

PLANNING DEPARTMENT STAFF REPORT PLANNING COMMISSION MEETING

SEPTEMBER 23, 2010

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ITEM V-B:

ZONING ORDINANCE AMENDMENT - COMPLIANCE WITH SENATE BILL 2 FOR EMERGENCY SHELTERS AND TRANSITONAL & SUPPORTIVE HOUSING - FILE# 2008PL-077; PROJECT# OA-000017

REQUEST

The City requests approval of an amendment to the Zoning Ordinance to bring it into compliance with State Law as it relates to Emergency Shelters and Transitional & Supportive Housing.

Applicant – City of Roseville, Planning, Housing & Redevelopment Department Property Owner – Citywide

SUMMARY RECOMMENDATION

The Planning, Housing & Redevelopment Department recommends that the Planning Commission take the following actions:

- A. Recommend that the City Council adopt the Negative Declaration; and
- B. Recommend that the City Council approve the Zoning Ordinance and Downtown Code Amendments as shown in Exhibit B.

SUMMARY OF OUTSTANDING ISSUES

There are no outstanding issues associated with this request.

BACKGROUND

In January 2008, the State of California enacted Senate Bill 2 (SB 2), which called for changes to the Government Code as it relates to zoning for Emergency Shelters and Transitional and Supportive Housing. These changes resulted in the need for cities and counties statewide to bring their zoning ordinances into conformance with the new state requirements. The timing for doing so is one year from the date of adoption of a city or county's Housing Element. The City of Roseville's Housing Element was adopted in August 2009 which was the impetus for bringing these changes forward.

The purpose of the State Law revisions was to support the needs of the homeless by removing barriers to and increasing opportunities for development and/or operation of emergency shelters and transitional and supportive housing facilities in California. Since SB 2 has been enacted, the State now requires that: 1) all cities and counties provide at least one zone where emergency shelters are permitted by right without the need for a conditional use permit or another discretionary action, and 2) transitional and supportive housing must be considered a residential use and therefore shall be permitted wherever residential uses are allowed.

At this time, staff requests approval of an amendment to the Zoning Ordinance to bring it into compliance with State Law as it relates to Emergency Shelters and Transitional and Supportive Housing. As the Downtown Code governs zoning within the downtown area, minor changes are required to the Downtown Code as well.

EVALUATION

In determining how to incorporate the required changes into the Zoning Ordinance and Downtown Code, staff used the existing Ordinance and Code format and conventions as guides. For example, while the existing use type Temporary Resident Shelter will be replaced with Emergency Shelter (as described in greater detail below) it will continue to be considered a Social Service and located in the "Civic Use Types" Section 19.08.070 of the Zoning Ordinance.

Transitional and Supportive Housing are use types that are not currently listed in either the Zoning Ordinance or Downtown Code. However, like small Community Care Facilities and small Family Daycares, the State has identified Transitional and Supportive Housing as a permitted residential use also. Therefore, staff has listed this use type under Section 19.08.080 "Residential Uses Types" within the Zoning Ordinance for consistency.

Emergency Shelters:

SB 2 requires local governments to provide at least one zone where emergency shelters are permitted by right without the need for a conditional use permit or any other discretionary action. The City currently provides for emergency shelters through a use type called "Temporary Resident Shelter. Temporary Resident Shelters are not principally permitted in any zoning districts; rather, they are permitted only through approval of an Administrative Permit (AP) or a Conditional Use Permit (CUP) within three commercial zones and three industrial zones. They are also subject to the requirements of Chapter 19.38 "Temporary Residential Shelter" in the Zoning Ordinance.

In order to achieve compliance with State Law, staff proposes to replace Temporary Resident Shelter with the State's definition of Emergency Shelter which is defined as:

"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."

When identifying a zone district where emergency shelters can locate by right, local governments must consider the appropriateness of the use within that zone, insure that the zones are in proximity to transit and services, and insure that there is sufficient capacity to meet the City's unmet need for emergency shelter beds.

In 2009, the City's Housing Element was adopted by the City Council and accepted by the State Department of Housing and Community Development (HCD). Prior to completion of the 2008-2013 Housing Element, City staff was aware of the requirements of SB 2 and addressed the required changes in the Housing Element. Specifically, through this evaluation staff determined the unmet need for emergency shelter beds in Roseville and evaluated all zone districts within the City to find the most appropriate zone for an emergency shelter based on the State's requirements.

Based on this evaluation, the Industrial Business Park (MP) zone was identified as the most appropriate zone for this use type to be permitted by right. It is a transitional zone that blends commercial and light industrial type uses. Typical uses within the MP zone include: light manufacturing, research and development, warehousing, business parks and offices, supporting retail, financial uses, restaurants, personal services and similar types of uses. Parcels zoned MP are centrally located and convenient to transit, the downtown area, and other services. The 123 parcels zoned MP total 69 acres would provide for opportunities for reuse of existing buildings as well as new development on vacant land, and have the capacity to meet the City's identified unmet need of 31 emergency shelter beds.

SB 2 allows local governments to impose objective development standards on emergency shelters as they relate to:

- Maximum number of beds;
- Off-street parking;
- Size and location of exterior and interior waiting/client intake areas;
- The provision of on-site management;
- The proximity to other emergency shelters as long as they are not required to be more than 300 feet apart;
- The length of stay;
- Lighting; and
- Security during hours of operation.

Staff proposes to repeal Chapter 19.38 Temporary Resident Shelter and replace it with a new Chapter 19.38 for Emergency Shelters which includes development standards on the matters described above. Both the repealed and replacement text is provided in Exhibit B.

Transitional Housing and Supportive Housing

State Law requires local governments to view Transitional Housing and Supportive Housing as residential uses. Transitional Housing and Supportive Housing are defined by the state as:

"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" means housing with no limit on length of stay, that is occupied by the target population as defined in Health and Safety Code § 53260(d), 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 as defined by the State is:

"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 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.

In order to meet the State's requirement, staff proposes to include these definitions in the Zoning Ordinance and to include language in the permitted use types sections of both the Zoning Ordinance and the Downtown Code stating that Transitional Housing and Supportive Housing are considered residential use types. These proposed edits are located in Exhibit B. The requirement to consider Transitional and Supportive Housing as a residential uses is similar to the State requiring local governments to consider Small Community Care Facilities and Small Family Daycares as residential uses. These uses have been deemed by the State to be appropriate in residential neighborhoods.

To preserve the residential character of neighborhoods, the State allows local governments to hold Transitional and Supportive Housing uses to the same development standards of the zone in which it is located. This means that should a home for Transitional Housing or Supportive Housing be constructed it would be held to the same development standards for setback, height, landscaping, and architectural features as any other residential use located within the same zone.

PUBLIC OUTREACH

On August 12, 2010, Planning and Housing staff attended the monthly Placer Consortium on Homelessness (PCOH) meeting. PCOH is a collaboration of community based organizations, faith-based organizations, and City and County representatives who focus on the issues and problems of homelessness and affordable housing within Placer County. At this meeting staff presented the Zoning Ordinance Amendments. PCOH was generally supportive of the changes. PCOH provided the following comments and questions:

- 1) MP zoning should be established in the expanding areas of the City where emergency shelters can be permitted by right. This would give organizations the opportunity to acquire property when property values are lower.
- 2) If an agency wished to provide a feeding program, would this be allowed under SB2?
- 3) PCOH was supportive of the emergency shelters being permitted "by right" on MP zoned properties. However, they requested that staff consider other locations that have access to public transportation and services.

The responses provided to the group were:

- 1) Staff's recommended changes do not include rezoning of property. The current proposal meets the City's identified need for emergency shelter beds.
- 2) SB 2 is solely related to Emergency Shelters and Transitional and Supportive Housing and does not require any changes as they relate to any other social services such as Food Distribution or Food Service. Food Distribution and Food Service are not permitted uses within the MP zone and therefore do not have the potential to be combined with an Emergency Shelter within the MP zone. However, Emergency Shelter, Food Distribution and Food Service uses will continue to be allowed in the General Commercial, Highway Commercial, Commercial Mixed Use, Light Industrial, General Industrial, and Industrial Mixed Use districts upon approval of an administrative or conditional use permit. It is within these zone districts where the opportunity exists to combine social services uses.
- 3) The City was required by the State to take public transporation and services into consideration when determining which zone district would allow emergency shelters by right. It was following this evaluation during the Housing Element update that the MP zone was selected; therefore, the MP zone already provides opportunities for development and operation of emergency shelters near public transportation and services.

Notice of the public hearing and notice of the availability of the Negative Declaration prepared for this project was published in the local paper on September 5, 2010. A notice was also mailed directly to all property owners with property zoned MP and a notice was emailed to the PCOH listserv. To date, no comments other than the comments described under Public Outreach have been received.

ENVIRONMENTAL DETERMINATION

The Planning, Housing & Redevelopment Department Director determined that the above project will not have a significant effect on the environment and proposes that a Negative Declaration be adopted. This determination has been based upon an Initial Study, which has concluded that there will be no significant environmental impacts. At this meeting, the Planning Commission may recommend adoption of the proposed Negative Declaration. The Initial Study and Negative Declaration circulates for a 20-day review period from September 3, 2010 through September 23, 2010. The Initial Study and Negative Declaration are available for review at the Roseville Permit Center and City Clerk's Office, located at 311 Vernon Street, Roseville, CA 95678

CONCLUSION

The proposed changes provide a district where emergency shelters are permitted by right and designate Transitional and Supportive Housing as residential uses. These changes bring the City into compliance with the Housing Element and State Law. The proposed changes further the State's efforts to provide support to the homeless population in Roseville by encouraging the development and operation of emergency shelters and transitional and supportive housing facilities.

RECOMMENDATION

The Planning, Housing & Redevelopment Department recommends the Planning Commission take the following actions:

- A. Recommend that the City Council adopt the Negative Declaration; and
- B. Recommend that the City Council approve the Zoning Ordinance and Downtown Code Amendments as shown in Exhibit B.

ATTACHMENTS

- 1. MP Zone Map
- 2. SB 2
- 3. HCD Memo on SB 2

EXHIBITS

- A. Negative Declaration and Initial Study
- B. Redline Changes to the Zoning Ordinance and Downtown Code

Note to Applicant and/or Developer: Please contact the Planning, Housing & Redevelopment Department staff at (916) 774-5276 prior to the Commission meeting if you have any questions on any of the recommended conditions for your project. If you challenge the decision of the Commission in court, you may be limited to raising only those issues which you or someone else raised at the public hearing held for this project, or in written correspondence delivered to the Planning, Housing & Redevelopment Director at, or prior to, the public hearing.