



**CITY OF LOS ALTOS  
CITY COUNCIL MEETING  
May 26, 2015**

**PUBLIC HEARING**

**Agenda Item # 12**

**SUBJECT:** Introduce and waive further reading of Ordinance No. 2015-408, amending the zoning code to allow emergency shelters as a permitted use in the CT district and to establish parking requirements for such uses; and introduce and waive further reading of Ordinance No. 2015-409, amending the zoning code to allow single-room occupancy housing as a conditional use in the CT district

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**BACKGROUND**

On April 26, 2015, the Planning and Transportation Commission considered code amendments to allow emergency shelters and single-room occupancy housing in the Commercial Thoroughfare zoning district along the El Camino Real corridor and to establish parking regulations for emergency shelters. The Commission unanimously found that the proposed code amendments were consistent with the City's General Plan and Housing Element. The Planning and Transportation Commission Memorandums regarding each amendment and Minutes are included as Attachments 3 and 4, respectively.

The proposed code amendment to allow emergency shelters is necessary to achieve State certification of the City's 2015-2023 Housing Element. The code amendment to allow single-room occupancy units is necessary to provide opportunities for supportive housing and housing for extremely-low income households. The single-room occupancy housing program is in conjunction with other policies for special needs housing and is an important part of maintaining the City's certified Housing Element.

Both code amendments rely on the Commercial Thoroughfare District as the most appropriate area to allow emergency shelters and single-room occupancy units. The Commercial Thoroughfare District allows medium-density housing, has the City's best access to public transportation and has sufficient development capacity as determined in the Housing Element.

Emergency shelters and single-room occupancy housing projects would be of the same architectural quality as other buildings regarding appearance and subject to the City's regular design review process including staff, Planning and Transportation Commission, and City Council review.

**EXISTING POLICY**

These code amendments implement Programs 3.2.1 and 3.2.3 of the City's 2009-2014 Housing Element and pending 2015-2023 Housing Element.

**PREVIOUS COUNCIL CONSIDERATION**

None

**DISCUSSION**

**Emergency Shelters**

The proposed Municipal Code amendment to allow emergency shelters establishes a definition for the use consistent with the State Health and Safety Code, makes the use a permitted use in the

Commercial Thoroughfare District along El Camino Real, and establishes a parking requirement for the use as follows:

- a. Definition (Chapter 14.02.070): “Emergency shelter” means housing with minimal supportive services for homeless persons in accordance with Health and Safety Code 50801 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;
- b. Permitted uses in the CT District (Chapter 14.50.030): Emergency shelters; and
- c. Parking requirement (Chapter 14.78.080): For emergency shelters the following off-street parking shall be provided: 0.25 parking spaces per bed, 0.2 bike spaces per bed, one parking space per family room, and one parking space per employee on duty.

### **Single-Room Occupancy Units**

The proposed Municipal Code amendment to allow single-room occupancy units establishes a definition for such uses and makes it a conditional use in the Commercial Thoroughfare District as follows:

- a. Definition (Chapter 14.02.070): “Single-room occupancy housing” means a residential project with small units between 150 and 350 square feet each, with or without integral bathroom and/or kitchen facilities. Individual single-room occupancy units designated for extremely-low income households or designated as supportive housing in accordance with Section 53260 of the Health and Safety Code are exempt from the density limits; and
- b. Conditional uses in the CT District (Chapter 14.50.040): Single-room occupancy housing.

Single-room occupancy housing units are already permitted as studios within multiple-family development. Studios under the current City Code, however, must have integral kitchen and bathroom facilities to qualify as a dwelling. In accordance with State law, this code amendment creates single-room occupancy housing units as a specific form of housing and differentiates them in that single-room occupancy units may or may not have integral bathroom and/or kitchen facilities.

The City’s existing zoning regulations require parking for housing units with fewer than two bedrooms in the amount of 1.5 parking spaces per unit.

### **PUBLIC CONTACT**

A public hearing advertisement was published on April 1, 2015 in the Town Crier for the April 26, 2015 Planning and Transportation Commission hearing.

A public hearing advertisement was published on May 13, 2015 in the Town Crier for the May 26, 2015 City Council hearing.

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*Introduce and waive further reading of Ordinance No. 2015-408, amending the zoning code to allow emergency shelters as a permitted use in the CT district and to establish parking requirements for such uses; and introduce and waive further reading of Ordinance No. 2015-409, amending the zoning code to allow single-room occupancy housing as a conditional use in the CT district*

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Posting of the meeting agenda serves as notice to the general public.

**FISCAL/RESOURCE IMPACT**

None

**ENVIRONMENTAL REVIEW**

Negative Declaration

**RECOMMENDATION**

- A. Introduce and waive further reading of Ordinance No. 2015-408, amending the zoning code to allow emergency shelters as a permitted use in the CT district and to establish parking requirements for such uses
- B. Introduce and waive further reading of Ordinance No. 2015-409, amending the zoning code to allow single-room occupancy housing as a conditional use in the CT district

**ALTERNATIVES**

1. Allow emergency shelters in a different zoning district; however, that district would need a sufficient development capacity to allow such uses and should have access to public transit
2. Modify the proposed parking requirements for emergency shelters

If the City Council wishes to allow single-room occupancy units in a different zoning district, then that district would need to be assessed for sufficient development capacity to allow such uses and sufficient access to public transit.

Prepared by: David Kornfield, Planning Services Manager

**ATTACHMENTS:**

1. Ordinance No. 2015-408
2. Ordinance No. 2015-409
3. Memorandums to the Planning and Transportation Commission dated April 16, 2015
4. Planning and Transportation Commission Minutes dated April 16, 2015

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*Introduce and waive further reading of Ordinance No. 2015-408, amending the zoning code to allow emergency shelters as a permitted use in the CT district and to establish parking requirements for such uses; and introduce and waive further reading of Ordinance No. 2015-409, amending the zoning code to allow single-room occupancy housing as a conditional use in the CT district*

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**ORDINANCE NO. 2015-408**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
LOS ALTOS TO ALLOW EMERGENCY SHELTERS**

**WHEREAS**, Senate Bill 2 (2007) requires cities to allow emergency shelters as a permitted use as codified in Government Code Section 65583; and

**WHEREAS**, this ordinance implements Program 3.2.1 of the City's 2009-2014 and 2015-2023 Housing Element; and

**WHEREAS**, this Ordinance is in the best interest for the protection or promotion of the public health, safety, comfort, convenience, prosperity, or welfare and is conformance with the adopted General Plan of the City since it implements Housing Element Program 3.2.1; and

**WHEREAS**, this Ordinance is exempt from environmental review pursuant to Section 15061(b) (3) of the State Guidelines implementing the California Environmental Quality Act of 1970, as amended.

**NOW THEREFORE**, the City Council of the City of Los Altos does hereby ordain as follows:

**SECTION 1. AMENDMENT OF CODE:** Adding the definition of emergency shelters to Chapter 14.02.070 of the Code:

"Emergency shelter" means housing with minimal supportive services for homeless persons in accordance with Health and Safety Code 50801 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;

**SECTION 2. AMENDMENT OF CODE:** Adding emergency shelters as a permitted use to in the CT District to Chapter 14.50.030 of the Code:

The following uses shall be permitted in the CT District:

- A. Professional and office-administrative services;
- B. Restaurants, excluding drive-through facilities;
- C. Retail and personal services;
- D. Emergency shelters; and
- E. Uses which are determined by the city planner to be of the same general character.

**SECTION 3. AMENDMENT OF CODE:** Adding parking requirements for emergency shelters for residential uses in the CT District to Chapter 14.74.080 of the Code:



D. For emergency shelters the following off-street parking shall be provided: 0.25 parking spaces per bed, 0.2 bike spaces per bed, one parking space per family room, and one parking space per employee on duty.

**SECTION 4. CONSTITUTIONALITY.** If any section, subsection, sentence, clause or phrase of this code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

**SECTION 5. PUBLICATION.** This ordinance shall be published as provided in Government Code section 36933.

**SECTION 6. EFFECTIVE DATE.** This ordinance shall be effective upon the commencement of the thirty-first day following the adoption date.

The foregoing ordinance was duly and properly introduced at a regular meeting of the City Council of the City of Los Altos held on May 26, 2015 and was thereafter, at a regular meeting held on \_\_\_\_\_, 2015 passed and adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
Janis C. Pepper, MAYOR

Attest:

\_\_\_\_\_  
Jon Maginot, CMC, CITY CLERK

**ORDINANCE NO. 2015-409**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
LOS ALTOS TO ALLOW SINGLE-ROOM OCCUPANCY  
HOUSING**

**WHEREAS**, Senate Bill 2 (2007) requires cities to allow supportive housing such as single-room occupancy units as per Government Code Section 65583; and

**WHEREAS**, this ordinance implements Program 3.2.3 of the City's 2009-2014 and 2015-2023 Housing Element; and

**WHEREAS**, this Ordinance is in the best interest for the protection or promotion of the public health, safety, comfort, convenience, prosperity, or welfare and is conformance with the adopted General Plan of the City since it implements Housing Element Program 3.2.3; and

**WHEREAS**, this Ordinance is exempt from environmental review pursuant to Section 15061(b) (3) of the State Guidelines implementing the California Environmental Quality Act of 1970, as amended.

**NOW THEREFORE**, the City Council of the City of Los Altos does hereby ordain as follows:

**SECTION 1. AMENDMENT OF CODE:** Adding the definition of emergency shelters to Chapter 14.02.070 of the Code:

"Single-room occupancy housing" means a residential project with small units between 150 and 350 square feet each, with or without integral bathroom and/or kitchen facilities. Individual single-room occupancy units designated for extremely-low income households or designated as supportive housing in accordance with Section 53260 of the Health and Safety Code are exempt from the density limits;

**SECTION 2. AMENDMENT OF CODE:** Adding emergency shelters as a conditional use to in the CT District to Chapter 14.50.040 of the Code:

Upon the granting of a use permit in accordance with the provisions of Chapter 14.80 of this title, the following uses shall be permitted in the CT District:

- A. Animal clinics, hospitals, and kennels;
- B. Business, professional, and trade schools;
- C. Cocktail lounges;
- D. Commercial recreation;
- E. Day care centers;
- F. Hotels and motels;
- G. Medical and dental clinics;

- H. Medical and dental offices that are five thousand (5,000) gross square feet or more;
- I. Mixed-use projects, including a combination of multiple-family dwelling units and nonresidential uses;
- J. Mortuaries;
- K. Multiple-family housing;
- L. Pet shops;
- M. Printing shops;
- N. Single-room occupancy housing;
- O. Upholstery shops; and
- P. Uses which are determined by the planning commission and the city council to be of the same general character.

**SECTION 3. CONSTITUTIONALITY.** If any section, subsection, sentence, clause or phrase of this code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

**SECTION 4. PUBLICATION.** This ordinance shall be published as provided in Government Code section 36933.

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AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
Janis C. Pepper, MAYOR

Attest:

\_\_\_\_\_  
Jon Maginot, CMC, CITY CLERK



DATE: April 16, 2015

AGENDA ITEM # 2

**TO:** Planning and Transportation Commission

**FROM:** David Kornfield, Planning Services Manager

**SUBJECT:** 15-CA-01 – Municipal Code Amendment to Allow Emergency Shelters

#### **RECOMMENDATION:**

Recommend to the City Council adoption of Municipal Code amendment 15-CA-01 to allow emergency shelters subject to the listed findings

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#### **BACKGROUND**

As a result of Senate Bill 2 (SB 2, 2007) the State zoning laws require cities to allow emergency shelters as a permitted use in at least one zoning district (Government Code Section 65583). By statute, emergency shelters may only be subject to the same development standards that apply to residential or commercial development within the zoning district. Although the emergency shelters must be permitted uses—or allowed by right—cities may adopt nondiscretionary, objective development standards for emergency shelters such as limiting the number of beds, parking requirements, proximity to other shelters, lighting requirements, et cetera.

The State Health and Safety Code defines emergency shelters as housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay (Health and Safety Code 50801).

The requirement to allow emergency shelters is reflected in the City's adopted 2009-2014 Housing Element and the soon to be adopted 2015-2023 Housing Element as Program 3.2.1. This proposed code amendment implements the program.

#### **DISCUSSION**

As outlined in Housing Element Program 3.2.1, the City's Commercial Thoroughfare (CT) District along El Camino Real is the appropriate zoning district to allow emergency shelters. This district is well suited for locating emergency shelters since it is one the few districts in the City with full access to public transit with underdeveloped parcels that allow higher density housing opportunities. Although the CT District limits residential uses to 38 dwellings per acre, emergency shelters do not have an intrinsic density and are therefore limited by the form based zoning in terms of setbacks, height and parking. Emergency shelters would be subject to the City's design review regulations.

In terms of non-discretionary development standards, staff believes that parking is the most important to establish. Such standards as limiting the number of beds, proximity to other shelters,

lighting, et cetera, are in staff's view highly dependent on a designer's need to meet the State and County requirements for providing such facilities and such limitations could by themselves be a constraint to establishing such a facility. Furthermore, given the relatively high land value in the City and the location of established shelters in nearby communities such as Mountain View, it is improbable that the City will see such a development. Nevertheless, staff sees establishing a parking requirement as an important basic design standard consistent with the structure of the City's zoning code requiring parking for specific land uses.

Staff surveyed the parking regulations of many jurisdictions and found that for emergency shelters the required parking ranged from 0.1 to 0.35 parking spaces per bed, and one parking space for every employee on duty or an overall requirement of two staff parking spaces. Menlo Park had the most comprehensive parking requirement for emergency shelters, which includes bicycle parking, as follows: 0.25 parking spaces per bed, 0.2 bike spaces per bed, one parking space per family room, and one parking space per employee on duty. Staff supports adopting the same parking standards as Menlo Park.

Therefore, to allow emergency shelters in the CT District staff proposes the following amendments to the Municipal Code:

1. Adding the definition of emergency shelters to Chapter 14.02.070 of the Code:  
"Emergency shelter" means housing with minimal supportive services for homeless persons in accordance with Health and Safety Code 50801 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;
2. Adding emergency shelters as a permitted use to in the CT District to Chapter 14.50.030 of the Code:

The following uses shall be permitted in the CT District:

- A. Professional and office-administrative services;
  - B. Restaurants, excluding drive-through facilities;
  - C. Retail and personal services;
  - D. Emergency shelters; and
  - E. Uses which are determined by the city planner to be of the same general character.
3. Adding parking requirements for emergency shelters for residential uses in the CT District to Chapter 14.74.080 of the Code:

D. For emergency shelters the following off-street parking shall be provided: 0.25 parking spaces per bed, 0.2 bike spaces per bed, one parking space per family room, and one parking space per employee on duty.

Attachments:

- A. Department of Housing and Community Development Memorandum dated May 7, 2008



## FINDINGS

### 15-CA-01—Municipal Code Amendment for Emergency Shelters

1. With regard to environmental review, the Planning and Transportation Commission finds that the Municipal Code amendment is exempt from the California Environmental Quality Act (CEQA) in accordance with Section 15601 of the CEQA Guidelines since it can be seen with certainty that there is no possibility that the code amendment itself may have a significant effect on the environment and that the code amendment implements General Plan Housing Element Program 3.2.1 for which a Negative Declaration of environmental impact has been formerly adopted.
2. With regard to allowing Emergency Shelters the Planning and Transportation Commission finds in accordance with Section 14.86.060 of Municipal Code that:
  - a. The code amendment is in the best interest for the protection or promotion of the public health, safety, comfort, convenience, prosperity, or welfare and is in conformance with the adopted General Plan of the City since it implements Housing Element Program 3.2.1.

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


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

**MEMORANDUM**

Updated: April 10, 2013

**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](http://www.hcd.ca.gov) or the Senate's website at [www.senate.ca.gov](http://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)

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# 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.<sup>1</sup>

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.

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<sup>1</sup> *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.

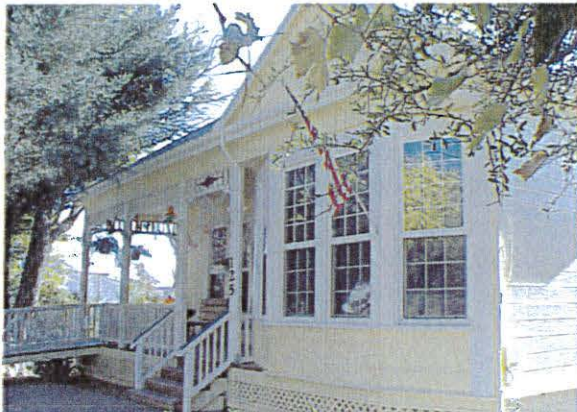


## Permitting Emergency Shelters without Discretionary Action

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.



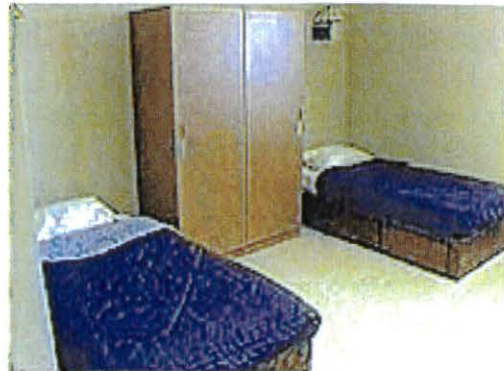
To demonstrate that processing procedures and standards are objective and encourage and facilitate development of emergency shelters, the housing element must address how:

- 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 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,



such as single family 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. 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.

The housing element must demonstrate that transitional housing and supportive housing are permitted as a residential use and only subject to those restrictions that apply to other residential dwellings of the same type in the same zone (Government Code Section 65583(a)(5)). In other words, transitional housing and supportive housing are permitted in all zones allowing residential uses and are not subject to any restrictions (e.g., occupancy limit) not imposed on similar dwellings (e.g., single family home, apartments) in the same zone in which the transitional housing and supportive housing is located. For example, transitional housing located in an apartment building in a multifamily zone is permitted in the same manner as an apartment building in the same zone and supportive housing located in a single family home in a single family zone is permitted in the same manner as a single family home in the same 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.

**\*\*\*\*\* UPDATED\*\*\*\*\***

Please be aware, if the adopted housing element from the previous cycle (4<sup>th</sup> cycle) included a program to address the requirements of SB 2 for emergency shelters, and the required timeframe has lapsed, the Department will not be able to find future housing elements in compliance until the required rezoning is complete and the element is amended to reflect that rezoning.

## **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 (5considered 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 (7assessed 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\(axpyp555dhn54z45qhpqvnj4\)\)/Default.aspx?AspxAutoDetectCookieSupport=1](http://www.nrchmi.samhsa.gov/(X(1)S(axpyp555dhn54z45qhpqvnj4))/Default.aspx?AspxAutoDetectCookieSupport=1)

#### **The National Coalition for the Homeless – Local Resources in California**

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

#### **HCD Selected Bibliography on Homeless Issues**

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

#### **Building Blocks for Effective Housing Elements**

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

[http://www.hcd.ca.gov/hpd/housing\\_element/index.html](http://www.hcd.ca.gov/hpd/housing_element/index.html)



DATE: April 16, 2015

AGENDA ITEM # 3

**TO:** Planning and Transportation Commission

**FROM:** David Kornfield, Planning Services Manager

**SUBJECT:** 15-CA-02 – Municipal Code Amendment to Allow Single-Room Occupancy Housing Units

**RECOMMENDATION:**

Recommend to the City Council adoption of Municipal Code amendment 15-CA-02 to allow single-room occupancy housing units subject to the listed findings

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**BACKGROUND**

As a result of Senate Bill 2 (SB 2, 2007) the State zoning laws require cities to allow supportive housing as a permitted residential land use (Government Code Section 65583). By that statute, supportive housing may only be subject to the same regulations for other residential uses of the same type in the same zoning district. Furthermore, a related Assembly Bill 2634 (AB 2634, 2006) provides that in addition to a city's responsibility to provide the opportunity for the housing needs of all economic segments of the community, including extremely-low income, they must facilitate and encourage a variety of housing types including supportive single-room occupancy housing units.

Supportive housing is defined as a housing development that has no limit on the length of stay that is linked to onsite or offsite services, and is occupied by a target population as defined in Section 53260 of the Health and Safety Code (i.e., low income persons with mental disabilities, substance abuse or chronic health conditions or persons with disabilities that originated as minors).

Single-room occupancy housing units are not defined by the State but are typically defined by communities as units between 150 and 350 square feet in floor area that may or may not have integral bathroom and/or kitchen facilities. Single-room occupancy units are often in the form of hotels or studio units in multiple-family apartment buildings.

Single-room occupancy housing units provide a valuable source of affordable housing for individuals and can serve as an entry point into the housing market for formerly homeless people, lower income single-person or two-person households, and even serve as temporary workforce housing. Many older single-occupancy units have been lost due to deterioration, hotel conversions, and demolition. Therefore, the State identified a need for zoning and development standards that will allow and encourage the construction of new single-room occupancy as reflected in program actions in their housing elements.

The requirement to allow single-room occupancy housing units is reflected in the City's adopted 2009-2014 Housing Element and the soon to be adopted 2015-2023 Housing Element as Program 3.2.3. This proposed code amendment implements the basic provision for single-room occupancy units and seeks to provide incentives to develop such housing as supportive housing.

## DISCUSSION

As outlined in Housing Element Program 3.2.3, the City's Commercial Thoroughfare (CT) district along El Camino Real is the appropriate zoning district to allow single-room occupancy housing projects as a conditional use. This district is well suited for locating single-room occupancy developments since it is one of the few districts in the City with full access to public transit with underdeveloped parcels that allow higher density housing opportunities. The CT district limits residential uses to 38 dwellings per acre. Single-room occupancy housing projects would be subject to the City's design review process for multiple-family buildings.

Single-room occupancy units—as studios—are allowed under the present code as a form of multiple-family housing; however, studios under our current code must have integral kitchen and bathroom facilities to qualify as a dwelling. In accordance with the State law, this code amendment creates single-room occupancy housing units as a specific form of housing and differentiates them in that single-room occupancy units may or may not have integral bathroom and/or kitchen facilities.

The City's existing parking regulations for residential units in the CT district requires 1.5 spaces per unit with fewer than two bedrooms and one space per four units for visitor parking (Municipal Code Section 14.74.080). While these parking standards might seem high, staff sees the City's existing parking requirements as appropriate given that single-room occupancy housing projects typically have managers and other staff associated with them. Additionally, the parking can be reduced in conjunction with an affordable housing component.

In terms of encouraging single-occupancy housing projects, under State affordable housing laws, the City could consider reducing the number of required parking spaces for single-room occupancy units as an incentive to provide units at a below-market-rate. Also, as proposed in staff's definition of such units, single-room occupancy units specifically designated for extremely-low income or as supportive housing would be exempt from the density limits and provide another incentive to provide such units.

Therefore, to allow single-room occupancy units in the CT district staff proposes the following amendments to the Municipal Code:

1. Adding the definition of single-room occupancy housing to Chapter 14.02.070 of the Code:

“Single-room occupancy housing” means a residential project with small units between 150 and 350 square feet each, with or without integral bathroom and/or kitchen facilities. Individual single-room occupancy units designated for extremely-low income households or designated as supportive housing in accordance with Section 53260 of the Health and Safety Code are exempt from the density limits;



2. Adding single-room occupancy units as a conditional use in the CT district to Chapter 14.50.040 of the Code:

Upon the granting of a use permit in accordance with the provisions of Chapter 14.80 of this title, the following uses shall be permitted in the CT District:

- A. Animal clinics, hospitals, and kennels;
- B. Business, professional, and trade schools;
- C. Cocktail lounges;
- D. Commercial recreation;
- E. Day care centers;
- F. Hotels and motels;
- G. Medical and dental clinics;
- H. Medical and dental offices that are five thousand (5,000) gross square feet or more;
- I. Mixed-use projects, including a combination of multiple-family dwelling units and nonresidential uses;
- J. Mortuaries;
- K. Multiple-family housing;
- L. Pet shops;
- M. Printing shops;
- N. Single-room occupancy housing;
- O. Upholstery shops; and
- P. Uses which are determined by the planning commission and the city council to be of the same general character.

Attachments:

None

## FINDINGS

### 15-CA-02—Municipal Code Amendment for Single-Room Occupancy Housing Units

1. With regard to environmental review, the Planning and Transportation Commission finds that the Municipal Code amendment is exempt from the California Environmental Quality Act (CEQA) in accordance with Section 15601 of the CEQA Guidelines since it can be seen with certainty that there is no possibility that the code amendment itself may have a significant effect on the environment and that the code amendment implements General Plan Housing Element Program 3.2.3 for which a Negative Declaration of environmental impact has been formerly adopted.
2. With regard to allowing Single-Room Occupancy Housing Units the Planning and Transportation Commission finds in accordance with Section 14.86.060 of Municipal Code that:
  - a. The code amendment is in the best interest for the protection or promotion of the public health, safety, comfort, convenience, prosperity, or welfare and is in conformance with the adopted General Plan of the City since it implements Housing Element Program 3.2.3.

**MINUTES OF A REGULAR MEETING OF THE PLANNING AND  
TRANSPORTATION COMMISSION OF THE CITY OF LOS ALTOS, HELD ON  
THURSDAY, APRIL 16, 2015, BEGINNING AT 7:00 P.M. AT LOS ALTOS CITY HALL,  
ONE NORTH SAN ANTONIO ROAD, LOS ALTOS,  
CALIFORNIA**

**ESTABLISH QUORUM**

PRESENT: Chair McTIGHE, Vice-Chair LORELL, Commissioners BAER, BODNER,  
MOISON, and JUNAID

ABSENT: Commissioner BRESSACK

STAFF: Community Development Director WALGREN, Planning Services Manager  
KORNFIELD, and City Attorney HOUSTON

**PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA**

Resident Jim Wing suggested a future agenda item to review and improve the NTMP (Neighborhood Traffic Management Program) process. He stated that most local streets do not qualify for NTMP (Neighborhood Traffic Management Program), residents can only review the design and a traffic engineer must design it, and that a subcommittee should be formed to look at changes to the NTMP.

**ITEMS FOR CONSIDERATION/ACTION**

**CONSENT CALENDAR**

1. **Planning and Transportation Commission Minutes**  
Approve the minutes of the April 2, 2015 regular meeting.

MOTION by Vice-Chair LORELL, seconded by Commissioner JUNAID, to approve the minutes of the April 2, 2015 regular meeting as written.  
THE MOTION CARRIED UNANIMOUSLY (6/0).

**PUBLIC HEARING**

2. **15-CA-01 – Municipal Code Amendment to Allow Emergency Shelters**  
Municipal Code amendment to define Emergency Shelters and to allow such uses as a permitted use in the Commercial Thoroughfare (CT) District in accordance with the City's General Plan Housing Element. *Project Planner: Kornfield*

Planning Services Manager KORNFIELD presented the staff report recommending to the City Council adoption of a Code amendment to allow emergency shelters subject to the listed findings. There was no public comment.

The Commission discussed the proposed parking requirement for emergency shelters.



MOTION by Commissioner MOISON, seconded by Commissioner JUNAID, to recommend to the City Council approval and adoption of Municipal Code amendment 15-CA-01 to allow emergency shelters as recommended by staff. THE MOTION CARRIED UNANIMOUSLY (6/0).

3. **15-CA-02 – Municipal Code Amendment to Allow Single Room Occupancy Units**

Municipal Code amendment to define Single Room Occupancy units and to allow such uses as conditional land use in the Commercial Thoroughfare (CT) District in accordance with the City's General Plan Housing Element. *Project Planner: Kornfield*

Planning Services Manager KORNFIELD presented the staff report recommending to the City Council adoption of a Code amendment to allow single-room occupancy housing units subject to the listed findings. There was no public comment.

The Commission concurred with the staff recommendation.

MOTION by Commissioner MOISON, seconded by Commissioner JUNAID, to recommend to the City Council approval and adoption of Municipal Code amendment 15-CA-02 to allow single-room occupancy housing units as recommended by staff. THE MOTION CARRIED UNANIMOUSLY (6/0).

4. **Negative Declaration of Environmental Impact for the 2015-2023 Housing Element**

Consideration of a Negative Declaration of Environmental Impact for the 2015-2023 Housing Element. *Project Planner: Kornfield*

Planning Services Manager KORNFIELD presented the staff report recommending to the City Council adoption of a Negative Declaration of Environmental Impact for the 2015-2023 Housing Element. There was no public comment.

The Commission concurred with the staff recommendation.

MOTION by Commissioner MOISON, seconded by Commissioner JUNAID, to recommend to the City Council approval and adoption of a Negative Declaration of Environmental Impact for the 2015-2023 Housing Element, per the staff report findings. THE MOTION CARRIED UNANIMOUSLY (6/0).

## **DISCUSSION**

5. **Findings and Conditions**

Presentation regarding project findings and conditions. *Project Manager: Attorney Houston*

City Attorney HOUSTON provided a PowerPoint presentation on how to develop legal and effective findings and conditions.

## **COMMISSIONERS' REPORTS AND COMMENTS**

Chair McTIGHE reported on the April 14, 2015 City Council meeting regarding the City Council's approval to remove a Canary Island Pine tree at 86 Third Street and replace it with a 36-inch box specimen evergreen. Commissioner JUNAID recommended that Commissioners make themselves easily accessible to the public to facilitate the project review process.

## **POTENTIAL FUTURE AGENDA ITEMS**

Chair McTIGHE suggested adding NTMP (Neighborhood Traffic Management Program) to a future agenda; the Commission unanimously agreed. Chair McTIGHE also suggested that the Commission discuss the Loyola Corners traffic circulation in anticipation of the potential traffic impacts from the bridge reconstructions; the Commission agreed unanimously to add it to a future agenda.

## **ADJOURNMENT**

Chair McTIGHE adjourned the meeting at 8:13 P.M.

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David Kornfield  
Planning Services Manager