

City Council

October 22, 2013

Agenda Item #8

Zoning Code amendment to establish an emergency shelter overlay and appropriate development standards within a 74-acre portion of the M -1 zone.

Housing Element Background

- Required General Plan component
- Evaluates housing needs for all economic segments
- Includes programs / policies for addressing housing needs
- Adopted on 8-year cycles (Jan. 2013 – Dec. 2020)
- Approved by the City, Certified by State Department of Housing and Community Development (HCD)
- Penalties for failure to meet adoption deadlines include mandating adoption on 4-year cycles
- Legislation incorporated into Housing Elements during element adoption process

Certified Housing Element Benefits

Grants Received Required Housing Element Compliance (2007-2012)	
SANDAG Smart Growth Grant Projects:	Grant Amount
Mercado (Grand Avenue) street improvements	\$1,320,000
Maple Street Festival Plaza	\$945,000
TRANSNET/TDA Grant Projects:	
Escondido Creek / Ash Street undercrossing	\$1,483,560
Lake Hodges Pedestrian Bridge	\$3,300,000
Escondido Creek Path lighting and restriping	\$157,500
Downtown area bicycle racks	\$14,378
State Housing and Community Development Grant Projects:	
Grape Day Park: Master Plan, playground, pool improvements Washington Park: Tennis Court resurfacing	\$257,000
Orange Street: sewer / water infrastructure improvements Park Avenue Community Center: facility upgrades	\$286,000
Total Grant Funds Received:	\$7,763,438

CITY	UNSHELTERED
San Diego	3,115
Carlsbad	78
Chula Vista	301
Coronado	14
Del Mar	2
El Cajon	101
Encinitas	30
Escondido	172
Imperial Beach	41
La Mesa	68
Lemon Grove	20
National City	128
Oceanside	182
Poway	40
San Marcos	12

CITY	UNSHELTERED
Santee	18
Solana Beach	11
Vista	118
<u>Unincorporated</u>	<u>123</u>
TOTAL COUNT	4,574

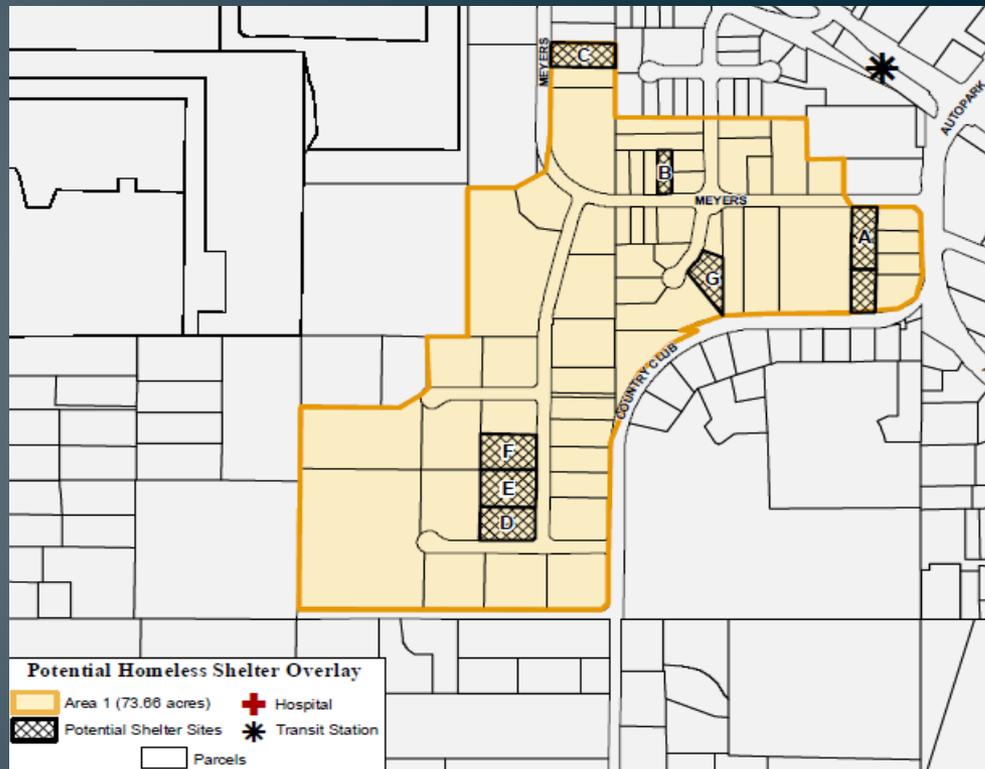
**2013 Regional Task Force
Unsheltered Individuals
Point in Time Count**

Emergency Shelter Background

- State Law SB 2 (adopted 2007) requires jurisdictions to designate a zoning category permitting emergency shelters by right within one year of Housing Element adoption. (December 12, 2013).
- SB 2 allows certain objective standards for the operation of emergency shelters.
- State Definition: "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.
- Currently, Emergency Shelters are permitted with Conditional Use Permit (CUP) in M-1 (Light Industrial) zone, adjacent to CG (General Commercial) zone and within 500' of public transportation. No standards included.

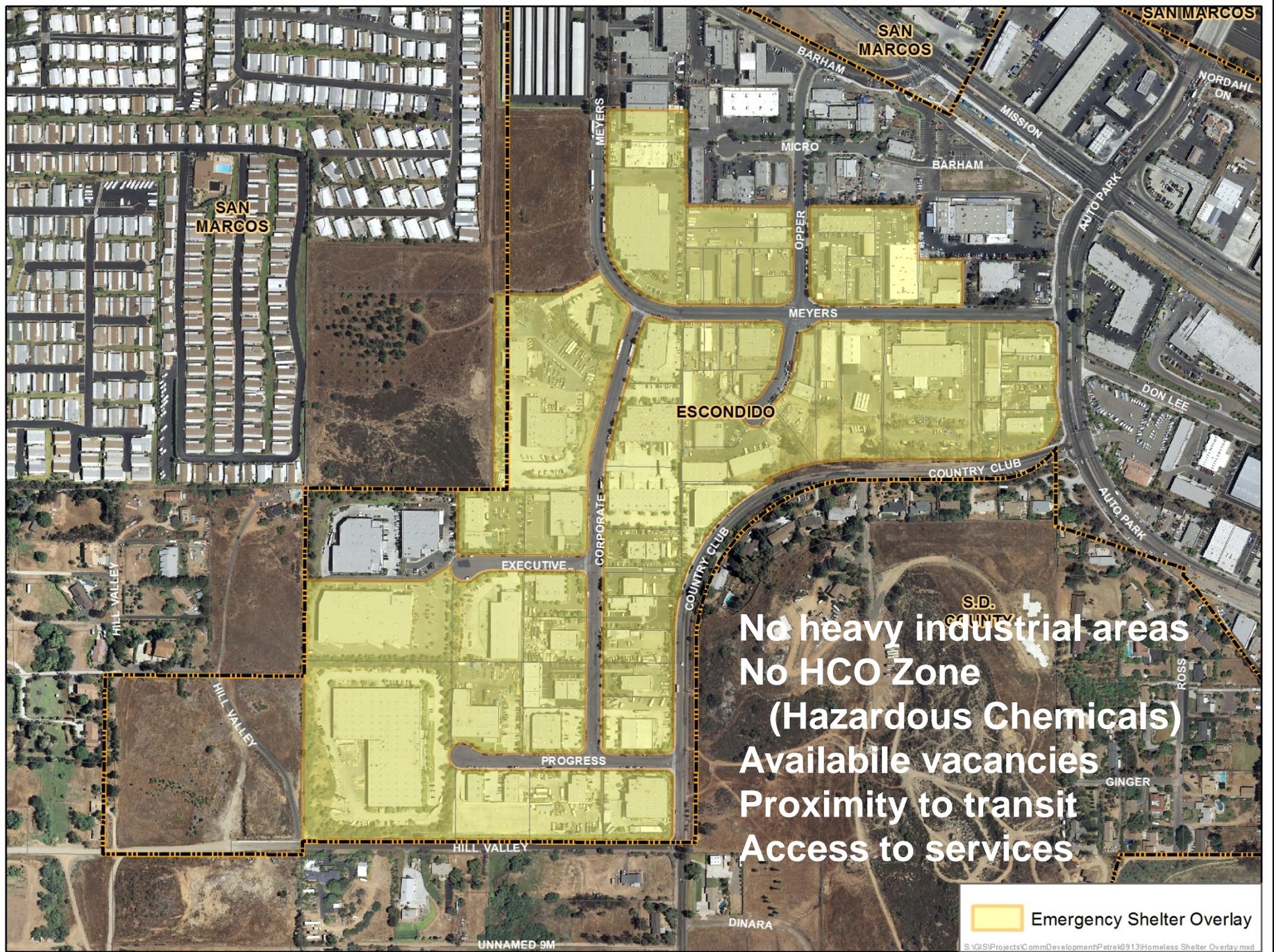
Emergency Shelter Overlay

- Shelter Overlay initially proposed in HP (Hospital Professional) zone.
- City Council directed staff to review areas in the M-1 (Light Industrial) zone and authorized proposed area for the Housing Element.
- Housing Element was certified by HCD and adopted on Dec. 12, 2012. A map and evaluation of the overlay is included.
- No Shelters currently proposed



Emergency Shelter Zoning in Area Cities

JURISDICTION	EMERGENCY SHELTERS LOCATIONS
Carlsbad	Planned Industrial and Industrial Zones*
Del Mar	North Commercial Zone ⁺
Encinitas	Light industrial Zone*
Irvine	Multi-Family & Transit Oriented Development Zones
Murietta	Park and Civic / Institutional Zones
Oceanside	Light Industrial Zone*
Poway	Apartment Zone ⁺
San Marcos	Light Industrial Zone
Santee	Industrial Zone
Solana Beach	General Commercial Zone ⁺
Temecula	Medium and High Density Residential Zones
Vista	C-2 Commercial Zone
*Jurisdiction seeking Housing Element approval from HCD	
⁺ Jurisdiction Housing Element approved by HCD; emergency shelter code provisions pending	



No heavy industrial areas
No HCO Zone
(Hazardous Chemicals)
Available vacancies
Proximity to transit
Access to services

 Emergency Shelter Overlay

Article 27 Development Standards

State Law Provisions

- ❖ **Prescribed in State Law:**
 - ❖ Allowed by right in designated area(s) to meet identified need
 - ❖ 6 months maximum stay
 - ❖ Maximum separation: 300 feet
- ❖ **Localized Objective Standards:**
 - ❖ Maximum Beds/Persons served
 - ❖ Off-Street Parking
 - ❖ Size and location of on-site interior and exterior waiting and intake areas
 - ❖ Provision of on-site management
 - ❖ Lighting
 - ❖ Security during operating hours

Proposed in Zoning Code

- ❖ **Prescribed in State Law:**
 - ❖ Proposed overlay in M-1 zone, shelters can be approved with a plot plan application
 - ❖ 6 months maximum stay
 - ❖ 300-foot separation from another shelter
- ❖ **Localized Objective Standards:**
 - ❖ Up to 50 beds serving up to 50 persons
 - ❖ 1 space/staff & non-client + 1 space/3 beds
 - ❖ Waiting and intake areas to be reviewed in Plot Plan / Management Plan
 - ❖ On-site management shall be required
 - ❖ Lighting shall comply with local ordinances
 - ❖ Security shall be provided during operating hours and described in Management Plan

Management Plan Information

- Facility security
- Staffing, training, services provided
- Screening/admitting residents
- Types of clients, i.e. families, men / women only, etc.
- 24-hour contact information
- Hours of operation
- Provisions to ensure maximum stay is not exceeded
- Interior/exterior waiting/intake areas
- Provisions to address conduct issues
- Miscellaneous including: litter control measures, rules for clients, storage of personal effects, services/amenities provided, etc.

Amendment to Proposed Ordinance

- Sec. 33-592. Permitted Locations.

A conditional use permit pursuant to Article 61 of the zoning code shall be required if the emergency shelter beds within the City as defined under Government Code Section 65583 meets or exceeds the number of emergency shelter beds required by Government Code Section 65583(a)(7). The determination required by this paragraph shall occur on the date the operator submits materials required in Sec. 33-594.

Consequences For Not Adopting an Emergency Shelter Overlay by Dec. 12, 2013

- The Housing Accountability Act (Govt. Code Section 65589.5) precludes the city from denying an emergency shelter in any industrial, commercial, and/or multi-family zone without making express findings that are very difficult to assert.
- Emergency shelter could open without any of the operating standards prescribed in Article 27.
- State Housing Law also allows an emergency shelter applicant or any eligible resident to bring a lawsuit to enforce the Housing Accountability Act and authorizes fines and fees to be awarded against a local agency.

Planning Commission Public Comments

- ❖ **Several written correspondence received**
- ❖ **16 speakers at Planning Commission hearing**
 - Comprised mostly of industrial business owners, property owners and nearby residents in San Marcos
 - Representative of Interfaith Community Services

Concerns included:

- Deterrent to new businesses in area
- Panhandling / criminal activity
- Personal Safety
- Decrease in property values
- Proximity to equipment and uses
- Consideration of alternative sites

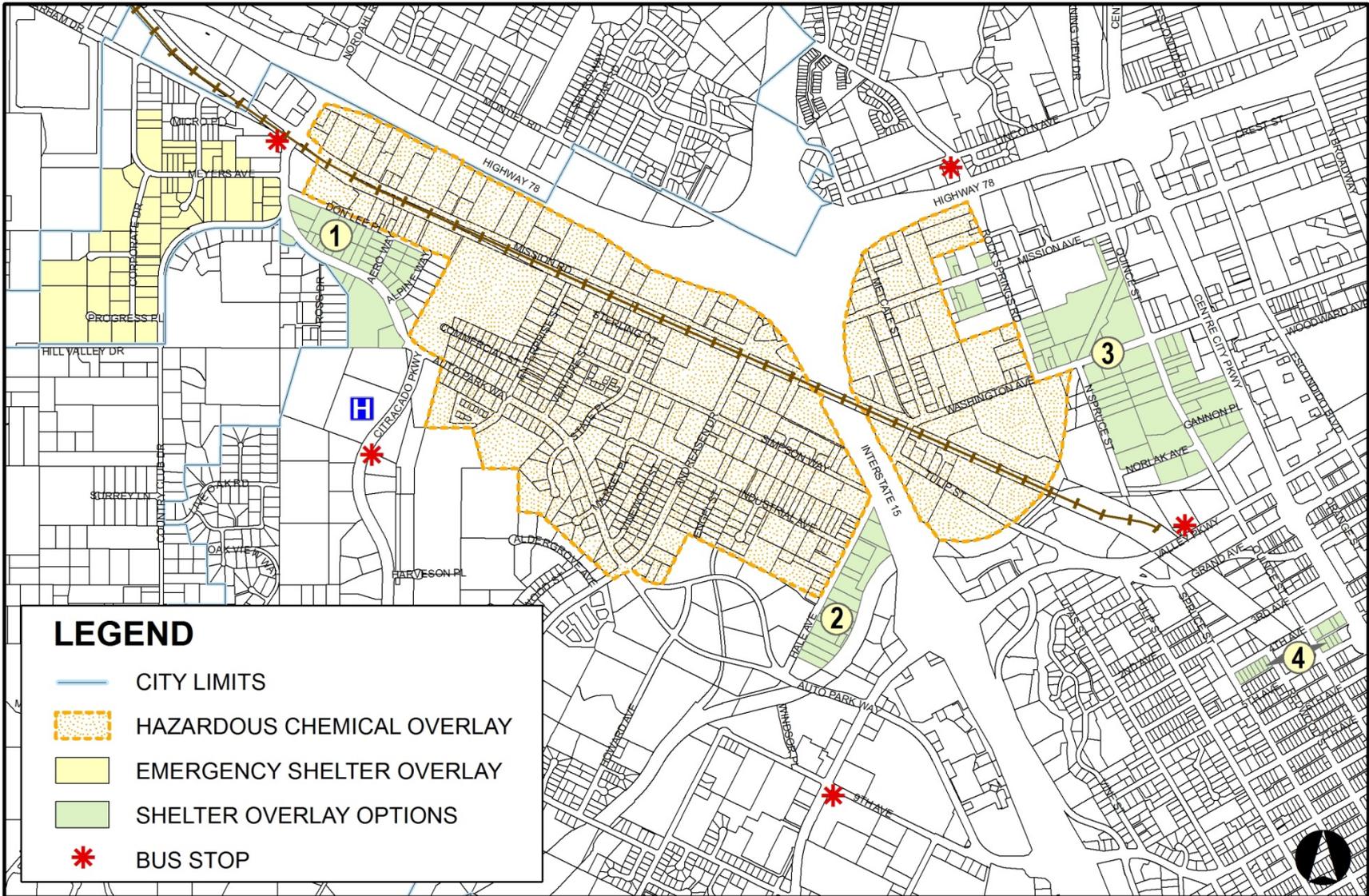
Planning Commission Action

September 24, 2013:

Planning Commission vote: 5-1

(Spann voted no and Winton was absent)

Recommendation: Approve the proposed Zoning Code Amendment, evaluate other areas in the community for establishing the Emergency Shelter Overlay closer to appropriate services, and remove this area from the Overlay once another area is approved.



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EMERGENCY SHELTER OVERLAY OPTIONS

Possible Courses of Action:

- Adopt Ordinance No. 2013-09 approving Amendment to the Zoning Code to comply with SB 2. (Staff Recommendation)
- Adopt Ordinance No. 2013-09 approving Amendment to the Zoning Code and direct staff to expand the overlay zone to other M-1 zoned areas or a combination of zones, subject to additional public hearings.
- Adopt Ordinance No. 2013-09 approving Amendment to the Zoning Code and direct staff to identify alternative area(s) for siting emergency shelters, subject to additional public hearings including Housing Element Amendment. (Planning Commission Recommendation)

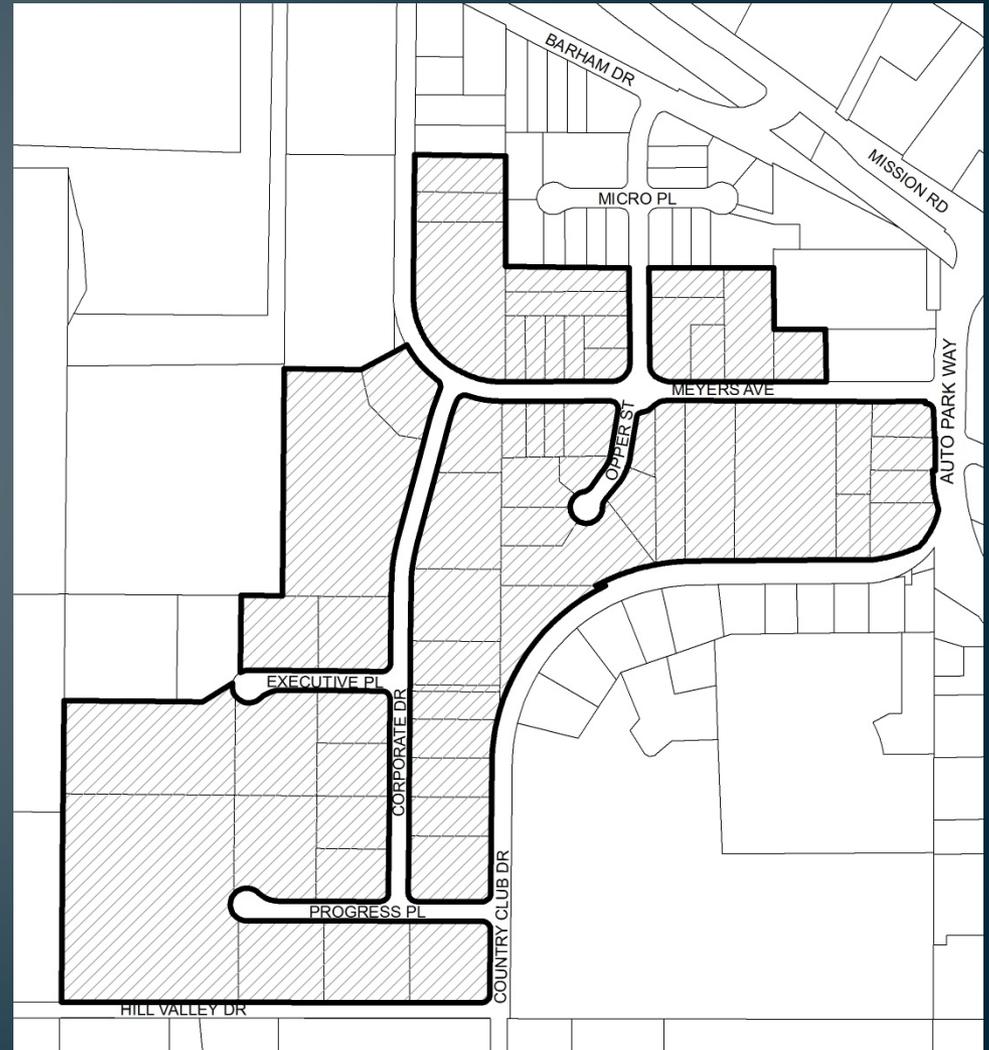
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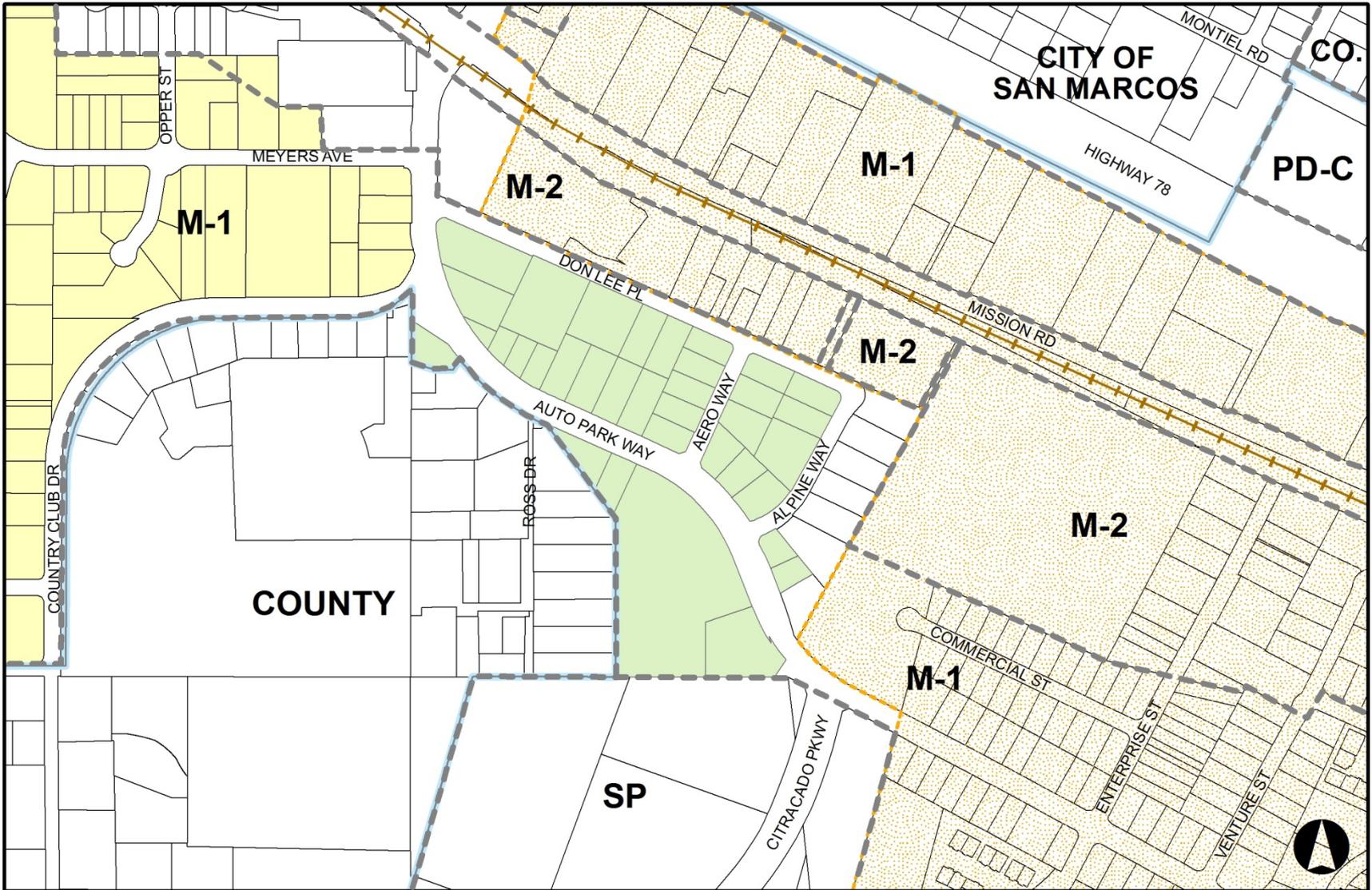
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Staff Recommendation

APPROVAL:

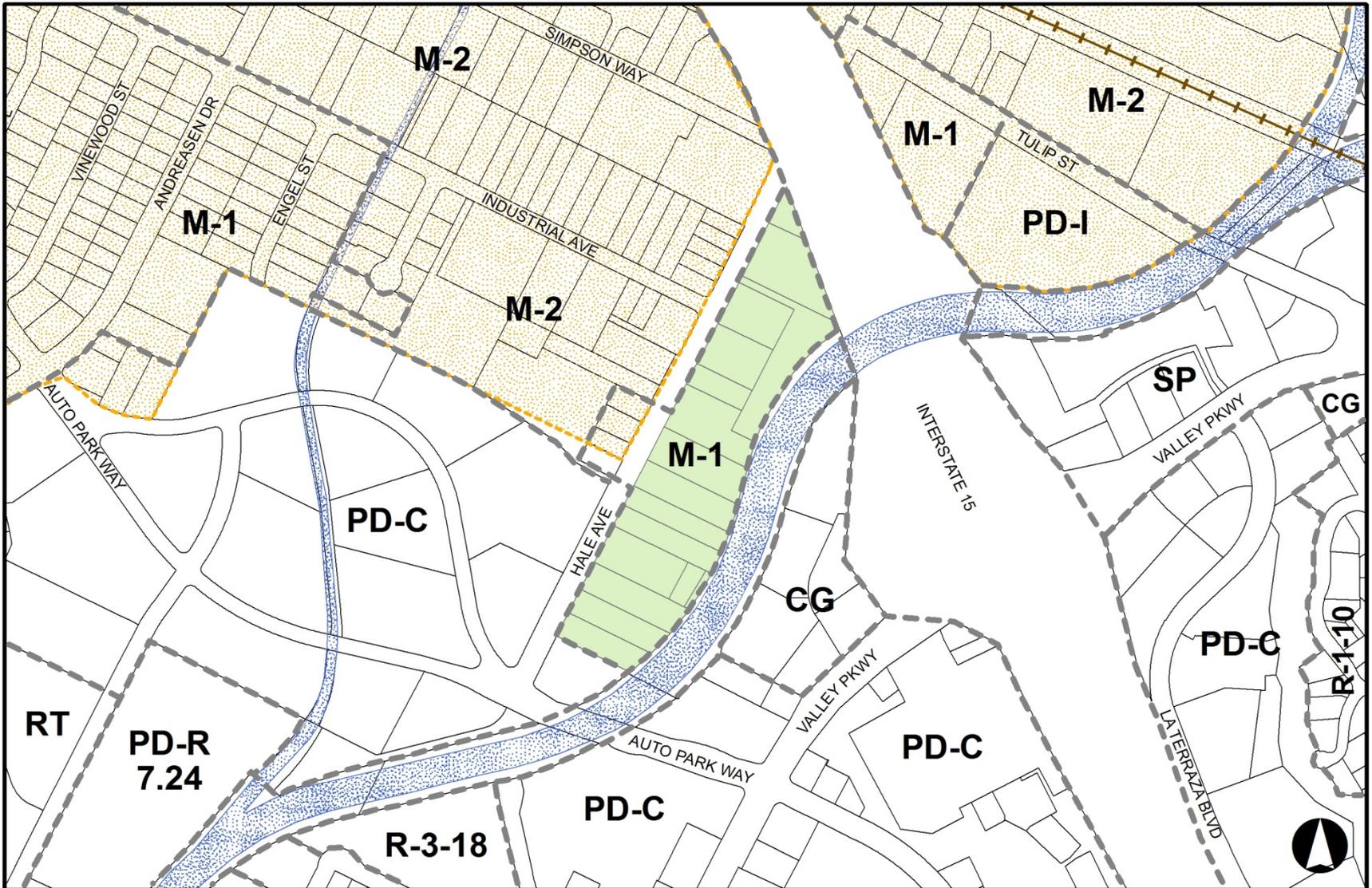
- Zoning Code Article 27 establishing the Emergency Shelter Overlay and operating standards
- Article 39 amendment related to parking for Emergency Shelters





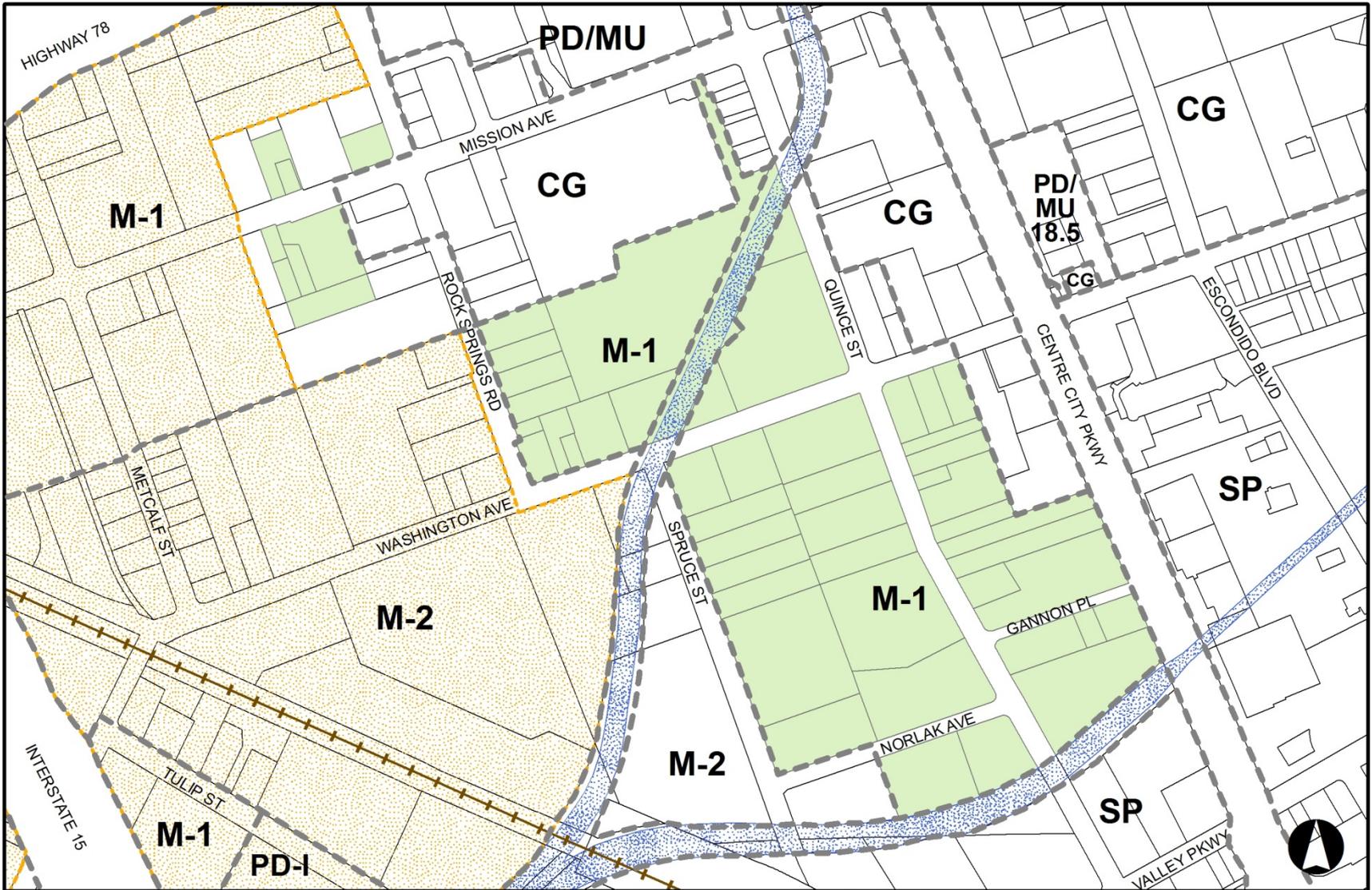
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EMERGENCY SHELTER OVERLAY OPTION 1: 24.19 ACRES



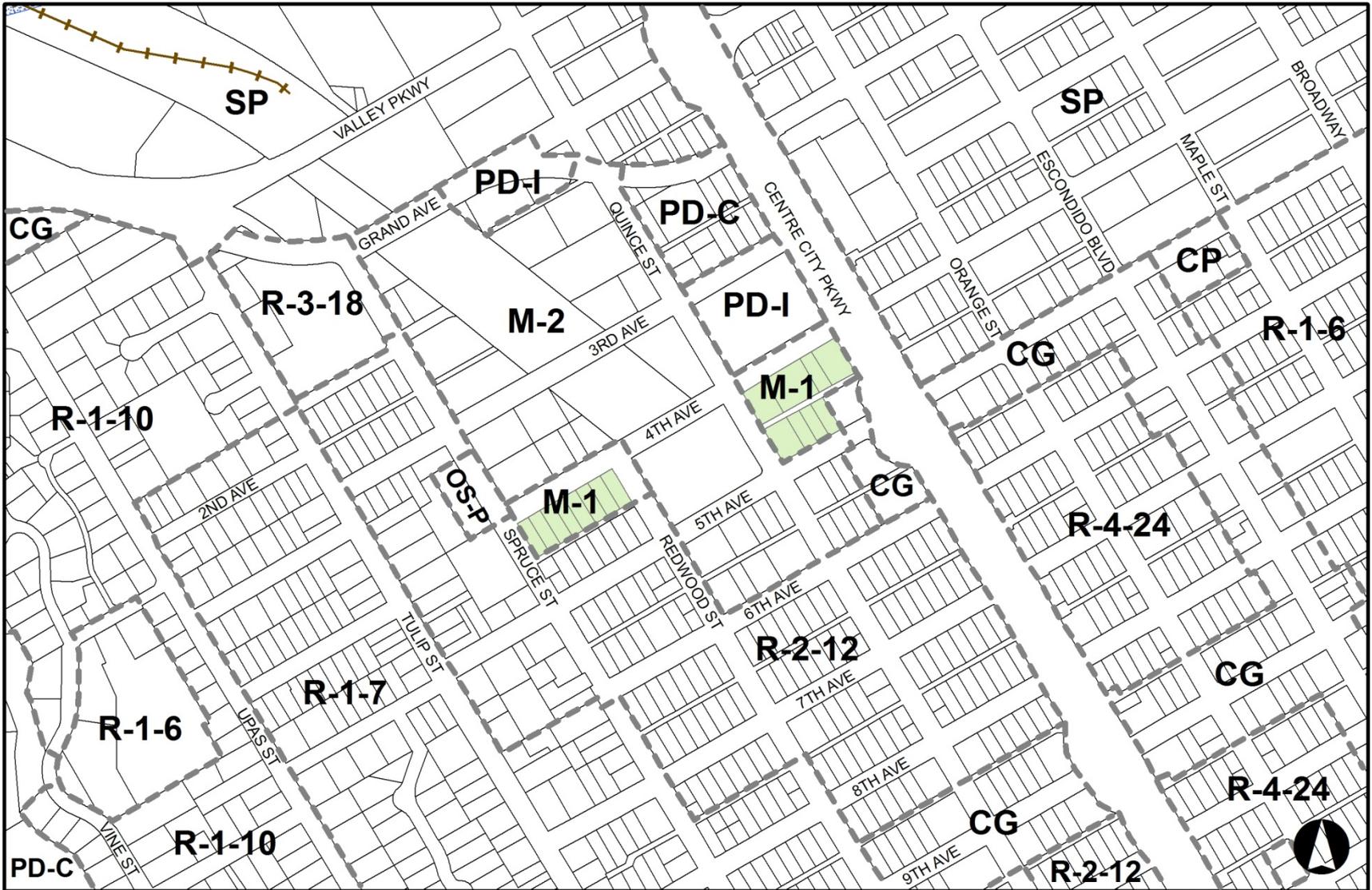
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EMERGENCY SHELTER OVERLAY OPTION 2: 14.10 ACRES



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EMERGENCY SHELTER OVERLAY OPTION 3: 70.86 ACRES



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EMERGENCY SHELTER OVERLAY OPTION 4: 3.44 ACRES