

Memorandum

February 7, 2014

TO: Sausalito Housing Element Subcommittee

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SUBJECT: **Zoning Text Amendments for Special Needs Housing**
Sausalito 2009-2014 Housing Element Program #21

BACKGROUND

Sausalito's adopted 2009-2014 Housing Element sets forth Program #21 *"Zoning Text Amendments for Special Needs Housing"* to bring the City into compliance with State statutes by making various Zoning Ordinance provisions for special needs housing. The following summarizes the State requirements to be implemented through these Ordinance revisions.

In 2007, the State enacted legislation commonly referred to as Senate Bill 2 (SB 2). This legislation requires local agencies to address housing needs for homeless populations in their communities. Generally, SB 2 specifies that at least one zone in a city or county be identified where "emergency shelters" are a permitted use without a conditional use or other discretionary permit, subject to development and management standards permitted under Government Code Sections 65582, 65583 and 65589.5. Additionally, the jurisdiction must demonstrate that there is sufficient capacity within the designated zone to accommodate the current need for emergency shelters as identified in the Housing Element.

SB 2 further requires that a jurisdiction's Zoning Ordinance specify that "supportive housing" and "transitional housing" be considered a residential use of property, subject to the same standards as other residential uses of the same type in the same zone.

While not specified within SB 2, Government Code Section 65583 also requires jurisdictions to provide zoning for a variety of housing types, including "single room occupancy units", commonly referred to as SROs.

PURPOSE

In compliance with Government Code Sections 65582, 65583 and 65589.5, and as specified under Program 21 of Sausalito's adopted Housing Element, the City is preparing a draft Ordinance (Attachment 1) to amend Title 10 (Zoning) of the Sausalito Municipal Code. The ordinance will establish definitions, approval requirements and development standards for emergency shelters, transitional and supportive housing, and single room occupancy units within the City. A comparison matrix (Attachment 2) is provided which compares Emergency Shelter regulations adopted in other Marin County jurisdictions, as well as two southern California jurisdictions with socioeconomic characteristics similar to Sausalito.

The City's adopted Housing Element designates the Public Institutional (PI) Zoning District as the zone in which Emergency Shelters will be principally allowed, subject to the specific use standards to be adopted by the City. An inventory and map of all parcels zoned Public Institutional (PI) is provided as Attachment 3; the Subcommittee may consider creation of a Special Needs Overlay within the PI zone to designate a subset of PI sites where emergency shelters would be permitted.

RECOMMENDATION

Provide staff and the consultants with comments on the attached draft Zoning Text amendments for Special Needs Housing for consideration by the Planning Commission in their review of the Ordinance.

Attachments

- 1 Draft Zoning Text Amendments for Special Needs Housing
- 2 Comparison Matrix: Zoning Standards for Emergency Shelters
- 3 Inventory and Map of Parcels Zoned Public Institutional (PI)

1 **Zoning Text Amendments for Special Needs Housing**

2 *Draft 01.30.14*

3
4 **CHAPTER 10.88 - DEFINITIONS**

5 ***Add the following definitions to Section 10.88.040 of the Municipal Code:***

6 "Emergency shelter" means housing with minimal supportive services for homeless persons that
7 is limited to occupancy of six months or less by a homeless person. No individual or household
8 may be denied emergency shelter because of an inability to pay. *(Health and Safety Code*
9 *Section 50801(e))*

10
11 "Transitional housing" and "transitional housing development" means buildings configured as
12 rental housing developments, but operated under program requirements that call for the
13 termination of assistance and recirculation of the assisted unit to another eligible program
14 recipient at some predetermined future point in time, which shall be no less than six months.
15 *(Health and Safety Code Section 50675.2(h))*. The housing may take several forms such as group
16 housing and multi-family units and may include supportive services to allow individuals to gain
17 necessary life skills in support of independent living.

18
19 "Supportive housing" means permanent affordable housing with no limit on length of stay that
20 is occupied by the target population as defined in the Health & Safety Code Section 53260(d),
21 and that is linked to on- or off-site services that assist the supportive housing resident in
22 retaining the housing, improving his or her health status, and maximizing his or her ability to live
23 and, when possible, work in the community. *(Health and Safety Code Section 50675.14(b))*

24
25 "Target population" means adults with low income having one or more disabilities, including
26 mental illness, HIV or AIDS, substance abuse, or other chronic health conditions, or individuals
27 eligible for services under the Lanterman Developmental Disabilities Services Act (Division 4.5 of
28 the Welfare and Institutions Code, commencing with Section 4500) and may, among other
29 populations, include families with children, elderly persons, young adults aging out of the foster
30 care system, individuals exiting from institutional settings, veterans, or homeless people.
31 *(Health and Safety Code Section 53260(d))*

32
33 "Single Room Occupancy Housing" (SRO) refers to a residential facility where individual
34 secure rooms are rented to a one or two person household. Rooms are generally 150 to
35 375 square feet in size and include a sink, closet and toilet, with shower and kitchen
36 facilities typically shared. SRO units are rented to tenants on a weekly or monthly basis.
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1 **CHAPTER 10.44 - SPECIFIC USE REGULATIONS**

2 ***Add the following standards for homeless shelters in compliance with Sausalito's Housing Element and***
3 ***State Law:***

4
5 **10.44.350 Emergency Shelters**

- 6 A. Purpose. Emergency shelter standards are intended to allow temporary shelter (six
7 months or less) to be provided to homeless persons or others in need of shelter, while
8 ensuring the shelter is operated in a manner that is compatible with surrounding areas. The
9 purpose of this chapter is also to comply with Government Code Section 65583 relating to
10 emergency shelters.
11
- 12 B. Applicability. Emergency shelters shall be a permitted use on parcels within the Public
13 Institutional (PI) zoning district.
14
- 15 C. Development Standards. The following development standards shall apply to emergency
16 shelters:
- 17 1. Property Development Standards. The shelter shall conform to all property
18 development standards of the zoning district in which it is located except as modified
19 by these performance standards.
 - 20 2. Shelter Capacity. An emergency shelter for homeless persons shall contain no more
21 than twenty beds and shall serve no more than twenty persons nightly.
 - 22 3. Parking. On-site parking for residents shall be based on one space for every four
23 beds, and staff parking shall be based on one space for each employee on the
24 maximum staffed shift.
 - 25 4. Lighting. Adequate external lighting shall be provided for security purposes. The
26 lighting shall be stationary and designed, arranged and installed so as to confine
27 direct rays onto the premises and to direct light away from adjacent structures and
28 public rights-of-way. External lighting shall be of an intensity compatible with the
29 neighborhood.
 - 30 5. On-site Waiting and Intake Areas. An interior waiting and intake area shall be
31 provided which contains a minimum of 200 square feet. Waiting and intake areas
32 may be used for other purposes (excluding sleeping) as needed during operations of
33 the shelter.
34
- 35 D. Common Facilities. The development may provide one or more of the following specific
36 common facilities for exclusive use of the residents and staff:
- 37 1. Central cooking and dining room.
 - 38 2. Recreation room.
 - 39 3. Laundry facilities to serve the number of occupants at the shelter.
 - 40 4. Other uses that are considered ancillary to the primary use such as office and
41 storage.
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E. On-site Staff. At least one manager shall be on-site during all hours of operation of the facility. Such manager must be an individual who does not utilize the shelter's beds or other services and who resides off-site. The manager must be accompanied by one supporting staff member for every 15 beds occupied in the facility. **Note: not 24 hour - only open overnight.**

F. Security. Security personnel shall be provided during operational hours whenever clients are on the site. A security plan shall be submitted to the City prior to issuance of a certificate of occupancy.

G. Concentration of Uses. No more than one emergency shelter shall be permitted within a radius of 300 feet of another emergency shelter.

H. Emergency Shelter Operations. The agency or organization operating the emergency shelter shall comply with the following requirements:

1. Length of stay. Each emergency shelter resident shall stay for no more than 90 days (cumulative, not consecutive) in a 365 day period. Extensions up to a total stay of 180 days in a 365-day period may be granted by the shelter provider if no alternative housing is available.
2. Management Plan. The provider shall have a written management plan which addresses: hours of operation, admission hours and process, staff training, neighborhood outreach and privacy, security, resident counseling and treatment, maintenance plans, residency and guest rules and procedures, and staffing needs.
3. Annual report. The provider shall provide an annual report of the use of the facility and determination of compliance with the City's development standards for the use.

1 **CHAPTER 10.20.030 - ALLOWABLE LAND USES**
 2 ***Amend the Land Uses Allowed in Open Space and Public Districts Table 10.20-1 to address Emergency***
 3 ***Shelters as follows:***

- 4 • Amend to add “Emergency Shelters” into the Use Chart, with reference to SMC 10.44.350
 5 (Specific Use Regulations).
 6

Table 10.20-1 LAND USES ALLOWED IN OPEN SPACE AND PUBLIC DISTRICTS

Land Use	Open Space Public Zoning Districts*				See SMC
	OS	PP	PI	OA	
Service Uses					
Emergency Shelters			P		SMC 10.44.350
* Zoning permit required for all uses					Chapter 10.52 SMC
P Permitted use					
MUP Minor use permit required					Chapter 10.58 SMC
CUP Conditional use permit required					Chapter 10.60 SMC

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9 **CHAPTER 10.22.030 - ALLOWABLE LAND USES**
 10 ***Amend the Land Uses Allowed in Residential Districts Table 10.22-1 to address Supportive Housing and***
 11 ***Transitional Housing as follows:***

- 12 • Amend to add “Supportive Housing” and “Transitional Housing” alphabetically into the
 13 “Residential Use” section of the Use Chart.
 14 • Identify as "P" on the Use Chart in the columns headed R-1, R-2, PR, R-3
 15 • Add a note to the chart indicating “Supportive Housing and Transitional Housing shall be
 16 subject to those restrictions that apply to other residential dwellings of the same type in the
 17 same zone.”

Table 10.22-1 LAND USES ALLOWED IN RESIDENTIAL DISTRICTS*

Land Use	Residential Zoning Districts						See SMC
	R-1	R-2	PR	R-3	H	A	
Residential Uses							
Supportive Housing ¹	P	P	P	P			
Transitional Housing ¹	P	P	P	P			
* Zoning permit required for all uses					Chapter 10.52 SMC		
P Permitted use							
MUP Minor use permit required					Chapter 10.58 SMC		
CUP Conditional use permit required					Chapter 10.60 SMC		
¹ Supportive Housing and Transitional Housing shall be subject to those restrictions that apply to other residential dwellings of the same type in the same zone. For example, such housing structured as single-family is permitted in the R-1, R-2, PR and R-3 residential zones, whereas transitional and supportive housing structured as multi-family is limited to the PR and R-3 residential zones.							

1 **CHAPTER 10.24.030 - ALLOWABLE LAND USES**

2 ***Amend the Land Uses Allowed in Commercial Districts Table 10.24-1 to address Supportive Housing***
 3 ***and Transitional Housing, and Single Room Occupancy Units as follows:***

- 4 • Amend to add “Supportive Housing”, “Transitional Housing” and “Single Room Occupancy
 5 Housing” alphabetically into the “Residential Use” section of the use chart.
- 6 • Identify Supportive and Transitional Housing as "P/CUP" on the Use Chart in the columns
 7 headed CC, CR, CN
- 8 • Identify Single Room Occupancy Housing as "CUP" on the Use Chart in the columns headed
 9 CC, CR and CN
- 10 • Add a note to the chart indicating “Supportive Housing and Transitional Housing shall be
 11 subject to those restrictions that apply to other residential dwellings of the same type in the
 12 same zone.”

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Table 10.24-1 LAND USES ALLOWED IN COMMERCIAL DISTRICTS*

Land Use	CC	CR	CN	SC	CW	W	W-M	See SMC
Residential Uses								
Single Room Occupancy Housing	CUP	CUP	CUP					
Supportive Housing ¹	P/CUP	P/CUP	P/CUP					
Transitional Housing ¹	P/CUP	P/CUP	P/CUP					
* Zoning permit required for all uses Chapter 10.52 SMC P Permitted use MUP Minor use permit required Chapter 10.58 SMC CUP Conditional use permit required Chapter 10.60 SMC ¹ Supportive Housing and Transitional Housing shall be subject to those restrictions that apply to other residential dwellings of the same type in the same zone. For example, such housing structured as ground floor residential would require a CUP in the CC, CR and CN zone, whereas transitional and supportive housing structured as second story residential (with fewer than seven units) would be permitted by right in these same commercial zones.								

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Comparison Matrix: Zoning Standards for Emergency Shelters

January 2014

	Marin County Jurisdictions*						Other Upper Income Cities	
	Belvedere	Larkspur	Marin Co.	Ross	San Rafael	Tiburon	Agoura Hills	Beverly Hills
Status of By-Right Emergency Shelter Zoning	Adopted	Adopted	Adopted	Adopted	Draft ordinance	Adopted	Adopted	Adopted
Zones Where Permitted By-Right	R (Recreation)	A-P (Administrative Professional) and where A-P uses are permitted (e.g. Planned Development Districts)	C1 (Retail Business) CP (Planned Commercial)	C-D (Civic District)	By right in GC and LI/O (Light Industrial/Office) overlay. CUP in HR, C/O, R/O, I, CCI/O, and LMU zones. CUP in GC and LI/O areas outside overlay.	NC Neighborhood Commercial	By right in CRS (Commercial Retail Service). CUP in CS, CN and CS-MU zones.	Special Needs Housing Overlay Zone
Maximum Capacity Permitted	3 persons	20 persons	40 persons	Not specified	Determined by the occupancy limits est. under Building Code.	10 persons	20 persons	Min floor area of 150 sf/ occupant up to 50 persons
Parking Requirements	1 space per bed	25% of total client beds + staff parking at 10% of total beds	25% of total client beds + staff parking at 10% of total beds	None specified.	<u>Resid zones:</u> 1 space/on duty employee + 1 space per 5 beds <u>Comm/Lt Indus zones:</u> 1 space/on duty employee + 1 space per 10 beds	Not specified	1 space per 250 sf gross floor area, consistent with requirements for commercial retail uses in CRS zone	1 space per 10 beds, plus 0.5 space/ bdrm for families, plus 1 space per employee on duty. 25% parking reduction if w/in 1000' transit stop.

* Note: Marin County cities of San Anselmo, Corte Madera, Fairfax and Novato do not currently specify provisions for emergency shelters within their Municipal Codes, as referenced on each city's website.

