



City of Huntington Beach Planning Department  
**STAFF REPORT**

**TO:** Planning Commission  
**FROM:** Scott Hess, AICP, Director of Planning  
**BY:** Hayden Beckman, Planning Aide ~~HB~~  
**DATE:** November 24, 2009

**SUBJECT: ZONING TEXT AMENDMENT NO. 09-009 (EMERGENCY SHELTERS/TRANSITIONAL HOUSING)**

**APPLICANT:** City of Huntington Beach

**LOCATION:** Citywide

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**STATEMENT OF ISSUE:**

- ◆ Zoning Text Amendment No. 09-009 request:
  - Establish Emergency Shelters, Supportive Housing, Target Population, and Transitional Housing within the Huntington Beach Zoning and Subdivision Ordinance (HBZSO) Chapter 203 Definitions
  - Establish Supportive Housing and Transitional Housing as use classifications within HBZSO Chapter 204 Use Classifications
  - List Supportive Housing and Transitional Housing as allowed uses within HBZSO Chapter 210 Residential Districts
  - Reference Emergency Shelter standards and guidelines within HBZSO Chapter 211 Commercial Districts
  - Identify Emergency Shelters as permitted uses within HBZSO Chapter 212 Industrial Districts
  - Establish objective Emergency Shelter standards and guidelines within HBZSO Chapter 230 Site Standards
  
- ◆ Staff's Recommendation:

Approve Zoning Text Amendment No. 09-009 based upon the following:

  - Proposed amendments will comply with the requirements of Senate Bill 2 and Program 20 of the 2008-2014 Housing Element.
  - The requirements and standards for the proposed uses ensure compatibility with other permitted uses.

**RECOMMENDATION:**

Motion to:

“Approve Zoning Text Amendment No. 09-009 with findings for approval (Attachment No. 1) and forward Draft Ordinances (Attachment Nos. 2-7) to the City Council for adoption.”

**ALTERNATIVE ACTION(S):**

The Planning Commission may take alternative actions such as:

“Continue Zoning Text Amendment No. 09-009 and direct staff accordingly.”

**PROJECT PROPOSAL:**

Zoning Text Amendment No. 09-009 represents a request to amend various chapters of the HBZSO pursuant to Section 247.02 to allow for Supportive Housing and Transitional Housing, as well as to amend regulations for Emergency Shelters. Specifically, Zoning Text Amendment No. 2009-009 would:

- ◆ Establish definitions for Emergency Shelters, Supportive Housing, Target Population and Transitional Housing and use classifications for Supportive Housing and Transitional Housing (Chapters 203 and 204).
- ◆ Allow Supportive Housing and Transitional Housing uses as allowed uses within Residential districts (Chapter 210)
- ◆ Reference Emergency Shelter standards and guidelines (Chapter 211)
- ◆ Allow Emergency Shelter uses as permitted uses within Industrial districts (Chapter 212)
- ◆ Establish objective Emergency Shelter standards and guidelines (Chapter 230)

Legislative drafts of the proposed amendments are provided in Attachment Nos. 8-13.

**Background:**

Zoning Text Amendment No. 09-009 is a City initiated amendment of the HBZSO to address requirements of Senate Bill (SB) 2, which modified California Government Code Section 65583, effective January 1, 2008 (Attachment 14.19).

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. 15) 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.

**ISSUES:**

**Subject Property And Surrounding Land Use, Zoning And General Plan Designations:**

The ZTA is applicable citywide.

**General Plan Conformance:**

The proposed project is consistent with the goals, objectives and policies of the City's General Plan as follows:

A. Land Use Element

Goal LU 9: Achieve the development of a range of housing units that provides for the diverse economic, physical, and social needs of existing and future residents of Huntington Beach.

Objective LU 9.5: Provide for the development of housing for senior citizens, the physically and mentally challenged, and very low, low, and moderate income families.

Policy LU 9.5.1: Accommodate the development of housing types, such as multifamily development and Single Room Occupancies (SRO), intended to meet the special needs of senior citizens, the physically and mentally challenged, and, very low, low and moderate income households in areas designated for residential and mixed-use on the Land Use Plan Map, in accordance with the Housing Element.

Policy LU 9.5.2: Require that special needs housing is designed to be compatible with adjacent residential structures and other areas designated for other categories of use provided that no adverse impacts would occur.

B. Housing Element

Housing Program 20: 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.

Per the proposed amendments, by establishing Supportive Housing and Transitional Housing definitions and use classifications within the HBZSO and allowing such uses in Residential districts, the City will better facilitate the development of such uses in order to provide services to very low, low and moderate income households without negatively impacting surrounding residential uses. As proposed, Supportive Housing and Transitional Housing uses will be subject to the same development standards as other residential uses under identical zoning classification, preventing incompatibilities of development standards and intensity. The proposed amendments will comply with the guidelines of Housing Element Program 20, which was identified to better facilitate the provision of a variety of housing types to address the needs of extremely low households in Huntington Beach.

As required by State law, ZTA 2009-009 also proposes to establish the definition of an Emergency Shelter, identify them as permitted uses within Industrial districts, and create objective standards and guidelines to

prevent adverse impacts on surrounding properties. Allowing Emergency Shelters without the approval of a CUP in some locations reduces constraints of current Code to provide housing and related services to individuals and families of low or very low income levels, as well as the physically or mentally handicapped, or homeless citizens.

**Zoning Compliance:** Not Applicable

**Urban Design Guidelines Conformance:** Not Applicable

**Environmental Status:**

The proposed ZTA No. 09-009 is categorically exempt pursuant to City Council Resolution No. 4501, Class 20, which supplements the California Environmental Quality Act.

**Coastal Status:** Not applicable.

**Redevelopment Status:** Not applicable.

**Design Review Board:** Not applicable.

**Other Departments' Concerns and Requirements:**

The proposed amendments to the City's existing ordinance were prepared with input and assistance from City Staff representing the City Attorney's Office and Planning Department.

**Public Notification:**

Legal notice was published in the Huntington Beach Independent on November 12, 2009, and notices were sent to individuals/organizations requesting notification (Planning Department's Notification Matrix). As of November 17, 2009, staff has not received any correspondence regarding the request.

**Application Processing Dates:**

<b><u>DATE OF COMPLETE APPLICATION:</u></b>	<b><u>MANDATORY PROCESSING DATE(S):</u></b>
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.

**ANALYSIS:**

Zoning Text Amendment No. 09-009 is a City initiated amendment that addresses Supportive and Transitional Housing and Emergency Shelters. The various aspects of each of these are addressed below.

### *Emergency Shelters*

Chapter 204 of the HBZSO classifies an Emergency Shelter as a Community and Human Service Facility. Emergency Shelter uses are currently allowed in a Commercial General zone, and require a Conditional Use Permit (CUP) by the Zoning Administrator if proposed to be less than 5,000 square feet in size or a CUP by the Planning Commission if greater than 5,000 square feet. Additionally, Emergency Shelters are allowed in Industrial districts with a CUP by the Planning Commission.

Per the requirements of Senate Bill 2, the City is required to allow Emergency Shelter uses without the approval of a CUP in parts of the City. As stipulated by the provisions of Program 20 of the 2008-2014 Housing Element, the City proposed to do this in Industrial districts. State law allows cities to establish objective standards and guidelines in order to reduce negative impacts to surrounding uses for Emergency Shelters permitted by right. As a part of this request, staff is proposing appropriate development and management standards within HBZSO Chapter 230 to ensure that the operation and maintenance of the property does not adversely impact adjacent uses. Emergency Shelters will be subject to the development standards of Chapter 212 Industrial Districts and the proposed criteria set forth in Chapter 230.52 of the HBZSO, which would not necessarily conflict or impede the range of uses currently allowed within Industrial districts. Since Emergency Shelters will also increase the diversity of housing types available to residents in need, staff recommends the inclusion of Emergency Shelters within Industrial districts without the approval of a discretionary permit.

### *Supportive Housing and Transitional Housing*

The proposed ZTA adds Supportive Housing, Target Population, and Transitional Housing definitions within Chapter 203 Definitions, as well as Supportive Housing and Transitional Housing use classifications within Chapter 204 Use Classifications. State law provides specific definitions for each of these, which are included in Chapter 203. The use classifications are somewhat different than the definitions because they address the intent of the use.

State law requires that Supportive Housing and Transitional Housing be allowed in residential areas, and subject only to those restrictions that apply to other residential dwellings of the same type in the same zone. Thus, Supportive Housing and Transitional Housing uses would be subject to the same development standards and processing requirements for the type of project and residential zone in which they are proposed. The development standards include, but are not limited to, setbacks, maximum height, lot coverage, and parking requirements. Per processing requirements, CUPs would be required for many, if not most, of these projects.

From a land use perspective, residential uses are analyzed for compliance with applicable development standards as well as the impact of the use on surrounding properties. Since Supportive Housing and Transitional Housing uses will be subject to the same analysis and regulations as other residential uses, would increase the diversity of housing types available to residents in need, and would not necessarily conflict or impede the range of uses allowed within Residential districts, staff recommends the inclusion of these uses in the Residential districts.

Staff recommends that the Planning Commission approve Zoning Text Amendment No. 09-009 with findings for approval and forward the item to City Council for adoption. The proposed amendments to the

Huntington Beach Zoning and Subdivision Ordinance reflect compliance with the provisions of Senate Bill 2 and Program 20 of the Housing Element.

**ATTACHMENTS:**

1. Suggested Findings of Approval-ZTA No. 09-009
2. Draft Ordinance – Chapter 203 Definitions
3. Draft Ordinance – Chapter 204 Use Classifications
4. Draft Ordinance – Chapter 210 Residential Districts
5. Draft Ordinance – Chapter 211 Commercial Districts
6. Draft Ordinance – Chapter 212 Industrial Districts
7. Draft Ordinance – Chapter 230 Site Standards
8. Legislative Draft – Chapter 203 Definitions
9. Legislative Draft – Chapter 204 Use Classifications
10. Legislative Draft – Chapter 210 Residential Districts
11. Legislative Draft – Chapter 211 Commercial Districts
12. Legislative Draft – Chapter 212 Industrial Districts
13. Legislative Draft – Chapter 230 Site Standards
14. Memo from Housing Policy Development Division of HCD, dated May 7, 2008
15. 2008 Housing Element Program 20

SH:MBB:HB:lw

## **ATTACHMENT NO. 1**

### **SUGGESTED FINDINGS OF APPROVAL**

#### **ZONING TEXT AMENDMENT NO. 09-009**

#### **SUGGESTED FINDINGS FOR APPROVAL - ZONING TEXT AMENDMENT NO. 09-009**

1. Zoning Text Amendment No. 09-009 amending the Huntington Beach Zoning and Subdivision Ordinance to establish Emergency Shelters, Supportive Housing, Target Population, and Transitional Housing within Chapter 203 Definitions; establish Supportive Housing and Transitional Housing as use classifications within Chapter 204 Use Classifications; list Supportive Housing and Transitional Housing as permitted uses within Chapter 210 Residential Districts; reference Emergency Shelter standards and guidelines within Chapter 211 Commercial Districts; identify Emergency Shelters as permitted uses within Chapter 212 Industrial Districts; and establish objective Emergency Shelter standards and guidelines within Chapter 230 Site Standards is consistent with the goals, objectives, policies, general land uses and programs specified in the General Plan. The proposed amendments are being approved pursuant to Program 20 of the General Plan Housing Element, and are in compliance with State Law pursuant to Senate Bill 2.
2. In the case of general land use provisions, the zoning text amendment request is compatible with the uses authorized in, and the standards prescribed for, the zoning districts for which it is proposed. The request creates objective standards and guidelines to prevent adverse impacts to surrounding properties for Emergency Shelters. Listing Supportive Housing and Transitional Housing as permitted uses within Residential districts stipulates that Supportive Housing and Transitional Housing uses will be subject to the same development standards and processing requirements of other uses within Residential districts.
3. A community need is demonstrated for the change proposed because the 2008-2014 Housing Element identified that there currently is no emergency shelter to address the needs of homeless adults or families. Allowing Emergency Shelter uses within Industrial districts without the approval of a discretionary permit as well as the inclusion of Supportive Housing and Transitional Housing as allowed uses within Residential districts provides a wider range of housing types to address the needs of the citizens of Huntington Beach.
4. The adoption of the ordinances will be in conformity with public convenience, general welfare and good zoning practice. The zoning text amendment would allow for consideration of a greater range of housing types available to current and future citizens while requiring that these uses do not negatively impact surrounding properties. The proposed amendments of ZTA 2009-009 will comply with State Law pursuant to Senate Bill 2 and Program 20 of the 2008-2014 Housing Element.

## **ATTACHMENT NO. 1**

### **SUGGESTED FINDINGS OF APPROVAL**

#### **ZONING TEXT AMENDMENT NO. 09-009**

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1. Zoning Text Amendment No. 09-009 amending the Huntington Beach Zoning and Subdivision Ordinance to establish Emergency Shelters, Supportive Housing, Target Population, and Transitional Housing within Chapter 203 Definitions; establish Supportive Housing and Transitional Housing as use classifications within Chapter 204 Use Classifications; list Supportive Housing and Transitional Housing as permitted uses within Chapter 210 Residential Districts; reference Emergency Shelter standards and guidelines within Chapter 211 Commercial Districts; identify Emergency Shelters as permitted uses within Chapter 212 Industrial Districts; and establish objective Emergency Shelter standards and guidelines within Chapter 230 Site Standards is consistent with the goals, objectives, policies, general land uses and programs specified in the General Plan. The proposed amendments are being approved pursuant to Program 20 of the General Plan Housing Element, and are in compliance with State Law pursuant to Senate Bill 2.
2. In the case of general land use provisions, the zoning text amendment request is compatible with the uses authorized in, and the standards prescribed for, the zoning districts for which it is proposed. The request creates objective standards and guidelines to prevent adverse impacts to surrounding properties for Emergency Shelters. Listing Supportive Housing and Transitional Housing as permitted uses within Residential districts stipulates that Supportive Housing and Transitional Housing uses will be subject to the same development standards and processing requirements of other uses within Residential districts.
3. A community need is demonstrated for the change proposed because the 2008-2014 Housing Element identified that there currently is no emergency shelter to address the needs of homeless adults or families. Allowing Emergency Shelter uses within Industrial districts without the approval of a discretionary permit as well as the inclusion of Supportive Housing and Transitional Housing as allowed uses within Residential districts provides a wider range of housing types to address the needs of the citizens of Huntington Beach.
4. The adoption of the ordinances will be in conformity with public convenience, general welfare and good zoning practice. The zoning text amendment would allow for consideration of a greater range of housing types available to current and future citizens while requiring that these uses do not negatively impact surrounding properties. The proposed amendments of ZTA 2009-009 will comply with State Law pursuant to Senate Bill 2 and Program 20 of the 2008-2014 Housing Element.

**DRAFT**

AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH  
AMENDING CHAPTER 203 OF THE HUNTINGTON BEACH  
ZONING AND SUBDIVISION ORDINANCE TITLED DEFINITIONS

The City Council of the City of Huntington Beach does hereby ordain as follows:

SECTION 1. Section 203.06 of the Huntington Beach Zoning and Subdivision Ordinance is hereby amended to add the following definitions:

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.

Supportive Housing. Housing with no limit on length of stay that is occupied by the target population and is linked to on-site or off-site services that assist residents retain the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community. On-site and off-site services may include, but are not limited to, after-school tutoring, child care, and career counseling.

Target Population. Persons 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 Development Disabilities Services Act (Division 4.5 commencing with Section 4500 of the Welfare and Institutions Code) and may include, among other populations, adults, families, families with children, elderly persons, young adults aging out of the foster care system, individuals existing 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.

SECTION 2. All other provisions of Chapter 203 not modified herein shall remain in full force and effect.

SECTION 3. This ordinance shall become effective 30 days after its adoption.

PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting thereof held on the \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_.

\_\_\_\_\_  
Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
City Clerk

*Scott Field*  
\_\_\_\_\_  
City Attorney *M 11/11/09*

REVIEWED AND APPROVED:

INITIATED AND APPROVED:

\_\_\_\_\_  
City Administrator

\_\_\_\_\_  
Director of Planning

**DRAFT**

AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH  
AMENDING CHAPTER 204 OF THE HUNTINGTON BEACH  
ZONING AND SUBDIVISION ORDINANCE TITLED CLASSIFICATIONS

The City Council of the City of Huntington Beach does hereby ordain as follows:

SECTION 1. Section 204.06 of the Huntington Beach Zoning and Subdivision Ordinance is hereby amended to add the following definitions:

- G. Supportive Housing. Housing with no limit on length of stay that is occupied by the target population and is linked to on-site or off-site services that assist residents retain the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community. On-site and off-site services may include, but are not limited to, after-school tutoring, child care, and career counseling. Supportive housing uses are subject only to those restrictions and processing requirements 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 and processing requirements that apply to other residential dwellings of the same type in the same zone.

SECTION 2. All other provisions of Chapter 204 not modified herein shall remain in full force and effect.

SECTION 3. This ordinance shall become effective 30 days after its adoption.

PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting thereof held on the \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

Pedra 11/17/09  
City Attorney M 11/17/09

REVIEWED AND APPROVED:

\_\_\_\_\_  
City Administrator

INITIATED AND APPROVED:

\_\_\_\_\_  
Director of Planning

**DRAFT**

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH  
AMENDING CHAPTER 210 OF THE HUNTINGTON BEACH  
ZONING AND SUBDIVISION ORDINANCE TITLED RESIDENTIAL DISTRICTS

The City Council of the City of Huntington Beach does hereby ordain as follows:

SECTION 1. Section 210.04 of the Huntington Beach Zoning and Subdivision Ordinance is hereby amended to read as follows:

**210.04 RL, RM, RMH, RH, and RMP Districts: Land Use Controls**

In the following schedules, letter designations are used as follows:

"P" designates use classifications permitted in residential districts.

"L" designates use classifications subject to certain limitations prescribed by the "Additional Provisions" that follow.

"PC" designates use classifications permitted on approval of a conditional use permit by the Planning Commission.

"ZA" designates use classifications permitted on approval of a conditional use permit by the Zoning Administrator.

"TU" designates use classifications allowed upon approval of a temporary use permit by the Zoning Administrator. (3334-6/97, 3410-3/99)

"P/U" designates that accessory uses are permitted, however, accessory uses are subject to approval of a conditional use permit if the primary use requires a conditional use permit. (3334-6/97, 3410-3/99)

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.

**RL, RM, RMH, RH, and  
RMP DISTRICTS:  
LAND USE CONTROLS**

P = Permitted  
 L = Limited (see Additional Provisions) (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	
<b>Residential Uses</b>					(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		
<b>Public and Semipublic</b>					(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		

<b>Commercial</b>					
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)
<b>Accessory Uses</b>	P/U	P/U	P/U	P/U	(A)(G)(H)(I)(L)(M) (3334-6/97, 3410-3/99)
<b>Temporary Uses</b>					(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, 3551-3/06-6/05)
Personal Property Sales	P	P	P	P	
Street Fairs	TU	TU	TU	TU	
<b>Nonconforming Uses</b>					(K)(L)

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

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- 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.
- 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.
- 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.
- 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.
- L-5 Only wireless communication facilities permitted subject to section 230.96 Wireless Communication Facilities.
- L-6 Neighborhood notification is required pursuant to Section 241.24. No architectural plans shall be required.
- L-7 Supportive Housing and Transitional Housing shall be considered a residential use of property and shall be subject only to those restrictions and processing

requirements 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.
- (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.
- (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.
- (F) See Section 230.16: Manufactured Homes.
- (G) See Section 230.12: Home Occupation in R Districts.
- (H) See Section 230.08: Accessory Structures.
- (I) See Section 230.10: Accessory Dwelling Units.

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

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- (J) See Section 241.20: Temporary Use Permits.
- (K) See Chapter 236: Nonconforming Uses and Structures.
- (L) See Chapter 233: Signs.
- (M) Tents, trailers, vehicles, or temporary structures shall not be used for dwelling purposes.
- (N) See Section 230.18: Subdivision Sales Offices and Model Homes.
- (O) Limited to facilities on sites of fewer than 2 acres.

- (P) See Section 230.22: Residential Infill Lot Developments.
- (Q) See Section 230.20: Payment of Parkland Dedication In-Lieu Fee.
- (R) Small lot development standards for RM, RMH, and RH Districts. A conditional use permit from the Planning Commission is required for small lot residential subdivisions, including condominium maps for detached single family dwellings. See also Section 230.24: Small Lot Development Standards.
- (S) See Coastal Element Land Use Plan, Table C-2, for permitted uses, development requirements and restrictions applicable to development within Subarea 4K as depicted in Figures C-6a and C-10 of the Coastal Element Land Use Plan. Subdivision design and development within Subarea 4K shall incorporate the information from the plans and studies required in Table C-2 for development of that Subarea. If there is a conflict between the requirements and restrictions of Table C-2 and other provisions of the Zoning and Subdivision Ordinance, the requirements and restrictions included in Table C-2 shall prevail.

SECTION 2. All other provisions of Chapter 210 not modified herein shall remain in full force and effect.

SECTION 3. This ordinance shall become effective 30 days after its adoption.

PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting thereof held on the \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_.

\_\_\_\_\_  
Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
City Clerk

*[Signature]* 11/16/09  
\_\_\_\_\_  
City Attorney *[Signature]*

REVIEWED AND APPROVED:

INITIATED AND APPROVED:

\_\_\_\_\_  
City Administrator

\_\_\_\_\_  
Director of Planning

**DRAFT**

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH  
AMENDING CHAPTER 211 OF THE HUNTINGTON BEACH  
ZONING AND SUBDIVISION ORDINANCE TITLED C COMMERCIAL DISTRICTS

The City Council of the City of Huntington Beach does hereby ordain as follows:

SECTION 1. Section 211.04 of the Huntington Beach Zoning and Subdivision Ordinance is hereby amended to read as follows:

**211.04 CO, CG, and CV Districts: Land Use Controls**

In the following schedules, letter designations are used as follows:

"P" designates use classifications permitted in commercial districts.

"L" designates use classifications subject to certain limitations prescribed by the "Additional Provisions" that follow.

"PC" designates use classifications permitted on approval of a conditional use permit by the Planning Commission.

"ZA" designates use classifications permitted on approval of a conditional use permit by the Zoning Administrator.

"TU" designates use classifications allowed upon approval of a temporary use permit.

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

	CO	CG	CV	Additional Provisions
<b>Residential</b>				(J)(Q)(R)(V) (3334-6/97)
Group Residential	PC	PC	PC	(3334-6/97)
Multifamily Residential	-	-	PC	(3334-6/97)
<b>Public and Semipublic</b>				(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)

	P	=	Permitted
<b>CO, CG, and CV Districts</b>	L	=	Limited (see <u>Additional Provisions</u> )
<b>Land Use Controls</b>	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
<b>Commercial Uses</b>				(J)(Q)(R) (3341-0/96)
Ambulance Services	-	ZA	-	
Animal Sales & Services				
Animal Boarding	-	ZA	-	(3522-2/02)
Animal Grooming	-	P	-	
Animal Hospitals	-	ZA	-	(3522-2/02)
Animals: Retail Sales	-	P	-	
Equestrian Centers (CG Zone)	-	PC	-	(S) (3707-6/05)
Pet Cemetery	-	PC	-	
Artists' Studios	P	P	P	
Banks and Savings & Loans	P	P	P	

With Drive-Up Service	P	P	P		(3522-2/02)
Building Materials and Services	-	P	-		
Catering Services	P	P	P		
Commercial Filming	P	P	P	(F)	
Commercial Recreation and Entertainment	-	PC	PC	(D)	
Communication Facilities	L-13	L-13	L-13		(3568-9/02)
Eating and Drinking Estab.	L-4	L-4	L-4		(3522-2/02, 3707-6/05)
W/Alcohol	ZA	ZA	ZA	(N)(Y)	(3522-2/02)
W/Drive Through	-	P	P		(3522-2/02, 3707-6/05)
W/Live Entertainment	ZA	ZA	ZA	(W)(Y)	(3522-2/02)
W/Dancing	PC	PC	PC	(H)	
W/Outdoor Dining	ZA	ZA	ZA	(X)(Y)	(3522-2/02)
Food & Beverage Sales	-	P	L-2		
W/Alcoholic Beverage Sales	-	ZA	ZA	(N)	
Funeral & Internment Services	-	ZA	-		
Laboratories	L-1	L-1	-		
Maintenance & Repair Services	-	P	-		
Marine Sales and Services	-	P	P		
Nurseries	-	ZA	-		
Offices, Business & Professional	P	P	P		(3334-6/97)
Pawn Shops	-	ZA	-		
Personal Enrichment Services	L-10	L-10	-	(Y)	(3522-2/02)
Personal Services	P	P	P		
Research & Development Services	L-1	ZA	-		
Retail Sales	-	P	P	(U)(V)	(3285-6/95, 3334-6/97, 3482-12/00)
Secondhand Appliances/Clothing	-	P	-		
Swap Meets, Indoor/Flea Markets	-	PC	-	(T)	
Swap Meets, Recurring	-	ZA	-		
Tattoo Establishments	-	PC	-		
Travel Services	P	P	P		

	P	=	Permitted
<b>CO, CG, and CV Districts Land Use Controls</b>	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	
Vehicle Equipment/Sales & Services					
Automobile Rentals	-	L-8	L-8	L-12	
Automobile Washing	-	ZA	-		(3707-6/05)
Commercial Parking	-	ZA	ZA	(P)	(3707-6/05)
Service Stations	-	PC	PC	(E)	
Vehicle Equip. Repair	-	L-5	-		
Vehicle Equip. Sales & Rentals	ZA	ZA	-	L-12	(3522-2/02)
Vehicle Storage	-	ZA	-		(3707-6/05)
Visitor Accommodations					
Bed & Breakfast Inns	PC	PC	PC	(K)	(3707-6/05, 3774-9/07 subject to approval by the CA Coastal Commission)

Hotels, Motels	-	PC	PC	(I)	(3334-6/97, 3707-6/05, 3774-9/07 - subject to approval by the CA Coastal Commission)
Condominium – Hotel	-	-	PC	(Z)	(3774-9/07, 3707-9/07 subject to approval by the CA Coastal Commission)
Fractional Ownership Hotel					(3774-9/07 - subject to approval by the CA Coastal Commission)
Quasi Residential Timeshares	-	PC	-	(I)(J)	(3334-6/97, 3774-9/07 subject to approval by the CA Coastal Commission))
Residential Hotel	-	PC	-	(J)	(3334-6/97, 3774-9/07 subject to approval by the CA Coastal Commission))
Single Room Occupancy	-	PC	-		(3774-9/07, 3774-9/07 subject to approval by the CA Coastal Commission))
<b>Industrial Industry, Custom</b>	-	L-6	L-6	(J)(Q)(R)(V)	(3334-6/97)
<b>Accessory Uses</b>				(J)(V)	(3334-6/97)
Accessory Uses & Structures	P/U	P/U	P/U		
<b>Temporary Uses</b>				(F)(J)(V)	(3334-6/97)
Animal Shows	-	TU	-		
Circus and Carnivals and Festivals	-	TU	-		(3522-2/02)
Commercial Filming, Limited	-	P	P	(M)	
Real Estate Sales	P	P	P		(3522-2/02, 3707-6/05)
Retail Sales, Outdoor	-	TU	TU	(M)	(3522-2/02)
Seasonal Sales	TU	TU	TU	(M)	(3522-2/02)
Tent Event	-	P	-		(3522-2/02, 3707-6/05)
Trade Fairs	-	P	-		(3707-6/05)
<b>Nonconforming Uses</b>				(G)(J)(V)	(3334-6/97)

(Rest of page not used)

## CO, CG, and CV Districts: Additional Provisions

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- 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.
- 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.)
- 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.
- 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.
- 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.
- L-7 Repealed.
- L-8 On-site storage limited to two rental cars or two cars for lease.
- 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.

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:

- 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
- The instruction area does not exceed 75 percent of total floor area of the personal enrichment building area.

- 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.
- L-12 Permitted for existing facilities proposing to expand up to 20% of existing floor area or display area.
- L-13 For wireless communication facilities see Section 230.96 Wireless Communication Facilities. All other communication facilities permitted.
- (A) Reserved.
- (B) See Section 230.40: Helicopter Takeoff and Landing Areas.
- (C) Repealed
- (D) See Section 230.38: Game Centers; Chapter 5.28: Dance Halls; Chapter 9.24: Card Rooms; Chapter 9.32: Poolrooms and Billiards; and Chapter 9.28: Pinball Machines.
- (E) See Section 230.32: Service Stations.
- (F) See Section 241.20: Temporary Use Permits
- (G) See Chapter 236: Nonconforming Uses and Structures.
- (H) For teen dancing facilities, bicycle racks or a special bicycle parking area shall be provided. These may not obstruct either the public sidewalk or the building entry. See also Chapter 5.28: Dancing Halls; Chapter 5.44: Restaurants - Amusement and Entertainment Premises, and Chapter 5.70: Adult Entertainment Businesses.
- (I) Only permitted on a major arterial street, and a passive or active outdoor recreational amenity shall be provided.
- (J) In the CV District the entire ground floor area and at least one-third of the total floor area shall be devoted to visitor-oriented uses as described in the certified Local Coastal Program Land Use Plan. Any use other than visitor serving commercial shall be located above the ground level, and a conditional use permit from the Planning Commission or the Zoning Administrator is required. Any use other than visitor serving commercial uses shall only be permitted if visitor serving uses are either provided prior to the other use or assured by deed restriction as part of the development. No office or residential uses shall be permitted in any visitor serving designation seaward of Pacific Coast Highway.
- (K) See Section 230.42: Bed and Breakfast Inns.
- (L) See Section 230.44: Recycling Operations.
- (M) Subject to approval by the Police Department, Public Works Department, Fire Department and the Director. See also Section 230.86 Seasonal Sales.

- (N) The following businesses proposing to sell alcoholic beverages for on-site or off-site consumption are exempt from the conditional use permit process:
- (1) Retail markets with no more than 10 percent of the floor area devoted to sales, display, and storage of alcoholic beverages provided the sale of alcoholic beverages is not in conjunction with the sale of gasoline or other motor vehicle fuel.
  - (2) Restaurants, Bars and Liquor stores located 300 feet or more from any R or PS district, public or private school, church, or public use.
  - (3) Florist shops offering the sale of a bottle of an alcoholic beverage together with a floral arrangement.
- (O) See Section 230.46: Single Room Occupancy.
- (P) See Chapter 231 for temporary and seasonal parking.
- (Q) Development of vacant land 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).
- (R) Projects within 500 feet of a PS District see Chapter 244.
- (S) See Section 230.48: Equestrian Centers
- (T) See Section 230.50: Indoor Swap Meets/Flea Markets
- (U) See Section 230.94: Carts and Kiosks
- (V) In the coastal zone, the preferred retail sales uses are those identified in the Visitor Serving Commercial land use designation which provide opportunities for visitor-oriented commercial activities including specialty and beach related retail shops, restaurants, hotels, motels, theaters, museums, and related services.
- (W) Non-amplified live entertainment greater than 300 feet from a residential zone or use shall be permitted without a conditional use permit.
- (X) Outdoor dining with alcohol sales shall be permitted with a conditional use permit to the Zoning Administrator. Outdoor dining without alcohol sales that is 400 square feet or less shall be permitted without a conditional use permit. If over 400 square feet with no alcohol sales, Neighborhood Notification shall be required pursuant to Chapter 241.
- (Y) Neighborhood Notification requirements pursuant to Chapter 241.

- (Z) In the CV District, Condominium-Hotels and/or Fractional Interest Hotels are allowed only at the Pacific City (Downtown Specific Plan District 7) and Waterfront (Downtown Specific Plan District 9) sites. Refer to Downtown Specific Plan.

SECTION 2. All other provisions of Chapter 211 not modified herein shall remain in full force and effect.

SECTION 3. This ordinance shall become effective 30 days after its adoption.

PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting thereof held on the \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney *Scott Field* *Mullinlog*

REVIEWED AND APPROVED:

\_\_\_\_\_  
City Administrator

INITIATED AND APPROVED:

\_\_\_\_\_  
Director of Planning

**DRAFT**

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH  
AMENDING CHAPTER 212 OF THE HUNTINGTON BEACH  
ZONING AND SUBDIVISION ORDINANCE TITLED I INDUSTRIAL DISTRICTS

The City Council of the City of Huntington Beach does hereby ordain as follows:

SECTION 1. Section 212.04 of the Huntington Beach Zoning and Subdivision Ordinance is hereby amended to read as follows:

**212.04 IG and IL Districts: Land Use Controls**

In the following schedules, letter designations are used as follows:

"P" designates use classifications permitted in the I districts.

"L" designates use classifications subject to certain limitations prescribed by the "Additional Provisions" which follow.

"PC" designates use classifications permitted on approval of a conditional use permit by the Planning Commission.

"ZA" designates use classifications permitted on approval of a conditional use permit by the Zoning Administrator.

"TU" designates use classifications allowed upon approval of a temporary use permit by the Zoning Administrator.

"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 requirements following the schedule or located elsewhere in this ordinance. Where letters in parentheses are opposite a use classification heading, referenced provisions shall apply to all use classifications under the heading.

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<b>IG AND IL DISTRICTS: LAND USE CONTROLS</b>	P - Permitted
	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

	<b>IG</b>	<b>IL</b>	<b>Additional Provisions</b>
<b>Residential</b>			
Group Residential	PC	PC	(J)
<b>Public and Semipublic</b>			(A)(M)
Community and Human Service Facilities	P	P	(L)
Day Care, General	ZA	ZA	
Heliports	PC	PC	(O)
Maintenance & Service Facilities	ZA	ZA	
Public Safety Facilities	P	P	
Religious Assembly	ZA	ZA	
Schools, Public or Private	L-6	L-6	
Utilities, Major	PC	PC	
Utilities, Minor	L-7	L-7	(P)
<b>Commercial Uses</b>			(D)(M)
Ambulance Services	ZA	ZA	
Animal Sales and Services			
Animal Boarding	ZA	ZA	
Animal Hospitals	ZA	ZA	
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	
Eating & Drinking Establishments w/Live Entertainment	L-3	L-3	
w/Live Entertainment	ZA	ZA	(S)(U)
Food & Beverage Sales	ZA	ZA	
Hospitals and Medical Clinics	-	PC	
Laboratories	P	P	
Maintenance & Repair Services	P	P	
Marine Sales and Services	P	P	
Nurseries	P	P	
Offices, Business & Professional	L-1	L-1	(H)

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**IG AND IL** P - Permitted  
**DISTRICTS:** L - Limited (see Additional Provisions)  
**LAND USE** PC - Conditional use permit approved by Planning Commission  
**CONTROLS** 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
Personal Enrichment	L-9	L-9	(U)
Personal Services	L-1	L-1	
Quasi Residential	PC	PC	(K)
Research & Development Services	P	P	
Sex Oriented Businesses (regulated by HBMC Chapter 5.70)	L-11	L-11	
Sex Oriented Businesses (regulated by HBMC Chapters 5.24 & 5.60)	PC	PC	(R)
Swap Meets, Indoor/Flea Markets	PC	PC	(Q)
Vehicle/Equipment Sales & Services			
Service Stations	L-4	L-4	
Vehicle/Equipment Repair	P	P	
Vehicle/Equip. Sales/Rentals	L-5	L-5	
Vehicle Storage	P	ZA	(I)
Visitor Accommodations	ZA	ZA	
Warehouse and Sales Outlets	L-8	L-8	
<b>Industrial</b> ( <i>See Chapter 204</i> )			(B)(M)(N)
Industry, Custom	P	P	
Industry, General	P	P	
Industry, Limited	P	P	
Industry, R & D	P	P	
Wholesaling, Distribution & Storage	P	P	
<b>Accessory Uses</b>			
Accessory Uses and Structures	P/U	P/U	(C)
<b>Temporary Uses</b>			
Commercial Filming, Limited	P	P	(T)
Real Estate Sales	P	P	
Trade Fairs	P	P	(E)
<b>Nonconforming Uses</b>		(F)	

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**IG AND IL Districts: Additional Provisions**

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L-1 Only allowed upon approval of a conditional use permit by the Zoning Administrator for a mixed use project, subject to the following requirements:

Minimum site area: 3 acres

Maximum commercial space: 35 percent of the gross floor area and 50 percent of the ground floor area of buildings fronting on an arterial highway.

Phased development: 25 percent of the initial phase must be designed for industrial occupancy. For projects over 500,000 square feet, the initial phase must include 5 percent of the total amount of industrial space or 50,000 square feet of industrial space, whichever is greater.

- L-2 Allowed upon approval of a conditional use permit by the Zoning Administrator when designed and oriented for principal use by employees of the surrounding industrial development or when designed for general public use, after considering vehicular access and parking requirements.
- L-3 Allowed upon approval of a conditional use permit by the Zoning Administrator when in a free-standing structure or as a secondary use in a building provided that no more than 20 percent of the floor area is occupied by such a use.
- L-4 Only stations offering services primarily oriented to businesses located in an I District are allowed with a conditional use permit by the Planning Commission.
- L-5 No new or used automobile, truck or motorcycle retail sales are permitted.
- L-6 Only schools offering higher education curriculums are allowed with conditional use permit approval by the Planning Commission. No day care, elementary or secondary schools are permitted.
- L-7 Recycling Operations as an accessory use are permitted; recycling operations as a primary use are allowed upon approval of a conditional use permit by the Zoning Administrator.
- L-8 Allowed upon conditional use permit approval by the Planning Commission when a single building with a minimum area of 100,000 square feet is proposed on a site fronting an arterial. The primary tenant shall occupy a minimum 95% of the floor area and the remaining 5% may be occupied by secondary tenants.
- L-9 Permitted if the space is 5,000 square feet or less; allowed by Neighborhood Notification pursuant to Chapter 241 if the space is over 5,000 square feet.
- L-10 RESERVED
- L-11 Allowed subject to the following requirements:
  - A. A proposed sex oriented business shall be at least five hundred feet (500') from any residential use, school, park and recreational facility, or any building used for religious assembly (collectively referred to as a "sensitive use") and at least seven hundred fifty feet (750') from another sex oriented business. For purposes of these requirements, all distances shall be measured from the lot line of the proposed sex oriented business to the lot line of the sensitive use or the other sex oriented business. The term "residential use" means any property zoned RL, RM, RMH, RH, RMP, and any properties with equivalent designations under any specific plan.  
  
To determine such distances the applicant shall submit for review a straight line drawing depicting the distances from the lot line of the parcel of land on which the sex oriented business is proposed which includes all the proposed parking and:

1. the lot line of any other sex oriented business within seven hundred fifty feet (750') of the lot line of the proposed sex oriented business; and
  2. the lot line of any building used for religious assembly, school, or park and recreational facility within five hundred (500') feet of the lot line of the proposed sex oriented business; and
  3. the lot line of any parcel of land zoned RL, RM, RMH, RH, and RMP and any parcels of land with equivalent designations under any specific plans within five hundred feet (500') of the lot line of the proposed sex oriented business.
- B. The front facade of the building, including the entrance and signage, shall not be visible from any major, primary or secondary arterial street as designated by the Circulation Element of the General Plan adopted May, 1996, with the exception of Argosy Drive.
- C. Prior to or concurrently with applying for a building permit and/or a certificate of occupancy for the building, the applicant shall submit application for Planning Department Staff Review of a sex oriented business zoning permit with the drawing described in subsection A, a technical site plan, floor plans and building elevations, and application fee. Within ten (10) days of submittal, the Director shall determine if the application is complete. If the application is deemed incomplete, the applicant may resubmit a completed application within ten (10) days. Within thirty days of receipt of a completed application, the Director shall determine if the application complies with the applicable development and performance standards of the Huntington Beach Zoning and Subdivision Ordinance. Said standards include but are not limited to the following:
1. Chapter 203, Definitions; Chapter 212, Industrial Districts; Chapter 230, Site Standards; Chapter 231, Off-Street Parking & Loading Provisions; Chapter 232, Landscape Improvements; and Chapter 236, Nonconforming Uses and Structures.
  2. Chapter 233.08(b), Signs. Signage shall conform to the standards of the Huntington Beach Zoning and Subdivision Ordinance Code except
    - a. that such signs shall contain no suggestive or graphic language, photographs, silhouettes, drawings, statues, monuments, sign shapes or sign projections, or other graphic representations, whether clothed or unclothed, including without limitation representations that depict "specified anatomical areas" or "specified sexual activities"; and
    - b. only the smallest of the signs permitted under Chapter 233.08(b) shall be visible from any major, primary or secondary arterial street, such streets shall be those designated in the Circulation Element of the General Plan adopted May, 1996, with the exception of Argosy Drive.
  3. Compliance with Huntington Beach Municipal Code Chapter 5.70.

- D. The Director shall grant or deny the application for a sex oriented business zoning permit for a sex oriented business. There shall be no administrative appeal from the granting or denial of a permit application thereby permitting the applicant to obtain prompt judicial review.
- E. Ten (10) working days prior to submittal of an application for a sex oriented business zoning permit for Staff Review, the applicant shall: (i) cause notice of the application to be printed in a newspaper of general circulation; and (ii) give mailed notice of the application to property owners within one thousand (1000') feet of the proposed location of the sex oriented business; and the City of Huntington Beach, Department of Community Development by first class mail.

The notice of application shall include the following:

- 1. Name of applicant;
  - 2. Location of proposed sex oriented business, including street address (if known) and/or lot and tract number;
  - 3. Nature of the sex oriented business, including maximum height and square footage of the proposed development;
  - 4. The City Hall telephone number for the Department of Community Development to call for viewing plans;
  - 5. The date by which any comments must be received in writing by the Department of Community Development. This date shall be ten (10) working days from staff review submittal; and
  - 6. The address of the Department of Community Development.
- F. A sex oriented business may not apply for a variance pursuant to Chapter 241 nor a special sign permit pursuant to Chapter 233.
  - G. A sex oriented business zoning permit shall become null and void one year after its date of approval unless:
    - 1. Construction has commenced or a Certificate of Occupancy has been issued, whichever comes first; or
    - 2. The use is established.
  - H. The validity of a sex oriented business zoning permit shall not be affected by changes in ownership or proprietorship provided that the new owner or proprietor promptly notifies the Director of the transfer.
  - I. A sex oriented business zoning permit shall lapse if the exercise of rights granted by it is discontinued for 12 consecutive months.
- L-12 For wireless communication facilities see section 230.96 Wireless Communication Facilities. All other communication facilities permitted.
- (A) Repealed.

- (B) A conditional use permit from the Zoning Administrator is required for any new use or enlargement of an existing use, or exterior alterations and additions for an existing use located within 150 feet of an R district. The Director may waive this requirement if there is no substantial change in the character of the use which would affect adjacent residential property in an R District.)
- (C) Accessory office uses incidental to a primary industrial use are limited to 10 percent of the floor area of the primary industrial use.
- (D) Adjunct office and commercial space, not to exceed 25 percent of the floor area of the primary industrial use, is allowed with a conditional use permit from the Zoning Administrator, provided that it is intended primarily to serve employees of the industrial use, no exterior signs advertise the adjunct use, the adjunct use is physically separated from the primary industrial use, any retail sales are limited to goods manufactured on-site, and the primary industrial fronts on an arterial.
- (E) See Section 241.22: Temporary Use Permits.
- (F) See Chapter 236: Nonconforming Uses and Structures.
- (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.

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.

- (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:
  - (a) The site shall not be located within 660 feet of an R district.
  - (b) All special metal cutting and compacting equipment shall be completely screened from view.
  - (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.
  - (d) Items stacked in the storage yard shall not exceed the height of the screening walls or be visible from adjacent public streets.
- (J) Limited to facilities serving workers employed on-site.
- (K) Limited to: Single Room Occupancy uses (See Section 230.46).
- (L) Limited to Emergency Shelters (See Section 230.52 Emergency Shelters).

- (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).
- (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.
- (O) See Section 230.40: Helicopter Takeoff and Landing Areas.
- (O) See Section 230.44: Recycling Operations.
- (Q) See Section 230.50: Indoor Swap Meets/Flea Markets
- (R) See L-11(A) relating to locational restrictions.
- (S) Non-amplified live entertainment greater than 300 feet from a residential zone or use shall be permitted without a conditional use permit.
- (T) Subject to approval by the Police Department, Public Works Department, and Fire Department and the Planning Director.
- (U) Neighborhood notification requirements when no entitlement required pursuant to Chapter 241.

SECTION 2. All other provisions of Chapter 212 not modified herein shall remain in full force and effect.

SECTION 3. This ordinance shall become effective 30 days after its adoption.

PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting thereof held on the \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

*P. Eda* 11/16/09  
\_\_\_\_\_  
City Attorney *M. Miller*

REVIEWED AND APPROVED:

\_\_\_\_\_  
City Administrator

INITIATED AND APPROVED:

\_\_\_\_\_  
Director of Planning

**DRAFT**

AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH  
AMENDING CHAPTER 230 OF THE HUNTINGTON BEACH  
ZONING AND SUBDIVISION ORDINANCE TITLED SITE STANDARDS

The City Council of the City of Huntington Beach does hereby ordain as follows:

SECTION 1. Section 230.52 of the Huntington Beach Zoning and Subdivision Ordinance is hereby amended to read as follows:

**230.52 Emergency Shelters**

Emergency Shelters may be permitted 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 provision 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.
- 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 minimizing 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).

SECTION 2. All other provisions of Chapter 230 not modified herein shall remain in full force and effect.

SECTION 3. This ordinance shall become effective 30 days after its adoption.

PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting thereof held on the \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_.

\_\_\_\_\_  
Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
*Scott Field*  
City Attorney *Witt/11/09*

REVIEWED AND APPROVED:

INITIATED AND APPROVED:

\_\_\_\_\_  
City Administrator

\_\_\_\_\_  
Director of Planning

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.

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. Housing with no limit on length of stay that is occupied by the target population and is linked to on-site or off-site services that assist residents retain the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community. On-site or off-site 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. Person 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 Development Disabilities Services Act (Division 4.5 commencing with Section 4500 of the Welfare and Institutions Code) and may include, among other populations, adults, families, 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.

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- C. Multifamily Residential. Two or more dwelling units on a site. This classification includes manufactured homes. (3334-6/97)
- 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. Housing with no limit on length of stay that is occupied by the target population and is linked to on-site or off-site services that assist residents retain the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community. On-site or off-site services may include, but are not limited to, after-school tutoring, child care, and career counseling. Supportive housing uses are subject only to those restrictions and processing requirements 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 and processing requirements 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)

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**RL, RM, RMH, RH, and RMP DISTRICTS:**  
**LAND USE CONTROLS**

P = Permitted  
 L = Limited (see Additional Provisions) (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	
<b>Residential Uses</b>					(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, 3632-7/09)
<u>Supportive Housing</u>	<u>L-7</u>	<u>L-7</u>	<u>L-7</u>	<u>L-7</u>		
<u>Transitional Housing</u>	<u>L-7</u>	<u>L-7</u>	<u>L-7</u>	<u>L-7</u>		
<b>Public and Semipublic</b>					(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		
<b>Commercial</b>						
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)
<b>Accessory Uses</b>	P/U	P/U	P/U	P/U	(A)(G)(H)(I)(L)(M)	(3334-6/97, 3410-3/99)
<b>Temporary Uses</b>					(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		
<b>Nonconforming Uses</b>					(K)(L)	

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

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- 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.

## CO, CG, and CV Districts: Additional Provisions

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- 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)

LEGISLATIVE DRAFT

- (E) See Section 241.22: Temporary Use Permits. (3254-10/94)
- (F) See Chapter 236: Nonconforming Uses and Structures. (3254-10/94)

**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)

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**LEGISLATIVE DRAFT**

**Chapter 230 Site Standards**

(3249-6/95, 3301-11/95, 3334-6/97, 3410-3/99, 3455-5/00, 3482-12/00, 3494-5/01, 3525-2/02, 3568-9/02, EMG 3594-11/02, EMG 3596-12/02, Resolution No. 2004-80-9/04, 3687-12/04, 3710-6/05, 3724-02/06, 3730-03/06, Interim Urgency Ordinance 3748-8/06, Resolution No. 2006-62-9/06, 3764-3/07, 3779-10/07, 3827-4/09, 3829-6/09, 3835-7/09, Resolution No. 2009-36 –effective 9/09 (per California Coastal Commission certification)

Note: Ordinance No. 3827, effective from 4/15/09 to 4/15/10 unless extended by the City Council, temporarily defers the payment of certain Development Impact Fees.

**Sections:**

230.02 Applicability

Residential Districts

- 230.04 Front and Street Side Yards in Developed Areas
- 230.06 (Deleted) (3724-02/06)
- 230.08 Accessory Structures
- 230.10 Accessory Dwelling Units
- 230.12 Home Occupation in R Districts
- 230.14 Affordable Housing Density Bonus
- 230.16 Manufactured Homes
- 230.18 Subdivision Sales Offices and Model Homes
- 230.20 Payment of Park Fee
- 230.22 Residential Infill Lot Developments
- 230.24 Small Lot Development Standards
- 230.26 Affordable Housing
- 230.28 (Reserved)
- 230.30 (Reserved)

Non-Residential Districts

- 230.32 Service Stations
- 230.34 Housing of Goods
- 230.36 Transportation Demand Management
- 230.38 Game Centers
- 230.40 Helicopter Takeoff and Landing Areas
- 230.42 Bed and Breakfast Inns
- 230.44 Recycling Operations
- 230.46 Single Room Occupancy
- 230.48 Equestrian Centers
- 230.50 Indoor Swap Meets/Flea Markets
- 230.52 ~~(Reserved)~~ Emergency Shelters
- 230.54 (Reserved)
- 230.56 (Reserved)
- 230.58 (Reserved)
- 230.60 (Reserved)

**230.52 (Reserved) Emergency Shelters**

Emergency Shelters may be permitted 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 provision 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.
- 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 minimizing 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.

KEY	
INSERTIONS:	<u>Double underline</u>
DELETIONS	<del>Strikethrough</del>

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**

No building or structure shall be erected or moved onto any parcel of land in the city except on a lot certified in compliance with the Subdivision Map Act and local subdivision and zoning provisions at time of creation or on a parcel created as a result of a public taking. No building or structure shall be altered or enlarged to increase the gross floor area by more than 50 percent within any one-year period except on a legal building site.

**230.64 Development on Substandard Lots**

Development on substandard lots shall be subject to approval of a conditional use permit by the Zoning Administrator. A legally created lot having a width or area less than required for the base district in which it is located may be occupied by a permitted or conditional use if it meets the following requirements or exceptions:

- A. The lot must have been in single ownership separate from any abutting lot on the effective date of the ordinance that made it substandard. Two or more contiguous lots held by the same owner shall be considered as merged if one of the lots does not conform to the minimum lot size or width for the base district in which it is located.
- B. A substandard lot shall be subject to the same yard and density requirements as a standard lot, provided that in an R district, one dwelling unit may be located on a substandard lot that meets the requirements of this section.

**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.

**Chapter 633, Statutes of 2007 (SB 2)**

**Page 2**

- Transitional and supportive housing shall be considered a residential use and only subject to those restrictions that apply to other residential uses of the same type in the same zone.

Local Approval (Government Code Section 65589.5: Housing Accountability Act)

- Limits denial of emergency shelters, transitional housing or supportive housing by requiring specific findings.
- Some findings shall not be utilized if new planning requirements of SB 2 are not met; such as identifying a zone without a conditional use permit,

Attached is a briefing paper informing local governments of SB 2, providing assistance in evaluating these new provisions to effectively implement this important new State law; in addition to a copy of the legislation. Electronic copies of these can be found on the Department's website at [www.hcd.ca.gov](http://www.hcd.ca.gov) or the Senate's website at [www.senate.ca.gov](http://www.senate.ca.gov). You may also obtain copies of published bills from the Legislative Bill Room by calling (916) 445-2323. If you have any questions, or seek additional technical assistance, please contact Paul McDougall, HPD Manager, at (916) 445-4728.

Attachments

# Chapter 633, Statutes of 2007 (Senate Bill 2)

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# Introduction

## Homeless Needs

Homelessness in California is a continuing and growing crisis. On any given day, there are at least 361,000 homeless individuals in California – or 1.1 percent of the State's total population. Of this number, two-thirds are estimated to be single adults, while the other third are families. Some 30 percent of California's homeless – 108,000 – are so-called "chronic" homeless who have been homeless for six months or more. This population tends to be comprised of single adults who face such obstacles as mental illness, substance abuse problems and chronic physical health problems or disabilities that prevent them from working. Homeless individuals and families are without permanent housing largely because of a lack of affordable housing, often compounded by limited education or skills, mental illness and substance abuse issues, domestic violence and the lack of family or other support networks.<sup>1</sup>

California's homelessness crisis demands the effective involvement of both the public and private sectors. A housing element can be an effective and powerful tool in combating homelessness. Passage of SB 2 strengthened the law to increase its effectiveness in addressing the needs of California's homeless population. The upcoming housing element update presents an important opportunity to make ending homelessness a critical priority.

## Purpose and Objectives of SB 2

The framework of SB 2 resulted from a collaborative effort by key stakeholders including housing and homeless advocates and providers, local governments, planners, and the building industry. SB 2 strengthens existing housing element requirements to provide the opportunity for the development of emergency shelters and transitional and supportive housing. SB 2 ensures zoning, development and management standards and permit procedures encourage emergency shelters while allowing flexibility for existing local strategies and cooperative efforts.

SB 2 focuses on the impacts of zoning requirements on the development of emergency shelters. While the new statute requires that every local government zone for the development of emergency shelters, it does not restrict how local governments allocate resources to address local priority needs. For example, nothing in SB 2 prohibits communities from also adopting a "Housing First" strategy to provide homeless persons with housing immediately and then providing services as needed.

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<sup>1</sup> *Governor's Interagency Task Force on Homelessness, Progress Report and Work Plan for 2003.* Health and Human Services Agency and Business, Transportation and Housing Agency, December 2002

# Section 1

## Planning

*(Government Code Section 65583)*

## Identifying and Analyzing Needs and Resources

Current law, Government Code Section 65583(a)(7), requires an identification and analysis of the needs of homeless persons and families. The analysis is an essential component of an effective housing element; however data sources can be limited and vary in estimates of need. As a result, an analysis should consider a variety of data sources and include proactive outreach with service providers to examine the degree and characteristics of homeless needs in the community and surrounding communities. A thorough analysis includes:

- An estimate or count of the daily average number of persons lacking shelter. Wherever possible, and to better describe the characteristics of needs, this figure could be divided into single males, single females and families (one or more adults with children) as the needs of each subgroup differ significantly.
- As local data or other existing sources permit (see list below), a description of the percentage of the homeless population who are mentally ill, developmentally disabled, veterans, runaway or emancipated foster youth, substance abusers, survivors of domestic violence, and other subpopulations of homeless considered significant by the jurisdiction.
- An inventory of the resources available within the community including shelters, transitional housing and supportive housing units by type. The analysis should estimate the number and type of existing shelter beds, and units of transitional and supportive housing available.
- Assess the degree of unmet homeless needs, including the extent of need for emergency shelters. As part of this analysis, SB 2 now clarifies the need assessment for emergency shelters must consider seasonal and year-round need. In recognition of local efforts to encourage supportive housing, SB 2 allows jurisdictions with 10 Year Plans to End Chronic Homelessness to reduce the need for emergency shelters by the number of supportive housing units identified in an adopted 10-year plan and that are either vacant or funding has been identified to allow construction in the housing element planning period.

Resources to identify and analyze homeless needs, include:

- Consolidated plans
- Continuum of care plans
- 10 Year Plans to End Chronic Homelessness
- Interagency Council on Homelessness, Guide to Developing Plans and Examples (<http://www.ich.gov/slocal/index.html>)

- Local service providers such as continuum of care providers, local homeless shelter and service providers, food programs, operators of transitional housing programs, local drug and alcohol program service providers, county mental health and social service departments, local Salvation Army, Goodwill Industries, churches and schools, and
- 15 countywide Designated Local Boards certified by the Department's Emergency Housing and Assistance Program (<http://www.hcd.ca.gov/fa/ehap/cntys-with-dlb.html>).

## Identifying Zoning for Emergency Shelters

Prior to enactment of SB 2, housing element law required local governments to identify zoning to encourage and facilitate the development of emergency shelters. SB 2 strengthened these requirements. Most prominently, housing element law now requires the identification of a zone(s) where emergency shelters are permitted without a conditional use permit or other discretionary action. To address this requirement, a local government may amend an existing zoning district, establish a new zoning district or establish an overlay zone for existing zoning districts. For example, some communities may amend one or more existing commercial zoning districts to allow emergency shelters without discretionary approval. The zone(s) must provide sufficient opportunities for new emergency shelters in the planning period to meet the need identified in the analysis and must in any case accommodate at least one year-round emergency shelter (see more detailed discussion below).



Cloverfield Services Center – Emergency Shelter by OPCC in Santa Monica, CA  
Photo courtesy of OPCC in Santa Monica

When identifying a zone or analyzing an existing zone for emergency shelters, the element should address the compatibility and suitability of the zone. The element should consider what other uses are permitted in the zone and whether the zone is suitable for residential or emergency shelters. For example, an industrial zone with heavy manufacturing may have environmental conditions rendering it unsuitable for residential or shelter uses. In some localities, manufacturing or industrial zones may be in transition, where older industrial uses are redeveloping to residential, office or commercial. Transitioning zones may be compatible

with residential uses and suitable for emergency shelters. Also, a commercial zone allowing residential or residential compatible services (i.e., social services, offices) would be suitable for shelters. For example, Sacramento County permits emergency shelters in its commercial zone along with other residential uses and uses such as retail that are compatible with residential.

SB 2 clarifies existing law by requiring zoning identified for emergency shelters to include sufficient capacity to accommodate the need. The identified zone(s) must have sufficient capacity, when taken as a whole, to meet the need for shelters identified in the housing element, and have a realistic potential for development or reuse opportunities in the planning period. Further, capacity for emergency shelters must be suitable and available and account for physical features (flooding, seismic hazards, chemical contamination, other environmental constraints, and slope instability or erosion) and location (proximity to transit, job centers, and public and community services). The element should also address available acreage (vacant or underutilized) and the realistic capacity for emergency shelters in the zone. For example, if a jurisdiction identifies the public institution zoning district as the zone where emergency shelters will be allowed without a conditional use permit, the element should demonstrate sufficient acreage within the zoning district that could accommodate the actual development of an emergency shelter. The element could also discuss the potential for reuse or conversion of existing buildings to emergency shelters.

SB 2 ensures that each local government shares the responsibility to provide opportunities for the development of emergency shelters. Regardless of the extent of need identified in the element, local governments must provide zoning to allow at least one year round emergency shelter, unless the need for emergency shelters is accommodated through existing shelters or a multi-jurisdictional agreement (see discussion below). This is especially important given the fact that the homeless population is not always visible in the community; is sometimes transitory; data resources are frequently inadequate and the availability and adequacy of services and programs vary significantly by community and can impact the homeless count.

If a local government's existing zoning does not allow emergency shelters without a conditional use permit or other discretionary action, the housing element must include a program to identify a specific zone(s) and amend the zoning code within one year of adoption of the housing element (65583(a)(4)). The only exceptions permitted to the non-discretionary zoning requirement are where a jurisdiction demonstrates their homeless needs can be accommodated in existing shelters; or where the jurisdiction meets all of its need through a multi-jurisdictional agreement (discussed in later sections).

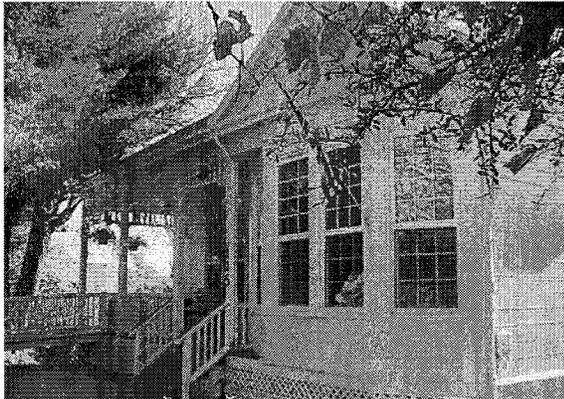
Where a local government has identified a zone and sufficient capacity to encourage emergency shelters consistent with the provisions of SB 2, a local government may also identify additional zones for the development of emergency shelters that require a conditional use permit.

## Permitting Emergency Shelters without Discretionary Action

To comply with SB 2, localities must have or adopt a zoning classification that permits emergency shelters in a non-discretionary manner (localities may however apply development standards pursuant to Section 65583(a)(4)). In such zones, permitted uses, development standards and permit procedures must include:

- Objective development standards that encourage and facilitate the approval of emergency shelters.
- Decision-making criteria such as standards that do not require discretionary judgment.
- Standards that do not render emergency shelters infeasible, and only address the use as an emergency shelter, not the perceived characteristics of potential occupants.

Requiring a variance, minor use permit, special use permit or any other discretionary process does not constitute a non-discretionary process. However, local governments may apply non-discretionary design review standards.



Emergency Shelter – Jackson, California  
Photo courtesy of Amador-Tuolumne Community Action

A local government should not require public notice of its consideration of emergency shelter proposals unless it provides public notice of other non-discretionary actions. For example, if a local government permits new construction of a single-family residence without discretionary action and public notice is not given for these applications, then a local government should employ the same procedures for emergency shelter applications. The appropriate point for public comment and discretionary action is when zoning is being amended or adopted for emergency shelters, not on a project-by-project basis.

## Development Standards to Encourage and Facilitate Emergency Shelters

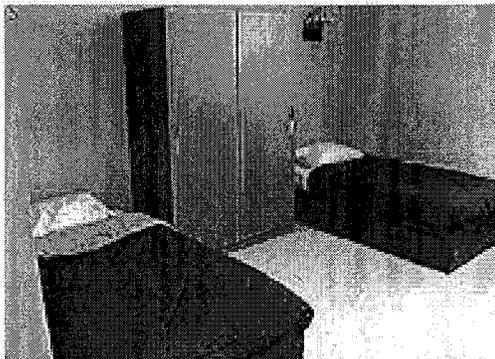
SB 2 requires that emergency shelters only be subject to those development and management standards that apply to residential or commercial use within the same zone, except the local government may apply certain objective standards discussed on the next page (Government Code Section 65583(a)(4)). For example, a light commercial zone might permit a range of wholesaler, service repair and business services subject to buildable area and lot area requirements. In this case, the emergency shelter may be subject only to the same buildable area and lot area requirements. The same zone might permit residential uses subject to certain development standard (i.e., lot area, heights, and setbacks) requirements. In this case, emergency shelters should only be subject to the same development standards.

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

- zoning explicitly allows the use (meaning the use is specifically described in the zoning code);
- development standards and permit procedures do not render the use infeasible;
- zoning, development and management standards, permit procedures and other applicable land-use regulations promote the use through objective; and predictable standards.

SB 2 allows flexibility for local governments to apply written, objective development and management standards for emergency shelters as described in statute and below.

- The maximum number of beds or persons permitted to be served nightly by the facility.
- Off-street parking based upon demonstrated need, provided that the standards do not require more parking for emergency shelters than for other residential or commercial uses within the same zone.
- The size and location of exterior and interior on-site waiting and client intake areas.
- The provision of on-site management.
- The proximity to other emergency shelters provided that emergency shelters are not required to be more than 300 feet apart.
- The length of stay.
- Lighting.
- Security during hours that the emergency shelter is in operation.



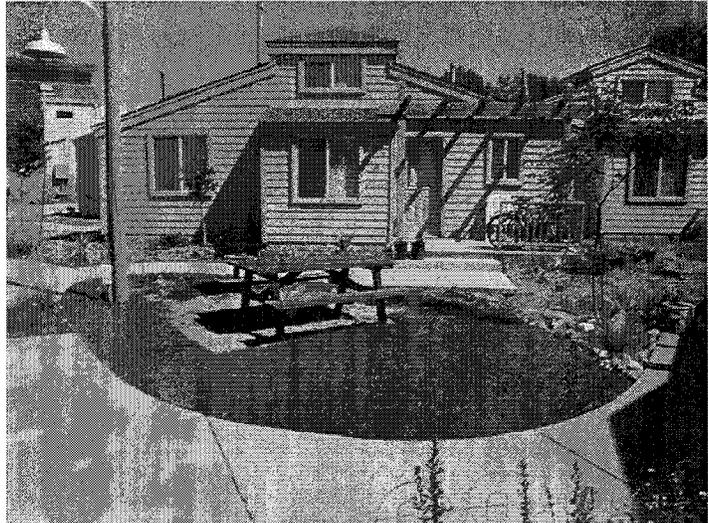
These standards must be designed to encourage and facilitate the development of, or conversion to, an emergency shelter. For example, a standard establishing the maximum number of beds should act to encourage the development of an emergency shelter; local governments should establish flexible ranges for hours of operation; length of stay provision should be consistent with financing programs or statutory definitions limiting occupancy to six months (Health and Safety Code Section 50801) and should not unduly impair shelter operations. Appropriate management standards are reasonable and limited to ensure the operation and maintenance of the property.

## Encouraging Multi-Jurisdictional Cooperation and Coordination

SB 2 recognizes and encourages multi-jurisdictional coordination by allowing local governments to satisfy all or part of their obligation to zone for emergency shelters by adopting and implementing a multi-jurisdictional agreement, with a maximum of two adjacent communities. The agreement must commit the participating jurisdictions to develop at least one year-round shelter within two years of the beginning of the housing element planning period. For example, jurisdictions in Southern California Association of Governments (SCAG) region with a statutory due date of June 30, 2008 would need to ensure the development of shelter(s) by June 30, 2010. To utilize this provision, local governments must adopt an agreement that allocates a portion of the new shelter capacity to each jurisdiction as credit towards the jurisdiction's emergency shelter need. The housing element for each participating local government must describe how the capacity was allocated. In addition, the housing element of each participating jurisdiction must describe:

- How the joint facility will address the local governments need for emergency shelters.
- The local government's contribution for both the development and ongoing operation and management of the shelter.
- The amount and source of the funding to be contributed to the shelter.
- How the aggregate capacity claimed by all of the participating jurisdictions does not exceed the actual capacity of the shelter facility.

If the local government can demonstrate that the multi-jurisdictional agreement can accommodate the jurisdiction's need for emergency shelter, the jurisdiction is authorized to comply with the zoning requirements for emergency shelters by identifying a zone(s) where new emergency shelters are allowed with a conditional use permit.



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

## Existing Ordinances and Existing Shelters that Accommodate Need

### Existing Ordinances Permitting Emergency Shelters

Many local governments have a record of effective actions to address the homeless needs in their community. SB 2 recognizes and provides flexibility for jurisdictions that have already adopted an ordinance(s) that complies with the new zoning requirements. For those local governments with existing ordinances and zoning consistent with



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, ~~where~~when 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). ThisNeither shall anything in this section also does notbe 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 notshall 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 notshall be construed to prohibit a local agency from requiring an emergency shelter project to comply with objective, quantifiable, written development standards, conditions, and policies that are consistent with paragraph (4) of subdivision (a) of Section 65583 and appropriate to, and consistent with, meeting the jurisdiction's need for emergency shelter, as identified pursuant to paragraph (7) of subdivision (a) of Section 65583. However, the development standards, conditions, and policies shall be applied by the local agency to facilitate and accommodate the development of the emergency shelter project.

(3) This section does not prohibit a local agency from imposing fees and other exactions otherwise authorized by law that are essential to provide necessary public services and facilities to the development project or emergency shelter.

(g) This section shall be applicable to charter cities because the Legislature finds that the lack of housing, including emergency shelter, is a critical statewide problem.

(h) The following definitions apply for the purposes of this section:

(1) "Feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.

(2) "Housing development project" means a use consisting of either any of the following:

(A) Residential units only.

(B) Mixed-use developments consisting of residential and nonresidential uses in which nonresidential uses are limited to neighborhood commercial uses and to the first floor of buildings that are two or more stories. As used in this paragraph, "neighborhood commercial" means small-scale general or specialty stores that furnish goods and services primarily to residents of the neighborhood.

(C) Transitional housing or supportive housing.

(3) "Housing for very low, low-, or moderate-income households" means that either (A) at least 20 percent of the total units shall be sold or rented to lower income households, as defined in Section 50079.5 of the Health and Safety Code, or (B) 100 percent of the units shall be sold or rented to moderate-income households as defined in Section 50093 of the Health and Safety Code, or middle-income households, as defined in Section 65008 of this code. Housing units targeted for lower income households shall be made available at a monthly housing cost that does not exceed 30 percent of 60 percent of area median income with adjustments for household size made in accordance with the adjustment factors on which the lower income eligibility limits are based. Housing units targeted for persons and families of moderate income shall be made available at a monthly housing cost that does not exceed 30 percent of 100 percent of area median income with adjustments for household size made in accordance with the adjustment factors on which the moderate-income eligibility limits are based.

(4) "Area median income" means area median income as periodically established by the Department of Housing and Community Development pursuant to Section 50093 of the Health and Safety Code. The developer shall provide sufficient legal commitments to ensure continued availability of units for very low or low-income households in accordance with the provisions of this subdivision for 30 years.

(5) "Disapprove the development project" includes any instance in which a local agency does either of the following:

(A) Votes on a proposed housing development project application and the application is disapproved.

(B) Fails to comply with the time periods specified in subparagraph (B) of paragraph (1) of subdivision (a) of Section 65950. An extension of time pursuant to Article 5 (commencing with Section 65950) shall be deemed to be an extension of time pursuant to this paragraph.

(i) If any city, county, or city and county denies approval or imposes restrictions, including design changes, a reduction of allowable densities or the percentage of a lot that may be occupied by a building or structure under the applicable planning and zoning in force at the time the application is deemed complete pursuant to Section 65943, that have a substantial adverse effect on the viability or affordability of a housing development for very low, low-, or moderate-income households, and the denial of the development or the imposition of restrictions on the development is the subject of a court action which challenges the denial, then the burden of proof shall be on the local legislative body to show that its decision is consistent with the findings as described in subdivision (d) and that the findings are supported by substantial evidence in the record.

(j) When a proposed housing development project complies with applicable, objective general plan and zoning standards and criteria, including design review standards, in effect at the time that the housing development project's application is determined to be complete, but the local agency proposes to disapprove the project or to approve it upon the condition that the project be developed at a lower density, the local agency shall base its decision regarding the proposed housing development project upon written findings supported by substantial evidence on the record that both of the following conditions exist:

(1) The housing development project would have a specific, adverse impact upon the public health or safety unless the project is disapproved or approved upon the condition that the project be developed at a lower density. As used in this paragraph, a "specific, adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.

(2) There is no feasible method to satisfactorily mitigate or avoid the adverse impact identified pursuant to paragraph (1), other than the disapproval of the housing development project or the approval of the project upon the condition that it be developed at a lower density.

(k) The applicant or any person who would be eligible to apply for residency in the development or emergency shelter may bring an action to enforce this section. If in any action brought to enforce the provisions of this section, a court finds that the local agency disapproved a project or conditioned its approval in a manner rendering it infeasible for the development of an emergency shelter, or housing for very low, low-, or moderate-income households including farmworker housing, without making the findings required by this section or without making sufficient findings supported by substantial evidence, the court shall issue an order or judgment compelling compliance with this section within 60 days, including, but not limited to, an order that the local agency take action on the development project or emergency shelter. The court shall retain jurisdiction to ensure that its order or judgment is carried out and shall award reasonable attorney's fees and costs of suit to the plaintiff or petitioner who proposed the housing development or emergency shelter, except under extraordinary circumstances in which the court finds that awarding fees would not further the purposes of this section. If the court determines that its order or judgment has not been carried out within 60 days, the court may issue further orders as provided by law to ensure that the purposes and policies of this section are fulfilled, including, but not limited to, an order to vacate the decision of the local agency, in which case the application for the project, as constituted at the time the local agency took the initial action determined to be in violation of this section, along with any standard conditions determined by the court to be generally imposed by the local agency on similar projects, shall be deemed approved unless the applicant consents to a different decision or action by the local agency.

(l) If the court finds that the local agency (1) acted in bad faith when it disapproved or conditionally approved the housing development or emergency shelter in violation of this section and (2) failed to carry out the court's order or judgment within 60 days as described in paragraph subdivision (k), the court in addition to any other remedies provided by this section, may impose fines upon the local agency that the local agency shall be required to deposit into a housing trust fund. Fines shall not be paid from funds that are already dedicated for affordable housing, including, but not limited to, redevelopment or low- and moderate-income housing funds and federal HOME and CDBG funds. The local agency shall commit the money in the trust fund within five years for the sole purpose of financing newly constructed housing units affordable to extremely low, very low, or low-income households. For purposes of this section, "bad faith" shall mean an action that is frivolous or otherwise entirely without merit.

(m) Any action brought to enforce the provisions of this section shall be brought pursuant to Section 1094.5 of the Code of Civil Procedure, and the local agency shall prepare and certify the record of proceedings in accordance with subdivision (c) of Section 1094.6 of the Code of Civil Procedure no later than 30 days after the petition is served, provided that the cost of

preparation of the record shall be borne by the local agency. Upon entry of the trial court's order, a party shall, in order to obtain appellate review of the order, file a petition within 20 days after service upon it of a written notice of the entry of the order, or within such further time not exceeding an additional 20 days as the trial court may for good cause allow. If the local agency appeals the judgment of the trial court, the local agency shall post a bond, in an amount to be determined by the court, to the benefit of the plaintiff if the plaintiff is the project applicant.

(n) In any action, the record of the proceedings before the local agency shall be filed as expeditiously as possible and, notwithstanding Section 1094.6 of the Code of Civil Procedure or subdivision (m) of this section, all or part of the record may be prepared (1) by the petitioner with the petition or petitioner's points and authorities, (2) by the respondent with respondent's points and authorities, (3) after payment of costs by the petitioner, or (4) as otherwise directed by the court. If the expense of preparing the record has been borne by the petitioner and the petitioner is the prevailing party, the expense shall be taxable as costs.

(o) This section shall be known, and may be cited, as the Housing Accountability Act.

# **Attachment 2**

## **Definitions**

## Attachment 2

### Definitions

#### **Emergency Shelters (Health and Safety Code Section 50801(e))**

"Emergency shelter" means housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay.

#### **Transitional Housing (Health and Safety Code Section 50675.2)(h)**

"Transitional housing" and "transitional housing development" means buildings configured as rental housing developments, but operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six months.

#### **Supportive Housing (Health and Safety Code 50675.14(b))**

Housing with no limit on length of stay, that is occupied by the target population as defined in subdivision (d) of Section 53260, and that is linked to on- or off-site services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community.

#### **Target Population Definition per HSC 53260(d)**

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

# **Attachment 3**

## **Helpful Links**

## **Attachment 3**

### **Helpful Links**

#### **National Alliance to End Homelessness**

<http://www.endhomelessness.org/section/tools/tenyearplan>

#### **Interagency Council on Homelessness**

<http://www.ich.gov/>

#### **Interagency Council on Homelessness, Guide to Developing Plans and Examples**

<http://www.ich.gov/slocal/index.html>

#### **U.S. Department of Health and Human Services, Homelessness Resource Center**

[http://www.nrchmi.samhsa.gov/\(X\(1\)S\(axpyp555dhn54z45qhpqvnj4\)\)/Default.aspx?AspxAutoDetectCookieSupport=1](http://www.nrchmi.samhsa.gov/(X(1)S(axpyp555dhn54z45qhpqvnj4))/Default.aspx?AspxAutoDetectCookieSupport=1)

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

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

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

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

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

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

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

**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.