

LEGISLATIVE DIGEST

[Planning Code - Definition and Controls for Homeless Shelters to Comply with State Law]

Ordinance amending the Planning Code to define Homeless Shelter and to establish zoning, open space, and parking policies for this use in compliance with California Government Code requirements; amending the Administrative Code to require contracts between the City and shelter operators to contain operational standards; affirming the Planning Department’s California Environmental Quality Act determination; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

Existing Law

The Planning Code imposes land use controls on a number of defined uses. Whether these uses are permitted as a principal use, require approval as a conditional use, are not allowed in certain zoning districts, or have specific controls associated with the use are set forth in the Zoning Control Tables in Articles 2, 7, 8, and 9. The Planning Code does not currently define homeless shelters. Under the authority vested in the Zoning Administrator in Section 307(a) of the Planning Code, the Zoning Administrator has interpreted emergency shelters operating for more than a month as “group housing” and emergency shelters operating for less than a month as a “hotel” use; the zoning and regulations applicable to those uses are imposed.

Amendments to Current Law

The proposed ordinance defines “Homeless Shelter” and imposes specific zoning, open space, parking, and physical and operational standards on the use. Certain Zoning Control Tables are amended to add “Homeless Shelter” as a defined use category.

Background Information

California Government Code Section 65583 requires that a General Plan’s Housing Element contain “[a]n assessment of housing needs and an inventory of resources and constraints relevant to the meeting of those needs.” The assessment and inventory must include the identification of a zone or zones where emergency shelters are allowed as a permitted use without a conditional use or other discretionary approval. At least one year-round emergency shelter must be accommodated. The local jurisdiction may identify additional zones where emergency shelters are allowed as a conditional use. While Section 65583 expressly allows the local jurisdiction to regulate the size and operation of emergency shelters – including maximum number of persons or beds, length of stay, client waiting areas, parking, security, lighting, the provision of onsite management, and the proximity to other emergency shelters – emergency shelters may only be subject to development and management standards applicable to residential or commercial development in the same zone.

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