Tidman
Subject: Negative Declaration - Emergency Shelters, transitional Housing, Supportive Housing - Housing Element Implementation (PZTA T20080448)
Attachments: Message from KMBT_C353

Good afternoon Jennifer,

Staff reviewed the Initial Study & Checklist and would like to note a few items of interest:

Staff concurs that zoning amendments at this level do not typically result in direct changes to the physical environment. The document goes on to say that specific housing proposals will be reviewed at a later time "based on their compliance with the General plan, relevant Community Plans, Zoning Ordinance, and other ordinances."

However in this context, nowhere in the Initial Study & Checklist is there mention or reference to the *October 2000, Placer County Airport Land Use Compatibility Plan*; nor is there an acknowledgement that future housing (e.g., 20-person Temporary Resident Shelter) will be consistent within the applicable Overflight Compatibility Zone(s) in the Plan. It would also appear that Section 1.5.1(b) of the PCALUCP (attached) might require the Placer County Airport Land Use Commission's review of the proposed zoning amendment - or at least vetting the draft zoning ordinance through PCTPA staff as a Responsible Agency for comment.

Page 8, Section VII, Subsection 5, (Hazards): Mention should be made in the discussion that there are three (3) airports in Placer County and that any future residential facility will be reviewed for consistency with the *Placer County Airport Land Use Compatibility Plan*.

Page 9, Section IX, Subsection 4, (Land Use): Mention should be made in the discussion that there are three (3) airports in Placer County and that any future residential facility will be reviewed for consistency with the *Placer County Airport Land Use Compatibility Plan*.

Page 10, Section XI, Subsections 4 and 5, (Noise): Mention should be made in the discussion that there are three (3) airports in Placer County and that any future residential facility will be reviewed for consistency with the *Placer County Airport Land Use Compatibility Plan*.

Page 14, Section F, (Responsible Agency): Consider listing the Placer County Transportation Planning Agency AKA the Placer County Airport Land Use Commission as a Responsible Agency.

Pages 15/16: List the *October 2000, Placer County Airport Land Use Compatibility Plan*.

Many Thanks,

GEORGE DELLWO, AICP
Assistant Director,
Community Development
City of Lincoln
600 Sixth Street
Lincoln, CA 95648
(916) 434-2470
(916) 645-3552 fax

85

Housing ZTA notes			
Date	MAC	Letter Received /Minutes	Action
12/14	Rural Lincoln	Yes	No action
12/16	WAC	Yes	Comments- Intuitional zoning letter
1/12	N Auburn	No	None action item but supported
1/14	NTRAC	No	Approval- as is
1/18	Sheridan	Yes	Approval- as is
1/19	Horseshoe Bar	Yes	Approval- as is
1/21	Newcastle	Yes	Approval- as is, but expressed concerns that law enforcement monitor half-way houses in residential areas.
1/26	Penryn		
1/28	Squaw Valley		Approval- as is
2/1	Foresthill	Yes	Comments – Use permit for all, parking
2/3	Granite Bay	No	Support with changes- 1000 ft apart, 1000 ft school and parks, transitional requires to participate, public notes for "C"
2/3	Meadow Vista	No	Recommended approval of all amended definitions. Recommended that the County consider an alternate zoning district for Emergency Shelters, Transitional and Supportive Housing with 20 or fewer clients by right; suggested Commercial or Highway Service zoning districts rather than RM, noting that these districts would seem more appropriate given the services they would provide for such uses.
2/10	West Placer	Yes	Approval- as is

LEGAL SERVICES OF NORTHERN CALIFORNIA

Mother Lode Regional Office 190 Reamer Street Auburn CA 95603
Voice: (530) 823-7560 Toll Free: (800) 660-6107 FAX: (530) 823-7601

Email: motherlode@lsnc.net Web: www.lsnc.net

March 26, 2010

To: Placer County Planning Commission

Re: Zoning Text Amendment (ZTA 20080448)

Emergency Shelters, Transitional Housing, Supportive Housing

Thank you for this opportunity to comment on the proposed zoning amendments affecting Emergency Shelters, Transitional Housing, and Supportive Housing in Placer County. These comments are based upon the draft language presented to the Commission at the hearing of October 8, 2009, as well as the supplemental material presented to the Placer Consortium on Homelessness (PCOH) by County Staff, Jennifer Dzakowic, on February 11, 2010. These comments are submitted by Legal Services of Northern California alone, and they do not purport to represent the views of the PCOH or its members.

These comments will focus on the "by-right" provisions of the amendment as they pertain to Emergency Shelters only. It was proposed that Emergency Shelters be afforded by-right development only in Residential Multi-family zones and only if the shelters serve twenty or fewer occupants. In our view this provision is simply too restrictive to meet the goal of encouraging or facilitating the development of shelters. We ask that the Commission consider the follow two amendments to the proposal:

ATTACHMENT D

87

1) Remove the limit on the number of occupants allowed in the by-right shelters.

In the alternative, if the Commission determines that a limitation on the number of occupants is essential, we request that the number be expanded to a maximum of one hundred occupants, comparable to the Sacramento County ordinance.

2) Expand the zoning districts where by-right developments are permitted to include districts in the commercial and industrial zones.

The reasoning for this request is set forth in more detail below.

Introduction

At least 361,000 people, or 1.1% of California's population, are homeless.¹ This population is comprised of about one-third families and two-thirds single adults.² In Placer County the number of homeless is on a steady increase. The most recent HUD mandated "point-in-time" census conducted by the PCOH on January 27, 2009 showed that on that day there were 616 homeless individuals identified in Placer County. Of this number, 155 were children. There were 234 who were unsheltered, and the remainder were in transitional or emergency housing on that day. A copy of the census summary is attached. The Placer County inventory for 2010 shows that there are 94 emergency shelter beds in the county. Clearly there is a need for additional housing for the homeless in Placer County.

Housing Elements can provide an effective measure for ending or reducing a localities' homeless population.³ Senate Bill 2 (SB 2), signed into California law in 2007, requires certain jurisdictions to amend their Housing Elements to encourage

¹ Memorandum on SB 2 from Cathy Creswell, Deputy Director, Cal. HCD Div. of Housing Policy Dev., to Planning Directors and Interested Parties, at 5 (May 7, 2008) [hereinafter HCD SB 2 Memo].

² *Id.*

³ *Id.*

approval of emergency shelters, transitional housing, and supportive housing.⁴ Placer County adopted its latest Housing Element on May 12, 2009, and is in the process of updating the zoning code to further comply with the requirements of SB 2.⁵

Housing Elements and SB 2

Housing Elements, one of seven required provisions of a local government's General Plan, ensure that "local governments adequately plan to meet the existing and projected housing needs of all economic segments of the community."⁶ A Housing Element must address the development and preservation of affordable housing for various identified groups, including the homeless.

On October 15, 2007, Governor Arnold Schwarzenegger signed into law SB 2, which amends Government Code Sections 65582, 65583, and 65589.5 of State Housing Element Law.⁷ SB 2 facilitates the use of Housing Elements to encourage approval for emergency shelters, and transitional and supportive housing.⁸ This legislation took effect on January 1, 2008, and applies to all jurisdictions with Housing Elements due June 30, 2008 and after.⁹

SB 2 tackles a number of issues in relation to Housing Elements, with an emphasis on how zoning restrictions impact the development of emergency shelters.¹⁰ An emergency shelter provides free housing to homeless persons, with minimal supportive services, for six months or less.¹¹ Amongst other things, SB 2 requires that

⁴ *Id.*

⁵ Letter from Cathy Creswell, Deputy Director, Cal. HCD Div. of Housing Policy Dev., to Tom Miller, County Executive Officer, County of Placer (June 10, 2009).

⁶ Cal. Dept. of Housing and Community Dev., *Housing Elements*, available at <http://www.hcd.ca.gov/hpd/hrc/plan/he/> [hereinafter *Housing Elements*].

⁷ *Housing Elements*, *supra* note 6.

⁸ HCD SB 2 Memo, *supra*, note 1, at 5.

⁹ *Housing Elements*, *supra* note 6.

¹⁰ HCD SB 2 Memo, *supra*, note 1, at 5.

¹¹ CAL. HEALTH & SAFETY CODE § 50801(e) (West 2001).

local governments amend their zoning codes to provide at least one zone where emergency shelters are allowed “by-right”, meaning without a conditional use permit or other discretionary permit. If a locality does not already have at least one by-right zone, the Housing Element must identify the zone(s) and the zoning code must be amended within one year of adoption of the Housing Element.¹²

The identified zone(s) shall include sufficient capacity to accommodate the need for shelters, and the local government must also identify a zone that can accommodate at least one year-round emergency shelter.¹³ Housing Elements must indicate the suitability and compatibility of the zone(s) with emergency shelters, and also account for physical features and location.¹⁴ While jurisdictions retain flexibility in establishing development and management standards, these standards must be objective and both encourage and facilitate the development of, or conversion to, emergency shelters.¹⁵ One important standard is the maximum number of beds permitted in the by-right shelters.¹⁶

Three California Jurisdictions’ Approaches to SB 2

1. Sacramento County

Sacramento County’s most recent Housing Element was adopted on December 17, 2008, and was approved by HCD shortly thereafter as complying with State law requirements.¹⁷ Prior to its adoption, HCD indicated that, while Sacramento County already allowed emergency shelters by-right in two zones, the Element did not discuss

¹² CAL. GOV’T CODE § 65583(a)(4) (West 2010).

¹³ SENATE FLOOR, COMMITTEE ANALYSIS OF SB 2, at 3 (Sep. 11, 2007).

¹⁴ HCD SB 2 Memo, *supra*, note 1, at 8-9.

¹⁵ *Id.* at 10.

¹⁶ SENATE FLOOR, COMMITTEE ANALYSIS OF SB 2, at 4 (Sep. 11, 2007).

¹⁷ Letter from Cathy Creswell, Deputy Director, Cal. HCD Div. of Housing Policy Dev., to Terry Schutten, County Executive, County of Sacramento (Jan. 27, 2009).

development standards or other regulations that apply to emergency shelters.¹⁸ In response, Sacramento County further amended the Element to include this information, and it was then approved by HCD.¹⁹

In Sacramento County, emergency shelters with up to 100 beds are permitted by-right in both the General Commercial (GC) and Light Industrial (M-1) zones.²⁰ Shelters exceeding the 100 bed limit are subject to use permit reviews.

While the GC and M-1 zones are “by-right” in that they are not subject to a discretionary review process for shelters with 100 beds or fewer, all emergency shelters are still subject to a Development Plan Review and approval by the Planning Director prior to the issuance of a building or occupancy permit.²¹ A Development Plan Review assesses whether the project meets the objective criteria identified in the zoning code.

2. San Joaquin County

San Joaquin County is another example of a jurisdiction that already permitted by-right zones for emergency shelters in its zoning code, although in a different configuration than Sacramento County. An HCD memo from Spring of 2009 noted that, while San Joaquin County permitted shelters in certain zones, the Element still needed to describe how the permit procedures are non-discretionary, the appropriateness of shelter types to meet the needs of the County, and the suitability of the zones and the capacity for

¹⁸ Letter from Cathy Creswell, Deputy Director, Cal. HCD Div. of Housing Policy Dev., to Robert Sherry, Director of Planning and Comty. Dev., County of Sacramento (Aug. 29, 2008).

¹⁹ Letter from Cathy Creswell, Deputy Director, Cal. HCD Div. of Housing Policy Dev., to Terry Schutten, County Executive, County of Sacramento (Jan. 27, 2009).

²⁰ County of Sacramento, Housing Element, Chapter 7, p. 7-21 (adopted Dec. 2008).

²¹ Zoning Code of Sacramento County, Title 3, Chapter 20, Article 1, Sec. 320-31.

shelters.²² After further modifications, the County's most recent Housing Element was determined to comply with state law requirements.²³

The zoning ordinance divides emergency shelters into three categories: small, medium, and large.²⁴ Small shelters serve no more than two families and five adults, and are permitted by-right in all residential districts, three agricultural districts, and three commercial districts, as well as with an improvement plan in one industrial district.²⁵ Medium shelters serve no more than five families or fifteen adults, and are allowed by-right in 2 commercial districts, with an improvement plan in one industrial district, and with site approval in the three highest density residential districts and one industrial district. Large shelters serve more than five families and fifteen adults and are allowed subject to site approval in the highest density residential zone, as well as with an improvement plan in two commercial zones and one industrial zone.²⁶

According to the Element, site approvals and improvement plans are both ministerial processes that do not require a public hearing or conditional use permit.²⁷ The approval process for by-right uses is said to take only one week, while site approvals or improvement plans for larger shelters take between thirty and ninety days.²⁸ Apart from occupancy limitations and general compliance with zoning requirements for the corresponding district, the zoning code does not include a list of objective development standards for shelters.

²² Letter from Cathy Creswell, Deputy Director, Cal. HCD Div. of Housing Policy Dev., to Kerry Sullivan, Director, Comty. Dev. Dept., County of San Joaquin (May 22, 2009).

²³ Letter from Cathy Creswell, Deputy Director, Cal. HCD Div. of Housing Policy Dev., to Kerry Sullivan, Director, Comty. Dev. Dept., County of San Joaquin (Oct. 15, 2009).

²⁴ San Joaquin County Mun. Code Title 9, Division 1, Chapter 9-115, Sec. 9115.135.

²⁵ County of San Joaquin, Public Hearing Draft Housing Element, Sec 7.3, p. 7-110 (Oct. 2009).

²⁶ *Id.*

²⁷ *Id.*

²⁸ *Id.*

3. Placer County

HCD reviewed Placer County's draft Housing Elements throughout late 2008 and early 2009. After the first review in 2008, HCD recommended that Placer County revise the Element in regards to several requirements, including compliance with SB 2. Specifically, it advised that Placer County must demonstrate that the identified by-right zone "provides sufficient opportunities to accommodate the identified need in the planning period, and should consider opportunities available in suitable locations near services and facilities. In addition, the element must demonstrate that proposed permit processing, development, and management standards encourage and facilitate the development of, or conversion to, emergency shelters."²⁹ Placer County amended the Element, which was then adopted on May 12, 2009, and was shortly thereafter approved by HCD.³⁰

Placer County's Housing Element now includes a program to amend the zoning ordinance to specifically define "temporary resident shelters" and allow them, under certain circumstances, by-right in Residential Multifamily (RM) districts. The Element also provides that standards for emergency shelters should not pose a constraint on their development.³¹ Additionally, the zoning ordinance will be updated to explicitly define both transitional and supportive housing, and provide that these are residential uses and only subject to restrictions that apply to other residential uses in the same zone.³²

State law aside, homelessness is a growing problem in Placer County. At a series of public workshops prior to the adoption of the latest Housing Element, residents

²⁹ Letter from Cathy Creswell, Deputy Director, Cal. HCD Div. of Housing Policy Dev., to Michael Johnson, Planning Director, County of Placer (Oct. 10, 2008).

³⁰ Letter from Cathy Creswell, Deputy Director, Cal. HCD Div. of Housing Policy Dev., to Tom Miller, County Executive Officer, County of Placer (June 10, 2009).

³¹ County of Placer, Housing Element, Section II(A), p. 99 (adopted May 2009) [hereinafter Placer County Housing Element].

³² *Id.*

expressed concerns that homelessness is a growing issue in the County, and also requested a better definition of “by-right” and specific identification of where special needs housing can be built.³³

Also, in addition to the requirements of SB 2 and the Housing Element, the amendments are meant to implement two Placer County General Plan policies relating to homelessness and the County’s “Ten Year Plan to End Homelessness.” General Plan Policy G-2 involves assisting various nonprofit organizations involved with helping the homeless. Policy G-3 provides that the County will continue working with local organizations through the “Continuum of Care” strategy to address homelessness, which may include a homeless crisis intake center to assist persons who wish to become self-sufficient.³⁴

In 2004, Placer County, like many California jurisdictions, instituted a “Ten-Year Plan to End Homelessness.”³⁵ Specifically, the Plan takes a four-pronged approach to addressing homelessness: prevention, access, teamwork, and housing (PATH).³⁶ The Plan notes that Placer County is “far from meeting the needs of homeless persons” in the community, and that a plan needs to be developed to eliminate homelessness, rather than just manage it.³⁷ Listed as critical to this goal are affordable housing, including short-term housing, and barrier-free supportive services.³⁸

Although the Ten-Year Plan is not legally binding on Placer County, it is informative because many of the concerns expressed in the Plan parallel the policies behind SB 2. HCD specifically identifies Ten-Year Plans as resources to identify and

³³ Placer County Housing Element.

³⁴ *Id.*

³⁵ Placer Consortium on Homelessness and Affordable Housing, *Ten-Year Plan to End Homelessness in Placer County*, at 1 (July 2004) [hereinafter *Ten Year Plan*].

³⁶ *Id.* at 2.

³⁷ *Id.* at 3.

³⁸ *Id.* at 7.

analyze homeless needs.³⁹ The Plan illustrates the growing concern about homelessness in Placer County and the various methods available to help end it. Notably, a consistent theme in both SB 2 and in the Plan is the removal of barriers to special needs housing. This is the primary area where the proposed zoning code amendments may become problematic for the County's goal to end homelessness.

The proposed Emergency Shelter Zoning Amendments
are too restrictive to meet the needs and goals of Placer County.

As currently proposed the Placer amendments would restrict by-right development of emergency shelters to those with twenty or fewer persons which are located only in RM zones. Additionally, shelters serving fewer than twenty persons would be allowed in the Neighborhood Commercial, Highway Service, and Resort zoning districts with a Minor Use Permit, and in the General Commercial and Commercial Planned Development zones with a Conditional Use Permit. If a shelter accommodates over twenty persons, then it is subject to a Conditional Use Permit in all of the above referenced zones, with the exception of the Resort zone, where shelters are not permitted.

Limiting by-right shelters to twenty beds conflicts with the policy behind SB 2. For example, according to HCD's SB 2 instructional memo provided to California jurisdictions, "a standard establishing the maximum number of beds should act to encourage the development of an emergency shelter."⁴⁰ The twenty bed limit could act to discourage the development of emergency shelters for both practical and economic

³⁹ HCD SB 2 Memo, *supra*, note 1, at 7.

⁴⁰ HCD SB 2 Memo, *supra*, note 1, at 11.

reasons. Because of this, emergency shelters should be allowed by-right in Placer County without a limit on the number of occupants. If the County determines that a limitation is essential, it should place the limit at one hundred beds rather than twenty.

The Element notes that, in terms of emergency shelters, transitional, and supportive housing, there is an unmet need of 412 beds in Placer County.⁴¹ The need for both transitional and permanent supportive housing is high, and although the Ten-Year Plan has put a premium on this type of housing, emergency shelters are a crucial first step to getting people off the street.⁴²

Currently emergency shelter services in Placer County include domestic violence shelters and The Gathering Inn, an intra-county “nomadic” shelter that houses a maximum of 60 persons per night.⁴³ Together these resources provide 94 emergency shelter beds per night. According to the Element, the unmet need for emergency shelter beds, as of 2007, was a total of 52 beds.⁴⁴ However, the homeless population continues to grow, and the current need is higher.⁴⁵ Based upon the 2009 census count of 234 unsheltered homeless, and the current inventory of 94 emergency beds, there is a current need for an additional 140 emergency shelter beds.

Additionally, limiting by-right shelters to twenty beds may be, in many instances, economically unappealing for potential shelter developers. Development standards for these projects must, at a minimum, conform with the standards for other buildings in the RM zone, and are also subject to additional requirements such as an onsite manager.

Emergency shelters provide a minimum amount of services, and the main feature is the

⁴¹Placer County Housing Element.,

⁴² Ten Year Plan, supra at note 35.

⁴³ *Id.*

⁴⁴ Placer County Housing Element, at 53. Specifically, forty individual beds and twelve family beds were needed.

⁴⁵ 2009 homeless count of 616; compare with (2007 homeless count of 591 persons) *See id.* at 52); *compare with* Ten Year Plan, at 4 (2002 homeless count of 405 persons).

availability of beds and a safe place to sleep for the night. Money spent to develop and maintain a shelter is more efficiently put to use in a few larger shelters, as opposed to several smaller shelters.

Other California jurisdictions have been more flexible in allowing a larger number of beds in by-right shelters. For example, as noted earlier, Sacramento County permits up to 100 beds in by-right zones.⁴⁶ San Joaquin County allows a different number of beds depending on the zone at issue.⁴⁷ The City of Fremont's Housing Element, recently approved by HCD, permits temporary emergency shelters operated as an accessory use by a public or quasi-public organization to serve up to forty beds, and all other temporary or permanent emergency shelters are limited to 100 beds.⁴⁸

Placer County would benefit from permitting at least one hundred beds in the by-right zone, as well as in the zones that require a Minor Use Permit. Doing so would encourage the development of emergency shelters, which is consistent with the objective of both SB 2 and the Ten-Year Plan. Larger shelters would serve the County's homeless population in a more efficient manner, as well as provide a more economically realistic option.

The proposed amendment should provide additional by-right zones.

A primary purpose behind the by-right requirement of SB 2 is to remove the barrier of a city or county's discretion in approving homeless shelters in certain areas.⁴⁹ Consistent with this purpose, Placer County is proposing to amend its zoning code to include the Residential Multifamily (RM) zone as an allowed by-right zone for

⁴⁶ Zoning Code of Sacramento County, Title 3, Chapter 20, Article 1, Sec. 320-31.

⁴⁷ County of San Joaquin, Public Hearing Draft Housing Element, Sec 7.3, p. 7-109 (Oct. 2009).

⁴⁸ City of Fremont, Housing Element, Chapter 4, p. 112 (adopted July 2009).

⁴⁹ See HCD SB 2 Memo, *supra*, note 1, at 10 (describing how localities must have at least one non-discretionary zoning classification for emergency shelters).

emergency shelters.⁵⁰ As noted above, either a Minor Use Permit or a Conditional Use Permit is required in all other zones. Also, any shelter in the RM zone that exceeds twenty beds is subject to a Conditional Use Permit. It is submitted that to comply with the policy behind SB 2 and the Ten-Year Plan, Placer County must allow additional by-right zones for emergency shelters. Shelter should be permitted by right in the C1, C2, CPD, HS, and Res. Commercial districts, and also in one or more Industrial Districts.

In HCD's SB 2 informational memo, it suggests certain methods by which jurisdictions can determine the appropriate by-right zones.⁵¹ Elements should "consider what other uses are permitted in the zone" and "whether the zone is suitable for residential or emergency shelters."⁵² Zones that are in transition from industrial uses to commercial, office, or residential uses, or commercial zones that also allow residential or residential compatible services would be appropriate areas.⁵³ The memo cites Sacramento County as an example of a jurisdiction that permits shelters by-right in a commercial zone along with residential and residential-compatible uses.⁵⁴

The additional zones requested above for Placer would be consistent with the HCD list of considerations. In addition, this zoning approach would be consistent with the Placer County Housing Element program requiring consideration of an expansion of by-right multi-family residential housing with twenty or fewer units per acre in Neighborhood Commercial (C1) and General Commercial (C2) zones.⁵⁵ Program B-15 of the Housing Element provides that, to "facilitate the construction of high density

⁵⁰ Placer County Housing Element, *supra* note 57, at Section II(A), p. 99.

⁵¹ *Id.* at 8.

⁵² *Id.*

⁵³ *Id.*

⁵⁴ *Id.* at 9.

⁵⁵ Placer County Housing Element, at Section III(A), p. 135.

housing on commercially-zoned sites, the County shall consider amending the zoning ordinance for multi-family housing use.”⁵⁶

The currently proposed emergency shelter amendments would require shelters serving fewer than twenty beds to be subject to a Use Permits in the C1 and C2 zones.⁵⁷ If Placer County is moving towards developing high density housing in these sites, then it would also, as per the HCD SB 2 memo, be an appropriate zone for emergency shelters.

Regardless of whether multi-family housing is permitted in commercial zones, emergency shelters should be permitted by-right in more than one zone in Placer County. Several other California jurisdictions, including Sacramento County and San Joaquin County, provide for more than one by-right zone. To do so would allow for more locational flexibility, which would ultimately encourage the development of shelters.

Conclusion

The homeless population in Placer County, as in many California counties, is growing. While permitting emergency shelters by-right in one zone meets the minimum requirement of SB 2, it will likely be insufficient in the long-term to meet the growing needs of the County. SB 2 requires Housing Elements to encourage and facilitate the development of shelters, and Placer County can accomplish this more efficiently by increasing the number of permitted beds per shelter, authorizing shelters by-right in more than one zone, and prioritizing emergency shelters and permanent supportive housing. This would provide more flexibility for future needs and demonstrate consistency with SB 2 and Placer County’s own goal of ending homelessness.⁵⁸

⁵⁶ Placer County, HCD Review Draft Housing Element Policy Doc., at 14 (Feb. 27, 2009).

⁵⁷ *Id.* at 26.

⁵⁸ See generally Ten Year Plan, *supra* note 66.

Respectfully submitted,

Legal Services of Northern California

By: _____

W. H. Whitaker
Managing Attorney

Rabecca Rabovsky
LSNC Legal Intern

Point-in-Time Homeless Count in Placer County
January 27, 2009

The Placer Consortium on Homelessness (PCOH) conducted a count of the homeless on January 27, 2009. The count included a survey component and was a collaborative effort of community volunteers, including homeless and formerly homeless individuals, and PCOH member agencies.

The federal Department of Housing and Urban Development (HUD) requires that a point-in-time homeless count occur within specific guidelines in order to qualify for Continuum of Care/ Supportive Housing Program (SHP) funding.

Although HUD requires that a point-in-time count be conducted, it is only a *snapshot* reflecting those persons identified as homeless on the day of the count and is not an absolute number. Many individuals and families move in and out of homelessness over the course of a year.

There were a total of 616 homeless people counted; 416* homeless households were surveyed (a household may be one person). Limited information was collected on 28 people who appeared to be unsheltered homeless but could not be interviewed. These are included only in the total counts.

Point-In-Time Homeless Count - January 27, 2009						
Number of homeless persons counted:	616		Male	300		
Number of homeless households without children:	334*		Female	155		
Number of homeless households with children:	82*		Unknown	6		
Number of children under 18 years of age:	155		Total Adults	461		
	Survey			%		
Adults continuously homeless for more than one year:	222			48%		
Adults homeless 4 or more times in the last 3 years:	159			34%		
Number surveyed who did not respond:	51			11%		
	Survey			%		
Chronically homeless individuals:	102			22%		
Chronically homeless self identifying as having mental illness:	82			80%		
Chronically homeless self identifying as having a substance abuse problem:	86			84%		
Chronically homeless U.S. military veterans:	28			27%		
	Survey			%		
Homeless persons in Transitional Housing (Sheltered):	300			49%		
Homeless persons in Emergency Housing (Sheltered):	82			13%		
Unsheltered persons:	234			38%		
	Survey			%		
Homeless children under 18 living in Transitional Housing (Sheltered):	118			76%		
Homeless children in Emergency Housing (Sheltered):	4			3%		
Unsheltered children:	33			21%		
Subpopulations	Total		Sheltered		Unsheltered	
	Survey	%	Count	%	Count	%
Chronically homeless individuals:	102	22	25	24	77	76
Adults self identifying as having mental illness:	180	39	119	66	61	34
Adults self identifying as having a substance abuse problem:	212	46	154	73	58	27
Adults with physical disabilities:	129	28	55	43	74	57
Adults with HIV/AIDS:	5	1	0	0	5	100
Veterans:	55	12	21	38	34	62
Adult Victims of Domestic Violence:	97	21	75	77	22	23

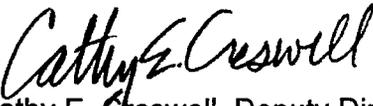
**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF HOUSING POLICY DEVELOPMENT**

1800 Third Street, Suite 430
P. O. Box 952053
Sacramento, CA 94252-2053
(916) 323-3177
FAX (916) 327-2643

**MEMORANDUM**

DATE: May 7, 2008

TO: Planning Directors and Interested Parties

FROM: 
Cathy E. Creswell, Deputy Director
Division of Housing Policy Development

SUBJECT: **Senate Bill 2 -- Legislation Effective January 1, 2008:
*Local Planning and Approval for Emergency Shelters and
Transitional and Supportive Housing***

Chapter 633, Statutes of 2007 (SB 2) clarifies and strengthens housing element law to ensure zoning encourages and facilitates emergency shelters and limits the denial of emergency shelters and transitional and supportive housing under the Housing Accountability Act. The law will facilitate efforts to address the critical needs of homeless populations and persons with special needs throughout all communities in California. Generally, SB 2 amends housing element law regarding planning and approval for emergency shelters and transitional and supportive housing as follows:

Planning (Government Code Section 65583)

- At least one zone shall be identified to permit emergency shelters without a conditional use permit or other discretionary action.
- Sufficient capacity must be identified to accommodate the need for emergency shelters and at least one year-round emergency shelter.
- Existing or proposed permit procedures, development and management standards must be objective and encourage and facilitate the development of or conversion to emergency shelters.
- Emergency shelters shall only be subject to development and management standards that apply to residential or commercial within the same zone.
- Written and objective standards may be applied as specified in statute, including maximum number of beds, provision of onsite management, length of stay and security.
- Includes flexibility for jurisdictions to meet zoning requirements with existing ordinances or demonstrate the need for emergency shelters can be accommodated in existing shelters or through a multi-jurisdictional agreement.

- Transitional and 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.

Local Approval (Government Code Section 65589.5: Housing Accountability Act)

- Limits denial of emergency shelters, transitional housing or supportive housing by requiring specific findings.
- Some findings shall not be utilized if new planning requirements of SB 2 are not met; such as identifying a zone without a conditional use permit,

Attached is a briefing paper informing local governments of SB 2, providing assistance in evaluating these new provisions to effectively implement this important new State law; in addition to a copy of the legislation. Electronic copies of these can be found on the Department's website at www.hcd.ca.gov or the Senate's website at www.senate.ca.gov. You may also obtain copies of published bills from the Legislative Bill Room by calling (916) 445-2323. If you have any questions, or seek additional technical assistance, please contact Paul McDougall, HPD Manager, at (916) 445-4728.

Attachments

Chapter 633, Statutes of 2007 (Senate Bill 2)

TABLE OF CONTENTS

Introduction	
Homeless Needs	2
Purpose and Objectives of SB 2	2
Section 1: Planning (Government Code Section 65583)	
Identifying and Analyzing Needs and Resources	4
Identifying Zoning for Emergency Shelters	5
Permitting Emergency Shelters without Discretionary Action	7
Development Standards to Encourage and Facilitate	7
Encouraging Multi-jurisdictional Cooperation and Coordination	9
Existing Ordinances and Existing Shelters that Accommodate Need	10
Transitional and Supportive Housing	10
Housing Element Policies and Programs	11
Timing: When SB 2 Applies	12
Section 2: Local Approval (Government Code Section 65589.5)	
The Housing Accountability Act	14
Zoning Inconsistency	14
Attachments	
1 – Statutory Changes to Housing Element Law (Underline Version)	15
2 – Definitions	27
3 – Helpful Links	29

Introduction

Homeless Needs

Homelessness in California is a continuing and growing crisis. On any given day, there are at least 361,000 homeless individuals in California – or 1.1 percent of the State’s total population. Of this number, two-thirds are estimated to be single adults, while the other third are families. Some 30 percent of California’s homeless – 108,000 – are so-called “chronic” homeless who have been homeless for six months or more. This population tends to be comprised of single adults who face such obstacles as mental illness, substance abuse problems and chronic physical health problems or disabilities that prevent them from working. Homeless individuals and families are without permanent housing largely because of a lack of affordable housing, often compounded by limited education or skills, mental illness and substance abuse issues, domestic violence and the lack of family or other support networks.¹

California’s homelessness crisis demands the effective involvement of both the public and private sectors. A housing element can be an effective and powerful tool in combating homelessness. Passage of SB 2 strengthened the law to increase its effectiveness in addressing the needs of California’s homeless population. The upcoming housing element update presents an important opportunity to make ending homelessness a critical priority.

Purpose and Objectives of SB 2

The framework of SB 2 resulted from a collaborative effort by key stakeholders including housing and homeless advocates and providers, local governments, planners, and the building industry. SB 2 strengthens existing housing element requirements to provide the opportunity for the development of emergency shelters and transitional and supportive housing. SB 2 ensures zoning, development and management standards and permit procedures encourage emergency shelters while allowing flexibility for existing local strategies and cooperative efforts.

SB 2 focuses on the impacts of zoning requirements on the development of emergency shelters. While the new statute requires that every local government zone for the development of emergency shelters, it does not restrict how local governments allocate resources to address local priority needs. For example, nothing in SB 2 prohibits communities from also adopting a “Housing First” strategy to provide homeless persons with housing immediately and then providing services as needed.

¹ *Governor’s Interagency Task Force on Homelessness, Progress Report and Work Plan for 2003*. Health and Human Services Agency and Business, Transportation and Housing Agency, December 2002

Section 1

Planning

(Government Code Section 65583)

Identifying and Analyzing Needs and Resources

Current law, Government Code Section 65583(a)(7), requires an identification and analysis of the needs of homeless persons and families. The analysis is an essential component of an effective housing element; however data sources can be limited and vary in estimates of need. As a result, an analysis should consider a variety of data sources and include proactive outreach with service providers to examine the degree and characteristics of homeless needs in the community and surrounding communities. A thorough analysis includes:

- An estimate or count of the daily average number of persons lacking shelter. Wherever possible, and to better describe the characteristics of needs, this figure could be divided into single males, single females and families (one or more adults with children) as the needs of each subgroup differ significantly.
- As local data or other existing sources permit (see list below), a description of the percentage of the homeless population who are mentally ill, developmentally disabled, veterans, runaway or emancipated foster youth, substance abusers, survivors of domestic violence, and other subpopulations of homeless considered significant by the jurisdiction.
- An inventory of the resources available within the community including shelters, transitional housing and supportive housing units by type. The analysis should estimate the number and type of existing shelter beds, and units of transitional and supportive housing available.
- Assess the degree of unmet homeless needs, including the extent of need for emergency shelters. As part of this analysis, SB 2 now clarifies the need assessment for emergency shelters must consider seasonal and year-round need. In recognition of local efforts to encourage supportive housing, SB 2 allows jurisdictions with 10 Year Plans to End Chronic Homelessness to reduce the need for emergency shelters by the number of supportive housing units identified in an adopted 10-year plan and that are either vacant or funding has been identified to allow construction in the housing element planning period.

Resources to identify and analyze homeless needs, include:

- Consolidated plans
- Continuum of care plans
- 10 Year Plans to End Chronic Homelessness
- Interagency Council on Homelessness, Guide to Developing Plans and Examples (<http://www.ich.gov/slocal/index.html>)

- Local service providers such as continuum of care providers, local homeless shelter and service providers, food programs, operators of transitional housing programs, local drug and alcohol program service providers, county mental health and social service departments, local Salvation Army, Goodwill Industries, churches and schools, and
- 15 countywide Designated Local Boards certified by the Department's Emergency Housing and Assistance Program (<http://www.hcd.ca.gov/fa/ehap/cntys-with-dlb.html>).

Identifying Zoning for Emergency Shelters

Prior to enactment of SB 2, housing element law required local governments to identify zoning to encourage and facilitate the development of emergency shelters. SB 2 strengthened these requirements. Most prominently, housing element law now requires the identification of a zone(s) where emergency shelters are permitted without a conditional use permit or other discretionary action. To address this requirement, a local government may amend an existing zoning district, establish a new zoning district or establish an overlay zone for existing zoning districts. For example, some communities may amend one or more existing commercial zoning districts to allow emergency shelters without discretionary approval. The zone(s) must provide sufficient opportunities for new emergency shelters in the planning period to meet the need identified in the analysis and must in any case accommodate at least one year-round emergency shelter (see more detailed discussion below).



Cloverfield Services Center – Emergency Shelter by OPCC in Santa Monica, CA
Photo courtesy of OPCC in Santa Monica

When identifying a zone or analyzing an existing zone for emergency shelters, the element should address the compatibility and suitability of the zone. The element should consider what other uses are permitted in the zone and whether the zone is suitable for residential or emergency shelters. For example, an industrial zone with heavy manufacturing may have environmental conditions rendering it unsuitable for residential or shelter uses. In some localities, manufacturing or industrial zones may be in transition, where older industrial uses are redeveloping to residential, office or commercial. Transitioning zones may be compatible

with residential uses and suitable for emergency shelters. Also, a commercial zone allowing residential or residential compatible services (i.e., social services, offices) would be suitable for shelters. For example, Sacramento County permits emergency shelters in its commercial zone along with other residential uses and uses such as retail that are compatible with residential.

SB 2 clarifies existing law by requiring zoning identified for emergency shelters to include sufficient capacity to accommodate the need. The identified zone(s) must have sufficient capacity, when taken as a whole, to meet the need for shelters identified in the housing element, and have a realistic potential for development or reuse opportunities in the planning period. Further, capacity for emergency shelters must be suitable and available and account for physical features (flooding, seismic hazards, chemical contamination, other environmental constraints, and slope instability or erosion) and location (proximity to transit, job centers, and public and community services). The element should also address available acreage (vacant or underutilized) and the realistic capacity for emergency shelters in the zone. For example, if a jurisdiction identifies the public institution zoning district as the zone where emergency shelters will be allowed without a conditional use permit, the element should demonstrate sufficient acreage within the zoning district that could accommodate the actual development of an emergency shelter. The element could also discuss the potential for reuse or conversion of existing buildings to emergency shelters.

SB 2 ensures that each local government shares the responsibility to provide opportunities for the development of emergency shelters. Regardless of the extent of need identified in the element, local governments must provide zoning to allow at least one year round emergency shelter, unless the need for emergency shelters is accommodated through existing shelters or a multi-jurisdictional agreement (see discussion below). This is especially important given the fact that the homeless population is not always visible in the community; is sometimes transitory; data resources are frequently inadequate and the availability and adequacy of services and programs vary significantly by community and can impact the homeless count.

If a local government's existing zoning does not allow emergency shelters without a conditional use permit or other discretionary action, the housing element must include a program to identify a specific zone(s) and amend the zoning code within one year of adoption of the housing element (65583(a)(4)). The only exceptions permitted to the non-discretionary zoning requirement are where a jurisdiction demonstrates their homeless needs can be accommodated in existing shelters; or where the jurisdiction meets all of its need through a multi-jurisdictional agreement (discussed in later sections).

Where a local government has identified a zone and sufficient capacity to encourage emergency shelters consistent with the provisions of SB 2, a local government may also identify additional zones for the development of emergency shelters that require a conditional use permit.

Permitting Emergency Shelters without Discretionary Action

To comply with SB 2, localities must have or adopt a zoning classification that permits emergency shelters in a non-discretionary manner (localities may however apply development standards pursuant to Section 65583(a)(4)). In such zones, permitted uses, development standards and permit procedures must include:

- Objective development standards that encourage and facilitate the approval of emergency shelters.
- Decision-making criteria such as standards that do not require discretionary judgment.
- Standards that do not render emergency shelters infeasible, and only address the use as an emergency shelter, not the perceived characteristics of potential occupants.

Requiring a variance, minor use permit, special use permit or any other discretionary process does not constitute a non-discretionary process. However, local governments may apply non-discretionary design review standards.



Emergency Shelter – Jackson, California
Photo courtesy of Amador-Tuolumne Community Action

A local government should not require public notice of its consideration of emergency shelter proposals unless it provides public notice of other non-discretionary actions. For example, if a local government permits new construction of a single-family residence without discretionary action and public notice is not given for these applications, then a local government should employ the same procedures for emergency shelter applications. The appropriate point for public comment and discretionary action is when zoning is being amended or adopted for emergency shelters, not on a project-by-project basis.

Development Standards to Encourage and Facilitate Emergency Shelters

SB 2 requires that emergency shelters only be subject to those development and management standards that apply to residential or commercial use within the same zone, except the local government may apply certain objective standards discussed on the next page (Government Code Section 65583(a)(4)). For example, a light commercial zone might permit a range of wholesaler, service repair and business services subject to buildable area and lot area requirements. In this case, the emergency shelter may be subject only to the same buildable area and lot area requirements. The same zone might permit residential uses subject to certain development standard (i.e., lot area, heights, and setbacks) requirements. In this case, emergency shelters should only be subject to the same development standards.

To demonstrate that processing procedures and standards are objective and encourage and facilitate development of emergency shelters, the housing element must address how:

- zoning explicitly allows the use (meaning the use is specifically described in the zoning code);
- development standards and permit procedures do not render the use infeasible;
- zoning, development and management standards, permit procedures and other applicable land-use regulations promote the use through objective; and predictable standards.

SB 2 allows flexibility for local governments to apply written, objective development and management standards for emergency shelters as described in statute and below.

- The maximum number of beds or persons permitted to be served nightly by the facility.
- Off-street parking based upon demonstrated need, provided that the standards do not require more parking for emergency shelters than for other residential or commercial uses within the same zone.
- The size and location of exterior and interior on-site waiting and client intake areas.
- The provision of on-site management.
- The proximity to other emergency shelters provided that emergency shelters are not required to be more than 300 feet apart.
- The length of stay.
- Lighting.
- Security during hours that the emergency shelter is in operation.



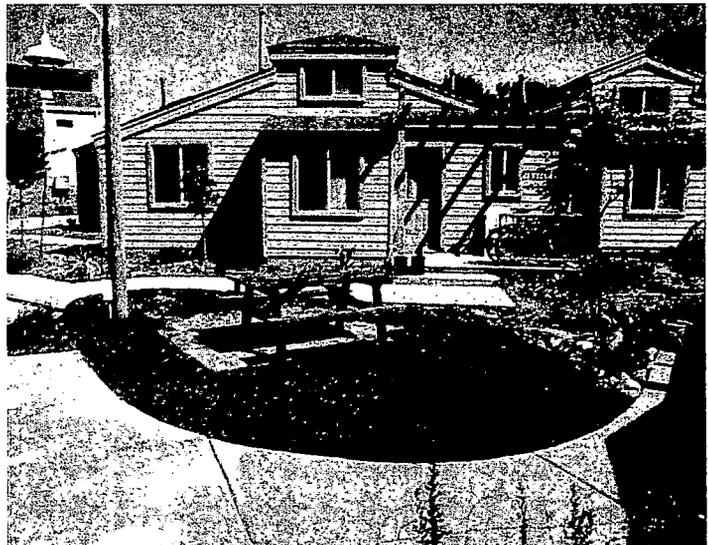
These standards must be designed to encourage and facilitate the development of, or conversion to, an emergency shelter. For example, a standard establishing the maximum number of beds should act to encourage the development of an emergency shelter; local governments should establish flexible ranges for hours of operation; length of stay provision should be consistent with financing programs or statutory definitions limiting occupancy to six months (Health and Safety Code Section 50801) and should not unduly impair shelter operations. Appropriate management standards are reasonable and limited to ensure the operation and maintenance of the property.

Encouraging Multi-Jurisdictional Cooperation and Coordination

SB 2 recognizes and encourages multi-jurisdictional coordination by allowing local governments to satisfy all or part of their obligation to zone for emergency shelters by adopting and implementing a multi-jurisdictional agreement, with a maximum of two adjacent communities. The agreement must commit the participating jurisdictions to develop at least one year-round shelter within two years of the beginning of the housing element planning period. For example, jurisdictions in Southern California Association of Governments (SCAG) region with a statutory due date of June 30, 2008 would need to ensure the development of shelter(s) by June 30, 2010. To utilize this provision, local governments must adopt an agreement that allocates a portion of the new shelter capacity to each jurisdiction as credit towards the jurisdiction's emergency shelter need. The housing element for each participating local government must describe how the capacity was allocated. In addition, the housing element of each participating jurisdiction must describe:

- How the joint facility will address the local governments need for emergency shelters.
- The local government's contribution for both the development and ongoing operation and management of the shelter.
- The amount and source of the funding to be contributed to the shelter.
- How the aggregate capacity claimed by all of the participating jurisdictions does not exceed the actual capacity of the shelter facility.

If the local government can demonstrate that the multi-jurisdictional agreement can accommodate the jurisdiction's need for emergency shelter, the jurisdiction is authorized to comply with the zoning requirements for emergency shelters by identifying a zone(s) where new emergency shelters are allowed with a conditional use permit.



Quinn Cottages, Transitional Housing in Sacramento, CA
Photo courtesy of Cottage Housing, Inc.

Existing Ordinances and Existing Shelters that Accommodate Need

Existing Ordinances Permitting Emergency Shelters

Many local governments have a record of effective actions to address the homeless needs in their community. SB 2 recognizes and provides flexibility for jurisdictions that have already adopted an ordinance(s) that complies with the new zoning requirements. For those local governments with existing ordinances and zoning consistent with



Hendley Circle Apartments – Supportive SRO Housing in Burbank
Photo courtesy of Burbank Housing

requirements of SB 2, no further action will be required to identify zones available for emergency shelters. The housing element must however, describe how the existing ordinance, policies and standards are consistent with the requirements of SB 2.

Existing Shelters That Accommodate the Need for Emergency Shelters

Local governments that can demonstrate, to the satisfaction of the Department, the existence of one or more emergency shelters either within the jurisdiction or pursuant to a multi-jurisdictional agreement that can accommodate the need for emergency shelters identified in the housing element may comply with the zoning requirements of SB 2 by identifying a zone(s) where new emergency shelters are allowed with a conditional use permit. To demonstrate homeless needs can be accommodated in existing shelters, an element must at minimum list existing shelters including the total number of beds and the number vacant. The analysis should support and document the estimate of vacant beds and must consider seasonal fluctuations in the need for emergency shelters.

Transitional and Supportive Housing

Transitional housing is defined in Section 50675.2 of the Health & Safety Code as rental housing for stays of at least six months but where the units are re-circulated to another program recipient after a set period. Transitional housing may be designated for a homeless individual or family transitioning to permanent housing. This housing can take several forms, including group housing or multifamily units, and may include supportive services to allow

individuals to gain necessary life skills in support of independent living. *Supportive housing* as defined at Section 50675.14 of the Health & Safety Code has no limit on the length of stay, is linked to onsite or offsite services, and is occupied by a target population as defined in Health & Safety Code Section 53260 (i.e., low income persons with mental disabilities, AIDS, substance abuse or chronic health conditions or persons whose disabilities originated before the person turned 18). Services typically include assistance designed to meet the needs of the target population in retaining housing, living and working in the community, and/or improving health and may include case management, mental health treatment, and life skills.

SB 2 provides that transitional and supportive housing constitute a residential use. SB 2 requires zoning to treat transitional and supportive housing as a proposed residential use and subject only to those restrictions that apply to other residential uses of the same type in the same zone. For example, if the transitional housing is a multifamily use proposed in a multifamily zone, then zoning should treat the transitional housing the same as other multifamily uses proposed in the zone.

If jurisdictions do not explicitly permit transitional and supportive housing as previously described, the element must include a program to ensure zoning treats transitional and supportive housing as a residential use, subject only to those restrictions on residential uses contained in the same type of structure.

Housing Element Policies and Programs

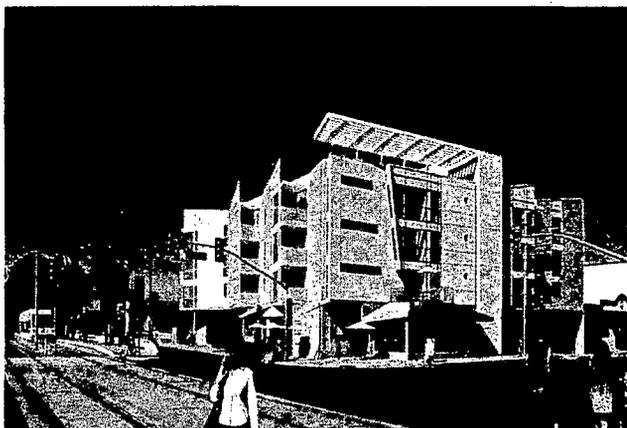
Effective programs reflect the results of the local housing need analyses, identification of available resources, including land and financing, and the mitigation of identified governmental and nongovernmental constraints.

Programs consist of specific action steps the locality will take to

implement its policies and achieve

goals and objectives. Programs must

include a specific timeframe for implementation, identify the agencies or officials responsible for implementation, and describe the jurisdiction's specific role in implementation.



Gish Apartments – Supportive Housing, San Jose, CA
Photo courtesy of First Community Housing and Bernard Andre

Where a jurisdiction does not provide an analysis demonstrating compliance with the provisions of SB 2 through existing zoning, the element must have a program(s) to address the results of that analysis. For example, if the element does not identify an existing zone to permit emergency shelters without a conditional use permit or other discretionary action, the element must include a program to establish the appropriate zoning, unless the jurisdiction has satisfied its needs through existing emergency shelters or a multi-jurisdictional

agreement. If development and management standards do not encourage and facilitate emergency shelters or zoning does not treat transitional and supportive housing as a residential use, the element must include a program(s) to amend existing zoning or processing requirements to comply with SB 2.

Programs to address the requirements of SB 2 for emergency shelters must be implemented within one year of adoption of the housing element. Programs to address requirements for transitional and supportive housing should be implemented early in the planning period. Further, since the program for emergency shelters must be implemented within one year of adoption, the housing element should provide analysis to support and assure effective implementation of the program. For example, the analysis should examine the suitability of zones to be included in the program and whether sufficient and suitable capacity is available. The same type of analysis could evaluate development and management standards that will be considered as part of establishing or amending zoning. This analysis should demonstrate the necessary commitment to ensure zoning, permit procedures and development standards encourage and facilitate emergency shelters.

Timing: When SB 2 Applies

In accordance with Government Code Section 65583(e), any draft housing element submitted to the Department after March 31, 2008 will be required to comply with SB 2.

Section 2

Local Approval

(Government Code Section 65589.5)

The Housing Accountability Act

To promote predictability for the development of housing affordable to lower- and moderate-income households, the Housing Accountability Act (Government Code Section 65589.5) prohibits a jurisdiction from disapproving a housing development project, including housing for farmworkers and for very low-, low-, or moderate-income households, or conditioning approval in a manner that renders the project infeasible for development for the use of very low-, low-, or moderate-income households, including through the use of design review standards, unless it makes at least one of five specific written findings based on substantial evidence in the record (Government Code Section 65589.5).

SB 2 adds emergency shelters to the list of uses protected under the Housing Accountability Act. In addition, SB 2 clarifies that the definition of a housing development project includes transitional or supportive housing (see Attachment 1: SB 2 - changes are underlined).

Zoning Inconsistency

Pursuant to the Housing Accountability Act, a local government is prohibited from making the finding regarding zoning and general plan inconsistency (Section 65589.5(d)(5)) to disapprove a development if the jurisdiction identified the site in its general plan (e.g., housing or land-use element) as appropriate for residential use at the density proposed or failed to identify adequate sites to accommodate its share of the regional housing need for all income groups. In addition to extending these provisions to emergency shelters and transitional housing, SB 2 prohibits the use of the zoning and general plan inconsistency finding to disapprove an emergency shelter if the jurisdictions have:

- not identified a zone(s) where emergency shelters are allowed as a permitted use without a conditional use or other discretionary permit,
- not demonstrated the identified zone(s) include sufficient capacity to accommodate the need for emergency shelter, or
- not demonstrated the identified zone(s) can accommodate at least one emergency shelter.

This provision applies to any site identified in any element of the general plan for industrial, commercial, or multifamily residential uses. In any court action, the burden of proof is on the local jurisdiction to demonstrate its housing element satisfies the above requirements of SB 2.

Attachment 1

Statutory Changes to Housing Element Law (*underline version*)

Attachment 1

Changes to State Housing Element Law Chapter 633, Statutes of 2007 (SB 2) *(changes indicated in strikeouts and underlines)*

65582. As used in this article, the following definitions apply:

- (a) "Community," "locality," "local government," or "jurisdiction" means a city, city and county, or county.
- (b) "Council of governments" means a single or multicounty council created by a joint powers agreement pursuant to Chapter 5 (commencing with Section 6500) of Division 1 of Title 1.
- (c) "Department" means the Department of Housing and Community Development.
- (d) "Emergency shelter" has the same meaning as defined in subdivision (e) of Section 50801 of the Health and Safety Code.
- (e) "Housing element" or "element" means the housing element of the community's general plan, as required pursuant to this article and subdivision (c) of Section 65302.
- (f) "Supportive housing" has the same meaning as defined in subdivision (b) of Section 50675.14 of the Health and Safety Code.
- (g) "Transitional housing" has the same meaning as defined in subdivision (h) of Section 50675.2 of the Health and Safety Code.

65583. The housing element shall consist of an identification and analysis of existing and projected housing needs and a statement of goals, policies, quantified objectives, financial resources, and scheduled programs for the preservation, improvement, and development of housing. The housing element shall identify adequate sites for housing, including rental housing, factory-built housing, ~~and mobilehomes,~~ and emergency shelters, and shall make adequate provision for the existing and projected needs of all economic segments of the community. The element shall contain all of the following:

- (a) An assessment of housing needs and an inventory of resources and constraints relevant to the meeting of these needs. The assessment and inventory shall include all of the following:
 - (1) An analysis of population and employment trends and documentation of projections and a quantification of the locality's existing and projected housing needs for all income levels, including extremely low income households, as defined in subdivision (b) of Section 50105 and Section 50106 of the Health and Safety Code. These existing and projected needs shall include the locality's share of the regional housing need in accordance with Section 65584. Local agencies shall calculate the subset of very low income households allotted under Section 65584 that qualify as extremely low income households. The local agency may either use available census data to calculate the percentage of very low income households that qualify as extremely low income households or presume that 50 percent of the very low income households qualify as extremely low income households. The number of extremely low income households and very low income households shall equal the jurisdiction's allocation of very low income households pursuant to Section 65584.
 - (2) An analysis and documentation of household characteristics, including level of payment compared to ability to pay, housing characteristics, including overcrowding, and housing stock condition.

(3) An inventory of land suitable for residential development, including vacant sites and sites having potential for redevelopment, and an analysis of the relationship of zoning and public facilities and services to these sites.

(4) (A) The identification of a zone or zones where emergency shelters are allowed as a permitted use without a conditional use or other discretionary permit. The identified zone or zones shall include sufficient capacity to accommodate the need for emergency shelter identified in paragraph (7), except that each local government shall identify a zone or zones that can accommodate at least one year-round emergency shelter. If the local government cannot identify a zone or zones with sufficient capacity, the local government shall include a program to amend its zoning ordinance to meet the requirements of this paragraph within one year of the adoption of the housing element. The local government may identify additional zones where emergency shelters are permitted with a conditional use permit. The local government shall also demonstrate that existing or proposed permit processing, development, and management standards are objective and encourage and facilitate the development of, or conversion to, emergency shelters. Emergency shelters may only be subject to those development and management standards that apply to residential or commercial development within the same zone except that a local government may apply written, objective standards that include all of the following:

(i) The maximum number of beds or persons permitted to be served nightly by the facility.
(ii) Off-street parking based upon demonstrated need, provided that the standards do not require more parking for emergency shelters than for other residential or commercial uses within the same zone.

(iii) The size and location of exterior and interior onsite waiting and client intake areas.

(iv) The provision of onsite management.

(v) The proximity to other emergency shelters, provided that emergency shelters are not required to be more than 300 feet apart.

(vi) The length of stay.

(vii) Lighting.

(viii) Security during hours that the emergency shelter is in operation.

(B) The permit processing, development, and management standards applied under this paragraph shall not be deemed to be discretionary acts within the meaning of the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code).

(C) A local government that can demonstrate to the satisfaction of the department the existence of one or more emergency shelters either within its jurisdiction or pursuant to a multijurisdictional agreement that can accommodate that jurisdiction's need for emergency shelter identified in paragraph (7) may comply with the zoning requirements of subparagraph (A) by identifying a zone or zones where new emergency shelters are allowed with a conditional use permit.

(D) A local government with an existing ordinance or ordinances that comply with this paragraph shall not be required to take additional action to identify zones for emergency shelters. The housing element must only describe how existing ordinances, policies, and standards are consistent with the requirements of this paragraph.

(5) An analysis of potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels, including the types of housing identified in paragraph (1) of subdivision (c), and for persons with disabilities as identified in

the analysis pursuant to paragraph (6), including land use controls, building codes and their enforcement, site improvements, fees and other exactions required of developers, and local processing and permit procedures. The analysis shall also demonstrate local efforts to remove governmental constraints that hinder the locality from meeting its share of the regional housing need in accordance with Section 65584 and from meeting the need for housing for persons with disabilities identified pursuant to, supportive housing, transitional housing, and emergency shelters identified pursuant to paragraph Transitional housing and supportive housing shall be ~~(5) considered a residential use of property, and shall be subject only to those restrictions that apply to other residential dwellings of the same type in the same zone.~~

(6) An analysis of potential and actual nongovernmental constraints upon the maintenance, improvement, or development of housing for all income levels, including the availability of financing, the price of land, and the cost of construction.

(67) An analysis of any special housing needs, such as those of the elderly, persons with disabilities, large families, farmworkers, families with female heads of households, and families and persons in need of emergency shelter. The need for emergency shelter shall be ~~(7) assessed based on annual and seasonal need. The need for emergency shelter may be reduced by the number of supportive housing units that are identified in an adopted 10-year plan to end chronic homelessness and that are either vacant or for which funding has been identified to allow construction during the planning period.~~

(8) An analysis of opportunities for energy conservation with respect to residential development.

(89) An analysis of existing assisted housing developments that are eligible to change from low-income housing uses during the next 10 years due to termination of subsidy contracts, mortgage prepayment, or expiration of restrictions on use. "Assisted housing developments," for the purpose of this section, shall mean multifamily rental housing that receives governmental assistance under federal programs listed in subdivision (a) of Section 65863.10, state and local multifamily revenue bond programs, local redevelopment programs, the federal Community Development Block Grant Program, or local in-lieu fees. "Assisted housing developments" shall also include multifamily rental units that were developed pursuant to a local inclusionary housing program or used to qualify for a density bonus pursuant to Section 65916.

(A) The analysis shall include a listing of each development by project name and address, the type of governmental assistance received, the earliest possible date of change from low-income use and the total number of elderly and nonelderly units that could be lost from the locality's low-income housing stock in each year during the 10-year period. For purposes of state and federally funded projects, the analysis required by this subparagraph need only contain information available on a statewide basis.

(B) The analysis shall estimate the total cost of producing new rental housing that is comparable in size and rent levels, to replace the units that could change from low-income use, and an estimated cost of preserving the assisted housing developments. This cost analysis for replacement housing may be done aggregately for each five-year period and does not have to contain a project-by-project cost estimate.

(C) The analysis shall identify public and private nonprofit corporations known to the local government which have legal and managerial capacity to acquire and manage these housing developments.

(D) The analysis shall identify and consider the use of all federal, state, and local financing and subsidy programs which can be used to preserve, for lower income households, the assisted housing developments, identified in this paragraph, including, but not limited to, federal Community Development Block Grant Program funds, tax increment funds received by a redevelopment agency of the community, and administrative fees received by a housing authority operating within the community. In considering the use of these financing and subsidy programs, the analysis shall identify the amounts of funds under each available program which have not been legally obligated for other purposes and which could be available for use in preserving assisted housing developments.

(b) (1) A statement of the community's goals, quantified objectives, and policies relative to the maintenance, preservation, improvement, and development of housing.

(2) It is recognized that the total housing needs identified pursuant to subdivision (a) may exceed available resources and the community's ability to satisfy this need within the content of the general plan requirements outlined in Article 5 (commencing with Section 65300). Under these circumstances, the quantified objectives need not be identical to the total housing needs. The quantified objectives shall establish the maximum number of housing units by income category, including extremely low income, that can be constructed, rehabilitated, and conserved over a five-year time period.

(c) A program which sets forth a five-year schedule of actions the local government is undertaking or intends to undertake to implement the policies and achieve the goals and objectives of the housing element through the administration of land use and development controls, the provision of regulatory concessions and incentives, and the utilization of appropriate federal and state financing and subsidy programs when available and the utilization of moneys in a low- and moderate-income housing fund of an agency if the locality has established a redevelopment project area pursuant to the Community Redevelopment Law (Division 24 (commencing with Section 33000) of the Health and Safety Code). In order to make adequate provision for the housing needs of all economic segments of the community, the program shall do all of the following:

(1) Identify actions that will be taken to make sites available during the planning period of the general plan with appropriate zoning and development standards and with services and facilities to accommodate that portion of the city's or county's share of the regional housing need for each income level that could not be accommodated on sites identified in the inventory completed pursuant to paragraph (3) of subdivision (a) without rezoning, and to comply with the requirements of Section 65584.09. Sites shall be identified as needed to facilitate and encourage the development of a variety of types of housing for all income levels, including multifamily rental housing, factory-built housing, mobilehomes, housing for agricultural employees, supportive housing, single-room occupancy units, emergency shelters, and transitional housing.

(A) Where the inventory of sites, pursuant to paragraph (3) of subdivision (a), does not identify adequate sites to accommodate the need for groups of all household income levels pursuant to Section 65584, the program shall identify sites that can be developed for housing within the planning period pursuant to subdivision (h) of Section 65583.2.

(B) Where the inventory of sites pursuant to paragraph (3) of subdivision (a) does not identify adequate sites to accommodate the need for farmworker housing, the program shall provide for sufficient sites to meet the need with zoning that permits farmworker housing use by right, including density and development standards that could accommodate and facilitate the feasibility of the development of farmworker housing for low- and very low income households.

(2) Assist in the development of adequate housing to meet the needs of extremely low, very low, low-, and moderate-income households.

(3) Address and, where appropriate and legally possible, remove governmental constraints to the maintenance, improvement, and development of housing, including housing for all income levels and housing for persons with disabilities. The program shall remove constraints to, and provide reasonable accommodations for housing designed for, intended for occupancy by, or with supportive services for, persons with disabilities.

(4) Conserve and improve the condition of the existing affordable housing stock, which may include addressing ways to mitigate the loss of dwelling units demolished by public or private action.

(5) Promote housing opportunities for all persons regardless of race, religion, sex, marital status, ancestry, national origin, color, familial status, or disability.

(6) Preserve for lower income households the assisted housing developments identified pursuant to paragraph (89) of subdivision (a).

The program for preservation of the assisted housing developments shall utilize, to the extent necessary, all available federal, state, and local financing and subsidy programs identified in paragraph (89) of subdivision (a), except where a community has other urgent needs for which alternative funding sources are not available. The program may include strategies that involve local regulation and technical assistance.

(7) The program shall include an identification of the agencies and officials responsible for the implementation of the various actions and the means by which consistency will be achieved with other general plan elements and community goals. The local government shall make a diligent effort to achieve public participation of all economic segments of the community in the development of the housing element, and the program shall describe this effort.

(d) (1) A local government may satisfy all or part of its requirement to identify a zone or zones suitable for the development of emergency shelters pursuant to paragraph (4) of subdivision (a) by adopting and implementing a multijurisdictional agreement, with a maximum of two other adjacent communities, that requires the participating jurisdictions to develop at least one year-round emergency shelter within two years of the beginning of the planning period.

(2) The agreement shall allocate a portion of the new shelter capacity to each jurisdiction as credit towards its emergency shelter need, and each jurisdiction shall describe how the capacity was allocated as part of its housing element.

(3) Each member jurisdiction of a multijurisdictional agreement shall describe in its housing element all of the following:

(A) How the joint facility will meet the jurisdiction's emergency shelter need.

(B) The jurisdiction's contribution to the facility for both the development and ongoing operation and management of the facility.

(C) The amount and source of the funding that the jurisdiction contributes to the facility.

(4) The aggregate capacity claimed by the participating jurisdictions in their housing elements shall not exceed the actual capacity of the shelter.

(e) Except as otherwise provided in this article, amendments to this article that alter the required content of a housing element shall apply to both of the following:

(1) A housing element or housing element amendment prepared pursuant to subdivision (e) of Section 65588 or Section 65584.02, wherewhen a city, county, or city and county submits a first draft to the department for review pursuant to Section 65585 more than 90 days after the effective date of the amendment to this section.

(2) Any housing element or housing element amendment prepared pursuant to subdivision (e) of Section 65588 or Section 65584.02, ~~where~~when the city, county, or city and county fails to submit the first draft to the department before the due date specified in Section 65588 or 65584.02.

Housing Accountability Act

65589.5. (a) The Legislature finds and declares all of the following:

(1) The lack of housing, including emergency shelters, is a critical problem that threatens the economic, environmental, and social quality of life in California. (2) California housing has become the most expensive in the nation. The excessive cost of the state's housing supply is partially caused by activities and policies of many local governments that limit the approval of housing, increase the cost of land for housing, and require that high fees and exactions be paid by producers of housing.

(3) Among the consequences of those actions are discrimination against low income and minority households, lack of housing to support employment growth, imbalance in jobs and housing, reduced mobility, urban sprawl, excessive commuting, and air quality deterioration.

(4) Many local governments do not give adequate attention to the economic, environmental, and social costs of decisions that result in disapproval of housing projects, reduction in density of housing projects, and excessive standards for housing projects.

(b) It is the policy of the state that a local government not reject or make infeasible housing developments, including emergency shelters, that contribute to meeting the housing need determined pursuant to this article without a thorough analysis of the economic, social, and Environmental effects of the action and without complying with subdivision (d).

(c) The Legislature also recognizes that premature and unnecessary development of agricultural lands for urban uses continues to have adverse effects on the availability of those lands for food and fiber production and on the economy of the state. Furthermore, it is the policy of the state that development should be guided away from prime agricultural lands; therefore, in implementing this section, local jurisdictions should encourage, to the maximum extent practicable, in filling existing urban areas.

(d) A local agency shall not disapprove a housing development project, including farmworker housing as defined in subdivision (d) of Section 50199.50 of the Health and Safety Code, for very low, low-, or moderate-income households, or an emergency shelter, or condition approval in a manner that renders the project infeasible for development for the use of very low, low-, or moderate- income households, or an emergency shelter, including through the use of design review standards, unless it makes written findings, based upon substantial evidence in the record, as to one of the following:

(1) The jurisdiction has adopted a housing element pursuant to this article that has been revised in accordance with Section 65588, is in substantial compliance with this article, and the jurisdiction has met or exceeded its share of the regional housing need allocation pursuant to Section 65584 for the planning period for the income category proposed for the housing development project, provided that any disapproval or conditional approval shall not be based on any of the reasons prohibited by Section 65008. If the housing development project includes a mix of income categories, and the jurisdiction has not met or exceeded its share of the regional housing need for one or more of those categories, then this paragraph shall not be used to disapprove or conditionally approve the project. The share of the regional

housing need met by the jurisdiction shall be calculated consistently with the forms and definitions that may be adopted by the Department of Housing and Community Development pursuant to Section 65400. In the case of an emergency shelter, the jurisdiction shall have met or exceeded the need for emergency shelter, as identified pursuant to paragraph (7) of subdivision (a) of Section 65583. Any disapproval or conditional approval pursuant to this paragraph shall be in accordance with applicable law, rule, or standards.

(2) The development project or emergency shelter as proposed would have a specific, adverse impact upon the public health or safety, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low- and moderate-income households or rendering the development of the emergency shelter financially infeasible. As used in this paragraph, a "specific, adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete. Inconsistency with the zoning ordinance or general plan land use designation shall not constitute a specific, adverse impact upon the public health or safety.

(3) The denial of the project or imposition of conditions is required in order to comply with specific state or federal law, and there is no feasible method to comply without rendering the development unaffordable to low- and moderate-income households or rendering the development of the emergency shelter financially infeasible.

(4) The development project or emergency shelter is proposed on land zoned for agriculture or resource preservation that is surrounded on at least two sides by land being used for agricultural or resource preservation purposes, or which does not have adequate water or wastewater facilities to serve the project.

(5) The development project or emergency shelter is inconsistent with both the jurisdiction's zoning ordinance and general plan land use designation as specified in any element of the general plan as it existed on the date the application was deemed complete, and the jurisdiction has adopted a revised housing element in accordance with Section 65588 that is in substantial compliance with this article.

(A) This paragraph cannot be utilized to disapprove or conditionally approve a housing development project if the development project is proposed on a site that is identified as suitable or available for very low, low-, or moderate-income households in the jurisdiction's housing element, and consistent with the density specified in the housing element, even though it is inconsistent with both the jurisdiction's zoning ordinance and general plan land use designation.

(B) If the local agency has failed to identify in the inventory of land in its housing element sites that can be developed for housing within the planning period and that are sufficient to provide for the jurisdiction's share of the regional housing need for all income levels pursuant to Section 65584, then this paragraph shall not be utilized to disapprove or conditionally approve a housing development project proposed for a site designated in any element of the general plan for residential uses or designated in any element of the general plan for commercial uses if residential uses are permitted or conditionally permitted within commercial designations. In any action in court, the burden of proof shall be on the local agency to show that its housing element does identify adequate sites with appropriate zoning and development standards and with services and facilities to accommodate the local agency's share of the regional housing need for the very low and low-income categories.

~~(e) This section does not relieve the local agency (C) If the local agency has failed to identify a zone or zones where emergency shelters are allowed as a permitted use without a conditional use or other discretionary permit, has failed to demonstrate that the identified zone or zones include sufficient capacity to accommodate the need for emergency shelter identified in paragraph (7) of subdivision (a) of Section 65583, or has failed to demonstrate that the identified zone or zones can accommodate at least one emergency shelter, as required by paragraph (4) of subdivision (a) of Section 65583, then this paragraph shall not be utilized to disapprove or conditionally approve an emergency shelter proposed for a site designated in any element of the general plan for industrial, commercial, or multifamily residential uses. In any action in court, the burden of proof shall be on the local agency to show that its housing element does satisfy the requirements of paragraph (4) of subdivision (a) of Section 65583.~~

~~(e) Nothing in this section shall be construed to relieve the local agency from complying with the Congestion Management Program required by Chapter 2.6 (commencing with Section 65088) of Division 1 of Title 7 or the California Coastal Act (Division 20 (commencing with Section 30000) of the Public Resources Code). This Neither shall anything in this section also does not be construed to relieve the local agency local agency from making one or more of the findings required pursuant to Section 21081 of the Public Resources Code or otherwise complying with the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code).~~

~~(f) This (1) Nothing in this section does not shall be construed to prohibit a local agency from requiring the development project to comply with objective, quantifiable, written development standards, conditions, and policies appropriate to, and consistent with, meeting the jurisdiction's share of the regional housing need pursuant to Section 65584. However, the development standards, conditions, and policies shall be applied to facilitate and accommodate development at the density permitted on the site and proposed by the development project. This. (2) Nothing in this section does not shall be construed to prohibit a local agency from requiring an emergency shelter project to comply with objective, quantifiable, written development standards, conditions, and policies that are consistent with paragraph (4) of subdivision (a) of Section 65583 and appropriate to, and consistent with, meeting the jurisdiction's need for emergency shelter, as identified pursuant to paragraph (7) of subdivision (a) of Section 65583. However, the development standards, conditions, and policies shall be applied by the local agency to facilitate and accommodate the development of the emergency shelter project.~~

~~(3) This section does not prohibit a local agency from imposing fees and other exactions otherwise authorized by law that are essential to provide necessary public services and facilities to the development project or emergency shelter.~~

~~(g) This section shall be applicable to charter cities because the Legislature finds that the lack of housing, including emergency shelter, is a critical statewide problem.~~

~~(h) The following definitions apply for the purposes of this section:~~

~~(1) "Feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.~~

~~(2) "Housing development project" means a use consisting of either any of the following:~~

~~(A) Residential units only.~~

(B) Mixed-use developments consisting of residential and nonresidential uses in which nonresidential uses are limited to neighborhood commercial uses and to the first floor of buildings that are two or more stories. As used in this paragraph, "neighborhood commercial" means small-scale general or specialty stores that furnish goods and services primarily to residents of the neighborhood.

(C) Transitional housing or supportive housing.

(3) "Housing for very low, low-, or moderate-income households" means that either (A) at least 20 percent of the total units shall be sold or rented to lower income households, as defined in Section 50079.5 of the Health and Safety Code, or (B) 100 percent of the units shall be sold or rented to moderate-income households as defined in Section 50093 of the Health and Safety Code, or middle-income households, as defined in Section 65008 of this code. Housing units targeted for lower income households shall be made available at a monthly housing cost that does not exceed 30 percent of 60 percent of area median income with adjustments for household size made in accordance with the adjustment factors on which the lower income eligibility limits are based. Housing units targeted for persons and families of moderate income shall be made available at a monthly housing cost that does not exceed 30 percent of 100 percent of area median income with adjustments for household size made in accordance with the adjustment factors on which the moderate-income eligibility limits are based.

(4) "Area median income" means area median income as periodically established by the Department of Housing and Community Development pursuant to Section 50093 of the Health and Safety Code. The developer shall provide sufficient legal commitments to ensure continued availability of units for very low or low-income households in accordance with the provisions of this subdivision for 30 years.

(5) "Disapprove the development project" includes any instance in which a local agency does either of the following:

(A) Votes on a proposed housing development project application and the application is disapproved.

(B) Fails to comply with the time periods specified in subparagraph (B) of paragraph (1) of subdivision (a) of Section 65950. An extension of time pursuant to Article 5 (commencing with Section 65950) shall be deemed to be an extension of time pursuant to this paragraph.

(i) If any city, county, or city and county denies approval or imposes restrictions, including design changes, a reduction of allowable densities or the percentage of a lot that may be occupied by a building or structure under the applicable planning and zoning in force at the time the application is deemed complete pursuant to Section 65943, that have a substantial adverse effect on the viability or affordability of a housing development for very low, low-, or moderate-income households, and the denial of the development or the imposition of restrictions on the development is the subject of a court action which challenges the denial, then the burden of proof shall be on the local legislative body to show that its decision is consistent with the findings as described in subdivision (d) and that the findings are supported by substantial evidence in the record.

(j) When a proposed housing development project complies with applicable, objective general plan and zoning standards and criteria, including design review standards, in effect at the time that the housing development project's application is determined to be complete, but the local agency proposes to disapprove the project or to approve it upon the condition that the project be developed at a lower density, the local agency shall base its decision regarding the proposed housing development project upon written findings supported by substantial evidence on the record that both of the following conditions exist:

(1) The housing development project would have a specific, adverse impact upon the public health or safety unless the project is disapproved or approved upon the condition that the project be developed at a lower density. As used in this paragraph, a "specific, adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.

(2) There is no feasible method to satisfactorily mitigate or avoid the adverse impact identified pursuant to paragraph (1), other than the disapproval of the housing development project or the approval of the project upon the condition that it be developed at a lower density.

(k) The applicant or any person who would be eligible to apply for residency in the development or emergency shelter may bring an action to enforce this section. If in any action brought to enforce the provisions of this section, a court finds that the local agency disapproved a project or conditioned its approval in a manner rendering it infeasible for the development of an emergency shelter, or housing for very low, low-, or moderate-income households including farmworker housing, without making the findings required by this section or without making sufficient findings supported by substantial evidence, the court shall issue an order or judgment compelling compliance with this section within 60 days, including, but not limited to, an order that the local agency take action on the development project or emergency shelter. The court shall retain jurisdiction to ensure that its order or judgment is carried out and shall award reasonable attorney's fees and costs of suit to the plaintiff or petitioner who proposed the housing development or emergency shelter, except under extraordinary circumstances in which the court finds that awarding fees would not further the purposes of this section. If the court determines that its order or judgment has not been carried out within 60 days, the court may issue further orders as provided by law to ensure that the purposes and policies of this section are fulfilled, including, but not limited to, an order to vacate the decision of the local agency, in which case the application for the project, as constituted at the time the local agency took the initial action determined to be in violation of this section, along with any standard conditions determined by the court to be generally imposed by the local agency on similar projects, shall be deemed approved unless the applicant consents to a different decision or action by the local agency.

(l) If the court finds that the local agency (1) acted in bad faith when it disapproved or conditionally approved the housing development or emergency shelter in violation of this section and (2) failed to carry out the court's order or judgment within 60 days as described in paragraph subdivision (k), the court in addition to any other remedies provided by this section, may impose fines upon the local agency that the local agency shall be required to deposit into a housing trust fund. Fines shall not be paid from funds that are already dedicated for affordable housing, including, but not limited to, redevelopment or low- and moderate-income housing funds and federal HOME and CDBG funds. The local agency shall commit the money in the trust fund within five years for the sole purpose of financing newly constructed housing units affordable to extremely low, very low, or low-income households. For purposes of this section, "bad faith" shall mean an action that is frivolous or otherwise entirely without merit.

(m) Any action brought to enforce the provisions of this section shall be brought pursuant to Section 1094.5 of the Code of Civil Procedure, and the local agency shall prepare and certify the record of proceedings in accordance with subdivision (c) of Section 1094.6 of the Code of Civil Procedure no later than 30 days after the petition is served, provided that the cost of

preparation of the record shall be borne by the local agency. Upon entry of the trial court's order, a party shall, in order to obtain appellate review of the order, file a petition within 20 days after service upon it of a written notice of the entry of the order, or within such further time not exceeding an additional 20 days as the trial court may for good cause allow. If the local agency appeals the judgment of the trial court, the local agency shall post a bond, in an amount to be determined by the court, to the benefit of the plaintiff if the plaintiff is the project applicant.

(n) In any action, the record of the proceedings before the local agency shall be filed as expeditiously as possible and, notwithstanding Section 1094.6 of the Code of Civil Procedure or subdivision (m) of this section, all or part of the record may be prepared (1) by the petitioner with the petition or petitioner's points and authorities, (2) by the respondent with respondent's points and authorities, (3) after payment of costs by the petitioner, or (4) as otherwise directed by the court. If the expense of preparing the record has been borne by the petitioner and the petitioner is the prevailing party, the expense shall be taxable as costs.

(o) This section shall be known, and may be cited, as the Housing Accountability Act.

Attachment 2

Definitions

Attachment 2

Definitions

Emergency Shelters (Health and Safety Code Section 50801(e))

"Emergency shelter" means housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay.

Transitional Housing (Health and Safety Code Section 50675.2)(h)

"Transitional housing" and "transitional housing development" means buildings configured as rental housing developments, but 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, which shall be no less than six months.

Supportive Housing (Health and Safety Code 50675.14(b))

Housing with no limit on length of stay, that is occupied by the target population as defined in subdivision (d) of Section 53260, and that is linked to on- or off-site services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community.

Target Population Definition per HSC 53260(d)

(d) "Target population" means adults with low-income 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.

Attachment 3

Helpful Links

Attachment 3

Helpful Links

National Alliance to End Homelessness

<http://www.endhomelessness.org/section/tools/tenyearplan>

Interagency Council on Homelessness

<http://www.ich.gov/>

Interagency Council on Homelessness, Guide to Developing Plans and Examples

<http://www.ich.gov/slocal/index.html>

U.S. Department of Health and Human Services, Homelessness Resource Center

[http://www.nrchmi.samhsa.gov/\(X\(1\)S\(axpyp555dhn54z45qhpqvnj4\)\)/Default.aspx?AspxAutoDetectCookieSupport=1](http://www.nrchmi.samhsa.gov/(X(1)S(axpyp555dhn54z45qhpqvnj4))/Default.aspx?AspxAutoDetectCookieSupport=1)

The National Coalition for the Homeless – Local Resources in California

<http://www.nationalhomeless.org/resources/local/california.html>

HCD Selected Bibliography on Homeless Issues

<http://www.hcd.ca.gov/hpd/biblio.html>

Building Blocks for Effective Housing Elements

(links to funding resources, data, policy and research on homelessness)

http://www.hcd.ca.gov/hpd/housing_element/index.html