

TO: FOSTER CITY PLANNING COMMISSION

PREPARED BY: LESLIE CARMICHAEL, CONSULTING PLANNER

CASE NO.: RZ-13-003

SUBJECT: EMERGENCY SHELTERS, TRANSITIONAL AND SUPPORTIVE HOUSING

REQUESTED ACTION/PURPOSE

To consider and adopt a Resolution recommending City Council approval of an amendment to Title 17, Zoning, of the Foster City Municipal Code to: 1) create a new Chapter regulating Emergency Shelters, 2) amend the zoning regulations for the C-1, C-2 and PF Districts to allow emergency shelters as a permitted pursuant to Housing Element Policy H-F-3, and 3) amend the regulations for R-1, R-2, R-3, R-4 and R-T to specifically allow transitional and supportive housing in residential zones.

KEY PLANNING ISSUES

- Creation of a new Chapter 17.82 to establish standards for Emergency Shelters
- Amendments to Zoning regulations to implement SB 2, to allow Emergency Shelters as a permitted use in the C-1, C-2 and PF Districts.
- Amendments to the Zoning regulations to comply with state requirements to allow transitional and supportive housing as a permitted use in residential zones.

BACKGROUND

State Law Requirements of SB 2

SB 2 was effective January 1, 2008 and requires housing elements to include a more detailed analysis of needs for emergency shelters and transitional and supportive housing. The law also requires that emergency shelters be allowed without conditional use or other discretionary permits, but permits jurisdictions to establish standards for specified aspects of emergency shelters. Transitional and supportive housing are defined as residential uses and zoning regulations must specifically allow these uses.

The following definitions are excerpted from the memo from the Department of Housing and Community Development dated May 7, 2008:

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.

August 15, 2013

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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 units 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 residents 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 (Health and Safety Code Section 53260(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.

More detailed explanations of SB 2 requirements are contained in the attachments to this report, including:

- Study Session Staff Report, dated April 16, 2009
- Zoning in the Wake of SB 2, dated May 2010
- Memo from Jean Savaree, dated April 9, 2009
- Memo from Cathy Creswell, Department of Housing and Community Development, dated May 7, 2008

Foster City Housing Element

As required by SB 2, Foster City’s Housing Element, adopted in February 2010, addresses needs for homeless shelters and transitional and supportive housing on pages 4-25 through 4-31 and in Policies H-F-3 and H-F-4 and related Implementation Measures as follows:

H-F-3 Housing for the Homeless. The City of Foster City recognizes the need for and desirability of emergency shelter housing for the homeless and will allow emergency shelters as a permitted use in *Neighborhood Business (C-1)*, *Central Business (C-2)*, *the Pilgrim-Triton and Marlin Cove areas in the Commercial Mix (CM/PD) Zoning Districts*, and at churches/synagogues in the *Public Facilities (PF) Zoning District* based on the following considerations:

- a. The City will encourage a dispersion of facilities to avoid an over-concentration of shelters for the homeless in any given area. An over-concentration of such facilities may negatively impact the neighborhood in which they are located and interfere with the “normalization process” for clients residing in such facilities.
- b. The City of Foster City shall encourage positive relations between neighborhoods and providers of permanent or temporary emergency shelters. Providers or

sponsors of emergency shelters, transitional housing programs and community care facilities shall be encouraged to establish outreach programs within their neighborhoods and, when necessary, work with the City's Dispute Resolution Committee.

- c. It is recommended that a staff person from the provider agency be designated as a contact person with the community to review questions or comments from the neighborhood. Outreach programs may also designate a member of the local neighborhood to their Board of Directors. Neighbors of emergency shelters shall be encouraged to provide a neighborly and hospitable environment for such facilities and their residents.
- d. Development standards for emergency shelters for the homeless located in Foster City shall ensure that shelters would be developed in a manner which protects the health, safety and general welfare of nearby residents and businesses, while providing for the needs of a segment of the population as required by State law. Shelters shall be subject only to development, architectural review and management standards that apply to residential or commercial development in the same zone, except for the specific written and objective standards as allowed in State law.

*H-F-3-a **Emergency Housing Assistance.** Participate and allocate funds, as appropriate, for County and non-profit programs providing emergency shelter and related counseling services. Target: Annual participation, if feasible. Responsible Agency: Community Development Agency.*

*H-F-3-b **Emergency Shelter Uses.** The City will contribute a portion of the Housing Set Aside fund to non-profit agencies involved in providing housing for the homeless in San Mateo County. The City will also review proposals for emergency shelter uses based on the policies in the General Plan and other City development standards and requirements. Target: Ongoing. Responsible Agency: Community Development Department; Community Development Agency.*

*H-F-3-c **Multi-Jurisdictional Emergency Shelter.** Pursuant to State law requirements, and as the opportunity arises, the City will consider participation in a multi-jurisdictional emergency shelter, should one be proposed in the future. Target: Based on the opportunity and feasibility of a multi-jurisdictional emergency shelter. Responsible Agency: Community Development Department.*

*H-F-3-d **Emergency Shelter Zoning.** The City will establish an overlay zone that would allow a year-round emergency shelter as a permitted use in Neighborhood Business (C-1), Central Business (C-2), the Pilgrim-Triton and Marlin Cove areas in the Commercial Mix (CM/PD) Zoning Districts, and at churches/synagogues in the Public Facilities (PF) Zoning District. In addition, the City will establish written and objective standards, as allowed in State law, for the following:*

- (1) Maximum number of beds;*
- (2) Off-street parking based upon demonstrated need;*

- (3) *Size and location of on-site waiting and intake areas;*
- (4) *Provision of on-site management;*
- (5) *Proximity to other shelters;*
- (6) *Length of stay;*
- (7) *Lighting; and*
- (8) *Security during hours when the shelter is open.*

Target: June, 2010. Responsible Agency: Community Development Department.

H-F-4 Transitional and Supportive Housing. The City of Foster City recognizes the need for and desirability of transitional and supportive housing and will treat transitional and supportive housing as a residential use that will be subject only to the same restrictions that apply to other residential uses of the same type in the same zone.

*H-F-4-a **Transitional and Supportive Housing Zoning.** Amend residential zones to specifically allow transitional and supportive Housing, as required by State law, so they are treated as a residential use that will be subject only to the same restrictions that apply to other residential uses of the same type in the same zone. Target: June, 2010. Responsible Agency: Community Development Department.*

Best Practices

As part of the “21 Elements” effort in San Mateo County that provided background information for the recent round of Housing Element updates, information was prepared to assist jurisdictions in their efforts to comply with SB 2. The attached report, “Zoning in the Wake of SB2,” provides recommended best practices for zoning regulations related to emergency shelters and transitional and supportive housing.

Study Session on April 16, 2009

The Planning Commission previously reviewed options for a zoning amendment to comply with requirements for emergency shelters on April 16, 2009 (see attached “Notes from Study Session April 16, 2009). At the Study Session, the Planning Commission direction was to include all three options presented by staff with priorities in the following order:

- Option 3: Enter into a multi-jurisdictional agreement to work with at least two other jurisdictions to create a shelter.
- Option 2: Allow emergency shelters at churches/synagogues in the Public Facilities (PF) Zoning District.
- Option 1: Allow emergency shelters in the Neighborhood Business (C-1), Center business (C-2) and at the Pilgrim Triton and Marlin Cove areas in the CM/PD Districts.

This direction by the Planning Commission helped shape the final wording of the policies and implementation measures adopted by the City Council as contained in the Housing Element in February 2010. Staff notes that following the 2009 Study Session, the City’s primary potential source of funding for affordable housing, redevelopment funds, has been eliminated.

Homelessness in Foster City

The most recent census of homeless people conducted in January 2013, found seven unsheltered homeless people in Foster City. Prior to that, the 2011 homeless census found no homeless persons in Foster City. The final report from the 2013 census (attached) explains why the “hidden” homeless population is much more difficult to count. “Hidden” homeless includes people who live in structures not meant for human habitation, such as garages and people who shelter temporarily with friends or family. Information provided by InnVision/Shelter Network indicates that they served 25 people in the last fiscal year who listed Foster City as their last address: 6 individual adults and 19 people in families, including 7 children and 12 parents.

ANALYSIS

The proposed amendments related to shelters and transitional and supporting housing include:

1. Creating a new Chapter 17.82, Emergency Shelters, to contain the standards for development and operation of emergency shelters.
2. Amending or adding definitions related to emergency shelters and transitional and supportive housing.
3. Amending the regulations for the C-1 and PF zoning districts (C-2 allows all C-1 permitted uses) to allow emergency shelters as a permitted use, subject to the standards in Chapter 17.82.
4. Amending the regulations for the R-1, R-T and R-3 zoning districts (R-2 allows all R-1 permitted uses; R-4 allows all R-3 permitted uses) to allow transitional and supportive housing as a permitted use.

Zoning Text Amendment: new Chapter 17.82 Emergency Shelters

A new Chapter of Title 17, Zoning, is proposed to contain the standards for emergency shelters. As identified in Housing Element Policy H-F-3 and Implementation Measure, H-F-3-d, the City needs to amend its zoning regulations to provide areas where emergency shelters are allowed in a non-discretionary manner and to include objective development standards. SB 2 allows jurisdictions to apply written, objective development and management standards in the following areas:

1. The maximum number of beds or persons permitted to be served nightly by the facility.
2. 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.
3. The size and location of exterior and interior onsite waiting and client intake areas.
4. The provision of onsite management.
5. The proximity to other emergency shelters, provided that emergency shelters are not required to be more than 300 feet apart.
6. The length of stay.
7. Lighting.
8. Security during hours that the emergency shelter is in operation.

The attached report, “Zoning in the Wake of SB2,” includes recommended best practices developed by San Mateo County stakeholders. Staff’s proposed development standards utilize these recommendations with some minor adjustments. The proposed standards and various options are explained in Table 1, below.

Table 1: Performance Standards for Emergency Shelters

Performance Standard	Proposed	Comments/Options
Number of beds	An emergency shelter shall contain a maximum of 10 beds and shall serve no more than 10 homeless persons.	State law allows jurisdictions to regulate the number of beds, but also states that limits on the number of beds must "facilitate," "promote," and "encourage" new emergency housing. Shelters in San Mateo County range from 6 to 87 beds. The 2013 Homeless Census identified 7 unsheltered homeless individuals in Foster City. A maximum of 10 beds is proposed to be small enough to minimize impacts to the surrounding neighborhood but large enough to be feasible, given requirements for supervision and management. Sample limits from other jurisdictions: Santa Monica – 40; Portola Valley – 10; Tiburon – 10; Turlock – varies by zone 40-100; San Mateo – 14 but more by Use Permit.
Parking	Emergency shelters shall provide one parking space for each employee or volunteer on duty when the shelter is fully open to clients, plus one parking space for every family sheltered and .35 parking spaces for each non-family bed. The Community Development Director shall reduce the parking requirements if the shelter can demonstrate a lower need. The shelter shall also provide bicycle parking of at least .5 spaces per bed. (Note that "family" is defined in Section 17.04.190.210 as "...one person living alone or two or more persons living together and maintaining a common household.")	The standards may not require more parking for emergency shelters than for other residential or commercial uses within the same zone. The proposed standard is based on InnVision/Shelter Network's experience but allows some flexibility based on a demonstrated lower need. (Note: Inn Vision/Shelter Network is a local non-profit that operates six shelters in San Mateo County as well other services to enable homeless families and individuals to return to permanent housing and self-sufficiency.)
Waiting/Intake areas	Shelters shall provide 10 square feet of interior waiting and client intake space per bed. In addition, there shall be a minimum of one private office. Waiting and intake areas may be	State law allows cities to regulate "waiting" and "intake" areas, but communal areas and offices are also important. Having adequate waiting and communal gathering areas will reduce the

Performance Standard	Proposed	Comments/Options
On-site Management & Security	<p>used for other purposes as needed during operations of the shelter, including communal space.</p> <p>On site management shall be present at all times that the shelter is in operation. Before opening, shelters shall develop and implement a management plan that addresses all points that pertain to emergency shelters in the latest Quality Assurance Standards developed by the San Mateo County HOPE Quality Improvement Project and meets at least the minimum standards, except where other standards are provided by this Chapter. Shelters must prepare and implement a security and emergency plan as part of the Management Plan and train staff about the plan. A copy of the Management Plan shall be provided to the Community Development Director for approval. The Community Development Director shall approve the Management Plan if it meets the minimum requirements in the latest Quality Assurance Standards developed by the San Mateo County HOPE Quality Improvement Project.</p>	<p>likelihood of loitering outside. Communal areas also provide space for volunteers to stage donations to be accepted and sorted.</p> <p>The attached memorandum from Cathy Creswell, Department of Housing and Community Development dated May 7, 2008 (HCD memo) states that "appropriate management standards are reasonable and limited to ensure the operation and maintenance of the property." Most ordinances require on-site management when the shelter is open. The San Mateo County HOPE Quality Improvement Work Group has produced Quality Assurance Standards for shelters. The standards include both minimum and higher levels. The proposed language requires that the plan meet at least the minimum standards. An alternative would be to require the plan to simply address the topics covered in the Quality Assurance Standards.</p>
Proximity to other shelters	No shelter shall be located within 300 feet of another shelter.	State law allows jurisdictions to regulate the proximity of shelters to one another, provided they are not required to be more than 300 feet apart.
Length of Stay	The maximum length of stay in any emergency shelter shall be limited to no more than 60 total days within one calendar year unless an extension is granted. Extensions up to a total stay of 180 total days within one calendar year may be provided if no alternative housing is available. Information on length of client stays	The HCD memo* recommends that length of stay provisions should be consistent with financing programs or statutory definitions limiting occupancy to six months (Health and Safety Code Section 50801). The typical initial length of stay is 30 or 60 days, with extensions available if no alternative housing is available.

Performance Standard	Proposed	Comments/Options
Lighting	<p>shall be provided to the Community Development Director upon request.</p> <p>There shall be a minimum of 10 candlefoot power at the door of the shelter and extending in an unobstructed direction outward five feet. There shall be a minimum of two candlefoot power in other areas accessible from the street. The lighting shall be stationary and directed away from adjacent properties and public rights-of-way. These lighting requirements shall be in effect from 30 minutes after sunset until 30 minutes before sunrise. Shelters may propose an alternate lighting plan, which must be agreed to by the Community Development Director. The alternate lighting plan must provide adequate external lighting for security purposes. The lighting shall be stationary, directed away from adjacent properties and public rights-of-way, and of intensity compatible with the neighborhood.</p>	<p>The difficulty with lighting is to create a standard that does not include too much subjectivity. The proposed standard is similar to the State regulations for automatic teller machines, but allows an alternative plan to be approved by the Community Development Director.</p>
Nondiscretionary design standards	<p>In addition to non-discretionary design standards required for other housing in the zone, emergency shelters shall meet the following requirements: 1) Shelters shall have a designated outdoor smoking area not visible from the street; 2) There shall be no space for outdoor congregating in front of the building and no outdoor public telephones; 3) There shall be a refuse area screened from view; and 4) Shelters shall provide access for persons with disabilities.</p>	<p>The standards recommended would help the shelter fit into the neighborhood with minimal impacts to surrounding properties.</p>

The proposed zoning text amendment also includes related definitions:

17.04. 085 Candlefoot power.

“Candlefoot power” is defined as the light intensity of candles on a horizontal plane at 36 inches above ground level and five feet in front of the area to be measured.

17.04.203 Emergency Shelter.

“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.

Zoning Text Amendment: Allowing Emergency Shelters in C-1, C-2 and PF Districts

The attached Staff Report dated April 16, 2009 laid out options for application of an Emergency Shelter Combining District to meet the criteria laid out in SB2 to “include sufficient capacity to accommodate the need for emergency shelter... except that each local government shall identify a zone or zones that can accommodate at least one year-round emergency shelter.”

The Planning Commission reviewed the options presented in April 2009 and concluded that a new combining district should be applied to “Neighborhood Business (C-1), Central Business (C-2), the Pilgrim-Triton and Marlin Cove areas in the Commercial Mix (CM/PD) Zoning Districts, and at churches/synagogues in the Public Facilities (PF) Zoning District,” as stated in Housing Implementation Measure H-F-3-d.

Upon further review of the proposed amendment, staff is proposing a simpler approach to add emergency shelters to the list of permitted uses in the C-1 and PF Districts (C-2 allows all C-1 permitted uses), rather than establishing and applying a new combining district. Because the CM/PD District is applied to more than just Pilgrim-Triton and Marlin Cove, staff is not recommending inclusion of emergency shelters in the CM/PD District.

In order to establish the new zoning regulations, in addition to creating the standards in the new regulations for the new Chapter 17.82 Emergency Shelters, the zoning regulations for the affected districts must also be amended to add emergency shelters to the list of permitted uses.

As indicated in the April 15, 2009 Staff Report (attached), these zoning districts were chosen because they provide sufficient opportunities for emergency shelters and the uses allowed in these districts are compatible with residential uses, as outlined in the Technical Memo from the Department of Housing and Community Development, dated May 7, 2008 (attached). In the commercial districts, an emergency shelter could locate in one of the retail spaces. For the Public Facilities Districts, neighboring cities provide successful examples of emergency shelters located in existing buildings at churches and synagogues.

The zoning amendment would provide the opportunity for a property owner in one of the affected districts to locate an emergency shelter on their property. The zoning amendment does not require an emergency shelter to be provided; it gives property owners the option to provide an emergency shelter.

Zoning Text Amendment: Transitional and Supportive Housing in Residential Zones

SB 2 requires that transitional and supportive housing constitute a residential use and that zoning ordinances shall explicitly permit them as residential uses. This is similar to regulations

August 15, 2013

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for residential care facilities for 6 or fewer individuals, which are permitted in any residential zone.

See the HCD memo, pages 13-14, for additional descriptions of typical transitional and supportive housing.

In the R-1, Single Family Residence District, community care facilities are called out as a permitted use. Staff recommends that transitional housing and supportive housing be added to the list of types of community care facilities that are permitted uses as follows (new language is underlined):

10. Community care facilities including family day cares, day care centers, and residential care facilities, transitional housing and supportive housing as defined by Sections 17.04.135, 17.04.149, 17.04.215, and 17.04.459, 17.04.544 and 17.04.547 of this code.

In the R-2, Two-Family Residence District, uses permitted in the R-1 District are referenced as permitted uses.

In the R-T, Townhouse Residence District, community care facilities are listed as they are in the R-1 District. Staff recommends that transitional housing and supportive housing be added to the list of types of community care facilities that are permitted uses as follows:

G. Community care facilities including family day cares, day care centers, and residential care facilities, transitional housing and supportive housing as defined by Sections 17.04.135, 17.04.149, 17.04.215, and 17.04.459, 17.04.544 and 17.04.547 of this code.

In the R-3, Medium Density Multiple-Family Residence District, “multiple-family dwellings” is listed as a permitted use. Staff recommends amending the definition of “Dwelling, multiple” as follows (new language in underlined):

17.04.180 Dwelling, multiple.

“Multiple dwelling” means a building or portion thereof used and designed as a residence for three or more families living independently of each other and doing their own cooking in the building, including apartment houses, but not including motels, hotels or boardinghouses, and may include transitional and supportive housing.

In the R-4, High Density Multiple-Family Residence District, any use permitted in the R-3 District is permitted.

Residential uses are allowed as conditional uses in the C-2, General Business District (which includes the Metro Center development and its related residential uses), and the CM, Commercial Mix District. The expanded definition of “dwelling, multiple” would cover the residential uses in these districts.

In addition, staff recommends that definitions of transitional housing and supportive housing be added as follows:

17.04.544 Supportive Housing.

“Supportive Housing” means housing with no limit on length of stay, that is occupied by the target population as defined in subdivision (d) of Section 53260, of the California Health and Safety Code, and that is linked to on- or off-site services that assist the supportive housing

August 15, 2013

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residents 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.

17.04.547 Transitional Housing.

“Transitional Housing” and “transitional housing development” mean buildings configured as rental housing developments, but operated under program requirements that call for the termination of assistance and recirculation of the assisted units to another eligible program recipient at some predetermined future point in time, which shall be no less than six months.

Target population (referenced in the definition of “supportive housing” is defined in Section 53260(d) of the California Health and Safety Code as follows:

“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.

NEXT STEPS

The Planning Commission’s recommendation will be forwarded to the City Council for their consideration at a noticed, Public Hearing.

INDIVIDUALS, ORGANIZATIONS AND DOCUMENTS CONSULTED

Foster City General Plan
Foster City Municipal Code
Jean Savaree, City Attorney
Camus Steinmetz, Deputy City Attorney
Amy Wright, InnVision/Shelter Network
21 Elements website: www.21elements.org
California Housing and Community Development Department website: www.hcd.ca.gov
2013 San Mateo County Homeless Census and Survey, May 2013

ATTACHMENTS

Resolution
Draft Ordinance
Planning Commission Study Session Staff Report, April 16, 2009
Notes from Planning Commission Study Session April 16, 2009
Memo from Jean Savaree, April 9, 2009
Memo from Cathy Creswell, Department of Housing and Community Development, May 7, 2008
Zoning in the Wake of SB2, Best Practices for Emergency, Transitional and Supportive Housing, 21 Elements, May 2010
2013 San Mateo County Homeless Census and Survey, Final Report, May 4, 2013

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF FOSTER CITY RECOMMENDING CITY COUNCIL ADOPTION OF AMENDMENTS TO TITLE 17, ZONING, OF THE FOSTER CITY MUNICIPAL CODE BY ADDING CHAPTER 17.82 EMERGENCY SHELTERS, ADDING RELATED DEFINITIONS TO CHAPTER 17.04 DEFINITIONS, AMENDING CHAPTERS 17.24 C-1 COMMERCIAL BUSINESS DISTRICT AND 17.32 PF PUBLIC FACILITIES DISTRICT TO ALLOW EMERGENCY SHELTERS, AND AMENDING CHAPTERS 17.12 R-1 SINGLE-FAMILY RESIDENCE DISTRICT, 17.16 R-T TOWNHOUSE RESIDENCE DISTRICT, 17.18 R-3 MEDIUM DENSITY MULTIPLE-FAMILY RESIDENCE DISTRICT TO PERMIT TRANSITIONAL AND SUPPORTIVE HOUSING – RZ-13-003

CITY OF FOSTER CITY PLANNING COMMISSION

WHEREAS, the State of California, through the passage of SB2, requires all jurisdictions to provide zoning to permit homeless shelters as a permitted use without requiring discretionary permits and to allow transitional and supportive housing as residential uses; and

WHEREAS, the City considered the needs for programs to address homelessness in the Housing Element; and

WHEREAS, the following provisions of the Housing Element of the City of Foster City's General Plan reflect the City's intention to allow emergency shelters:

- **Policy H-F-3 Housing for the Homeless.** The City of Foster City recognizes the need for and desirability of emergency shelter housing for the homeless and will allow emergency shelters as a permitted use in *Neighborhood Business (C-1)*, *Central Business (C-2)*, *the Pilgrim-Triton and Marlin Cove areas in the Commercial Mix (CM/PD) Zoning Districts*, and at churches/synagogues in the Public Facilities (PF) Zoning District based on the following considerations:
 - a. The City will encourage a dispersion of facilities to avoid an over-concentration of shelters for the homeless in any given area. An over-concentration of such facilities may negatively impact the neighborhood in which they are located and interfere with the "normalization process" for clients residing in such facilities.
 - b. The City of Foster City shall encourage positive relations between neighborhoods and providers of permanent or temporary emergency shelters. Providers or sponsors of emergency shelters, transitional housing programs and community care facilities shall be encouraged to establish outreach programs within their neighborhoods and, when necessary, work with the City's Dispute Resolution Committee.
 - c. It is recommended that a staff person from the provider agency be designated as a contact person with the community to review questions or comments from the neighborhood. Outreach programs may also

designate a member of the local neighborhood to their Board of Directors. Neighbors of emergency shelters shall be encouraged to provide a neighborly and hospitable environment for such facilities and their residents.

- d. Development standards for emergency shelters for the homeless located in Foster City shall ensure that shelters would be developed in a manner which protects the health, safety and general welfare of nearby residents and businesses, while providing for the needs of a segment of the population as required by State law. Shelters shall be subject only to development, architectural review and management standards that apply to residential or commercial development in the same zone, except for the specific written and objective standards as allowed in State law.
- **Implementation Program H-F-3-d Emergency Shelter Zoning.** The City will establish an overlay zone that would allow a year-round emergency shelter as a permitted use in Neighborhood Business (C-1), Central Business (C-2), the Pilgrim-Triton and Marlin Cove areas in the Commercial Mix (CM/PD) Zoning Districts, and at churches/synagogues in the Public Facilities (PF) Zoning District. In addition, the City will establish written and objective standards, as allowed in State law, for the following:
 - (1) Maximum number of beds;
 - (2) Off-street parking based upon demonstrated need;
 - (3) Size and location of on-site waiting and intake areas;
 - (4) Provision of on-site management;
 - (5) Proximity to other shelters;
 - (6) Length of stay;
 - (7) Lighting; and
 - (8) Security during hours when the shelter is open.

WHEREAS, the following provisions of the Housing Element of the City of Foster City's General Plan reflect the City's intention to allow transitional and supportive housing:

- **Policy H-F-4 Transitional and Supportive Housing.** The City of Foster City recognizes the need for and desirability of transitional and supportive housing and will treat transitional and supportive housing as a residential use that will be subject only to the same restrictions that apply to other residential uses in of the same type in the same zone.
- **Implementation Program H-F-4-a Transitional and Supportive Housing Zoning.** Amend residential zones to specifically allow transitional and supportive Housing, as required by State law, so they are treated as a residential use that

will be subject only to the same restrictions that apply to other residential uses of the same type in the same zone; and

WHEREAS, the proposed ordinance is exempt from the California Environmental Quality Act (CEQA) under Public Resources Code Section 15061(b)(3) because it does not have the potential for causing a significant effect on the environment.

WHEREAS, a Notice of Public Hearing was duly posted and published for consideration at the Planning Commission meeting of August 15, 2013, and, on said date, the Public Hearing was opened, held, and closed.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission, based on facts and analysis in the staff report, written and oral testimony, and exhibits presented, finds that:

1. The proposed amendments are consistent with the Foster City General Plan, specifically Housing Element Policies H-F-3 and H-F-4; and
2. The proposed amendments will assist the City to facilitate the provision of housing for all segments of the community, including the homeless and persons with special needs.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Foster City hereby recommends that the City Council adopt the proposed amendments to Title 17, Zoning, of the Foster City Municipal Code (RZ-13-003) as presented in the attached draft ordinance, Exhibit A, attached hereto and incorporated herein.

PASSED AND ADOPTED by the Planning Commission of the City of Foster City
at a Regular Meeting thereof held on August 15, 2013 by the following vote:

AYES, COMMISSIONERS:

NOES, COMMISSIONERS:

ABSTAIN, COMMISSIONERS:

ABSENT, COMMISSIONERS:

DAN DYCKMAN, CHAIR

ATTEST:

CURTIS BANKS, SECRETARY

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF FOSTER CITY AMENDING TITLE 17, ZONING, OF THE FOSTER CITY MUNICIPAL CODE BY ADDING CHAPTER 17.82 EMERGENCY SHELTERS, ADDING RELATED DEFINITIONS TO CHAPTER 17.04 DEFINITIONS, AMENDING CHAPTERS 17.24 C-1 COMMERCIAL BUSINESS DISTRICT AND 17.32 PF PUBLIC FACILITIES DISTRICT TO ALLOW EMERGENCY SHELTERS, AND AMENDING CHAPTERS 17.12 R-1 SINGLE-FAMILY RESIDENCE DISTRICT, 17.16 R-T TOWNHOUSE RESIDENCE DISTRICT, 17.18 R-3 MEDIUM DENSITY MULTIPLE-FAMILY RESIDENCE DISTRICT TO PERMIT TRANSITIONAL AND SUPPORTIVE HOUSING – RZ-13-003

CITY OF FOSTER CITY

THE CITY COUNCIL OF THE CITY OF FOSTER CITY DOES FIND AND ORDAIN as follows:

Section 1: The City Council of the City of Foster City, California, hereby finds and determines:

WHEREAS, the State of California, through the passage of SB2, requires all jurisdictions to provide zoning to permit homeless shelters as a permitted use without requiring discretionary permits and to allow transitional and supportive housing as residential uses; and

WHEREAS, the City considered the needs for programs to address homelessness in the Housing Element; and

WHEREAS, the following provisions of the Housing Element of the City of Foster City's General Plan reflect the City's intention to allow emergency shelters for the homeless:

- **Policy H-F-3 Housing for the Homeless.** The City of Foster City recognizes the need for and desirability of emergency shelter housing for the homeless and will allow emergency shelters as a permitted use in *Neighborhood Business (C-1)*, *Central Business (C-2)*, *the Pilgrim-Triton and Marlin Cove areas in the Commercial Mix (CM/PD) Zoning Districts*, and at churches/synagogues in the Public Facilities (PF) Zoning District based on the following considerations:
 - a. The City will encourage a dispersion of facilities to avoid an over-concentration of shelters for the homeless in any given area. An over-concentration of such facilities may negatively impact the neighborhood in which they are located and interfere with the "normalization process" for clients residing in such facilities.

- b. The City of Foster City shall encourage positive relations between neighborhoods and providers of permanent or temporary emergency shelters. Providers or sponsors of emergency shelters, transitional housing programs and community care facilities shall be encouraged to establish outreach programs within their neighborhoods and, when necessary, work with the City's Dispute Resolution Committee.
 - c. It is recommended that a staff person from the provider agency be designated as a contact person with the community to review questions or comments from the neighborhood. Outreach programs may also designate a member of the local neighborhood to their Board of Directors. Neighbors of emergency shelters shall be encouraged to provide a neighborly and hospitable environment for such facilities and their residents.
 - d. Development standards for emergency shelters for the homeless located in Foster City shall ensure that shelters would be developed in a manner which protects the health, safety and general welfare of nearby residents and businesses, while providing for the needs of a segment of the population as required by State law. Shelters shall be subject only to development, architectural review and management standards that apply to residential or commercial development in the same zone, except for the specific written and objective standards as allowed in State law.
- Implementation Program H-F-3-d **Emergency Shelter Zoning**. The City will establish an overlay zone that would allow a year-round emergency shelter as a permitted use in Neighborhood Business (C-1), Central Business (C-2), the Pilgrim-Triton and Marlin Cove areas in the Commercial Mix (CM/PD) Zoning Districts, and at churches/synagogues in the Public Facilities (PF) Zoning District. In addition, the City will establish written and objective standards, as allowed in State law, for the following:
 - (1) Maximum number of beds;
 - (2) Off-street parking based upon demonstrated need;
 - (3) Size and location of on-site waiting and intake areas;
 - (4) Provision of on-site management;
 - (5) Proximity to other shelters;
 - (6) Length of stay;
 - (7) Lighting; and
 - (8) Security during hours when the shelter is open.

WHEREAS, the Planning Commission by adoption of Resolution P-____-13 on August 15, 2013, recommended approval of the proposed amendments; and

WHEREAS, the proposed ordinance is exempt from the California Environmental Quality Act (CEQA) under Public Resources Code Section 15061(b)(3) because it does not have the potential for causing a significant effect on the environment.

Section 2. A new Chapter 17.82 shall be added to Title 17, Zoning, of the Foster City Municipal Code as follows:

Chapter 17.82
Emergency Shelters

Sections:

- 17.82.010 Findings.
- 17.82.020 Purpose.
- 17.82.030 Performance Standards.

17.82.010 Findings.

A. Through the passage of SB2, the State requires all jurisdictions to provide zoning to permit homeless shelters "by right" as a permitted use without requiring use permits or other discretionary approvals; and

B. The City has considered the needs for programs to address homelessness in the Housing Element and has included policies and implementation programs in the Housing Element to include provisions in Title 17, Zoning, to address emergency shelters for the homeless.

17.82.020 Purpose.

The purpose of the Emergency Shelter regulations is to provide standards that will encourage and facilitate the development of, or conversion of existing facilities to, an emergency shelter.

17.82.030 Performance Standards.

Emergency shelters, as defined in Section 17.04.203, shall be allowed in any District where they are listed as a permitted use without discretionary permits or approvals, provided they comply with the following standards:

(a) **Property Development Standards.** An emergency shelter shall conform to all property development standards of the zoning district in which it is located except as modified by these performance standards.

(b) **Maximum Number of Persons/Beds.** An emergency shelter shall contain a maximum of 10 beds and shall serve no more than 10 homeless persons.

(c) **Minimum Parking Requirements.** Emergency shelters shall provide one parking space for each employee or volunteer on duty when the shelter is fully open to clients, plus one parking space for every family (as defined in Section 17.04.210) sheltered and .35 parking spaces for each non-family bed. The Community Development Director shall reduce the parking requirements if the shelter can demonstrate a lower need. The shelter shall also provide bicycle parking of at least .5 spaces for each bed.

(d) **Size and location of interior on-site waiting and client intake areas.** Emergency shelters shall provide at least 10 square feet of interior waiting and client intake space per bed. In addition, there shall be a minimum of one private office. Waiting and intake areas may be used for other purposes as needed during operations of the shelter, including communal space.

(e) **Provisions of on-site management and security.** On site management shall be present at all times that the emergency shelter is in operation. Before opening, shelters shall develop and implement a Management Plan that addresses all points that pertain to emergency shelters in the latest Quality Assurance Standards developed by the San Mateo County HOPE Quality Improvement Project and meets at least the minimum standards, except where other standards are provided by this Chapter. Shelters must prepare and implement a security and emergency plan as part of the Management Plan and train staff about the plan. A copy of the Management Plan shall be provided to the Community Development Director for approval. The Community Development Director shall approve the Management Plan if it meets the minimum requirements in the latest Quality Assurance Standards developed by the San Mateo County HOPE Quality Improvement Project.

(f) **Proximity to other shelters.** No emergency shelter shall be located within 300 feet of another emergency shelter.

(g) **Length of client stay.** The maximum length of stay in any emergency shelter shall be limited to no more than 60 total days within one calendar year unless an extension is granted. Extensions up to a total stay of 180 total days within one calendar year may be provided if no alternative housing is available. Information on length of client stays shall be provided to the Community Development Director upon request.

(h) **Lighting.** There shall be a minimum of 10 candlefoot power at the door of the emergency shelter and extending in an unobstructed direction outward five feet. There shall be a minimum of two candlefoot power in other areas accessible from the street. The lighting shall be stationary and directed away from adjacent properties and public rights-of-way. These lighting requirements shall be in effect from 30 minutes after sunset until 30 minutes before sunrise. Shelters may propose an alternate lighting plan, which must be agreed to by the Community Development Director. The alternate lighting plan must provide adequate external lighting for security purposes. The lighting shall be stationary, directed away from adjacent properties and public rights-of-way, and of intensity compatible with the neighborhood.

(h) **Nondiscretionary design standards.** In addition to non-discretionary design standards required for other housing in the zone, emergency shelters shall meet the following requirements: 1) Shelters shall have a designated outdoor smoking area not visible from the street. 2) There shall be no space for outdoor congregating in front of the building and no outdoor public telephones. 3) There shall be a refuse area screened from view. 4) Shelters shall provide access for persons with disabilities.

Section 3. The following definitions are hereby added to or amended in Chapter 17.04, Definitions, of Title 17, Zoning of the Foster City Municipal Code:

17.04.085 Candlefoot power.

“Candlefoot power” is defined as the light intensity of candles on a horizontal plane at 36 inches above ground level and five feet in front of the area to be measured.

17.04.180 Dwelling, multiple.

“Multiple dwelling” means a building or portion thereof used and designed as a residence for three or more families living independently of each other and doing their own cooking in the building, including apartment houses, but not including motels, hotels or boardinghouses, and may include transitional and supportive housing.

17.04.203 Emergency Shelter.

“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, established and operated in conformance with Chapter 17.82, because of an inability to pay.

17.04.544 Supportive Housing.

“Supportive Housing” means housing with no limit on length of stay, that is occupied by the target population as defined in subdivision (d) of Section 53260, of the California Health and Safety Code, and that is linked to on- or off-site services that assist the supportive housing residents 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.

17.04.547 Transitional Housing.

“Transitional Housing” and “transitional housing development” mean buildings configured as rental housing developments, but operated under program requirements that call for the termination of assistance and recirculation of the assisted units to another eligible program recipient at some predetermined future point in time, which shall be no less than six months.

Section 4. Section 17.12.020.B.10 of Chapter 17.12, R-1, Single-Family Residence District, is hereby amended as follows:

10. Community care facilities including family day cares, day care centers, residential care facilities, transitional housing and supportive housing as defined by Sections 17.04.135, 17.04.149, 17.04.215, 17.04.459, 17.04.544 and 17.04.547 of this code.

Section 5. Section 17.16.020G of Chapter 17.16, R-T, Townhouse Residence District, is hereby amended as follows:

G. Community care facilities including family day cares, day care centers, and residential care facilities, transitional housing and supportive housing as defined by

Sections 17.04.135, 17.04.149, 17.04.215, 17.04.459, 17.04.544 and 17.04.547 of this code.

Section 6. Section 17.18.020 of Chapter 17.18, R-3, Medium Density Multiple-Family Residence District, is hereby amended to add subsection D as follows:

D. Community care facilities including family day cares, day care centers, and residential care facilities, transitional housing and supportive housing as defined by Sections 17.04.135, 17.04.149, 17.04.215, 17.04.459, 17.04.544 and 17.04.547 of this code.

Section 7. Section 17.24.020 of Chapter 17.24, C-1 Neighborhood Business District, is hereby amended to add subsection E as follows:

E. Emergency shelters pursuant to Chapter 17.82.

Section 8. Section 17.32.020 of Chapter 17.32, PF Public Facilities District, is hereby amended as follows:

17.32.020 Permitted uses.

The following uses shall be permitted in the P-F districts:

- A. Buildings and facilities owned, leased or operated (whether in a governmental or proprietary capacity) by the city, the county, the state, or the federal governments, any public school district or any other public district within the city.
- B. Emergency for the homeless pursuant to Chapter 17.82.

Section 9. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it should have adopted the Ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.

Section 10. Taking Effect. This Ordinance shall take effect and be in force thirty (30) days from and after its adoption.

Section 11. Posting. Within fifteen (15) days after the adoption of this Ordinance, the City Clerk shall have it posted in three (3) public places designated by the City Council.

This Ordinance was introduced and read on the ___ day of _____, 2013, and passed and adopted on the _____ day of _____, 2013, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

PAM FRISELLA, MAYOR

ATTEST:

DORIS L. PALMER, CITY CLERK

DATE: APRIL 16, 2009

STUDY SESSION STAFF REPORT

AGENDA ITEM NO. 3.A.

TO: FOSTER CITY PLANNING COMMISSION
PREPARED BY: CURTIS BANKS
CASE NO.: GP-08-01
PROJECT LOCATION: CITYWIDE

REQUESTED ACTION/PURPOSE

The purpose of this meeting is to receive input from the Planning Commission regarding staff recommendations for how to comply with Government Code Section 65582, 65583, and 65589.5, Chapter 614, Statutes of 2007 (SB 2) that requires all jurisdictions to have a zone in place to permit at least one year-round emergency shelter without a conditional use permit or any discretionary permit requirements.

GENERAL INFORMATION

Public Outreach/Notification

The City circulated notices that briefly described the update process and schedule and topics that would be studied. The public was advised of the Housing Element Update and the March 31, 2009 Study Session in the following ways:

- Published in the Foster City Islander (April 1 and April 8);
- Published in the San Mateo Daily Journal (April 2 and April 9);
- Published in the San Francisco Examiner (April 3 and April 10);
- Mailed notice to major businesses;
- Posted on Foster City website;
- Televised on Foster City TV Channel 27;
- Posted in public noticing locations (Library, Recreation Center, Post Office, Sea Cloud Park and Metro Center);
- Posted on electronic marquee at Leo J. Ryan Park;
- E-mailed to people on the "Housing Element" e-mail listserv
- Mailed notice to Apartment Managers

State Law Requirements of SB 2

Government Code Section 65583 requires the housing element to identify adequate sites for a variety of housing types including multifamily rental housing, factory-built housing, mobile homes, housing for agricultural employees, supportive housing, single-room occupancy units, emergency shelters, and transitional housing. Effective January 1, 2008, SB 2 (Chapter 633) requires every California city and county to engage in a more detailed analysis of emergency

shelters and transitional and supportive housing in their next Housing Element revision. The bill regulates zoning for these facilities, and broadens the scope of the Housing Accountability Act (Government Code § 65589.5 — formerly the Anti-NIMBY Law) to include emergency shelters as well as supportive and transitional housing. Below is a summary of the requirements of SB 2. Attached is a State of California Housing and Community Development (HCD) Memorandum “Senate Bill 2 – Legislation Effective January 1, 2008: Local Planning and Approval for Emergency Shelters and Transitional and Supportive Housing” that provides details of the law.

SB 2 requires a community to identify the need for emergency shelters in its Housing Element and to designate zoning districts adequate to accommodate the need.

- In those districts, emergency shelters must be allowed without a conditional use or other discretionary permit and are exempt from review under the California Environmental Quality Act.
- 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.
- Capacity for emergency shelters must be suitable and available and account for physical features (flooding, seismic hazards, chemical contamination and other environmental constraints) and location (proximity to transit, job centers and public and community services).
- The element should also address available acreage (vacant, public and underutilized) and the realistic capacity for emergency shelters in the zone.
- The element should also discuss the potential for reuse or conversion of existing buildings to emergency shelters.
- The local government may apply certain written, objective development and management standards, such as the number of beds and length of stay.
- The identified zone or zones must also be suitable for emergency shelters and any other allowed uses must be compatible with emergency shelters. For example, heavy industrial uses often are not compatible with residential uses. HCD’s technical memo indicates that transitioning zones (where older industrial uses are redeveloping to residential, office or commercial) may be compatible with shelters. Also, commercial zones that allow residential or residential compatible services (such as social services) would also be suitable.
- If the jurisdiction cannot identify zones with sufficient capacity, it must include a program amending the zoning ordinance to meet the above requirements within one year from the adoption of the housing element.
- Cities and counties may fully or partially meet the emergency shelter zoning requirements by adopting and implementing a multi-jurisdictional agreement, with no more than two adjacent jurisdictions, to develop at least one year-round emergency shelter within two years of the planning period.

SB 2 also adds emergency shelters and supportive and transitional housing within the definition of “housing development project” as types of housing protected by the Housing Accountability Act, which until now covered affordable and farmworker housing. This statute strictly limits the grounds upon which cities and counties may deny certain types of housing, now including emergency shelters and supportive and transitional housing. Transitional and supportive housing are to be considered as residential uses and must only be subject to the same restrictions that apply to similar housing types in the same zone.

Transitional and supportive housing would therefore be allowed in the City’s residential zones just as residential care facilities are now allowed by state law. Examples of existing residential

care facilities in Foster City include residential care homes for the elderly and residential care homes for the disabled.

The following definitions are excerpted from HCD's SB2 Technical Memo issued on May 7, 2008.

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 units 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 residents 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.

Homelessness in Foster City

In January 2007, the San Mateo County Human Services Agency, Center on Homelessness conducted a homeless census and survey. San Mateo County Homeless Census and Survey, Final Report, issued in May 2008 and represents the results of those studies. In Foster City, the census identified 14 homeless individuals.

Staff also contacted the Police Department to obtain any data they may have regarding homelessness in Foster City. It is their opinion that Foster City does not have any permanent "Homeless Individuals" living within our City. Furthermore, in those very rare situations when a homeless individual comes to their attention, the Department provides assistance and transportation services as needed via county-wide programs already in place.

Examples of services available to homeless individuals include an emergency shelter at the Armory in San Mateo. If the Armory or other County services are unavailable, the City utilizes the Salvation Army Voucher System, which arranges shelter in a nearby hotel/motel and the Salvation Army covers the cost. Individuals are also referred to programs such as the Redwood City Family House and Samaritan House which provide shelter and services to homeless individuals. Officers also have SamTrans bus tokens to handout to individuals, and it is the Department's practice to provide courtesy rides when needed to those individuals seeking direct transportation to nearby service providers.

Options to Achieve Legal Compliance for Emergency Shelters

Foster City is a compact, built-out community. A majority of the City's commercial areas are located in, or adjacent to, residential neighborhoods. The only area of the City that is not adjacent to a residential neighborhood is the area north of Highway 92, a lot of which would not

meet the criteria established by the State for the siting of emergency shelters. There are no easily identifiable solutions to comply with the requirements of SB 2.

However, State law requires the City to identify a zoning district(s) to allow emergency shelters. It is important to note that the City is not required to build a homeless shelter. The requirement is provide a zone(s), where a shelter can locate without a conditional use permit or other discretionary action.

Staff has prepared options to implement SB 2. The options, which are identified below, anticipate, due to the small homeless population in Foster City, that a shelter established in the City would be a relatively small facility. A map of the areas staff considered is attached. Staff is not recommending amending the Zoning Code prior to adoption of the Final Housing Element, to comply with SB 2. State law permits a jurisdiction to include a policy to meet the above requirements within one year from the adoption of the housing element.

Option 1 -- Allow in the Neighborhood Business (C-1), Central Business (C-2) and selected areas in the Commercial Mix (CM/PD) Zoning Districts

As stated above, the allowed uses in zones identified for emergency shelters must be compatible with emergency shelters. For example, heavy industrial uses often are not compatible with residential uses. HCD's technical memo indicates that transitioning zones (where older industrial uses are redeveloping to residential, office or commercial) may be compatible with shelters. Also, commercial zones that allow residential or residential compatible services (such as social services) would also be suitable.

Staff evaluated the City's zoning districts to determine which districts might meet criteria in HCD's technical memo and be appropriate for an emergency shelter from the City's perspective. This option would allow emergency shelters in the City's Neighborhood Business (C-1), General Business (C-2) and selected areas in the Commercial Mix (CM/PD) zones. This would be accomplished by establishing an overlay zone that would permit emergency shelters as a right. It is staff assumption that emergency shelter in one of these zones would locate in an empty storefront or office space. Attached is map that shows the location of the C-1, C-2 and CM/PD districts.

The Neighborhood Business (C-1) district consists of the City's neighborhood shopping centers:

- Edgewater Shopping Center (corner of Edgewater Blvd and Beach Park Blvd)
- Charter Square (corner of Shell Blvd and Beach Park Blvd)
- Beach Park Plaza (corner of Beach Park Blvd and Marlin Ave)

Permitted uses in the C-1 district include retail, offices and restaurants. Uses allowed with a Conditional Use Permit include, service stations, churches and other religious institutions, private clubs and lodges and public buildings and uses. While residential uses are not permitted in this district, staff believes this zone would be consistent with the criteria outlined in the HCD Technical Memo. These sites are adjacent to residential and the allowed uses are compatible with residential.

The C-2 district is the area bounded by Foster City Blvd, East Hillsdale Blvd, Edgewater Blvd and Highway 92. Allowed uses include retail, service establishments and offices. Uses allowed with a Conditional Use Permit include residential, commercial amusement and entertainment, clubs and fraternal organizations and public or private recreation. This area includes Metro

Center, including the Market Place Retail Center, Costco, Orchard Supply and residential developments such as City Homes East and West and Metro Center Senior Homes. This area would comply with the criteria in the HCD Technical Memo. As previously discussed, staff anticipates that an emergency shelter would locate at the Market Place in an empty office or commercial space.

The CM/PD districts are located throughout the City. Staff does not recommend allowing shelters in the CM/PD districts on the north side of Highway 92. The City Council has previously stated that residential should not be allowed in the industrial areas north of Highway 92. The uses in the area, which include R&D and office, are not compatible with residential. The operations of some users in this area could be negatively impacted by the introduction of residential into the area.

Staff has identified the CM/PD area listed below as being compatible with the criteria in the HCD Technical Memo:

- Pilgrim-Triton Redevelopment Area (located off of Beach Park Blvd., east of Foster City Blvd.)
- Marlin Cove Shopping Center (located on Foster City Blvd. adjacent to Marlin Ave.)

All uses in the CM District must be specified in the use permit required in connection with the district. This option would add emergency shelters to list of permitted uses. An overlay zone could be created that would allow the shelters in specific areas of the CM/PD zone that are deemed appropriate. For example, some areas of the CM/PD are somewhat isolated from transportation and services and would not be appropriate for a shelter.

Pro's: This option allows the City to determine areas within the C-1, C-2 and CM/PD zone that are near services and transportation that are necessary for homeless individuals. The areas identified comply with the criteria in the HCD Technical Memo for the appropriate siting of emergency centers. Lastly, most uses in these areas are not heavily utilized in the evening hours when shelters are open.

Con's: The above mentioned areas either include residential uses or are located adjacent to residential areas. Residents in these areas might not be comfortable with an emergency shelter locating in their neighborhood. Also, businesses in the centers might also be concerned about the compatibility of an emergency shelter with their business.

Option 2 -- Allow at Churches/Synagogues in the Public Facilities (PF) Zoning District

In the past, religious organizations in Foster City have discussed having an emergency shelter associated with their church/synagogue. While nothing has come to fruition, allowing emergency shelters associated with churches/synagogues is an option for complying with SB2.

It should be noted that local governments have limited jurisdiction over religious facilities and it is the City Attorney's opinion that the City may already be required to allow an emergency shelter as right at a religious institution. The federal Religious Land Use and Institutionalized Persons Act (RLUIPA) protect religious institutions from unduly burdensome or discriminatory land use regulations. The law was passed unanimously by Congress in 2000, RLUIPA thus bars zoning restrictions that impose a "substantial burden" on the religious exercise of a person or institution.

In 2004, the Peninsula Sinai Congregation was interested in participating in a rotating homeless shelter operated by the San Mateo County Interfaith Hospitality Network (SMCIHN) program to provide shelter, meals and direct service and advocacy for homeless families. SMCIHN is a collaboration of local churches and synagogues in San Carlos, San Mateo, Burlingame, and Redwood City. The City Attorney reviewed the proposal and determined under RLUIPA that the City was precluded from regulating activities, such as a homeless shelter at a religious institution. Emergency shelters have been determined to be part of the religious mission of those institutions. The City Attorney continues to believe the City has limited authority to regulate activities at religious institutions. A memorandum from the City Attorney is attached.

Under this option, a overlay zone would be placed on sites with religious institutions that would allow them to operate an emergency shelter.

Pro's: The religious institutions are on relatively large sites that could accommodate a shelter. The sites have ample parking that is generally not fully utilized during the evenings, when shelter usage peaks.

Con's: The religious institutions are located in residential neighborhoods and nearby residents may not be comfortable with this type of facility in their neighborhood. Limiting the site to religious institutions does not give an operator many choices if the religious institutions are not interested.

Option 3 – Enter into a Multi-Jurisdictional Agreement

As an alternative to establishing a new zone or amending an existing zone, the city may enter into a multi-jurisdictional agreement to work with at least two other jurisdictions to create the needed zones. However, this agreement must include a commitment to develop the identified emergency shelter beds within two years. Jurisdictions that elect this option need to be prepared to actually develop the number of shelter beds identified in the needs assessment and indicate how this will be accomplished within a two-year period.

Since there is not an emergency shelter project identified that could be developed within the required timeframe, this is not an option for Foster City. However, staff does recommend that a policy be included in the Housing Element to consider participation in a future multi-jurisdictional facility, should one be proposed.

Staff Comments/Recommendation:

Staff recommends Option 2 to comply with the SB2 requirement to provide a zone that allows emergency shelters as a permitted use. Staff would include an implementation measure in the Housing Element to establish an overlay zone that would allow emergency shelters at the City's religious institutions as a permitted use that would not require a Conditional Use Permit. As required by SB2, the measure would be implemented within one year of adoption of the Housing Element.

As discussed above, staff also recommends inclusion of a policy to consider participation in a multi-jurisdictional emergency shelter, should one be proposed. Lastly, the Housing Element will also include a policy to amend the allowed uses in the residential zones to specifically allow Transitional and Supportive Housing as required by the SB 2.

Next Steps and Schedule

Study Session #4: 5/5/09 – Review of Draft Housing Element
Planning Commission Public Meeting: 5/21/09 – Recommend Approval of Draft Element
City Council Public Meeting: 6/1/09 – Approve Draft Element
Draft Element sent to HCD for review and comment
Planning Commission Study Meeting: 9/03/09 – Review Comments from State
Planning Commission Public Hearing: 9/17/09 – Recommend Approval of Housing Element
City Council Public Hearing: 10/19/09 – Approve Housing Element

SUMMARY

Staff has prepared the following questions to assist the Planning Commission's discussion:

1. Does the Planning Commission believe that one or all of the commercial districts identified in Option 1 are appropriate for an emergency shelter?
2. Does the Planning Commission agree with staff's recommendation to allow emergency shelters at religious institutions?
3. Does the Planning Commission support the inclusion of a policy in the Housing Element to consider participating in the multi-jurisdictional emergency shelter, should one be proposed?

ATTACHMENTS

Memorandum from City Attorney Jean Savaree regarding the requirements of SB 2
State of California Housing and Community Development Memorandum "Senate Bill 2 –
Legislation Effective January 1, 2008: Local Planning and Approval for Emergency
Shelters and Transitional and Supportive Housing"
Map of Areas being discussed for Emergency Shelters

Notes from Study Session April 16, 2009 – Emergency Shelters

Melissa Platt, representing Interagency Council, the governing board for the HOPE Plan, Housing Our People Effectively, a 10-year plan to end homelessness in San Mateo County – made a presentation.

Kirk Syme, Board Member of Family Service Agency in San Mateo County, discussed transitional housing with services provided in collaboration with Shelter Network.

Curtis Banks presented the staff report.

Curtis clarified that the staff recommendation includes:

- to allow shelters in the commercial areas identified and the religious institutions (Options 1 and 2).
- Staff also recommends a policy to consider participation in a multi-jurisdictional emergency shelter (Option 3).
- Allow transitional and supportive housing in residential zones as required by SB2.

Three questions in staff report:

1. Does the PC believe that one or all of the commercial districts identified in Option 1 are appropriate for an emergency shelter?
2. Does the PC agree with staff's recommendation to allow emergency shelters at religious institutions?
3. Does the Planning Commission support the inclusion of a policy in the Housing Element to consider participating in the multi-jurisdictional emergency shelter, should one be proposed?

Kirk Syme, representing Gilead Sciences, spoke in support of expanding housing opportunities.

Rox Cox: supports Options 1, 2, and 3

Noemi Avram: is the architect of record for an emergency and transitional shelter in San Mateo with Shelter Network, First Step for Families. In working on the project, found that a large proportion of homeless are families with children. The homeless in San Mateo County may not be on our corners, but they're not far away. The success rate of people going through transitional housing is very good. We need to understand that for people living paycheck to paycheck, homelessness can happen quickly. Would support a policy for multi-jurisdictional shelter. In favor of option 2 because religious institutions have land, parking, constituents and support to provide shelters. Not in favor of Option 1 because it would be difficult to integrate because we can't review them.

Curtis: regarding the review – we would still review exterior modifications. In talking with the City Attorney, we are concerned that if we just recommend Option 2, it will be deemed by the state to be insufficient, i.e., not provide enough sites as options.

Noemi Avram: then I'm more flexible.

Bob Werden: I think we should decide among the three options, which is the best one or two. I recommend that we have the multijurisdictional option as our first choice, at religious institutions would be my second choice. But Option 1 to use neighborhood shopping centers for this type of operation doesn't make good sense. It would put an unusual situation in a shopping center to have 1 or 2 storefronts as a homeless shelter. I don't think the properties are suitable.

Ollie Pattum: I'm in favor on Option 3, then Option 2, but Option 1 would be last.

Charlie Bronitsky: I think Option 2 needs to be expanded. We have schools that could house people that could be expanded for people to live in in the evenings; we have hotels; we have a community center. If we had an emergency, we would want to have the cooperation of the schools and hotels. It's not realistic to think they could occur at shopping centers. Option 3 is something that needs to be explored – but soon. We should have a study session and invite the religious institutions, schools, etc. about emergency shelters.

Ron Cox: The City Council made some of the shopping centers potential housing sites, including affordable housing.

Rick Marks: State law requires the City to remove the barriers to providing housing – not necessarily to construct or finance or make sure shelters are provided. Because the City is so small, we need to show that we are reasonably providing sufficient sites.

Noemi Avram: buildings that are used for other purposes aren't going to work because there are privacy issues. People come with their belongings. We're not just talking about emergency shelters for a natural disaster, but emergency shelters for homeless people.

Curtis: if there's a natural disaster or other type of emergency, we can use our emergency powers to designate emergency shelters. What we're talking about tonight are shelters for homeless people.

Consensus of the Commission was that all three options are in play, with preference order: option 3, option 3, option 1.



City of Foster City

ESTERO MUNICIPAL IMPROVEMENT DISTRICT

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Office of the City Attorney
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MEMORANDUM

To: Foster City Planning Commission

From: Jean B. Savaree, City Attorney 

Cc: Richard Marks

Date: April 9, 2009

Re: Senate Bill 2 (California Government Code Sections 65582, 65583 & 65589.5)

Senate Bill 2 (SB 2), effective January 1, 2008, clarifies and strengthens housing element law to ensure that local governments, through their zoning ordinances, encourage and facilitate establishment of emergency shelters, transitional and supportive housing. Generally, SB 2:

- Mandates that local governments identify at least one zoning district in which emergency shelters can be located without a conditional use permit or other discretionary action.
- Mandates that local governments identify sufficient capacity to accommodate the need for emergency shelters and at least one year-round emergency shelter.
- Mandates that local governments' existing or proposed permit procedures, development and management standards be objective so as to encourage and facilitate the development of or conversion to emergency shelters.
- Mandates that emergency shelters only be subject to development and management standards applicable to residential or commercial uses within the same zoning district.
- Mandates that local governments only apply the written and objective standards specified in SB 2 when evaluating proposals for engaging shelters (i.e., maximum number of beds, provision of onsite management, length of stay and security).
- Allows local governments to meet SB 2's mandates with existing ordinances or by demonstrating the need for emergency shelters can be

accommodated in existing shelters or through a multi-jurisdictional agreements.

- Mandates that transitional and supportive housing be considered a residential use and subject only to those restrictions that apply to other residential uses in the same zone. (Government Code Section 65583).

Identifying and Analyzing Needs and Resources

SB 2 requires that local governments conduct an analysis of the needs of homeless persons and families within their jurisdiction. A thorough analysis includes:

- An estimate or count of the daily average number of persons lacking shelter.
- A description of the percentage of the homeless population who are mentally ill, developmentally disabled, veterans, runaway or emancipated foster youth, substantial 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 identified by type.
- An assessment of the degree of unmet homeless needs within the jurisdiction, including the extent of need for emergency shelters. (Government Code Section 65583(a)(7)).

Identifying Zoning for Emergency Shelters

Prior to enactment of SB 2, housing element law required local governments to identify zoning districts to encourage and facilitate the development of emergency shelters. SB 2 strengthened these requirements by mandating identification of a zone(s) where emergency shelters are permitted without a conditional use permit or other discretionary action. To meet this mandate, local governments can amend existing zoning districts, establish new zoning districts or establish overlay zones for existing zoning districts. Regardless of which approach is used, local governments must provide sufficient opportunities for new emergency shelters to meet the need

identified in the analysis and also allow for the establishment of at least one year-round emergency shelter.

When identifying a new zoning district or analyzing an existing zoning district for emergency shelters, the element must address the compatibility and suitability of the district for these purposes. This involves consideration of what other uses are permitted in the district. For example, while some industrial zoning districts with heavy manufacturing may have environmental conditions rendering them unsuitable for residential or shelter uses, other manufacturing or industrial zoning districts which are in transition with older industrial uses being redeveloped for residential, office or commercial use may be compatible with residential uses and suitable for emergency shelters. Also, commercial zoning districts allowing residential or residential compatible services (i.e., social services, offices) could be suitable for shelters.

It is my understanding that one of the options proposed by staff would be to utilize existing P.F. zoning districts to comply with SB 2's mandate. Those zoning districts are proposed because they contain churches which, in many communities, have successfully served as emergency shelters for a number of years. Such use has been determined to be part of the religious mission of those institutions and therefore generally exempt from local regulation by 42 USC §2000 (Religious Land Use and Institutionalized Pension Act RLUIPA); the federal law enacted to protect the constitutionally guaranteed right to free exercise of religion free from unreasonable governmental regulation.

In summary, if a local government's existing zoning regulations do 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 arise where jurisdictions demonstrate their homeless needs can be accommodated in existing shelters; or where jurisdictions meet all of their needs through a multi-jurisdictional agreement.

Permitting Emergency Shelters without Discretionary Action

As indicated above, to comply with SB 2, local governments must currently have or adopt ordinances that permit emergency shelters in a non-discretionary manner. Ordinances must contain:

- Objective development standards that encourage and facilitate the approval of emergency shelters.
- Decision-making standards that do not require discretionary judgment.
- Standards that do not render emergency shelters infeasible.
- Standards that 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 approval would not constitute a non-discretionary process. Local governments may apply non-discretionary design review standards but should not require public notice when considering emergency shelter proposals unless it provides public notice of other non-discretionary actions.

Development Standards to Encourage and Facilitate Emergency Shelters

SB 2 requires that emergency shelters be subject only to those development and management standards that apply to residential or commercial uses within the same zoning district. For example, if a light commercial zoning district permits a range of wholesaler, service repair and business services subject to buildable area and lot area

requirements, emergency shelters would be subject to the same buildable area and lot area requirements. If the same district permits residential uses subject to certain development standard (i.e., lot area, heights and setbacks) requirements, emergency shelters would be subject to the same development standards.

To demonstrate that procedures and standards are objective, 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 does allow local governments to impose some limitations when approving an emergency shelter:

- 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.
- 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.

Existing Shelters That Accommodate the Need for Emergency Shelters

If local governments can demonstrate, to the satisfaction of the Department of Housing and Community Development that one or more emergency shelters already exist either within the jurisdiction or pursuant to a multi-jurisdictional agreement and

these shelters can accommodate the identified need, the jurisdiction 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 that homeless needs can be accommodated in existing shelters, an element must, at a 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 and Supportive Housing is also discussed in SB 2. *Transitional housing* is defined in Section 50675.2 of the Health and Safety Code as rental housing for stays of at least six months 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 and 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 and 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).

SB 2 defines transitional and supportive housing as a residential use subject only to those restrictions that apply to other residential uses of the same type in the same zone. It should be noted state law, for a number of years, has defined "group homes"

for six (6) or fewer people as residential uses. Occupants of these group homes are defined as a "family" for the purpose of zoning and planning law. As such, these group homes are subject to the same restrictions imposed on other residential uses in the same zoning district. No conditional use permit, zoning variance or clearance can be required unless it is also required for other family dwelling units in the district (Health and Safety Code Section 1566.3).

Conclusion

It is important at this time to consider and implement a program to comply with the mandates of SB 2 because Government Code Section 65583(e) requires that any draft housing element submitted to the Department of Housing and Community Development after March 31, 2008 comply with SB 2.

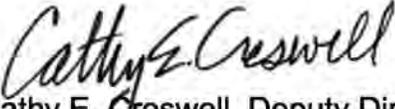
**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
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**MEMORANDUM**

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 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, **wherewhen** 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\(axpyp555dhn54z45qhpgvnj4\)\)/Default.aspx?AspxAutoDetectCookieSupport=1](http://www.nrchmi.samhsa.gov/(X(1)S(axpyp555dhn54z45qhpgvnj4))/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



Zoning in the Wake of SB2

Best Practices for Emergency, Transitional and Supportive Housing

Best Practices and Sample Ordinances

May 2010

Table of Contents

Introduction	1
Overview of New Rules and Regulations.....	2
Definitions	3
Best Practices and Policy Options.....	4
Sample Shelter Layout	8
Additional Resources	8
Sample Ordinances	8
San Mateo County Jurisdictions' Emergency Housing Implementation Plans	13
Appendix A: Draft Quality Assurance Standards	16

Introduction

Recently passed legislation, SB 2, required, among other things, that jurisdictions allow emergency housing (homeless shelters) in at least one zone without discretionary review. This memo does the following:

- Provides an overview of the new rules and regulations
- Provides sample definitions
- Provides sample ordinances for jurisdictions to consider
- Summarizes how jurisdictions are meeting the requirement

This memo was written with the assistance of HCD, Shelter Network (San Mateo County), Homeless Services Center (Santa Cruz), San Mateo County Center on Homelessness, Safe Harbor Shelter/Samaritan House, and Hagman Associates Architects (Redwood City based architect who has designed several shelters).

It is intended as a planning memo and presents potential planning issues in relation to consistency with State law requirements. This memo is not intended to represent legal conclusions or cover legal issues, which should be reviewed with jurisdiction legal counsel.

The memo is being prepared so that jurisdictions have guidance as they update their zoning codes and prepare staff reports. They are encouraged to use the various sections as they see fit. Jurisdictions are also encouraged to provide feedback to other jurisdictions as they begin updating their ordinances.

The term homeless shelter and emergency housing are used interchangeably in this document. For questions or comments contact Joshua Abrams at 510.761.6001, abrams@bdplanning.com.

Overview of New Rules and Regulations

The following rules are excerpted from the [May 7, 2008 HCD Memo on SB 2](#). Please see this memo and the original bill for more detailed information. Consultation with your city attorney will also help ensure that any proposed changes are in compliance with State law. The following SB 2 requirements are relevant to implementation:

Zoning for emergency housing (from HCD memo)

Permits

- Emergency shelters must be allowed in at least one zone without a conditional use permit or other discretionary action (this zone was likely identified in your Housing Element).
- Jurisdictions may not require a variance, minor use permit, special use permit or any other discretionary process (because it does not constitute a non-discretionary process).
- Local governments may apply non-discretionary design review standards.
- The zoning code must explicitly allow the use (meaning the emergency housing is specifically described in the zoning code).

Standards

- The standards must “promote” the use and be objective and predictable.
- Decision-making criteria must not require discretionary judgment.
- Standards must not render emergency shelters infeasible, and must only address the use as an emergency shelter, not the perceived characteristics of potential occupants.
- The homeless shelter may be subject to certain development standards that match the zoning district (e.g. lot area, height and set backs).
- Permitted topics that State law allows the local community to address in their Zoning Ordinance include:
 - 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.

Procedures

- 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.

Zoning for Transitional and Supportive Housing (from HCD Memo)

- Zoning explicitly allows the use (meaning the use is specifically described in the zoning code).
- SB 2 provides that transitional and supportive housing constitute a residential use. It also 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.

Housing Accountability Act

- SB 2 adds emergency shelters to the list of uses protected under the Housing Accountability Act.

Definitions

SB 2 requires jurisdictions to explicitly recognize emergency, transitional and supportive housing in their zoning code. Below are sample definitions taken from State law.

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” mean buildings configured as rental housing developments, but operated under program requirements that call for the termination of assistance and recirculation of the assisted units 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 Section 50675.14(b))

“Supportive Housing” means 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 residents 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 (Health and Safety Code Section 53260(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.

Best Practices and Policy Options

Because of SB 2, the areas that jurisdictions can regulate are limited and, according to HCD, the regulations must be “predictable and objective” and “encourage and facilitate” the development of shelters. Because SB 2 implementation is new, there are not many models to cite, nor legal precedents to rely upon. *Please consult with your staff attorneys as you draft your ordinances.*

There subjects that are permitted to be regulated include the following:

- Development standards common to the zoning district
- Maximum number of beds
- Off-street parking
- 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
- The length of stay
- Lighting
- Security during hours that the emergency shelter is in operation
- Non-discretionary design standards
- Voluntary or incentive based standards

The potential areas of regulation are discussed in more detail below.

- **Development standards common to the zoning district.** The shelter may be subject to objective standards applied to other uses in the zone. For instance, FAR, setback, height, lot area, etc.
- **Maximum number of beds.** State law specifically allows jurisdictions to regulate the number of beds in an emergency shelter. At the same time, it says limits on the numbers of beds must “facilitate,” “promote,” and “encourage” new emergency housing. This seems inherently contradictory. The authors of this report struggled with this question and did not reach a resolution. There are a couple of ways to approach the bed limits. Jurisdictions could choose a maximum facility size that is economically viable. The catch with this approach is any size shelter is feasible with enough subsidies. Shelters in San Mateo county range from six beds to 87 beds, with the median number being 22. Alternately, jurisdictions with low demonstrated need could set the maximum shelter size the same as their need. The challenge for jurisdictions will be to balance the part of the State law allowing a maximum on the number of beds versus the strict limits on standards.

- **Off-street parking based upon demonstrated need.** The standards may not require more parking for emergency shelters than for other residential or commercial uses within the same zone. Parking is needed for employees, volunteers/visitors and residents. Most homeless families will have a car while most homeless individuals will not. The rule of thumb that Shelter Network uses is one car per family or .35 cars per individual bed, plus one parking spot per staff member on duty when residents are there (but less if on major a transit route). This standard was confirmed with several other organizations and agencies. But this varies significantly between jurisdictions and client populations. Homeless shelters that serve the chronically homeless or the mentally ill will have lower parking needs. As a comparison, available parking spaces for various emergency shelters are summarized below:
 - Crossroads (Oakland), 0.55 acres, 125 residents, 47 employees, 17 parking spaces
 - Family Emergency Center, (San Rafael), 0.25 acres, 52 beds, 16 spaces
 - Mill Street Shelter (San Rafael) 0.33 acres, 40 beds, 10 spaces
 - Safe Harbor (S. San Francisco), 90 beds, 24 spaces (parking lot is full at night)

- **Size and location of exterior and interior on-site waiting and client intake areas.** Most ordinances do not have minimum size requirements for waiting and client intake areas, but this is an important topic. In fact, according to the Center on Homelessness and other experts, a common design flaw in shelters is to have too little public/communal space or office space. Having adequate waiting/ communal/gathering areas will reduce the likelihood of loitering and smoking in the adjacent properties. Communal areas also give space for volunteers to stage and donations to be accepted and sorted. Based on experiences at Shelter Network, roughly ten square feet per bed is needed. Safe Harbor recommends in addition, there should be roughly two offices or cubicles for each 20 clients. At least one office or up to 25 percent of them should be private. In addition to shelter staff, partner organizations often use the office to provide services.

The State law deals allows cities to regulate “waiting” and “intake” areas, but emergency housing providers tend to discuss communal areas, volunteer staging rooms or space for services. Consequently, there is some tension between good practice and permitted regulation under State law. State law may allow jurisdictions to regulate/require communal areas that are not related to waiting and client intake, so jurisdictions will have to tailor any regulations accordingly.

- **The provision of on-site management.** Most ordinances require on-site management when the shelter is open (i.e. has clients at the facility). There are many import topics to include in a management plan, including:
 - Client smoking areas and policies
 - Volunteer and donation procedures
 - Health and Safety plan including emergencies
 - Neighborhood communication plan

One tool useful tool for ensuring a thorough management plan is the Quality Assurance Standards recently produced by the HOPE Quality Improvement Work Group (see Appendix A). This document describes both minimal and higher level (desirable)

standards and procedures for all aspects of operating emergency, transitional and supportive housing. Jurisdictions may want to require that management plans consider and address the Quality Assurance Standards. A stronger approach would be to require that the management plan meet the relevant minimum standards.

- **The proximity to other emergency shelters.** State law puts the maximum distance at 300 feet apart. A typical standard is, "The proposed shelter must be more than 300 feet from any other shelters for the homeless."
- **The length of stay.** A standard definition is 30 or 60 days. Ordinances should allow a set length of time with an extension possible if there is no other housing available (e.g. temporary shelter shall be available to residents for no more than 60 days. Extensions up to a total stay of 180 days may be provided if no alternative housing is available.)
- **Lighting.** It is difficult to write a lighting ordinance that does not include some degree of subjectivity. Many ordinances call for "adequate" lighting, but this may not meet the standard for objectivity as required by law. An alternate definition to consider is, "The lighting shall be sufficient to provide illumination and clear visibility to all outdoor areas, with minimal shadows or light leaving the property. The lighting shall be stationary, directed away from adjacent properties and public rights-of-way, and of intensity compatible/comparable with the neighborhood."

An alternate standard for lighting would be to use the AB 244 rules (California Financial Code Section 13040-13041), which were written in 1991 to reduce crime at outdoor ATM machines. While objective, these rules have received mixed reviews. Some experts credit the regulations for reducing crime, others believe the standards rely too much on sheer brightness, creating glare and other problems. Adapted for shelters, the rules would read, "There shall be a minimum of 10 candlefoot power at the face of the ~~automated teller machine~~ *door of the shelter* and extending in an unobstructed direction outward five feet... There shall be a minimum of two candlefoot power... *in other areas of the front yard.*" The State definition for candlefoot power is the light intensity of candles on a horizontal plane at 36 inches above ground level and five feet in front of the area to be measured. The hours of darkness are defined as the period beginning 30 minutes after sunset and ending 30 minutes before sunrise. The authors of this report have been told that architects and police are familiar with this standard, but if not simply trying to measure the intensity of candles 36 inches off the ground from five feet away may be a constraint.

It may be possible to offer shelters the option of meeting the AB 244 standards or providing adequate external lighting, giving both an objective standard and a more conventional planning definition.

- **Security during hours that the emergency shelter is in operation.** Most shelters do not admit dangerous clients, will work to quickly deescalate potentially dangerous situations, and will call the police if a client poses a threat. Staff are usually told not to engage or restrain dangerous clients. Still, best practices call for shelters to have a security/emergency plan.

- **Non-discretionary design standards.** Traditionally, homeless shelters were seen as basic, utilitarian housing for the poor. They were often crowded and lacked basic design amenities. Recently, there has been an effort to raise the standards of homeless shelters to make them fit in better with the neighborhood and be more inspirational places for the clients. Local examples include the Cora shelter for victims of domestic abuse and Haven House.

Some specific design guidelines include:

- Shelters should have designated smoking areas not visible from the street, ideally outside.
- There should be no space for outdoor congregating in front of the building and no outdoor public telephones.
- There should be a refuse area screened from view.
- The shelter should have disabled access
- There should be bicycle parking
- Other design standards that apply to residential buildings

Jurisdictions may want to relax the standards if shelters are in an industrial area, particularly if the industrial buildings do not have comparable standards.

Other Standards

HCD suggests there may be some flexibility for additional standards that are the same as other residential uses in the zone. For instance, if residential uses require outdoor space, the standard could be applied to shelters.

In recent years, many jurisdictions have required amenities at homeless shelters, but based on a strict reading of the law, these should now be treated as optional or desired, rather than required. The best source of standards about how to operate a shelter is the work by a coalition of San Mateo groups that resulted in the recently published Quality Assurance Standards (see Appendix A). Sample best practices include:

- Outdoor gathering space and smoking space is important
- Laundry facilities or tokens to local laundromat
- Safe storage for belongings (this is definitely desirable but can be a management challenge). Ideally storage should be located at the beds
- Toiletries (soap, toilet paper)
- Clean drinking water
- Phone to make free local calls and/or outlets to charge cell phones
- Shared/communal areas for socializing
- Hiring a diverse staff, and training -for staff in how to interact with gay/lesbian/transgender populations and people with disabilities
- Assistance finding permanent housing
- Classes or training for important life skills
- Family shelters need play areas
- Interior lighting should be dimmable for nighttime use

Sample Shelter Layout

Below are the square foot allocations for Safe Harbor Shelter. It is included as a point of reference. According to Hagman Associates, ideally the lounge (including dining area) should have been around 15 percent and the storage area around eight percent.

Use	Size (sf)	Percent
Office	800	8
Lounge	958	10
Bathrooms	1,060	11
Kitchen	800	8
Storage	600	6
Mechanical	1,260	13
86 Beds	2,787	29

Additional Resources

The following people have agreed to answer jurisdiction questions about homeless shelters:

- Wendy Goldberg, Director, San Mateo County Center on Homelessness, 650.802.3378 WGoldberg@co.sanmateo.ca.us. Resource for general questions about homeless or Quality Assurance Standards.
- Brian Greenberg, Director of Programs and Services, Shelter Network of San Mateo County, 650.685.5880 ext. 116, bgreenberg@shelternetwork.org
- Maryam Bhimji, Program Director, Safe Harbor Shelter, 650.873.4921, cell phone 323.547.7305, Maryam@samaritanhouse.com
- Roger Hagman, Principal, Hagman Associates Architects, 650.216.7300, roger@hagmandassociates.com

Sample Ordinances

Santa Monica

1. Comments

Santa Monica has been a leader in meeting the needs of homeless residents. Their standards for homeless shelters are printed below.

Potential problems include:

- Are all of the standards objective or not predictable? For instance, is the term “adequate” for lighting sufficiently clear and arbitrary? Or is the security section too vague?
- Laundry facilities – Can these be required?
- Concentration of uses – The minimum distance can not be more than 300 feet between shelters
- Can jurisdictions regulate the hours of outdoor activities if they do not do so for other residential uses? An alternative approach is to use an existing noise ordinance and have the shelter address how they intend to comply with the noise ordinance in their operating plan.
- Does limiting a shelter to forty people “unduly impair shelter operations” (HCD SB2 Implementation Memo)? See discussion above.

2. Ordinance

Shelter for the homeless.

The purpose of these standards is to ensure the development of shelters for the homeless do not adversely impact adjacent parcels or the surrounding neighborhood, and shall be developed in a manner which protects the health, safety, and general welfare of the nearby residents and businesses, while providing for the housing needs of a needy segment of the community. The following performance standards shall apply to shelters for the homeless:

(a) **Property Development Standards.** The shelter for the homeless shall conform to all property development standards of the zoning district in which it is located except as modified by these performance standards.

(b) **Maximum Number of Persons/Beds.** The shelter for the homeless shall contain a maximum of 40 beds and shall serve no more than 40 homeless persons.

(c) **Lighting.** Adequate external lighting shall be provided for security purposes. The lighting shall be stationary, directed away from adjacent properties and public rights-of-way, and of an intensity compatible with the neighborhood.

(d) **Laundry Facilities.** The development shall provide laundry facilities adequate for the number of residents.

(e) **Common Facilities.** The development may provide one or more of the following specific common facilities for the exclusive use of the residents:

(1) Central cooking and dining room(s).

(2) Recreation room.

(f) **Security.** Parking facilities shall be designed to provide security for residents, visitors, and employees.

(g) **Landscaping.** On-site landscaping shall be installed and maintained pursuant to the standards outlined in Part 9.04.10.04.

(h) **On-Site Parking.** On-site parking for homeless shelters shall be subject to requirements set forth in Section 9.04.10.08.040.

(i) **Outdoor Activity.** For the purposes of noise abatement in residential districts, outdoor activities may only be conducted between the hours of 8:00 a.m. to 10:00 p.m.

(j) **Concentration of Uses.** No more than one shelter for the homeless shall be permitted within a radius of 1,000 feet from another such shelter.

(k) **Refuse.** Homeless shelters shall provide a refuse storage area that is completely enclosed with masonry walls not less than five (5) feet high with a solid-gated opening and that is large enough to accommodate a standard-sized trash bin adequate for the parcel. The refuse enclosure shall be accessible to refuse collection vehicles.

(l) **Health and Safety Standards.** The shelter for the homeless must comply with all standards set forth in Title 25 of the California Administrative Code (Part 1, Chapter F, Subchapter 12, Section 7972).

(m) **Shelter Provider.** The agency or organization operating the shelter shall comply with the following requirements:

(1) Temporary shelter shall be available to residents for no more than 60 days. Extensions up to a total stay of 180 days may be provided if no alternative housing is available.

(2) Staff and services shall be provided to assist residents to obtain permanent shelter and income. Such services shall be available at no cost to all residents of a provider's shelter or shelters.

(3) The provider shall not discriminate in any services provided.

(4) The provider shall not require participation by residents in any religious or philosophical ritual, service, meeting or rite as a condition of eligibility. (Prior code § 9050.14)

City of Los Angeles

Comments

- Can graffiti removal policies be different than for other residential uses?
- Does limiting a shelter to thirty people “unduly impair shelter operations” (HCD SB2 Implementation Memo)? See discussion above.

Ordinance

Shelters for the homeless (as defined in Section [12.03](#)) containing not more than 30 beds are permitted by right in the R3, M1, M2 and M3 Zones with reduced parking requirements.

(a) Performance Standards:

1. There no other shelters for the homeless within 300 feet of the subject property;
2. The use is conducted in conformance with the City's noise regulations pursuant to [Chapter 11](#) of this Code;
3. There are no outdoor public telephones on the site;
4. No signs are present on the property relating to its use as a shelter for the homeless;
5. No outdoor toilets are present on the site;
6. All graffiti on the site is removed or painted over in the same color as the surface to which it is applied within 24 hours of its occurrence;
7. At least ten percent of the number of parking spaces otherwise required by Section [12.21A4](#) are provided, and in no event are fewer than two spaces provided; and
8. All streets, alleys or sidewalks adjoining the property meet standard street dimensions.

(b) **Purposes:** Shelters should be separated from one another a sufficient distance to avoid too many in one neighborhood. Noise levels created on the site should not increase the ambient noise level on adjoining or abutting properties after completion of the project. In order to avoid attracting persons hostile to the occupants, the site should be designed to remain anonymous. Sufficient off-street parking should be provided so as to preclude the need for utilization of on-street parking by the use allowed on the site. The proposed use should be designed so that loitering of individuals on or adjacent to the site will not be generated by the use. City streets should meet City standards in order to ensure safe vehicular ingress and egress to the site and to ensure that traffic does not exceed the current level of service. Public telephones should be located so as to avoid loitering. Measures should be taken to protect public health by preventing and eliminating graffiti when it is found on the site.

Parking (Section 12.21 A4)

(d) **For Institutions.** There shall be at least one automobile parking space for each 500 square feet of floor area contained within any philanthropic institution, governmental office building, or similar use. (*Standard is one tenth of this, see above*)

Tiburon

Comments

Potential problems include:

- Very Similar to Santa Monica
- Does limiting a shelter to ten people “unduly impair shelter operations” (HCD SB2 Implementation Memo)? See discussion above.

Ordinance

A. Applicability.

Where allowed by Article II (Zones and Allowable Land Uses) emergency shelter facilities shall comply with the standards of this Section.

B. Performance Standards.

An Emergency Shelter shall meet the following development and performance standards:

1. On-site management and on-site security shall be provided during hours when the emergency shelter is in operation.
2. Adequate external lighting shall be provided for security purposes. The lighting shall be stationary, directed away from adjacent properties and public rights-of-way, and of intensity compatible with the surrounding area.
3. The development may provide one or more of the following specific common facilities for the exclusive use of the residents and staff:
 - a. Central cooking and dining room(s).
 - b. Recreation room.
 - c. Counseling center.
 - d. Child care facilities.
 - e. Other support services.
4. Parking and outdoor facilities shall be designed to provide security for residents, visitors, employees and the surrounding area.
5. A refuse storage area shall be provided that is completely enclosed with masonry walls not less than five feet high with a solid-gated opening and that is large enough to accommodate a standard-sized trash bin adequate for use on the parcel, or other enclosures as approved by the Review Authority. The refuse enclosure shall be accessible to refuse collection vehicles.
6. The agency or organization operating the shelter shall comply with the following requirements:
 - a. Temporary shelter shall be available to residents for no more than six months. No individual or household may be denied emergency shelter because of an inability to pay.
 - b. Staff and services shall be provided to assist residents to obtain permanent shelter and income.
 - c. The provider shall have a written management plan including, as applicable, provisions for staff training, neighborhood outreach, security, screening of residents to insure compatibility with services provided at the facility, and for training, counseling, and treatment programs for residents.
7. No emergency shelter shall be located within three hundred feet of another emergency homeless shelter site.
8. The facility shall be in, and shall maintain at all times, good standing with Town and/or State licenses, if required by these agencies for the owner(s), operator(s), and/or staff on the proposed facility.
9. The maximum number of beds or clients permitted to be served (eating, showering and/or spending the night) nightly shall not exceed ten persons.

Standards from San Mateo Stakeholders

The standards are based upon the suggestions of stakeholders. They have not been vetted with legal council.

A. Applicability.

Where allowed by Article __, emergency shelter facilities shall comply with the standards of this Section

(a) **Property Development Standards.** The shelter for the homeless shall conform to all property development standards of the zoning district in which it is located except as modified by these performance standards.

(b) **Maximum Number of Persons/ Beds.** The shelter for the homeless shall contain a maximum of ___ beds.

(c) **Minimum Parking Requirements.** Shelters shall provide one parking space for each employee or volunteer on duty when the shelter is fully open to clients, plus one parking spot for every family sheltered and .35 parking spots for each non-family bed. The Director of _____ shall reduce the parking requirements if the shelter can demonstrate a lower need. The shelter shall also provide bicycle parking.

(d) **Size and location of exterior and interior on-site waiting and client intake areas.** Shelters shall provide 10 square feet of interior waiting and client intake space per bed. In addition, there shall be two offices or cubicles for shelters with fewer than 20 beds. For every additional bed there shall be an additional 0.1 office, rounded up. At least 25 percent of the offices, rounded up, shall be private. Waiting and intake areas may be used for other purposes as needed during operations of the shelter.

(e) **Provisions of on-site management and security.** On site management shall be present at all times that the shelter is in operation. Before opening, shelters shall develop a management plan that addresses all points that pertain to emergency shelters in the latest Quality Assurance Standards developed by the San Mateo County HOPE Quality Improvement Project. Shelters must maintain a security and emergency plan and train staff about the plan.

(f) **Proximity to other shelters.** No shelter shall be located within 300 feet of another shelter.

(g) **Length of client stay.** Temporary shelter shall be available to residents for no more than 60 days. Extensions up to a total stay of 180 days may be provided if no alternative housing is available.

(h) **Lighting.** There shall be a minimum of 10 candlefoot power at the door of the shelter and extending in an unobstructed direction outward five feet. There shall be a minimum of two candlefoot power in other areas accessible from the street. These lighting requirements shall be in effect from 30 minutes after sunset until 30 minutes before sunrise. Shelters may propose an alternate lighting plan, which must be agreed to by the Director of _____. The alternate lighting plan must provide adequate external lighting for security purposes. The lighting shall be stationary, directed away from adjacent properties and public rights-of-way, and of intensity compatible with the neighborhood.

(i) **Nondiscretionary design review.** In addition to non-discretionary design standards required for other housing in the zone, emergency shelters shall meet the following requirements: 1) Shelters shall have a designated outdoor smoking area not visible from the street. 2) There shall be no space for outdoor congregating in front of the building and no outdoor public telephones. 3) There shall be a refuse area screened from view.

Emergency shelters located in industrial zones are exempt from these additional design standards.

B. Definitions

Candlefoot power is defined as the light intensity of candles on a horizontal plane at 36 inches above ground level and five feet in front of the area to be measured.

Jurisdiction Emergency Housing Implementation Plans

At previous 21 Element meetings, representatives from jurisdictions have expressed interest in how other cities are meeting the SB 2 requirements. In response, 21 Elements staff conducted a short email survey in spring 2010. The survey asked jurisdictions:

- Which zone(s) will allow emergency shelters by right
- If there will be other locational criteria such as proximity to transit
- Additional steps the jurisdiction is planning on taking to meet the need for emergency housing, and
- Timing for implementation

See below for jurisdiction responses to the emergency housing survey.

Jurisdiction	Zones Permitting Emergency Shelters	Other Locational Criteria	Additional Steps	Timing
Atherton	Public Facilities and Schools. Zoning is for a specific site owned by the Town, near the RR Station, El Camino and bus transportation.	No		Spring 2010
Belmont	Overlay District will apply to certain parcels within the C-3 (Highway Commercial) or C-4 (Service Commercial).	District will only include parcels with sufficient and reasonably available acreage (vacant or underutilized) to meet the City's identified need, including the potential for reuse or conversion of existing buildings. We have not yet established any specific location criteria.	We intend to continue working with Shelter Network to financially assist them in providing emergency housing.	January 2010
Brisbane	Southwest Bayshore Residential District R-SWB.	Area selected because of proximity to transit along Bayshore Boulevard and proximity to services offered in Central Brisbane.	Given the small city population, compact configuration of the city and limited demand for emergency housing, no changes are proposed at this time.	Upon adoption of Housing Element.

Jurisdiction	Zones Permitting Emergency Shelters	Other Locational Criteria	Additional Steps	Timing
Burlingame	An overlay zone in the Northern portion of the Rollins Road (RR) zoning district (light industrial) which is closest to the Millbrae BART/Caltrain Intermodal Station.		Emergency shelters in conjunction with houses of worship are allowed by CUP in residential districts that also allow houses of worship by CUP. CUPs were granted for the Interfaith Hospitality Network program at several local churches, and the program operates in these churches on a rotating basis.	Within next year.
Daly City	C-R/O Commercial Retail and Office, located in the Sullivan Corridor Specific Plan Area.	Not yet.	No.	Within one year.
East Palo Alto	Light Industrial.	Not yet.	Temporary warming hut in use.	June 2011.
Foster City	Neighborhood Business (C-1), Central Business (C-2), the Pilgrim-Triton and Marlin Cove areas in the Commercial Mix (CM/PD) Zoning Districts commercial industrial and mixed use areas, and at churches/synagogues in the Public Facilities (PF) Zoning District based on the sitting criteria allowed in state law.	No	See comment to the left.	2010.
Half Moon Bay	Commercial General and Public Services (PS) zoning districts	Not until implementation (Code revision) is developed.	No.	Following State certification.
Hillsborough	One shelter in the Single Family Residential Zoning District at the Town Center.		The Town participates in the peninsula church alliance for homelessness.	May or June, 2010.
Millbrae	Industrial.	No.	By CUP in Commercial Zone	Done.
Portola Valley	As accessory uses to churches in the R-E District. The zoning will clearly state that emergency shelters are a permitted accessory use for churches.	Yes. Only 3 people were counted in the 2009 Homeless Census, which is indicative of the fact that there is not much need here. That is why this approach is reasonable.	No.	Summer 2010.

Jurisdiction	Zones Permitting Emergency Shelters	Other Locational Criteria	Additional Steps	Timing
Redwood City	Mixed use live work.	The identified emergency shelter sites are all within walking distance to downtown services and transit.	Financially supporting Interfaith Hospitality Network Rotating Church Shelter program since they came into existence years ago. Most of these churches are in/ near residential areas. Shelters are permitted in most or all residential, commercial and industrial zoning districts. Funding provided for supportive housing as well.	Once General Plan/EIR are adopted/certified (anticipated by Fall of 2010), we will begin to rezone properties.
San Bruno	General Plan Transit Oriented Development land use district.	No.	Not at this time.	In process.
San Carlos	Commercial Service District (C4) and Highway Service Commercial District (CS).	No.	No.	2010.
San Mateo City	Regional/Community Commercial districts (C2 & C3).	Must be more than 300 feet from schools, parks, and residential districts.	Religious institutions may provide emergency shelter as an accessory use.	Done.
San Mateo County	PC and M-1 at minimum, possibly others.	No.	Not immediately, but we will evaluate additional strategies during this housing element cycle.	August through December 2010.
South San Francisco	M-1 Mixed Industrial.	Not specifically, but when the Zoning Ordinance Update was being completed, staff looked closely at the proximity of the M-1 District to public transit and commercial districts to make sure these areas were within a reasonable distance.	Emergency Shelters will be permitted with the approval of a Minor Use Permit in the B-C (Business Commercial) Zoning District. Currently home to the Safe Harbor Shelter, which is a 90 bed facility.	The Draft Zoning Ordinance is scheduled for adoption on April 21, 2010.
Woodside	Commercial and residential districts.	No.	None	Within one year.

Appendix A – Draft Quality Assurance Standards

These standards were developed by a San Mateo task force that involved the County, service providers and others. Most of these standards are concerned with operating procedures, and are therefore not well suited for use in zoning regulations. However, jurisdictions may want to require shelters develop an operating plan that address all of the standards or meets the minimum standards (marked with an *M*).

HOPE Quality Improvement Project

QUALITY ASSURANCE STANDARDS FOR HOUSING, SHELTER AND SERVICES SERVING HOMELESS PEOPLE AND PEOPLE AT-RISK OF HOMELESSNESS

April 21, 2010

A. Purpose of Standards

- Establish minimum standards for delivery of housing, shelter and services to people identified in HOPE (i.e. homeless people and those at-risk of homelessness)
- Ensure that new housing and services provided to homeless people and those at-risk of homelessness are of high quality
- Provides basis for assessing and improving quality of existing housing/services

B. Proposed Standards

The proposed standards are divided into six categories:

- (1) Access
- (2) Support Services
- (3) Tenant/Client Rights
- (4) Physical Environment/Property Management
- (5) Administration and Financial Management
- (6) Data and Evaluation

The standards are intended to cover all programs, services, facilities and housing designed to serve people who are homeless or at-risk of homelessness (based on the HOPE definitions). Many standards are applicable to all programs and facilities, but some are applicable only to certain types of programs or facilities and have been identified as such. For the purpose of this document, we have developed the following broad categories of programs and facilities:

Services: Non-residential programs that provide services to people who are homeless or at-risk of homelessness, such as information and referral programs, case management programs, behavioral health services, vocational services, etc.

Shelters: Emergency shelters, motel voucher programs, short-term and mid-term transitional housing (in which residents do not hold a lease), and other forms of short-term residential facilities that serve people who are homeless or at-risk of homelessness.

Housing: Long-term transitional housing (in which tenants hold a lease), supportive housing (permanent housing with on-site services) and affordable housing units restricted for people who are at or below 30% AMI.

The standards are further divided into the following two categories:

Minimum standards: These represent baseline, minimum requirements for a quality program. All providers should be able to meet these core standards. These are denoted with (M) following the standard.

Higher level standards. These are standards that are important for a quality program, but not all programs or facilities are currently meeting them. Organizations may require technical assistance and/or additional resources to meet these higher standards. These are denoted with (H) following the standard.

1. Access

Housing, shelter and services are easily accessible and are not restricted by discrimination or other barriers to full participation.

1.1 Admission Requirements

All Programs:

- a. There are clearly written eligibility and admission policies and procedures that are consistent with all federal, state and local requirements regarding non-discrimination. (M)
- b. If the program has a waiting list, there is a clearly written waiting list procedure that is made available to clients/tenants. (M)
- c. The waiting list procedure includes a fair and reasonable process by which clients/tenants may place their name on the list and a process for maintaining and updating the list which gives clients/tenants a reasonable opportunity to remain on the list. (M)
- d. Eligibility/admission/tenant selection criteria are designed to be as inclusive as possible (while conforming to all relevant regulatory requirements) and do not create unnecessary barriers for homeless people. (H)

Shelter and Services:

- e. There are clearly written admission and re-entry policies that are made known to all applicants requesting shelter. (M)
- f. Clients who are "banned" from shelters are informed of the reason and any condition for lifting the ban. (M)
- g. All clients who are denied access to shelter or services receive referrals to available options. (M)

Housing:

- h. There is a clearly written tenant selection plan that describes tenant selection criteria, application process, and screening process. (M)
- i. Tenant selection criteria and screening process are consistent with Fair Housing requirements. (M)

1.2 Affordability

All Programs:

- a. Services are provided on a sliding-scale basis or are free of charge. Delivery of services may not be denied because a client/tenant is unable to pay for the service. (M)

Housing:

- b. There is a clearly written procedure for calculating tenant rent and tenant rent calculations are documented in tenant files. (M)
- c. Tenants pay no more than 30% of their gross income for rent. If tenants pay more than 30% of income for rent, housing provider has a plan in place to ensure that tenant rent burdens do not cause housing de-stabilization. (H)

1.3 Physical and Programmatic Accessibility

All Programs:

- a. Program/facility complies with all applicable provisions of the American with Disabilities Act (ADA). (M)
- b. Information is clearly posted about dates and times that services are available. (M)
- c. There is a written plan for reasonable accommodation that covers both requests for physical and programmatic accommodations. (H)
- d. Services are available at times and locations that maximize accessibility to tenants/clients. (H)

Shelters:

- e. Rules regarding when clients may leave and return to the shelter are reasonable and do not cause undue restrictions on shelter access. (M)
- f. Rules regarding access times are made known to all clients at in-take and are posted in the facility. (M)
- g. Services are not limited to regular working hours (weekdays 9-5) but are also available during the evening and weekend hours. (M)

1.4 Outreach and Engagement

All Programs:

- a. Program provides information to the community about the availability of services/shelter/housing. (M)

- b. Program has developed strategies for reaching out to and engaging with clients who are considered “hardest to serve,” (such as chronically homeless people, people with co-occurring disabilities, etc.). (H)

1.5 Transportation

All Programs:

- a. Program provides information about available transportation services and programs providing financial assistance to cover costs of transportation. (M)
- b. Program provides transportation assistance or referral to transportation services (e.g. para transit, bus tokens, etc.) to those clients/tenants who need help accessing their offices or facilities. (H)

2. Service Delivery

Services are client/tenant-focused, effectively address client/tenant needs, foster client/tenant independence and housing stability, and are coordinated with other activities (e.g. property management activities, services from partnering organizations).

2.1 Comprehensive, Flexible Services

All Programs:

- a. Program staff encourage clients to avail themselves of needed services, provide information, and make referrals to appropriate support service providers. (M)
- b. Program makes written information about support services and housing options available to all clients/tenants. (M)
- c. Program helps all clients develop a plan to secure and/or maintain housing. (H)

Shelters:

- d. The Program conducts an assessment of each client and assists clients to develop individualized plans to secure stable housing. (M)
- e. The housing plan takes into account the client’s right to his or her own housing preference. (M)
- f. Case plans are updated with the client as needed and take into account the client’s changing or emerging needs. (M)
- g. Shelter staff assist clients in meeting their goals by advocating on their behalf, helping them to access needed services, and providing opportunities to learn needed skills. (M)
- h. Staff are available to respond to crises 24 hours a day, seven days a week. (M)

Supportive Housing:

- i. All tenants/clients have access to a flexible array of comprehensive services needed to help them achieve their goals (e.g. case management, life skills building; health, mental health and substance abuse services; vocational services; legal services; etc.). (M)
- j. Services that are critical to ensuring tenants’ housing stability are available on-site (e.g. case management). (M)
- k. Support service staff coordinates with property management staff with the goal of helping tenants to sustain their housing and preventing eviction. (M)

- l. Case management includes both initial and ongoing assessment. (M)
- m. Case management includes development of a tenant-driven case plan that emphasizes eviction prevention/preservation of the tenant's housing. (M)
- n. On-site services are available at times that maximize accessibility for those who need services during weekend or evening hours. (H)

2.2 Client/Tenant-Driven and Culturally Competent Services

All Programs:

- a. Services are tailored to meet specific needs, resources, abilities and preferences. (M)
- b. Clients/tenants are viewed in terms of their strengths and capabilities, rather than their problems or deficits. (M)
- c. Organization/program has the necessary cultural competence (attitude, knowledge and skills) to interact and work effectively with people from diverse backgrounds and experiences. (M)

2.3 Adequate Staffing and Supervision

All Programs:

- a. Staffing levels are consistent with the requirements of the program's funding sources. (M)
- b. Staffing levels are consistent with industry standards and/or best practices. (H)
- c. Staff providing case management to clients/tenants maintain an active caseload size that allows them to meet with each client on a regular basis. (M)

3. Tenant/Client Rights

Relationships are established between staff and tenants/clients that are characterized by dignity, respect and trust, and tenant and consumer rights are honored.

3.1 Conditions of Participation/Tenancy

Shelter and Services:

- a. The program has a clearly written statement of clients' rights and responsibilities. (M)
- b. The program has a process for making known clients' rights and responsibilities. Reasonable efforts shall be made to ensure that all clients understand their rights and responsibilities, regardless of disability or language. (M)
- c. When applicable, program rules are provided to clients in writing. Rules are signed by the client and kept in the client file. (M)
- d. Program rules (or a summary of the rules) are posted in the office or facility. (H)
- e. There is a written policy document outlining the consequences of rules violations or infractions. (H)
- f. Consequences of rules violations are consistently enforced. (H)

Housing:

- g. All tenants sign a lease and receive a copy of the lease. (M)
- h. Leases place no conditions on the length of tenancy (except for transitional housing programs, where leases may include a time limit on tenancy). (M)

- i. Participation in services is encouraged but voluntary. Tenants are not required to participate in services as a condition of tenancy. (M)
- j. Evictions are conducted in accordance with California landlord-tenant law. (M)

3.2 Grievance and Appeal Process

All Programs:

- a. Program has a grievance policy for addressing client/tenant complaints and concerns and a process for making the grievance procedure known to all tenants/clients. (M)
- b. Reasonable efforts shall be made to ensure that all tenants/clients understand the grievance process, regardless of disability or language. (M)
- c. Program has an appeals process for clients who are denied housing, shelter or services or who are asked to leave a program or shelter or evicted from housing. The person who decides the outcome of the appeal may not be the same person who made the initial decision that is the subject of the appeal. (H).
- d. Clients/tenants are involved in the development of the grievance and appeals processes. (H)

Services

- e. The written grievance policy is provided to clients upon request. (M)

Shelter and Housing:

- f. The written grievance policy is provided to all clients/tenants and is clearly posted in the facility. (M)

3.3 Tenant/Consumer Input

All Programs:

- a. All programs conduct an annual client/tenant satisfaction survey and use the survey results to make changes to ensure continuous quality improvement. (M)
- b. Clients/tenant have input into program planning and design. (H)
- c. There is at least one client/tenant member on the organization's Board of Directors or other advisory/oversight body. (H)

Shelter/Supportive Housing:

- d. Program staff assists in convening a resident's council or advisory committee. Tenants are informed of the council and encouraged to participate. (H)

3.4 Respect and Dignity

All Programs:

- a. Clients/tenants are valued and treated with respect and dignity. (M)

3.5 Confidentiality

All Programs:

- a. Program has a written policy on client confidentiality that conforms to applicable federal, state and local laws. (M)
- b. Files containing client/tenant information are maintained in a locked, secure location. (M)
- c. There are systems in place to ensure protection of electronic client files (e.g. password protected access). (M)

Supportive Housing:

- d. Tenant files do not contain clinical information. Clinical records are maintained in separate location from tenant files. (M)

4. Physical Environment/Property Management

The overall design, construction, appearance, physical integrity and maintenance of the facility provide an environment that is safe, secure, sustainable, functional, appropriate for the surrounding community, and conducive to tenant/client stability. In supportive and affordable housing, property management is coordinated with supportive services activities to foster tenants' independence and housing stability, and sustains the physical and financial viability of the housing asset.

4.1 Habitability

Shelter and Housing:

- a. Facility is maintained in safe and sanitary condition. (M)
- b. The facility conforms to all applicable State and local building codes, fire codes, occupancy standards and other relevant codes and regulations. (M)
- c. There is a written maintenance policy that includes how residents/staff may report maintenance problems, criteria for prioritizing requests, amount of time before problem is responded to. (M)

Housing:

- d. Facility meets all HUD Housing Quality Standards and applicable local housing codes. (M)
- e. Each tenant has his or her own unit. If housing is shared, tenants are involved in selecting their own roommates. (M)

Note: It is expected that in the future San Mateo County's Human Services Agency will develop specific physical quality standards for emergency shelters, which will be incorporated by reference into this document.

4.2 Property Management (only applicable for Supportive and Affordable Housing)

Housing:

- a. Property management staff have experience with the target population. (M)
- b. Property management policies have as their goal preservation of tenants' housing and preventing eviction. (M)
- c. Property management staff coordinate with support service staff to help maintain tenant stability. (M)

4.3 Health and Safety

All Facilities (including offices):

- a. The facility has a written health and safety plan that covers crisis management and planning. (M)
- b. The health and safety plan also covers:
 - Fire and earthquake safety, including evacuation plan (H)
 - Identification, treatment and control of medical and health conditions that implement Universal Precautions Procedures (H)
 - TB protocols (H)
 - Pandemic flu and other public health emergencies (H)
 - Hazardous waste management (H)
 - Lead testing (H)
 - Pest control (H)
 - Sanitary handling and safe storage of food (if facility provides food) (H)
 - Media communication plan (H)

Shelter and Housing

- c. There is a written policy governing whether and where smoking is allowed. (M)
- d. There is an incident report procedure and all staff receive training in incident reporting. (M)
- e. All staff receive training on personal safety procedures. (M)
- f. Residents and staff have access to telephones in case of emergencies. (M)
- g. The Program has written policies regarding:
 - client/tenant access to the facility (M)
 - tenant/client use of controlled substances (M)
 - tenant/client possession of weapons (M)
 - visitors (M)

Housing:

- h. There is written policy and procedure for entering units in case of emergency that is consistent with landlord-tenant law. (M)

4.4 Community Relations:

All Facilities:

- a. The organization promotes communication, trust and respect among neighbors, tenants/clients and staff of the facility. (H)
- b. Board and/or staff of the facility participate in relevant neighborhood associations or groups. (H)
- c. The organization has a procedure for communicating with the community and media. (H)

5. Administration and Financial Management

Organizations that provide housing, shelter, and services follow standard or required administrative and management practices in the areas for which they are accountable.

5.1 Regulatory Compliance

All Programs:

- a. Organization is in compliance with all applicable laws and regulatory requirements imposed by Federal, State and local government and/or funders. When there are conflicts between regulatory requirements (e.g. Federal versus State law on legality of medical marijuana), the program has a written policy stating how they are dealing with the conflict. (M)
- b. The organization is in compliance with all applicable Federal, State and local laws relating to non-discrimination and equal opportunity. (M)

5.2 Administrative Policies

All Programs:

- a. The organization has comprehensive written personnel policies and job descriptions for all staff. (M)
- b. The agency has a written employee and volunteer code of conduct that is distributed to and signed by all employees and volunteers. (M)

5.3 Staff Training

All Programs:

- a. Each staff person has education, training and/or experience that match the requirements of his or her position description. (M)
- b. Staff receive relevant, ongoing training in:
 - Emergency procedures (H)
 - Agency operating procedures (H)
 - Crisis intervention techniques (H)
 - Violence prevention and de-escalation (H)
 - Client engagement techniques (H)
 - Relevant community resources and social service programs (H)
 - Ethical client practices (H)

- Customer service techniques (H)
 - Cultural competence (H)
 - Relevant mandatory reporting requirements (H)
- c. The organization encourages and supports staff professional development (H)

5.4 Financial Management

All Programs:

- a. The organization has financial management systems in place that are adequate to ensure sound financial management and ensure compliance with all applicable regulatory entities (funders, IRS, etc.). (M)
- b. The organization produces financial reports on a regular basis. (M)
- c. The organization has an annual audit appropriate to the size of the organization and type of funds received. (M)
- d. The organization's Board of Directors or other administrative/advisory body regularly reviews agency financial report and audit. (M)

6. Data, Documentation, and Evaluation

The organization reliably captures accurate and meaningful data about the effectiveness, efficiency, and outcomes of the organization's activities and uses this data to improve services and operations.

6.1 Client Records

All Programs:

- a. Program staff maintain confidential client/tenant files. (M)
- b. Program staff maintain up to date case notes to record client contacts and progress. Case notes are factual, relevant and legible. (M)

6.2 Data Collection and Analysis

All Programs:

- a. Program has established quantifiable desired program outcomes and has put in place systems to collect and track the data needed to determine whether desired outcomes are being met. (M)
- b. Organizations receiving HUD Homeless Emergency Assistance and Rapid Transition to Housing (HEARTH) funding collects and enters all required data into San Mateo County's HMIS System and maintains all relevant required documentation on file (including consent forms). (M)
- c. Organization participates in relevant HOPE data collection systems (once these systems are established). (M)
- d. Program participates in bi-annual San Mateo County homeless census and survey. (M)

Housing:

- e. Organization reports data on new housing units created into the HOPE housing database hosted by the Department of Housing (once database is created). (M)

6.3 Evaluation

All Programs:

- a. The organization has a clearly defined evaluation process that ensures that all programs are regularly evaluated to measure effectiveness in meeting the needs of the population served. (M)
- b. The organization generates written evaluation reports on a regular basis. (H)

6.4 Client Input

All Programs:

- a. Client/tenant input and feedback are collected and analyzed on a regular basis. Results of the analysis are used as the basis for improving program design, modifying policies and procedures or making other types of changes to improve client satisfaction and/or client outcomes. (M)

6.5 Quality Improvement

All Programs:

- a. The organization has an agency-wide Quality Improvement process that contributes to the effective use of resources, efficient and effective service delivery and achievement of the organization's goals and mission. (M).



2013 SAN MATEO COUNTY HOMELESS CENSUS AND SURVEY

FINAL REPORT

May 2013

Prepared by the San Mateo County Human Services Agency, Center on Homelessness
Data Analysis by Kate Bristol Consulting and Philliber Research Associates

2013 San Mateo County Homeless Census And Survey

TABLE OF CONTENTS

I. PURPOSE 1

II. METHODOLOGY 1

III. FINDINGS 2

A. Homeless Census2

 1. Number of Homeless People 2

 2. Number of Homeless Households 3

 3. Comparison of Year to Year Results 4

 4. Geographic Breakdown 7

 5. Hidden Homelessness..... 12

B. Homeless Survey12

 1. Demographic Data 13

 2. Service Utilization 14

IV. IMPLICATIONS FOR SYSTEMS IMPROVEMENT 15

APPENDICES

- 1. Methodology
- 2. Homeless Census Street, Shelter, and Combined Counts
- 3. Homeless Survey Data
- 4. Homeless Survey Instrument

I. PURPOSE

The purpose of the San Mateo County 2013 Homeless Census and Survey (“the Census and Survey”) is to gather and analyze information to help us understand who is homeless in our community, why they are homeless and what interventions they need to end their homelessness. This data forms the basis for effective planning to solve this complex and long-standing problem. The San Mateo County Human Services Agency’s Center on Homelessness the San Mateo County Continuum of Care Steering Committee were responsible for overseeing this data collection effort, with assistance from a broad group of community partners, including non-profit social service providers, city and town governments, and homeless and formerly homeless individuals.

The Census and Survey was designed to meet two related sets of data needs. The first is the requirement of the U.S. Department of Housing and Urban Development (HUD) that communities applying for McKinney-Vento Homelessness Assistance funds (also known as Continuum of Care or “CoC” funds) must conduct a point-in-time count of homeless people a minimum of every two years. These counts are required to take place in the last ten days of January. The Census and Survey was conducted in January 2013 to meet this HUD requirement. The previous HUD-mandated count was conducted in January 2011.

The second set of data needs that the Census and Survey is designed to meet are those outlined in “Housing Our People Effectively (HOPE): Ending Homelessness in San Mateo County” (the “HOPE Plan.”) This Plan is the result of a year-long process that began in 2005 and incorporated the experiences and expertise of over 200 stakeholders, including members of the business, nonprofit and government sectors. The HOPE Plan lays out concrete strategies designed to end homelessness in our community within 10 years. Plan implementation is overseen by the HOPE Inter Agency Council (IAC). The bi-annual Census and Survey provides data the IAC and the community needs to guide the implementation of the HOPE Plan, by collecting and analyzing a wealth of additional information beyond what is required by HUD. This data allows for a more complete understanding of who is homeless, why they are homeless, and what they need to end their homelessness, and helps ensure that the interventions undertaken through HOPE are targeted to achieve the best possible results.

II. METHODOLOGY

The 2013 Census and Survey consisted of two main components:

1. **The Homeless Census (“the census”)**, a point-in-time count of homeless persons living on the streets, in vehicles, homeless shelters, transitional housing and institutional settings (jails, hospitals, substance abuse treatment programs) on the night of January 24th, 2013¹.

¹ The shelter portion of the Census counted people occupying beds on the night of Jan. 23rd/early morning of Jan. 24th. The street count portion of the count began at 5:00 a.m. on Jan. 24th and was designed to capture data on people sleeping outdoors or in vehicle on the night of Jan. 23/early morning Jan. 24.

2. **The Homeless Survey (“the survey”)**, consisting of interviews with a representative sample of 192 unsheltered homeless people conducted over a two-week period between January 28 and February 11, 2013. Homeless people who were interviewed were asked to respond to a one-page questionnaire designed to elicit demographic information (e.g. age, gender, disabilities, veteran status), as well as information about how long and how many times they have been homeless, and their use of benefits and services.

The Census and Survey used the definition of homelessness established in the federal McKinney-Vento Homeless Assistance Act as the basis for determining who to include and exclude:

1. An individual who lacks a fixed, regular and adequate nighttime residence, and
2. An individual who has a primary nighttime residence that is:
 - a. A supervised publicly or privately operated shelter designed to provide temporary living accommodations (including welfare hotels, congregate shelters, and transitional housing for the mentally ill); or
 - b. An institution that provides a temporary residence for individuals intended to be institutionalized; or
 - c. A public or private place not designated for, or ordinarily used as, a regular sleeping accommodation for human beings.

This definition does not include people who are “at-risk” of homelessness (i.e. living in unstable housing situations) or those who are “couch surfing” (i.e. those who “float” from location to location).

Additional details about the methodology used in the Census and Survey may be found in Appendix 1.

III. FINDINGS

A. Homeless Census

The sections below provide a summary of key findings from the 2013 Homeless Census. Complete Census data may be found in Appendix 2.

1. Number of Homeless People

The 2013 point-in-time homeless census determined that there were **2,281 homeless people in San Mateo County on the night of January 23, 2013** comprised of:

- 1,299 unsheltered homeless people (living on streets, in vehicles, in homeless encampments) and,
- 982 sheltered homeless people (in emergency shelters, transitional housing, motel voucher programs, and institutions (residential treatment, jails, and hospitals).

Using an annualization formula developed by the Corporation for Supportive Housing, there are an estimated **7,151 homeless people in San Mateo County on an annual basis.**

2. Number of Homeless Households

The 2,281 homeless people counted comprised **1,835 households** as follows:

- 1,646 households consisting of only adults (90%);
- 180 households with adults and children (10%)
- 9 households with only children (unaccompanied homeless youth under age 18)

The chart below summarizes the locations where these households were living.

Location	HH with Only Adults	HH with Only Children	HH with Adults and Children	Total Households
Street Count				
Households Observed on Streets	351	0	1	352
Households in Cars	142	0	24	768
Households in RVs	240	0	40	
Households in Encampments	322	0	0	
Subtotal Street Count	1,055	0	65	1,120
Shelter Count				
Households in Emergency Shelters	215	6	7	228
Households in Motel Voucher Programs	0	0	11	11
Households in Transitional Housing	97	3	97	197
Households in Institutions ²	279	0	0	279
Subtotal Shelter Count	591	9	115	715
TOTAL HOMELESS HOUSEHOLDS	1,646	9	180	1,835

² Jails, hospitals, residential treatment programs.

3. Comparison of Year to Year Results

a. Summary of Changes

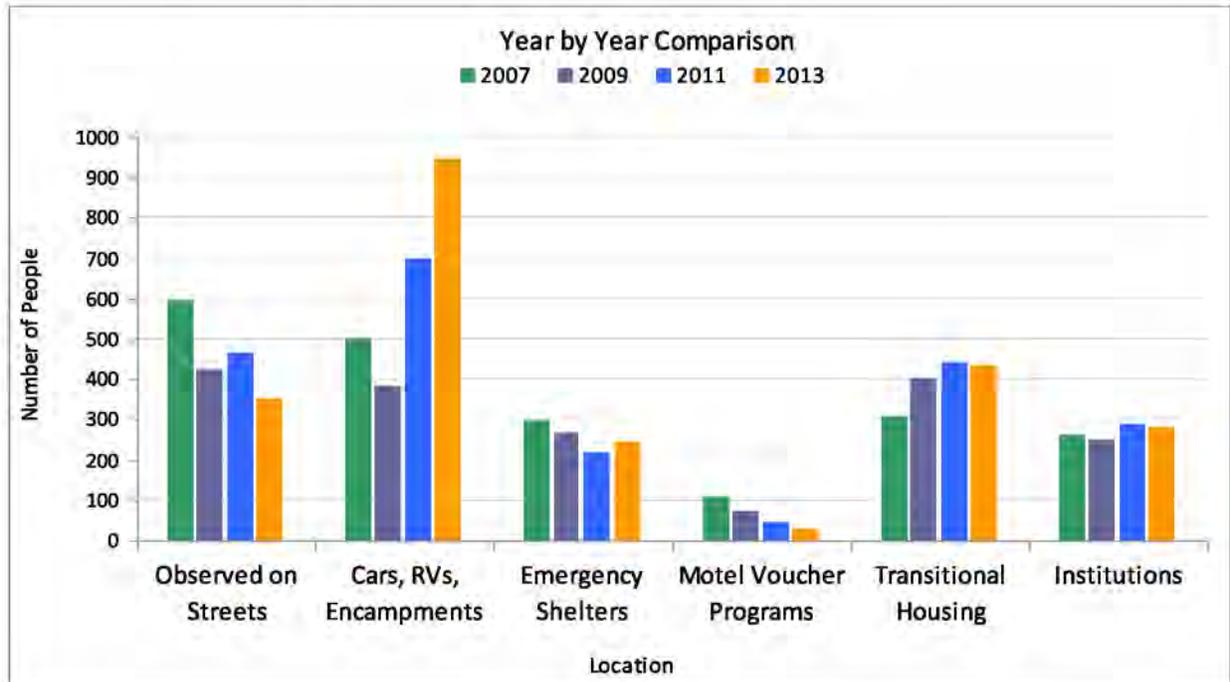


Table - Comparison of Year to Year Results						
Location	2007	2009	2011	2013	Net Change (11-13)	% Change (11-13)
Street Count						
People Observed on Streets	596	422	466	353	-113	-24%
People in Cars	498 ³	96	126	231	105	83%
People RVs		170	246	392	146	59%
People in Encampments		115	324	322	-2	-1%
Subtotal Street Count	1,094	803	1,162	1,299	137	12%
Shelter Count						
People in Emergency Shelters	296	267	215	243	28	10%
People in Motel Voucher Programs	107	74	43	29	-14	-19%
People in Transitional Housing	306	403	441	431	-10	-2%
People in Institutions	261	249	288	279	-9	-4%
Subtotal Shelter Count	970	993	987	982	-5	-1%
TOTAL HOMELESS PEOPLE	2,064	1,796	2,149	2,281	132	6%

³ In 2007 data was collected on cars, RVs and encampment as a single category, so no breakdown is available.

b. Analysis of Changes

Unsheltered Homeless People

As illustrated in the chart above, the number of people observed on the streets on the night of the count decreased from 466 in 2011 to 353 in 2013, a 27% decrease. Over the past four counts (2007- 2013), there has been a relatively steady decline in numbers of people on the streets. However, the number of people living in cars, RVs and encampments increased significantly from 2011 to 2013, rising from 696 to 946, or 66%. These numbers have also been increasing fairly consistently since the 2007 count.

As noted in previous reports, the reason for the increases in numbers of homeless people living in vehicles and camps over the past several counts is not known. High unemployment, rising rents and lack of affordable housing are all likely causes of the increase. San Mateo County rents went up 17% in the past year alone. The Center on Homelessness also believes the larger numbers are the result of having increasingly better information available to enumerators about where to find homeless people. Each year since 2007, the Human Services Agency and its partners have recruited more “homeless guides” to conduct enumeration. The guides are currently homeless individuals who have first-hand knowledge about the locations where unsheltered homeless people tend to sleep at night. Each guide is assigned to an enumeration team in a location with which he or she is familiar. As result, the teams are increasingly more effective at targeting particular locations to focus their efforts and locating more homeless people living in vehicles and camps.

It should also be noted that counting certain types of vehicles, particularly RVs, is an inexact process. People sleeping in cars can generally be assumed to be homeless, since cars are not designed as living spaces. RVs, however, are designed to be lived in and provide adequate living facilities provided there are electrical and sewer hookups available. While enumerators were instructed only to count RVs with sleeping occupants that were parked on the street and did not appear to be connected to services, some of the RVs counted probably did not have homeless occupants. See Appendix 1, Methodology, for a further discussion of the challenges of counting homeless people living in RVs.

Sheltered Homeless People

Unlike the unsheltered homeless count, the sheltered count changed very little, decreasing by 1% from 2011 to 2013. This result was expected, given that the inventory of available shelter and transitional housing beds has changed relatively little in the past two years.

Total Number of Homeless People

Overall, the 2013 homeless count of 2,281 total people represented a 6% increase compared to 2011. This was largely a result of the increase in people observed in vehicles and encampments, as discussed above. Looking at the long-term trend, the total number of homeless people has been rising slowly since 2007 (with the exception of a drop in 2009).

Homeless Families With Children

As in prior years, the enumerators counted very few unsheltered homeless families with children. Of the 180 family households counted in 2013, 115 (64%) were living in shelters, 64 (36%) were in cars or RVs, and only 1 (<1%) was observed on the street. The very low numbers of unsheltered homeless families on the street reflects the County's ongoing commitment to preventing family homelessness and its investment in programs targeting families with children, such as the Motel Voucher Program, Inclement Weather Voucher Program, and homeless prevention programs operated by the Core Service Agency Network.

The 2013 data on homeless families is consistent with the experience of San Mateo County service providers who observe that homeless families with children rarely live on the streets and are much more likely to reside in shelters or cars. Many families with children also live in places that do not meet the HUD standard of homelessness (i.e. they are living temporarily with friends or families) yet they are very precariously housed. See the section on "Hidden Homelessness," below for more details.

The relative percentages of homeless households with children versus those without children increased slightly from 2011 to 2013. In 2011, 8% of all homeless households counted (both sheltered and unsheltered) were families with children compared to 10% in 2009.

See Appendix 2 for additional data on household composition of sheltered and unsheltered people.

4. Geographic Breakdown

a. 2013 Distribution of Homeless People by City

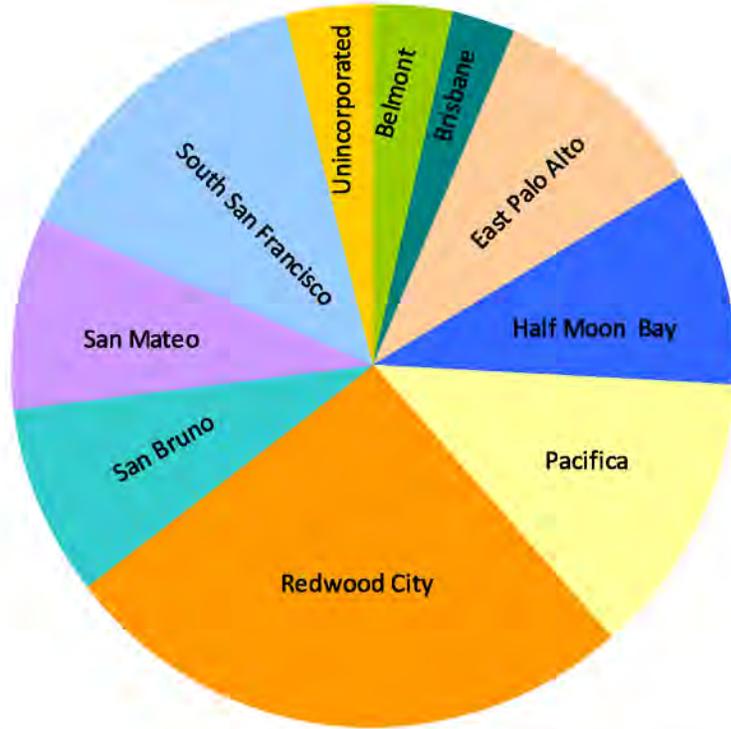
The following table summarize the geographic distribution of the homeless people who were counted in the 2013 Census. Note that data is collected according to Census Tract, rather than by jurisdiction. Since some Census Tracts span multiple jurisdictions, data for some jurisdictions may include people in neighboring areas. For example, data for Half Moon Bay may include some individuals counted outside the city boundaries.

Table - 2013 Distribution of Homeless People by City			
City	Sheltered⁴	Unsheltered	Total
Airport	0	5	5
Atherton	0	0	0
Belmont	0	43	43
Brisbane	4	34	38
Burlingame	0	13	13
Colma	0	7	7
Daly City	50	27	77
East Palo Alto	52	119	171
Foster City	0	7	7
Half Moon Bay	0	112	112
Hillsborough	0	0	0
Menlo Park	142	16	158
Millbrae	0	21	21
Pacifica	0	150	150
Portola Valley	0	2	2
Redwood City	338	307	645
San Bruno	7	101	108
San Carlos	0	10	10
San Mateo	182	103	285
South San Francisco	88	172	260
Unincorporated	0	46	46
Woodside	0	7	7
Scattered Site Programs	119	0	119
TOTAL	982	1,299	2,281

⁴ Sheltered homeless figures represent the number of people occupying shelter beds located in the identified city.

The chart below show the distribution of unsheltered homeless people by city.

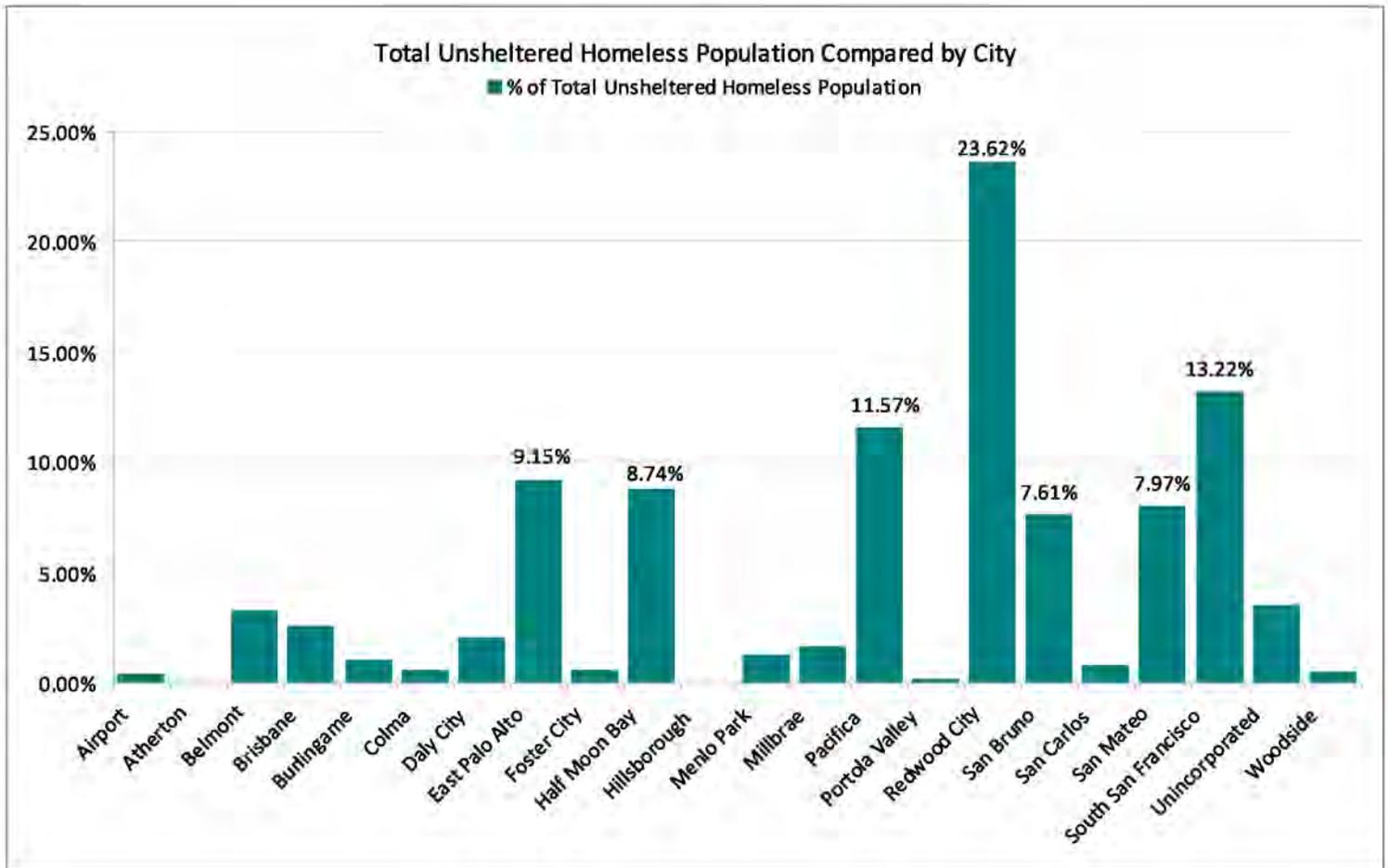
2013 Distribution of Homeless People by City (Unsheltered and Greater than 30)



- Belmont
- Brisbane
- East Palo Alto
- Half Moon Bay
- Pacifica
- Redwood City
- San Bruno
- San Mateo
- South San Francisco
- Unincorporated

b. Unsheltered Homeless Population By City Compared to General Population

The chart and table below provide an analysis of the total number of unsheltered people⁵ counted in each jurisdiction compared to the total population of people in each jurisdiction.



⁵ Note that this data does not include sheltered homeless people (those living in emergency shelters, transitional housing, etc.). The inclusion of the sheltered homeless people would skew the data towards those jurisdictions with the largest numbers of shelters and transitional housing programs.

Table - Unsheltered Homeless Population By City Compared to General Population				
City	General Population⁶	% of General Population	Unsheltered Homeless Population	% of Total Unsheltered Homeless Population
Airport	NA	NA	5	0.38%
Atherton	6,995	0.96%	0	0.00%
Belmont	26,147	3.60%	43	3.29%
Brisbane	4,334	0.60%	34	2.59%
Burlingame	29,157	4.01%	13	0.99%
Colma	1,815	0.25%	7	0.53%
Daly City	102,362	14.08%	27	2.05%
East Palo Alto	28,502	3.92%	119	9.15%
Foster City	30,943	4.26%	7	0.53%
Half Moon Bay	11,464	1.58%	114	8.74%
Hillsborough	10,958	1.51%	0	0.00%
Menlo Park	32,412	4.46%	16	1.21%
Millbrae	21,793	3.00%	21	1.60%
Pacifica	37,691	5.18%	150	11.57%
Portola Valley	4,406	0.61%	2	0.15%
Redwood City	77,745	10.69%	307	23.62%
San Bruno	41,616	5.72%	99	7.61%
San Carlos	28,755	3.95%	10	0.76%
San Mateo	98,391	13.53%	103	7.97%
South San Francisco	64,409	8.86%	172	13.22%
Unincorporated	61,963	8.52%	46	3.51%
Woodside	5,351	0.74%	7	0.50%
TOTAL	727,209	100.00%	1,299	99.98%

As indicated in this chart, several cities have a higher percentage of the unsheltered homeless population than their share of the general population. These include East Palo Alto, Half Moon Bay, Pacifica, Redwood City and South San Francisco. Similar results were found in 2011 and 2009. The higher numbers of homeless people in certain jurisdictions tends to correlate with higher poverty levels in those communities.

⁶ Data Source: US Census, July 1, 2011 Population Estimates

c. Comparison of 2007 to 2013 Data By City

The table below provides a comparison of the results of the unsheltered homeless count in 2007 through 2013, broken out by city.

Table - Comparison of 2007 to 2013 Data By City						
City	2007 Count	2009 Count	2011 Count	2013 Count	Net Change (11-13)	Percent Change (11-13)
Airport	16	4	9	5	-4	-44%
Atherton	0	0	1	0	-1	-100%
Belmont	12	5	1	43	42	4176%
Brisbane	11	1	0	34	34	3400%
Burlingame	20	8	3	13	10	331%
Colma	2	0	1	7	6	592%
Daly City	42	49	44	27	-17	-39%
East Palo Alto	222	204	385	119	-266	-69%
Foster City	14	0	0	7	7	700%
Half Moon Bay	74	19	41	114	73	177%
Hillsborough	16	0	0	0	0	0%
Menlo Park	52	25	72	16	-56	-78%
Millbrae	16	1	1	21	20	1976%
Pacifica	7	16	95	150	55	58%
Portola Valley	13	3	16	2	-14	-88%
Redwood City	212	220	233	307	74	32%
San Bruno	31	34	14	99	85	606%
San Carlos	9	11	9	10	1	10%
San Mateo	62	99	68	103	35	52%
South San Francisco	97	7	122	172	50	41%
Unincorporated	162	95	47	46	-1	-3%
Woodside	4	2	0	7	7	700%
TOTAL	1,094	803	1,162	1,299	137	12%

As the table illustrates, the overall number of homeless people in San Mateo County has changed modestly over the past 8 years. However, certain jurisdictions have experienced significant fluctuations in the numbers of homeless people over the past four bi-annual counts. This may reflect the mobility of the homeless population within the County. See appendix 2A for additional breakdowns by city, including data on the numbers of people observed on the street, in cars, in vans/RVs, and in encampments in each city and how those numbers have changed from count to count.

5. “Hidden” Homelessness

While many of the homeless people in San Mateo County are either residing in shelters or visible on the streets or in vehicles, there are also many homeless people in places that are not easily accessible to enumerators. These “hidden” homeless populations include individuals who live in structures not meant for human habitation, such as storage sheds, unconverted garages, shacks, bus stations, etc. These individuals fall under HUD’s official definition of homelessness, but they typically are not found during homeless counts because they are not visible on the streets.

Additionally, there are substantial numbers of people who stay temporarily in the homes of friends or family but who lack their own permanent housing. People who shelter temporarily with friends or family are not considered officially homeless according to HUD definitions of homelessness, but rather as “unstably housed,” or “at-risk of homelessness.” In the HOPE Plan, people who stay temporarily with family and friends are categorized as “at-risk” of homelessness. However, these individuals often self-identify as homeless and many homeless service providers and advocates believe they should be included in official homeless counts.

In the past two bi-annual counts (2009 and 2011), the Center on Homelessness conducted a “Hidden Homeless Study” to attempt to further analyze the number of people who are missed during the one night census. The 2011 study revealed that an estimated 9% of homeless people seeking services from providers during the three days following the count were probably missed because they lived in places that would not be visible (e.g. sheds, garages, on private property, etc.). The study further found a substantial number of people who were living temporarily with family and friends who considered themselves to be homeless even though they would not meet the HUD definition. These households were more likely to be families with children, confirming the anecdotal evidence from service providers that homeless families are more likely than single adults to stay temporarily in the homes of family members or friends.

There was no Hidden Homeless Study conducted in 2013. A description of the methodology for the 2011 Hidden Homeless Study may be found in the 2011 Census and Survey Report, which can be found on the HOPE website at <http://www.smchsa.org/hope>

B. Homeless Survey

For the 2013 Homeless Survey, volunteers conducted interviews with a representative sample of 192 unsheltered homeless people using a two-page questionnaire. The sections below provide a summary of key findings from the Homeless Survey, as well data on sheltered homeless people from the County’s HMIS system where available and relevant. Complete Homeless Survey data may be found in Appendix 3.

1. Demographic Data

The results of the 2013 unsheltered homeless survey indicated that the typical unsheltered homeless person in San Mateo County is a single man with at least one disability. Of those surveyed, 94% were single adults or adults living with other adults, 71% were men, and 80% had at least one disability. The most commonly cited disabilities were alcohol or drug problems (72%), physical disability (52%), chronic health problems (47%), and mental illness (37%). This data was consistent with the results from the 2011 survey, though all categories of disability showed small increases.

The population of sheltered homeless people looks somewhat different than the unsheltered population. While this population is still predominantly single and male, there is a greater representation of families. Of the homeless adults living in shelters, transitional housing and institutional settings, 21% are in families with children, compared to only 6% of the unsheltered adults. Sheltered adults were 60% male and 40% female. Levels of disability are also somewhat lower among the sheltered population compared to the unsheltered population: only 10% reported having a mental illness and 8% chronic substance use.

The racial and ethnic composition of the unsheltered homeless population was 60% White, 19% Latino, 13% Black or African-American, and 10% other races and ethnicities. This data reveals that some groups are over- or under-represented among homeless people in San Mateo County. African Americans represent only 3% of the total County population, yet are 13% of the homeless population. Many of the African Americans in San Mateo County live in the south county communities of East Palo Alto and Redwood City, which, as noted earlier, have a disproportional number of homeless people. Latinos are 25% of the total population but only 19% of the homeless people surveyed.

Of the unsheltered homeless people counted, 11% were Veterans (having either served in the U.S. Armed Forces and/or in the National Guard or as Reservists). This represented a decrease from 2011 when 13% of unsheltered homeless people were veterans, and may reflect increases in the availability of housing resources for this population since ending veteran homelessness has been made a key priority both locally and at the federal level. Among the sheltered people counted in the HMIS system, 24% were veterans, compared to only 10% in 2011. This reflects the addition of a number of shelter and transitional housing beds funded by the VA to the sheltered count, rather than an expansion in the number of sheltered homeless veterans.

A very high proportion of unsheltered homeless people in San Mateo County have been homeless repeatedly and/or for long periods of time. The survey found that 65% were “chronically” homeless, meaning that they were disabled and had been homeless for longer than 12 months or for 4 times in the past 3 years. This represented an increase from 2011, when only 46% were chronically homeless. The rise in chronic homeless is likely due to the same factors that have contributed to the overall increase in homelessness: high unemployment, rising rents and lack of affordable housing.

The typical homeless person has strong connections to San Mateo County. Of those who responded to the survey, 87% reported that that they were living in San Mateo County at the time they became homeless and 69% indicated that their hometown was in San Mateo County.

2. Service Utilization

In addition to providing demographic data, the survey also provided critical data about the services that unsheltered homeless people need. Given their high rates of disability, it was not surprising that the survey found high rates of service use among unsheltered homeless people. Of those surveyed, only 11% indicated that they were not accessing some form of social services (e.g. health care, mental health and substance use services, job training, transportation assistance, free meals, emergency shelter etc.).

The survey documented some significant improvements in filling service gaps compared to 2011. In the prior survey, only 20% of people with mental illness reported receiving mental health services. In 2013 this number increased to 41%. In 2011, only 32% of veterans reported receiving veterans benefits, while in 2013 71% of veterans reported receiving some form of services for veterans.⁷ This data suggests that focused efforts by the County departments, the VA, and service providers to conduct outreach to homeless veterans is having an impact.

The survey also documented that homeless people tend to be frequent users of emergency services, which are not only very expensive but also are not highly effective in helping them become more stable. Of those surveyed, 36% reported that the main place they receive medical care is the emergency room and another 8% indicated they received no medical care at all. Only 9% reported using community clinics, 7% a mobile healthcare van, and 22% the County General Hospital (San Mateo Medical Center).

Criminal justice system involvement was prevalent among those surveyed but declined compared to 2011. In 2013 14% of those surveyed reported being on probation or parole. This was only about half the rate found in 2011 when 27% indicated they were on probation or parole. The survey also found a lower rate of involvement with the foster care system, with 10% reporting in 2013 that they had been in foster care compared to 18% in 2011. However, the 2013 data was similar to 2009 when 11% indicated they had been in foster care. The 2013 survey data on domestic violence was consistent with 2011. In both years 16% of respondents indicated they had been victims of domestic or partner violence.

Apart from the 2013 survey, other data sources tell us that homeless people in San Mateo County have very limited incomes. The vast majority are unemployed and those who have any income typically are below the federal poverty level. Low incomes and the high cost of housing are the major reasons for homelessness. Behavioral issues relating to disability are also significant causes of homelessness, with many homeless people reporting substance use or mental illness as a reason for housing loss and/or their inability to secure housing.

⁷ It should be noted that these questions were asked differently in 2011 compared to 2013 so that could have resulted in a higher “yes” response rate in 2013.

IV. IMPLICATIONS FOR SYSTEMS IMPROVEMENT

Combining data from 2013, 2011 and 2009, planners, policymakers and service providers have a wealth of data available as they work to expand and improve the system of housing and services for homeless people. The following are some strategies and approaches that have been and will continue to be the highest priorities.

Continuing Areas of Focus

The following strategies are already being implemented and will continue in the coming year:

- Addressing the lack of housing affordability by continuing to create supportive and affordable housing for homeless people and those at-risk of homelessness;
- Continuing to develop specialized outreach to homeless veterans and linking them to available housing resources, particularly the VASH permanent housing program;
- Working with the systems of care whose clients have very high levels of homelessness, particularly the alcohol and drug treatment system, mental health system, and the criminal justice system, to develop strategies for meeting the housing and service needs of these populations
- Coordinating with the health systems on the implementation of the MediCaid expansion authorized through the Affordable Care Act, which should result in many currently uninsured homeless people becoming eligible for health care;
- Recognizing that the majority of homeless people are long-time residents of San Mateo County and embracing joint planning between the County and local jurisdictions to meet their housing and service needs

New Areas of Focus:

- Expansion of the highly successful Homeless Outreach Team (HOT) to cover the entire County. The existing HOT teams conduct intensive outreach to and engagement with chronically homeless people and help connect them to permanent supportive housing. Teams in San Mateo and South County have assisted hundreds of clients over the past several years. Increasing the capacity of this program will help reduce the incidence of chronic homelessness.
- Expanding shelter system capacity in the South County in response to the high levels of homelessness in those communities. New emergency shelter capacity should be strongly linked to permanent supportive housing options to ensure there are ways for people to exit the shelter system.
- Addressing the high rate of unemployment among homeless people by exploring strategies to engage and secure employment. In particular, there is a need for specialized

employment and training services that are tailored to meet the needs of chronically homeless people with disabilities. This population requires support in the areas of employment readiness, as well as approaches like supported employment and wage subsidies in order to successfully enter the workforce.

- Over the next year, the Cities, in partnership with the County, should explore additional methodologies for identifying people who are vehicularly housed (particularly those living in RVs) and assessing their need for housing and services. This project may include outreach, engagement and needs assessment surveys.

This report may be downloaded at the HOPE website: <http://www.smchsa.org/hope>