

# PLANNING COMMISSION STAFF REPORT

<b>Agenda Item: 4</b>	<b>Hearing Date: April 6, 2010</b>
Case No.:	AO-234 and Z-933
Applicant:	City of San Buenaventura
Planner:	Lisa Wilkinson, Associate Planner, 805-658-4755 Jeffrey Lambert, ACIP, Community Development Director
Location:	Citywide
Recommendation:	Review and Provide Comments on the Proposed Emergency Shelter Overlay Zone Standards

## **PROJECT DESCRIPTION**

This is a study session for an amendment to the City's Zoning Regulations and Official Zoning District Map to allow emergency shelters by right (without a Use Permit) to accommodate the City's emergency shelter needs. The zoning map amendment includes adding an Emergency Shelter Overlay Zone that covers all city zones, excluding the CTO, Ag, and Parks and Open Space zones. The Zoning Regulation amendment comprises adding Emergency Shelters to the City's land use classification and operational standards.

## **BACKGROUND**

Recent state law (Senate Bill 2 [SB2]) requires cities to identify a zone or zones where emergency homeless shelters are allowed as a permitted use without a conditional use permit or other discretionary permit. SB2 also requires transitional and supportive housing to be 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. Through the General Plan Housing Element update process, the City has notified the State that emergency shelters will be a "by right" use citywide. In May 2009 and July 2009, the City Council received reports from staff concerning the intention to modify the City's Zoning Regulations to permit emergency shelters by right, and received direction to proceed regardless of Housing Element adoption.

## **STAFF ANALYSIS**

This study session is intended to provide the community and the Planning Commission with an opportunity to review and provide suggestions in the creation of an Emergency Shelter Overlay

Zone. It is our goal as planning staff to get as specific as possible with operational standards in order to help minimize adverse impacts to surrounding property owners. Questions concerning our approach to allowing emergency shelters and the proposed standards are provided below.

### **What exactly is an “emergency shelter?”**

An 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.” The above definition is taken directly from the State’s Health and Safety Code and this is the language that is proposed for the City’s Zoning Regulations.

### **What “operational standards” *can* be applied to Emergency Shelters?**

In accordance with State law, 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 the city 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.

### **Why allow shelters citywide?**

This is indeed a bold approach; however, previous efforts in selecting a site for a shelter in years past have proven ineffective. The requirement for a use permit for homeless shelters has historically resulted in endless “not in my back yard” (NIMBY) battles. The concept of a broad citywide approach attempts to: 1) eliminate the NIMBY battles; 2) encourage the dispersal (as opposed to concentration) of shelter facilities; and 3) create context sensitive standards that only permits a facility if it is compatible with its surroundings.

### **What are other cities doing?**

So far, very few cities have adopted ordinances to allow emergency shelters in at least one zone, in accordance with the SB2 requirement. This requirement is fairly new and implementation is required for all cities in California within one year of Housing Element adoption. Many cities in the

vicinity are still in the process of updating their Housing Elements, including Ventura, and each city surveyed appears to be taking slightly different approaches to accommodating the unmet need for emergency shelters (see Attachment A).

**Why are certain zones excluded?**

For practical reasons, the CTO, Ag, and Parks and Open Space zones are not considered suitable for residential use. The CTO and H-C zone is strictly for tourist related uses and subject to the restrictions set forth in the Local Coastal Program. Agricultural, Parks, and Open Space are not considered compatible land for development, including higher density residential uses such as an emergency shelter. A generalized map of the proposed overlay zone coverage is provided in Attachment B.

**Could a shelter operate next to my house?**

Yes, however, there are certain limitations that have been factored into the proposed operational standards. For example, does a large shelter really belong in a predominately single-family area? Not exactly, and this is why the proposed standards provide a range and cap in occupancy that depend on the zoning and building type (residential versus industrial) and site conditions (location to transit).

It is also important to note that State law currently allows group homes of up to five beds in residential neighborhoods and city regulations allow churches (with a Use Permit) in single-family neighborhoods as well. Specific and objective standards should therefore provide protections to adjacent property owners from real and perceived adverse impacts. These standards should also provide certainty and flexibility to potential service providers to find a site or sites that meet their needs.

**What are the proposed operational standards for Emergency Shelters?**

As proposed, the Emergency Shelter Overlay Zone will allow shelters subject to the following:

Standard	Underlying Zone		
	R-1, R-1B, R-2, R-2B, R-3, R-P-D, MHP, T3	PO, C-1, C-1A, C-2, CPD, H, MXD, M-1, M-2, MPD, T4, T5, T6	P, A, CTO, H-C, POS

Standard	Underlying Zone		
	R-1, R-1B, R-2, R-2B, R-3, R-P-D, MHP, T3	PO, C-1, C-1A, C-2, CPD, H, MXD, M-1, M-2, MPD, T4, T5, T6	P, A, CTO, H-C, POS
Capacity	Residential Dwellings: 1 per 125-s.f, not to exceed 10 clients  Non-Residential Buildings: 1 per 125-s.f. gross floor area, not to exceed 25 clients.	Residential Dwellings: 1 per 125-s.f, not to exceed 10 clients.  Non-Residential Buildings > 300 ft from a bus transit route or a rail transit station: 1 per 125-s.f. gross floor area, not to exceed 25 clients.  Non-Residential Buildings ≤ 300 ft from bus transit route or a rail transit station: 1 per 125-s.f, not to exceed 40 clients.	X
Parking	Residential Dwellings: 1 space per dwelling, plus one-fifth space per client.  In order for an emergency shelter to occupy a residential dwelling, the property must be in conformance with the parking requirements of the underlying zone.  Non-Residential Buildings < 300 ft from bus transit route or a rail transit station: 1 space per 500 square feet, plus one-fifth space per client.	Non-Residential Buildings > 300 ft from bus transit route or a rail transit station: 1 space per 500 square feet, plus one-fifth space per client.  Non-Residential Buildings ≤ 300 ft from bus transit route or a rail transit station: 1 space per 500 square feet, plus one-tenth space per client.	X
Interior Intake Area	150-s.f. in facilities serving 10 clients or less.  200-s.f. for facilities serving 25 clients or less.	150-s.f. in facilities serving 10 clients or less.  200-s.f. in facilities serving 25 clients or less.  300-s.f. in facilities serving more than 25 clients	X
Exterior Waiting Area	Residential Dwellings: Not permitted  Non-Residential Buildings: Any exterior waiting area shall be completely screened from public view.	Residential Dwellings: Not permitted  Non-Residential Buildings: Any exterior waiting area shall be completely screened from public view.	X

Standard	Underlying Zone		
	R-1, R-1B, R-2, R-2B, R-3, R-P-D, MHP, T3	PO, C-1, C-1A, C-2, CPD, H, MXD, M-1, M-2, MPD, T4, T5, T6	P, A, CTO, H-C, POS
Onsite management and security	<p>Residential Dwellings: Onsite management shall be provided 24 hours a day seven days a week. Only individuals that do not utilize the homeless beds and/or services are eligible as on-site management.</p> <p>Non-Residential Buildings: Onsite management shall be provided 24 hours a day seven days a week and accompanied by support staff. Only individuals that do not utilize the homeless beds and/or services are eligible as on-site management.</p> <p>Security shall be provided on site during hours of operation.</p> <p>A management and security operations plan shall be kept on file at the city.</p>	<p>Residential Dwellings: Onsite management shall be provided 24 hours a day seven days a week. Only individuals that do not utilize the homeless beds and/or services are eligible as on-site management.</p> <p>Non-Residential Buildings: Onsite management shall be provided 24 hours a day seven days a week and accompanied by support staff. Only individuals that do not utilize the homeless beds and/or services are eligible as on-site management.</p> <p>Security shall be provided on site during hours of operation.</p> <p>A management and security operations plan shall be kept on file at the city.</p>	X
Separation from other shelters	An emergency shelter shall not be located within 300 feet of another building, parcel, or lot with an emergency shelter.	An emergency shelter shall not be located within 300 feet of another building, parcel, or lot with an emergency shelter.	X
Length of stay	<p>The length of stay for each client shall not exceed six months, or 180 days, in a 12-month period.</p> <p>Shelter shall limit intake to 5 pm and 8pm and discharge clients from 8am to 10am.</p>	<p>The length of stay for each client shall not exceed six months, or 180 days, in a 12-month period.</p> <p>Shelter shall limit intake to 5 pm and 8pm and discharge clients from 8am to 10am.</p>	X
Lighting	<p>Residential Dwellings: Lighting shall be provided in accordance with the applicable zoning and Building standards of the underlying zone.</p> <p>Non-Residential Buildings: Lighting shall be provided in all parking and exterior waiting areas and along the periphery of the building without lighting adjoining properties.</p>	<p>Residential Dwellings: Lighting shall be provided in accordance with the applicable zoning and Building standards of the underlying zone.</p> <p>Non-Residential Buildings: Lighting shall be provided in all parking and exterior waiting areas and along the periphery of the building without lighting adjoining properties.</p>	X

## **RECOMMENDATION**

Staff recommends that the Planning Commission review the proposed standards and provide comments. A final draft will be provided to Planning Commission at a future hearing that is tentatively scheduled for April 28th.

## **Attachment**

- A: SB2 Survey
- B: Potential Overlay Zone Map

**Attachment A**  
**SB2 Survey**

### Emergency Shelter Ordinances in California (Approved or Proposed)

City	Occupancy	Zones	Parking	Length of Stay	Intake Area	Exterior Waiting Area	Operations
Red Bluff	No more than 1 person/125 sq ft floor area	Allowed by right in M-2 (Medium Industrial). Prohibited elsewhere.	1 covered space/ 6 clients 1 uncovered space/employee	Max. 240 consecutive days or 300 total/year	14 beds= 125 sq ft  15 beds+200 sq ft	No less than 475 sq ft for facilities with <28 beds and 950 sq ft for 29 beds+	A 24 hour onsite manager and support staff that may not utilize homeless bed facilities
Santa Clarita	60 individuals	Homeless Shelter Overlay Zone	Shall be paved	Not exceeding 6 months	Intake and waiting area to be screened from public view		Intake: 5-8 pm Discharge: 8-10am
Mission Viejo	10 persons/night	Business Park/Industrial Zone	1/250 sq ft gross floor area	180 consecutive days	At least 500 sq ft	At least 500 sq ft gross	
Brea (proposed ordinance)	30 (other shelters subject to use permit)	Light Industrial (M-1)	Located within ½ mile radius of bus stop  Bike rack parking to be provided	120 days in a 365 day period	10 sq ft/bed. Waiting may not be located adjacent to public right of way and to be visually screened with 6-foot wall or landscaping.		Intake 6-8pm Discharge: by 8am  One staff/15 clients

Oxnard (proposed)	Either amend the zoning regulations or enter into a multi-jurisdictional agreement.		
Ojai (proposed)	27 beds max (ordinance sunsets when need is accommodated)	Business Professional Zone with Emergency Shelter Overlay Zone	
Camarillo (proposed)	Not known	M-1 and M-2	
Santa Paula (proposed)	Not known	Commercial/Lt Industrial (C/LI) zone	Emergency Shelters are currently allowed in the C-O, G-C, C-H, C/LI and LI zones, subject to a conditional use permit. Tentatively identified the Commercial/Light Industrial (C/LI) zone, which has approximately 140 acres, to accommodate at least one shelter, and provides access to transit and other services. Transitional and Supportive housing is currently permitted by conditional use permit in the R-3, and R-4 zones. Transitional and supportive housing shall be considered a residential use subject only to those requirements and procedures that apply to other residential uses of the same type in the same zone.

**Attachment B**  
**Potential Overlay Zone Map**

# Proposed Emergency Shelter Overlay

City of Ventura

