



City of Huntington Beach Planning Department
STUDY SESSION REPORT

TO: Planning Commission
FROM: Scott Hess, AICP, Director of Planning
BY: Hayden Beckman, Planning Aide *HB*
DATE: November 10, 2009

SUBJECT: ZONING TEXT AMENDMENT NO. 09-005 (EMERGENCY SHELTERS/TRANSITIONAL HOUSING)

APPLICANT: City of Huntington Beach

LOCATION: Citywide

PROJECT REQUEST AND SPECIAL CONSIDERATION:

Zoning Text Amendment No. 09-005 is a City initiated amendment of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO) to address requirements of Senate Bill (SB) 2, which modified California Government Code Section 65583, effective January 1, 2008 (Attachment 1.19). Zoning Text Amendment (ZTA) No. 09-005 would implement the following significant changes to the existing HBZSO (legislative drafts are attached):

- ♦ Establish Emergency Shelters, Supportive Housing, Target Population, and Transitional Housing within the HBZSO Definitions section (Attachment No. 2)
- ♦ Establish Supportive Housing and Transitional Housing use classifications (Attachment No. 3)
- ♦ List Transitional Housing and Supportive Housing as permitted uses within Residential districts (Attachment No. 4)
- ♦ Reference Emergency Shelter standards and guidelines within Chapter 211 C Commercial Districts (Attachment No. 5)
- ♦ Identify Emergency Shelters as permitted uses within the IG (Industrial General) and IL (Industrial Light) zones (Attachment No. 6)
- ♦ Establish objective Emergency Shelter standards and guidelines within Chapter 230 Site Standards (Attachment No. 7)

The City of Huntington Beach currently allows Emergency Shelters within Commercial districts with a Conditional Use Permit (CUP). Per SB2, California jurisdictions must identify at least one zone that will permit Emergency Shelter uses without a CUP or other discretionary action. On June 16, 2008, City Council adopted the 2008-2014 Housing Element in which the City had to address the new legislation. Specifically, Program 20 of the 2008-2014 Housing Element (Attachment No. 8) identifies Industrial districts as the appropriate land use zone for Emergency Shelter uses without a CUP. Consistent with State law, Program 20 also identifies the need to add Supportive Housing and Transitional Housing in the HBZSO's definitions section and list as permitted uses within Residential districts. The proposed amendments will bring the

HBZSO into compliance with the requirements of SB2 and the objective of Program 20 of the Housing Element. Staff has prepared legislative drafts for review (Attachment Nos. 2-7).

CURRENT LAND USE, HISTORY OF SITE, ZONING AND GENERAL PLAN DESIGNATIONS

The ZTA is applicable citywide, and will affect only the code sections discussed herein.

APPLICATION PROCESSING AND TIMELINES:

DATE OF COMPLETE APPLICATION: **MANDATORY PROCESSING DATE(S):**
October 19, 2009 Legislative Action - Not Applicable

State law requires that cities amend their Zoning Code for compliance with SB2 within 1 year of approval of their Housing Element. The City's Housing Element was approved by the State Department of Housing and Community Development in December 2008. Thus, the City is required to approve the project by December 2009.

CEQA ANALYSIS/REVIEW

The proposed ZTA No. 09-005 is categorically exempt pursuant to City Council Resolution No. 4501, Class 20, which supplements the California Environmental Quality Act.

COMMENTS FROM CITY DEPARTMENTS AND OTHER PUBLIC AGENCIES

The programs of the Housing Element were developed with input from the Economic Development Department. The City Attorney's Office is preparing the proposed ordinances.

PLANNING ISSUES

The primary issues to be considered by the Planning Commission when analyzing this project are:

- ◆ The Zoning Text Amendment request to amend zoning regulations relating to the addition of new definitions and use classifications as well as the identification of such uses in various zoning districts per the provisions of SB2 and Program 20 of the 2008 Housing Element
- ◆ Overall consistency with the goals and policies of the General Plan

ATTACHMENTS:

1. Memo from Housing Policy Development Division of HCD, dated May 7, 2008
2. Legislative Draft Chapter 203 Definitions
3. Legislative Draft Chapter 204 Use Classifications
4. Legislative Draft Chapter 210 Residential Districts
5. Legislative Draft Chapter 211 Commercial Districts
6. Legislative Draft Chapter 212 Industrial Districts
7. Legislative Draft Chapter 230 Site Standards
8. 2008 Housing Element Program 20

SH:MBB:HB

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

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**MEMORANDUM**

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.

ATTACHMENT NO. 1.1

- 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 or the Senate's website at 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.¹

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.

¹ *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).

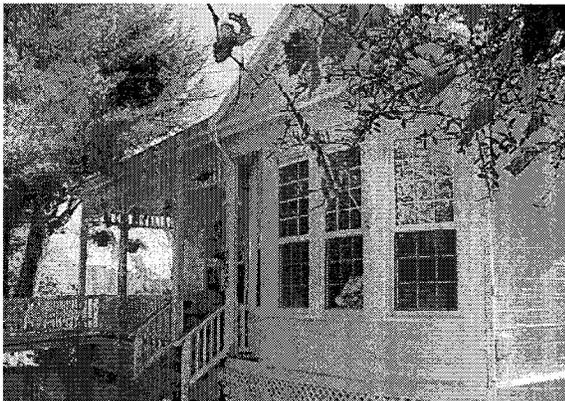
Where a local government has identified a zone and sufficient capacity to encourage emergency shelters consistent with the provisions of SB 2, a local government may also identify additional zones for the development of emergency shelters that require a conditional use permit.

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

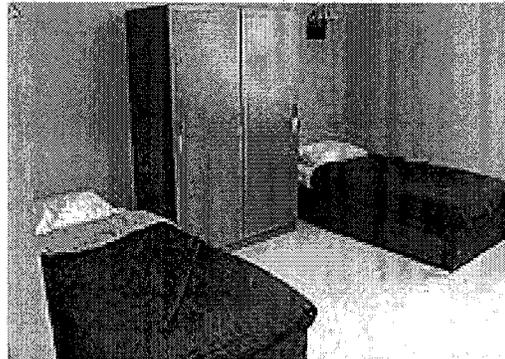
SB 2 requires that emergency shelters only be subject to those development and management standards that apply to residential or commercial use within the same zone, except the local government may apply certain objective standards discussed on the next page (Government Code Section 65583(a)(4)). For 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.



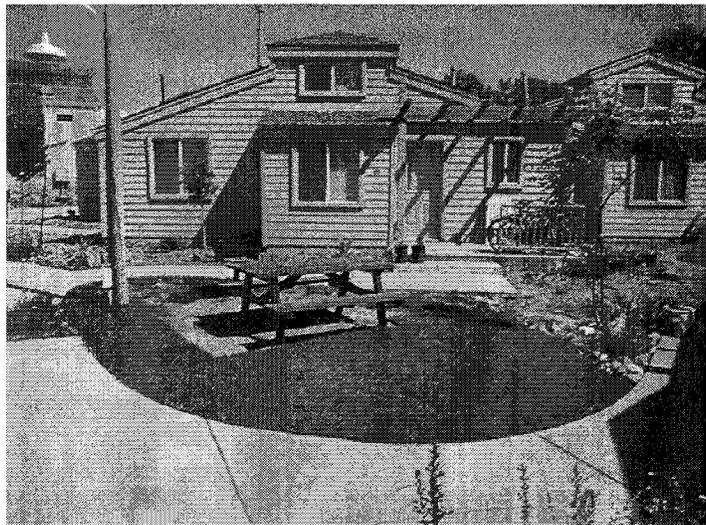
These standards must be designed to encourage and facilitate the development of, or conversion to, an emergency shelter. For example, a standard establishing the maximum number of beds should act to encourage the development of an emergency shelter; local governments should establish flexible ranges 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.

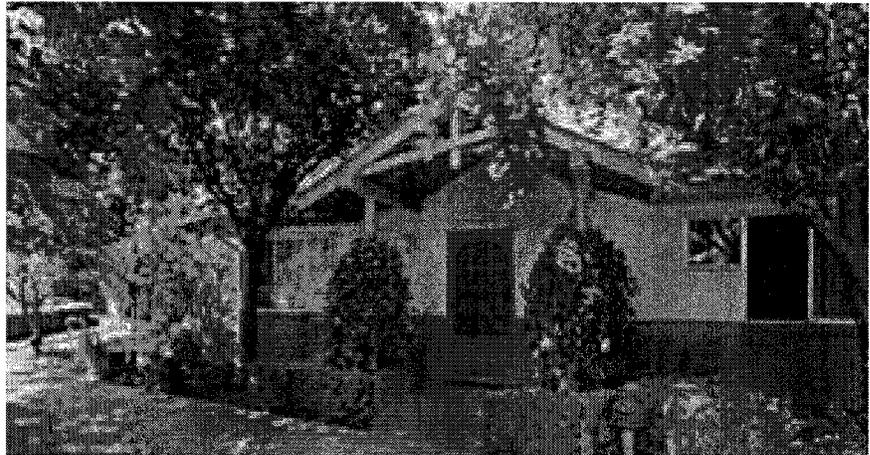


Quinn Cottages, Transitional Housing in Sacramento, CA
Photo courtesy of Cottage Housing, Inc.

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



Hendley Circle Apartments – Supportive SRO Housing in Burbank
Photo courtesy of Burbank Housing

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, including group housing 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 (i.e., low income persons with mental disabilities, AIDS, substance abuse or chronic health conditions or persons whose disabilities originated before the person turned 18). 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.

SB 2 provides that transitional and supportive housing constitute a residential use. SB 2 requires zoning to treat transitional and supportive housing as a proposed residential use and subject only to those restrictions that apply to other residential uses of the same type in the same zone. For example, if the transitional housing is a multifamily use proposed in a multifamily zone, then zoning should treat the transitional housing the same as other multifamily uses proposed in the 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.

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



Gish Apartments – Supportive Housing, San Jose, CA
Photo courtesy of First Community Housing and Bernard Andre

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.

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 ~~(5)~~ considered a residential use of property, and shall be subject only to those restrictions that apply to other residential dwellings of the same type in the same zone.

~~(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 ~~(7)~~ assessed 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, whenever 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, ~~whenever~~ 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

HBZSO - DEFINITIONS, CHAPTER 203

Density Bonus. An increase in the proposed number of units of twenty-five percent (25%) or greater over the number permitted pursuant to the current zoning and general plan designation on the property.

Director. The Director of Planning or his or her designee. (3520-2/02)

Distribution Line. An electric power line bringing power from a distribution substation to consumers.

District. A portion of the city within which the use of land and structures and the location, height, and bulk of structures are governed by this ordinance. The zoning ordinance establishes "base zoning districts" for residential, commercial, industrial, public and open space uses, and "overlay districts," which modify base district provisions and standards.

Drilling. The digging or boring of a new well into the earth for the purpose of exploring for, developing or producing oil, gas or other hydrocarbons, or for the purpose of injecting water, steam or any other substance into the earth.

Dwelling, Multiple Unit. A building or buildings designed with two (2) or more dwelling units.

Dwelling, Single Unit. A detached building designed primarily for use as a single dwelling, no portion of which is rented as a separate unit, except as permitted by this Code. Attached single family dwellings shall be considered as multi-family.

Dwelling, Accessory Unit. A fully equipped dwelling unit which is ancillary and subordinate to a principle dwelling unit located on the same lot in the RL zone. Also known as second dwelling unit or "granny unit."

Dwelling, Studio Unit. A dwelling unit consisting of 1 kitchen, 1 bathroom, and 1 combination living room and sleeping room. The gross floor area shall not exceed 500 square feet, or it shall be considered as a one bedroom unit. Also known as a single, a bachelor, or an efficiency unit.

Dwelling Unit. One or more habitable rooms with only one kitchen, and designed for occupancy as a unit by one or more persons living as a household unit with common access to all living, kitchen, and bathroom areas.

Emergency Shelter. 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.

Energy Facility. Any public or private processing, producing, generating, storing, transmitting, or recovering facility for electricity, natural gas, petroleum, coal, or other sources of energy.

Environmental Impact Report (EIR). A report complying with the requirements of the California Environmental Quality Act (CEQA) and its implementing guidelines.

Environmentally Sensitive (habitat) Area. A wetland or any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.

ATTACHMENT NO. 2.1

Senior Housing. Housing for a family in which at least one person per unit is 60 years old or older, or for a single person who is 60 years old or older.

Setback Line. A line across the front, side, rear of any private or public property which delineates an area adjoining a property line in which erection of a building, fence, or other structure is prohibited except as otherwise provided in the zoning ordinance.

Significant Disruption. Having a substantial adverse effect upon the functional capacity.

Single Ownership. Holding record title, possession under a contract to purchase, or possession under a lease, by a person, firm, corporation, or partnership, individually, jointly, in common, or in any other manner where the property is or will be under unitary or unified control.

Site. A lot, or group of contiguous lots not divided by an alley, street, other right-of-way, or city limit, that is proposed for development in accord with the provisions of this ordinance, and is in a single ownership or has multiple owners, all of whom join in an application for development.

Specific Event. A short term temporary use of public property as defined in Section 5.68.010. (3249-6/95, 3334-6-97; 3482-12/00)

Specific Plan. A plan for a defined geographic area that is consistent with the General Plan and with the provisions of the California Government Code, Section 65450 et seq. (Specific Plans).

Stock Cooperative. A corporation formed for the primary purpose of holding title to, either in fee simple or for a term of years, any real property where the shareholders of the corporation receive a right of exclusive occupancy in a portion of such real property and where the right of occupancy is only transferable by the transfer of shares of stock in the corporation.

Story. That portion of a building included between the surface of any floor and the surface of the floor or finished undersurface of the roof directly above it.

Structure. Anything constructed or erected that requires a location on the ground, excluding patios, walks, access drives, or similar paved areas. (3705-6/05)

Structure, Accessory. A structure that is appropriate, subordinate and customarily incidental to the main structure of the site and which is located on the same site as the main structure, including swimming pools, garages, gazebos and patio covers. (3705-6/05)

Structure, Minor Accessory. An accessory structure that does not exceed 64 square feet in floor area, 80 square feet in roof area and a height of six feet, including storage sheds, pet shelters, playhouses, and decorative elements. (3705-6/05)

Supportive Housing. Permanent, affordable housing that is occupied by the target population as defined, and is linked to on-site or off-site services that help residents transition into stable, more productive lives. Services may include, but are not limited to, after-school tutoring, child care, and career counseling.

Takeoff and Landing Area. That area of the helicopter facility where the helicopter actually lands and takes off.

Target Population. 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.

Transitional Housing. 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.

Transmission Line. An electric power line bringing power to a receiving or distribution substation.

Usable Satellite Signals. Satellite signals from all major communication satellites that, when viewed on a conventional television set, are at least equal in picture quality to those received from local commercial television stations or by way of cable televisions.

Use, Accessory. A use that is appropriate, subordinate, and customarily incidental to the main use of the site and which is located on the same site as the main use.

Value. The monetary worth of a structure determined by the valuation figures used by the Director for the purpose of calculating building permit fees.

Vehicle Storage. The business of storing or safekeeping of operative and inoperative vehicles for periods of time greater than a 24 hour period. (3756-1/07)

Very Low Income Household. A household whose annual income is at or below fifty (50%) percent of Orange County median income as defined by the State of California Department of Housing and Community Development.

Wetbar. A fixed installation within a dwelling unit providing cold and/or hot water to a single sink without a garbage disposal at a location other than a kitchen or laundry. A wetbar area shall not include a stove, range, or similar appliance usually found in a kitchen, and if such wetbar is located in a room or a portion of a room with a stove, hot plate, range, oven or other type of kitchen facility, it shall be deemed a separate kitchen.

Wetland. Lands within the coastal zone which maybe covered periodically or permanently with shallow water and include salt water marshes, fresh water marshes, open or closed brackish water marshes, swamps, mudflats, and fens.

Window, Required. An exterior opening in a habitable room meeting the area requirements of the Uniform Building Code.

Yard. An open space on the same site as a structure, unoccupied and unobstructed by structures from the ground upward except as otherwise provided in this ordinance, including a front yard, side yard, or rear yard.

Yard, Front. An area between the front lot line and the front setback line extending across the full width of a site. The front yard of a corner lot shall adjoin the shortest street property line along its entire length. Where one street property line is at least 75 percent of the length of the other street property line, the Director shall determine the location of the front yard.

HBZSO - USE CLASSIFICATIONS, CHAPTER 204

- D. Residential Alcohol Recovery, Limited. Twenty-four-hour care for no more than six persons suffering from alcohol problems in need of personal services, supervision, protection or assistance. This classification includes only those facilities licensed by the State of California. (3334-6/97)
- E. Residential Care, Limited. Twenty-four-hour non-medical care for 6 or fewer persons in need of personal services, supervision, protection, or assistance essential for sustaining the activities of daily living. This classification includes only those services and facilities licensed by the State of California. (3334-6/97)
- F. Single-Family Residential. Buildings containing one dwelling unit located on a single lot. This classification includes manufactured homes. (3334-6/97)
- G. **Supportive Housing. Affordable housing with no limit on length of stay that is demonstrably linked to on-site or off-site services that help residents transition into stable, more productive lives. Services may include, but are not limited to, childcare, after school tutoring, and career counseling. Supportive housing uses are subject only to those restrictions that apply to other residential dwellings of the same type in the same zone.**
- H. **Transitional Housing. Temporary housing (generally six months to two years) for a homeless individual or family who is transitioning to permanent housing. This type of housing includes multi-family unit developments and often includes a supportive services component to allow individuals to gain necessary life skills in support of independent living. Transitional housing uses are subject only to those restrictions that apply to other residential dwellings of the same type in the same zone.**

204.08 Public and Semipublic Use Classifications

- A. Cemetery. Land used or intended to be used for the burial of human remains and dedicated for cemetery purposes. Cemetery purposes include columbariums, crematoriums, mausoleums, and mortuaries operated in conjunction with the cemetery, business and administrative offices, chapels, flower shops, and necessary maintenance facilities. (3334-6/97)
- B. Clubs and Lodges. Meeting, recreational, or social facilities of a private or nonprofit organization primarily for use by members or guests. This classification includes union halls, social clubs and youth centers. (3334-6/97)
- C. Community and Human Service Facilities.
1. Drug Abuse Centers. Facilities offering drop-in services for persons suffering from drug abuse, including treatment and counseling without provision for on-site residence or confinement. (3334-6/97)
 2. Primary Health Care. Medical services, including clinics, counseling and referral services, to persons afflicted with bodily or mental disease or injury without provision for on-site residence or confinement. (3334-6/97)

ATTACHMENT NO. 3

HBZSO - RESIDENTIAL DISTRICTS, CHAPTER 210

RL, RM, RMH, RH, and RMP DISTRICTS:	P = Permitted	
LAND USE CONTROLS	L = Limited (see <u>Additional Provisions</u>)	(3334-6/97)
	PC = Conditional use permit approved by Planning Commission	
	ZA = Conditional use permit approved by Zoning Administrator	
	TU = Temporary Use Permit	
	P/U = Requires conditional use permit on site of conditional use	
	- = Not Permitted	

	RL	RM	RMH RH	RMP	Additional Provisions	
Residential Uses					(A)(M)(Q)	(3334-6/97, 3410-3/99)
Day Care, Ltd.	P	P	P	P		
Group Residential	-	-	PC	-		
Multi-family Residential					(B)(C)(D)(R)	(3410-3/99, 3455-5/00)
2 - 4 units	ZA	P	P	-		(3334-6/97, 3410-3/99)
5 - 9 units	ZA	ZA	ZA	-		(3334-6/97, 3410-3/99)
10 or more units	PC	PC	PC	-		(3334-6/97, 3410-3/99)
Manufactured Home Parks	ZA	ZA	-	ZA	(E)(F)	
Residential, Alcohol Recovery, Ltd.	P	P	P	P		
Residential Care, Limited	P	P	P	P		
Single-Family Residential	P	P	P	P	(B)(D)(F)(P)(R)(S)	(3334-6/97, 3410-3/99, 3455-5/00, 3832-7/09)
Supportive Housing	L-7	L-7	L-7	L-7		
Transitional Housing	L-7	L-7	L-7	L-7		
Public and Semipublic					(A)(O)	(3334-6/97, 3410-3/99)
Clubs & Lodges	PC	PC	ZA	ZA		(3334-6/97, 3410-3/99)
Day Care, Large-family	L-6	L-6	L-6	L-6		(3334-6/97, 3761-2/07)
Day Care, General	L-1	ZA	ZA	ZA		(3334-6/97, 3410-3/99)
Park & Recreation Facilities	L-2	L-2	L-2	L-2		(3334-6/97, 3410-3/99)
Public Safety Facilities	PC	PC	PC	PC		
Religious Assembly	L-3	PC	PC	PC		(3334-6/97, 3410-3/99)
Residential Care, General	-	L-1	PC	PC		(3334-6/97, 3410-3/99)
Schools, Public or Private	PC	PC	PC	PC		
Utilities, Major	PC	PC	PC	PC		
Utilities, Minor	P	P	P	P		
Commercial						
Communication Facilities	L-5	L-5	L-5	L-5		(3568-9/02)
Horticulture	ZA	ZA	ZA	ZA		(3410-3/99)
Nurseries	ZA	ZA	ZA	ZA		(3410-3/99)
Visitor Accommodations						
Bed and Breakfast Inns	-	-	L-4	-		(3334-6/97, 3410-3/99)
Accessory Uses	P/U	P/U	P/U	P/U	(A)(G)(H)(I)(L)(M)	(3334-6/97, 3410-3/99)
Temporary Uses					(J)(M)	(3334-6/97, 3410-3/99)
Commercial Filming, Limited	P	P	P	P		
Real Estate Sales	P	P	P	P	(N)	(3334-6/97, 3410-3/99, 3706-6/05)
Personal Property Sales	P	P	P	P		
Street Fairs	TU	TU	TU	TU		
Nonconforming Uses					(K)(L)	

ATTACHMENT NO. 4.1

RL, RM, RMH, RH, and RMP Districts: Additional Provisions

- L-1 A conditional use permit from the Planning Commission is required and only allowed on lots 1.0 acre (gross acreage) or greater fronting an arterial in RL District. (3410-3/99)
- L-2 Public facilities permitted, but a conditional use permit from the Zoning Administrator is required for private noncommercial facilities, including swim clubs and tennis clubs. (3334-6/97, 3410-3/99)
- L-3 A conditional use permit from the Planning Commission is required, and only schools operating in conjunction with religious services are permitted as an accessory use. A General Day Care facility may be allowed as a secondary use, subject to a conditional use permit, if the Planning Commission finds that it would be compatible with adjacent areas and not cause significant traffic impacts. (3334-6/97, 3410-3/99, 3724-02/06)
- L-4 A conditional use permit from the Zoning Administrator is required and only allowed on lots 10,000 sq. ft. or greater in RMH-A subdistrict. See also Section 230.42: Bed and Breakfast Inns. (3334-6/97, 3410-3/99, 3706-6/05)
- L-5 Only wireless communication facilities permitted subject to section 230.96 Wireless Communication Facilities. (3568-9/02)
- L-6 Neighborhood notification is required pursuant to Section 241.24. No architectural plans shall be required. (3761-2/07)
- L-7 Supportive Housing and Transitional Housing shall be considered a residential use of property and shall be subject only to those restrictions that apply to other residential dwellings of the same type in the same zone.**
- (A) Any addition or modification subsequent to the original construction that would result in an increase in the amount of building area, or a structural or architectural alteration to the building exterior, shall require an amendment to the previously approved conditional use permit, if any, or approval of a new conditional use permit. (3334-6/97, 3410-3/99, 3761-2/07)
- (B) A conditional use permit from the Planning Commission is required for residential uses requesting reduction in standards for senior citizens (See Section 210.08), for affordable housing (See Sections 210.10 and 230.14), or for density bonus (See Section 230.14).
- (C) A conditional use permit from the Zoning Administrator is required for any multiple family residential development that:
- (1) abuts an arterial highway;
 - (2) includes a dwelling unit more than 150 feet from a public street; or
 - (3) includes buildings exceeding 25 feet in height. (3334-6/97, 3410-3/99)
- (D) See Section 210.12: Planned Unit Development Supplemental Standards. In addition, a conditional use permit is required for condominium conversion pursuant to Chapter 235.
- (E) See Section 210.14: RMP District Supplemental Standards. In addition, Neighborhood Notification pursuant to Chapter 241 is required for the addition of manufactured home space(s) to an existing Manufactured Home Park. (3334-6/97, 3410-3/99, 3706-6/05)
- (F) See Section 230.16: Manufactured Homes.

ATTACHMENT NO. 4.2

HBZSO - COMMERCIAL DISTRICTS, CHAPTER 211

"P/U" for an accessory use means that the use is permitted on the site of a permitted use, but requires a conditional use permit on the site of a conditional use.

Use classifications that are not listed are prohibited. Letters in parentheses in the "Additional Provisions" column refer to provisions following the schedule or located elsewhere in the Zoning Ordinance. Where letters in parentheses are opposite a use classification heading, referenced provisions shall apply to all use classifications under the heading.

	P	=	Permitted
CO, CG, and CV Districts Land Use Controls	L	=	Limited (see <u>Additional Provisions</u>)
	PC	=	Conditional use permit approved by Planning Commission
	ZA	=	Conditional use permit approved by Zoning Administrator
	TU	=	Temporary Use Permit
	P/U	=	Requires conditional use permit on site of conditional use
	-	=	Not Permitted

	CO	CG	CV	Additional Provisions
Residential				(J)(Q)(R)(V) (3334-6/97)
Group Residential	PC	PC	PC	(3334-6/97)
Multifamily Residential	-	-	PC	(3334-6/97)
Public and Semipublic				(J)(Q)(R)(V) (3334-6/97, 3553-5/02)
Clubs and Lodges	P	P	-	(3334-6/97, 3707-6/05)
Community and Human Services				
Drug Abuse Centers	-	PC	-	
Primary Health Care	L11	L11	-	(3522-2/02)
Emergency Kitchens	-	L-2	-	
Emergency Shelters	-	L-2	-	
Residential Alcohol Recovery, General	-	PC	-	
Residential Care, General	ZA	ZA	-	(3707-06/05)
Convalescent Facilities	ZA	ZA	-	(3707-06/05)
Cultural Institutions	PC	PC	PC	
Day Care, General	L-3	L-3	-	(3707-06/05)
Day Care, Large-Family	P	P	-	(Y) (3522-2/02)
Emergency Health Care	L-2	L-2	-	(3334-6/97)
Government Offices	P	P	PC	(3334-6/97)
Heliports	PC	PC	PC	(B)
Hospitals	PC	PC	-	(3334-6/97)
Park & Recreation Facilities	L-9	L-9	L-9	
Public Safety Facilities	PC	PC	PC	
Religious Assembly	ZA	ZA	-	(3522-2/02) (3522-2/02)
Schools, Public or Private	PC	PC	-	
Utilities, Major	PC	PC	PC	
Utilities, Minor	P	P	P	(L)

ATTACHMENT NO. 5.1

CO, CG, and CV Districts: Additional Provisions

- L-1 Permitted if the space is 5,000 square feet or less; allowed with Neighborhood Notification pursuant to Chapter 241 if the laboratory space exceeds 5,000 square feet. (3707-6/05)
- L-2 Allowed with a conditional use permit from the Zoning Administrator if the space is 5,000 square feet or less; allowed with a conditional use permit from the Planning Commission if the space exceeds 5,000 square feet (**See Section 230.52 Emergency Shelters**). (3707-6/05)
- L-3 Allowed with a conditional use permit from the Zoning Administrator if the space is 2,500 square feet or less; allowed with a conditional use permit from the Planning Commission if the space exceeds 2,500 square feet. (3334-6/97, 3707-6/05)
- L-4 Permitted if greater than 300 feet from residential zone or use; if 300 feet or less from residential zone or use neighborhood notification is required pursuant to Chapter 241. (3522-2/02, 3707-6/05)
- L-5 Only "limited" facilities are allowed subject to approval of a conditional use permit from the Zoning Administrator, and body and fender shops are permitted only as part of a comprehensive automobile-service complex operated by a new vehicle dealer.
- L-6 Only "small-scale" facilities, as described in Use Classifications, are permitted with a maximum 7 persons employed full time in processing or treating retail products, limited to those sold on the premises. (3522-2/02)
- L-7 Repealed. (3707-6/05)
- L-8 On-site storage limited to two rental cars or two cars for lease. (3707-6/05)
- L-9 Public facilities permitted, but a conditional use permit from the Zoning Administrator is required for commercial facilities.
- L-10 Permitted if the space is 5,000 square feet or less; allowed with conditional use permit approval from the Zoning Administrator if space exceeds 5,000 square feet. (3522-2/02, 3707-6/05)

In addition, Personal Enrichment uses within a retail building parked at a ratio of one (1) space per 200 square feet, shall require no additional parking provided the use complies with the following: (3522-2/02)

- Maximum number of persons per classroom does not exceed the number of parking spaces allocated to the suite based upon the square footage of the building; and (3522-2/02)
- The instruction area does not exceed 75 percent of total floor area of the personal enrichment building area. (3522-2/02)

- L-11 Permitted if the space is 5,000 square feet or less; allowed with a conditional use permit from the Zoning Administrator if the space exceeds 5,000 square feet. (3522-2/02, 3707-6/05)

ATTACHMENT NO. 5.2

HBZSO - INDUSTRIAL DISTRICTS, CHAPTER 212

IG AND IL DISTRICTS: P - Permitted
LAND USE CONTROLS: L - Limited (see Additional Provisions)
 PC - Conditional use permit approved by Planning Commission
 ZA - Conditional use permit approved by Zoning Administrator
 TU - Temporary Use Permit
 P/U - Requires conditional use permit on site of conditional use
 - - Not Permitted

	IG	IL	Additional Provisions
Residential			
Group Residential	PC	PC	(J)
Public and Semipublic			
Community and Human Service Facilities			(A)(M) _(3708-6/05, 3724-02/06)
Day Care, General	P PC	P PC	(L) _(3708-6/05, 3724-02/06)
Heliports	ZA	ZA	(O) _(3523-2/02)
Maintenance & Service Facilities	PC	PC	
Public Safety Facilities	ZA	ZA	(3708-6/05)
Religious Assembly	P	P	
Schools, Public or Private	ZA	ZA	(3724-02/06)
Utilities, Major	L-6	L-6	
Utilities, Minor	PC	PC	
	L-7	L-7	(P)
Commercial Uses			
Ambulance Services			(D)(M)
Animal Sales and Services	ZA	ZA	
Animal Boarding	ZA	ZA	(3523-2/02)
Animal Hospitals	ZA	ZA	(3523-2/02)
Artists' Studios	P	P	
Banks and Savings and Loans	L-1	L-1	
Building Materials and Services	P	P	
Catering Services	-	P	
Commercial Filming	ZA	ZA	
Commercial Recreation and Entertainment	L-2	L-2	
Communication Facilities	L-12	L-12	(3568-9/02)
Eating & Drinking Establishments w/Live Entertainment	L-3	L-3	
Food & Beverage Sales	ZA	ZA	(S)(U) _(3523-2/02)
Hospitals and Medical Clinics	ZA	ZA	(3523-2/02)
Laboratories	-	PC	
Maintenance & Repair Services	P	P	
Marine Sales and Services	P	P	
Nurseries	P	P	
Offices, Business & Professional	L-1	L-1	(H)

ATTACHMENT NO. 6.1

IG AND IL Districts: Additional Provisions (continued)

- (H) Medical/dental offices, insurance brokerage offices, and real estate brokerage offices, except for on-site leasing offices, are not permitted in any I District. (3254-10/94)
- Administrative, management, regional or headquarters offices for any permitted industrial use, which are not intended to serve the public, require a conditional use permit from the Zoning Administrator to occupy more than 10 percent of the total amount of space on the site of the industrial use. (3254-10/94)
- (I) Automobile dismantling, storage and/or impound yards may be permitted subject to the approval of a conditional use permit by the Planning Commission and the following criteria: (3254-10/94)
- (a) The site shall not be located within 660 feet of an R district. (3254-10/94)
 - (b) All special metal cutting and compacting equipment shall be completely screened from view. (3254-10/94)
 - (c) Storage yards shall be enclosed by a solid 6-inch concrete block or masonry wall not less than 6 feet in height and set back a minimum 10 feet from abutting streets with the entire setback area permanently landscaped and maintained. (3254-10/94)
 - (d) Items stacked in the storage yard shall not exceed the height of the screening walls or be visible from adjacent public streets. (3254-10/94)
- (J) Limited to facilities serving workers employed on-site. (3254-10/94)
- (K) Limited to: Single Room Occupancy uses (See Section 230.46). (3254-10/94,3708-6/05)
- (L) Limited to Emergency Shelters (**See Section 230.52 Emergency Shelters**). (3254-10/94)
- (M) Development of vacant land and/or additions of 10,000 square feet or more in floor area; or additions equal to or greater than 50% of the existing building's floor area; or additions to buildings on sites located within 300 feet of a residential zone or use for a permitted use requires approval of a conditional use permit from the Zoning Administrator. The Planning Director may refer any proposed addition to the Zoning Administrator if the proposed addition has the potential to impact residents or tenants in the vicinity (e.g., increased noise, traffic). (3254-10/94, 3523-2/02)
- (N) Major outdoor operations require conditional use permit approval by the Planning Commission. Major outside operations include storage yards and uses utilizing more than 1/3 of the site for outdoor operation. (3254-10/94)
- (O) See Section 230.40: Helicopter Takeoff and Landing Areas. (3254-10/94)
- (P) See Section 230.44: Recycling Operations. (3254-10/94)
- (Q) See Section 230.50: Indoor Swap Meets/Flea Markets (3254-10/94)
- (R) See L-11(A) relating to locational restrictions. (3254-10/94, 3378-2/98)

ATTACHMENT NO. 6.2

HBZSO - SITE STANDARDS, CHAPTER 230

D. Minimum Building Size.

1. Minimum building gross floor area shall be one hundred thousand (100,000) square feet.

E. Miscellaneous Requirements.

1. Ancillary Uses. Ancillary uses may be permitted as included on the approved site plan. Such uses shall be included as part of the initial conditional use permit requirements or shall be subject to new entitlement if proposed after the initial application has been filed.
2. Signs. Individual vendors shall not be permitted any outdoor signs, including temporary. Signs shall comply with the standards outlined in Chapter 233.
3. Parking. Parking shall comply with the standards outlined in Chapter 231.

230.52 Emergency Shelters

Emergency Shelters shall be allowed subject to the following requirements:

- A. A single Emergency Shelter for 50 occupants, or a combination of multiple shelters with a combined capacity not to exceed 50 occupants, shall be permitted. Religious Assembly uses within an Industrial zone may establish Emergency Shelters for up to 30 occupants provided they meet the minimum development standards of the zone in which they are located.**
- B. Stays at the Emergency Shelter facility shall be on a first-come first-serve basis with clients housed on-site. Clients must vacate the facility by 8:00 am each day and have no guaranteed bed for the next night.**
- C. Maximum stay at the facility shall not exceed 120 days in a 365 day period.**
- D. A minimum distance of 300 feet shall be maintained from any other Emergency Shelter, as measured from the property line.**
- E. An on-site client intake and waiting area shall be provided in a location not adjacent to the public right-of-way, be fully screened from public view, and provide consideration for weather events including shade and rain cover. The waiting area shall contain a minimum area of 10 square feet per bed.**
- F. Any provisions of on-site outside storage shall be fully screened from public view.**
- G. Exterior lighting shall be provided for the entire outdoor area of the site consistent with the Huntington Beach Zoning and Subdivision Ordinance.**
- H. A minimum of one staff person per 15 beds shall be awake and on duty during facility hours of operation.**
- I. On-site parking shall be provided at the ratio of 1 space per staff member, plus 1 space for every five (5) beds and an additional ½ space for each bedroom designated for families with children.**

ATTACHMENT NO. 7.1

J. A Safety and Security Plan shall be submitted to the Director of Planning for review and approval. The site-specific Safety and Security Plan shall describe the following:

- 1. Both on and off-site needs, including but not limited to, the separation of individual male and female sleeping areas, provisions of family sleeping areas, and associated provisions of management.**
- 2. Specific measures targeting the minimization of client congregation in the vicinity of the facility during hours that clients are not allowed on-site. Goals and objectives are to be established to avoid disruption of adjacent and nearby uses.**
- 3. Provisions of a system of management for daily admittance and discharge procedures.**
- 4. Any counseling programs are to be provided with referrals to outside assistance agencies, and provide an annual report on a facility's activity to the City.**
- 5. Clients are to be appropriately screened for admittance eligibility.**
- 6. Refuse collections schedule to provide the timely removal of associated client litter and debris on and within the vicinity of the facility.**

K. A proposed Emergency Shelter offering immediate and short-term housing may provide supplemental services to homeless individuals or families. These services may include, but are not limited to, the following:

- 1. An indoor and/or outdoor recreation area.**
- 2. A counseling center for job placement, educational, health care, legal or mental services, or similar services geared toward homeless clients.**
- 3. Laundry facilities to serve the number of clients at the shelter.**
- 4. Kitchen for the preparation of meals.**
- 5. Dining hall.**
- 6. Client storage area (i.e. for the overnight storage of bicycles and personal items).**

230.54 (Reserved)

230.56 (Reserved)

230.58 (Reserved)

230.60 (Reserved)

All Districts

230.62 Building Site Required

ATTACHMENT NO. 7-2

Fee Reduction Ordinance which delineates a reduced fee schedule for affordable projects. Residential projects providing a greater percentage of affordable units than required under the City's inclusionary ordinance (15% within Redevelopment Project Areas, 10% outside Project Areas) will be eligible for reduced City fees. In support of the ordinance, the City will conduct a fee study to determine which fees will be reduced and by how much; at a minimum, the following fees will be evaluated for reduction: Building Permit fee, Plan Review fee, Traffic Impact fee, and Parks/Recreation fee. The fee study will also evaluate providing discounted fees on market rate units within projects providing greater than 50 percent affordable units.

AB 641 now allows developers of affordable housing projects with a minimum of 49 percent very low and low income units to defer payment of development fees until issuance of a certificate of occupancy. As part of the Affordable Housing Fee Reduction Ordinance, the City will incorporate in fee deferrals consistent with AB 641.

2008-2014 Objective: Conduct a fee study and adopt an Affordable Housing Fee Reduction Ordinance by the end of 2009 as an incentive for projects to provide increased percentages of affordable units. Incorporate provisions for development fee deferrals consistent with AB 641.

19. Residential Processing Procedures: The evaluation and review process required by City procedures contributes to the cost of housing. One way to reduce housing costs is to reduce the time for processing permits. While administrative approvals in Huntington Beach compare favorably with other Orange County jurisdictions, processing times for discretionary approvals fall in the upper end of the range of the cities surveyed.

Recognizing that the City's requirement for Conditional Use Permit (CUP) approval before the Planning Commission for multi-family projects with 10 or more units may serve as a constraint to the provision of housing, the City is committed to increasing the unit threshold for a CUP in multi-family zoning districts. As Huntington Beach is a mostly built out city with little vacant residential land available, typical multi-family projects are smaller infill developments. By raising the unit number threshold, the CUP requirement for most multi-family projects would be eliminated.

2008-2014 Objective: Review the typical project size of multi-family development projects already zoned for residential use to determine an appropriate size threshold to permit multi-family uses by right, and undertake amendments to the Zoning Code to eliminate the CUP requirement for projects below this threshold.

20. Zoning Ordinance Revision: As part of the Governmental Constraints analysis for the Housing Element update, the following revision to the Huntington Beach Zoning Code was identified as appropriate to better facilitate the provision of a variety of housing types and housing to address the needs of extremely low income households:

- Add transitional housing and supportive housing within the code's definition section, and list as permitted uses within residential zone districts.
- Identification of emergency shelters as a permitted use in the Industrial General (IG) and Industrial Limited (IL) Zone.

Emergency shelters will be subject to the same development and management standards as other permitted uses in Industrial zones, as summarized in the Constraints chapter of the Housing Element. In addition, the City will develop written, objective standards for emergency shelters to regulate the following, as permitted under SB 2:

- The maximum number of beds/persons permitted to be served nightly;
- Off-street parking based on demonstrated need, but not to exceed parking requirements for other residential or commercial uses in the same zone;
- The size/location of exterior and interior onsite waiting and client intake areas;
- The provision of onsite management;
- The proximity of 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.

2008-2014 Objective: Amend the zoning ordinance by December 2009 to make explicit provisions for transitional and supportive housing, and emergency shelters. Develop objective standards to regulate emergency shelters as provided for under SB 2.

EQUAL HOUSING OPPORTUNITY

21. Fair Housing: The City uses the services of the Fair Housing Council of Orange County (FHCOC) to implement the regional Fair Housing Plan (AI), and to offer the following services:

- Fair Housing Community Education
- Fair Housing Enforcement
- Tenant Legal Assistance
- Housing Dispute Evaluation and Resolution
- Mediation Program

FHCOC assists up to 900 Huntington Beach households annually with tenant/landlord issues, and handles up to 14 fair housing cases each year on behalf of residents. FHCOC provides fair housing education and outreach within Huntington Beach, including approximately a dozen presentations annually to groups such as the Oakview neighborhood, realtor groups, apartment managers, City staff, and others on request. Specifically, in the Oakview neighborhood which contains a high recent immigrant population, FHCOC provides bi-lingual outreach once or twice a year at scheduled events, and distributes fair housing information to owners of rental property in the area.