

Neighboring Cities' Compliance with SB 2: By-Right Emergency Shelters

Senate Bill No. 2¹

An act to amend Sections 65582, 65583, and 65589.5 of the Government Code. Approved and filed on October 13, 2007.

	SANTA MONICA ²	CULVER CITY ³	PASADENA ⁴	BEVERLY HILLS ⁵	LOS ANGELES ⁶
SB 2 Addressed	Housing Element 2008-2014	Housing Element 2008-2014 Section V-10	Housing Element 2008-2014 Chapter 3; 3-17	Draft Housing Element Update 2008 – 2014 Page 542 – 565 Municipal Code Ordinance No. 12-0-2633	Housing Element of the General Plan 2006 – 2014
Housing Element Date	Adopted November 11, 2008	June 2010	July 26, 2010	Certified by Senate on February 13, 2012	January 14, 2009
Summary	The City's zoning ordinance allows homeless shelters as a permitted use in numerous commercial and industrial districts.	Overlay zone to accommodate emergency shelters by right in one area of the city. This area includes parcels zoned IG (General Industrial) and CG (General Commercial).	Proposes development of a zoning overlay within Light Industrial (IG) and Central District (CD-6) zoning districts.	Proposes Special Needs Housing Overlay Zone. Emergency shelters shall be allowed as a permitted use in the Special Needs Housing Overlay Zone provided development standards are met.	Emergency shelters can be built in the City by right, without conditional use permits or other land use entitlements.
Means of Compliance	Permitted use within use districts.	Zoning district/Overlay zone	Zoning overlay.	Housing Overlay Zone / zone overlay district	Since 1986, the City has permitted the establishment of shelters for homeless people in the R4, R5, C2, C4, C5 and CM Zones as a matter of right (Ordinance No. 161,427). Permitted use within zones.
Date of (Planned) Compliance with SB 2	In compliance prior to SB 2.	"The City will amend the Municipal Code within one year of the 2008-2014 Housing Element adoption."	"These codes will be adopted within one year of adoption of the Housing Element."	October 22, 2012	In compliance prior to SB 2.
Status of Compliance (April 2012)	In compliance.	Zoning code has not yet been amended. Proposed text approved by Planning Commission on February 12, 2012. Expected to go to City Council in the next month or two.	Zoning code has not yet been amended. Expected to return to Planning Commission in Spring 2013.	In compliance.	In compliance.
Size of Area	N/A	30 acres	125 acres (As of January 2009)	Housing potential in R4 zone is > 30 acres	More than 10,200 sites ranging from .02 to 22.90 acres.
Limitations	< 55 beds	N/A	N/A	The minimum floor area per occupant shall not be less than 150 square feet and the maximum number of occupants to be served at any given time shall not exceed fifty (50). A minimum distance of 300 feet shall be maintained from any other emergency shelter.	Limited to 30 beds

¹ California: Senate Bill 2. <http://www.hcd.ca.gov/hpd/sb_2_bill_20071013_chaptered.pdf>

² City of Santa Monica: Housing Element 2008-2014. <<http://www01.smgov.net/planning/eir/Final%20Housing%20Element%20Adopted%202011-11-08.pdf>>

³ Culver City: General plan, Housing Element 2008-2014
<http://www.culvercity.org/en/Government/CommunityDevelopment/Planning/~/_media/Files/Planning/GeneralPlan/HousingElement_2008_2014.ashx>

⁴ City of Pasadena: Housing Element 2008-2014
<http://ww2.cityofpasadena.net/planning/deptorg/commpng/GenPlan/Housing_2008/2008-2014%20Housing%20Element_Final_072610.pdf>

⁵ City of Beverly Hills: General Plan 2008 – 2014 Draft Housing Element Update
<http://www.beverlyhills.org/cbfiles/storage/files/filebank/10276--11_Housing%2011152011.pdf>

⁶ City of Los Angeles: Housing Element of the General Plan, 2006 – 2014
< http://cityplanning.lacity.org/HousingInitiatives/HousingElement/Final/HE_Final.pdf >

Text	The City's zoning ordinance allows homeless shelters with less than 55 beds as a permitted use in numerous commercial districts (BCD, CP, CM, CC, C2, C3, C3-C, C4, C5, C6, and BSCD) and in the City's industrial districts (M1, LMSD). No discretionary permit is required for the development of these facilities.	Zoning for Emergency Shelters and Transitional/Supportive Housing. The city will amend the Municipal Code within one year of the 2008-2014 Housing Element adoption in compliance with SB 2, including development standards that will apply to emergency shelters. At this time, the city is evaluating the creation of an overlay zone in the eastern portion of the city generally bounded by Ballona Creek on the west, Jefferson Storm Drain on the south, Fairfax Avenue on the east and Washington Boulevard on the north to accommodate emergency shelters by right. This area includes parcels zoned IG (General Industrial) and CG (General Commercial) and encompasses approximately 30 acres.	Pursuant to Senate Bill (SB) 2, jurisdictions with an unmet need for emergency shelters are now required to identify a zone(s) where emergency shelters will be allowed as a permitted use without a conditional use permit or other discretionary permit... The City has identified two zones—Light Industrial (IG) and Central District (CD-6)—as appropriate and adequate locations to accommodate emergency shelters... The Housing Element proposes the development of a zoning overlay within the IG and CD-6 zoning districts. The overlay boundaries will be drawn to encompass underutilized sites that are accessible to transit, public services, and other supportive services. Within this overlay zone, emergency shelters will be allowed as a by-right use.	Emergency Shelters: (Subject to 10-3-1275) – Permitted in Special Needs Housing Overlay Zone. The Housing Element proposes to limit transitional and supportive housing to the R-4 overlay district for elderly and disabled persons, subject to the same standards and permitting procedures as other residential uses. The City should not limit these uses to an overlay district, but instead, should allow these uses in all zones allowing residential uses. (468)	Emergency shelters can be built in the City by right, without conditional use permits or other land use entitlements. Since 1986, the City has permitted the establishment of shelters for homeless people in the R4, R5, C2, C4, C5 and CM Zones as a matter of right (Ordinance No. 161,427). Of the more than 21,000 parcels listed in RHNA Inventory of Sites for this Housing Element Update, more than 10,200 sites, ranging from 0.02 to 22.90 acres in size, have one of these zoning designations.
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NEIGHBORING CITIES' MEANS OF COMPLIANCE

I. Santa Monica

The City's zoning ordinance allows homeless shelters with less than 55 beds as a permitted use in numerous commercial districts (BCD, CP, CM, CC, C2, C3, C3-C, C4, C5, C6, and BSCD) and in the City's industrial districts (M1, LMSD). No discretionary permit is required for the development of these facilities. The development and processing standards for these facilities are the same as other permitted uses in these districts. Larger shelters in these districts, or shelters of any size in higher density residential districts, may be allowed through obtaining a conditional use permit (CUP)... The City's development standards for homeless shelters (SMMC 9.04 .10.02.061), were amended in June 1994 and are considered by the State to be a model ordinance in compliance with SB 2.⁷

II. Culver City

Zoning for Emergency Shelters and Transitional/Supportive Housing. The city will amend the Municipal Code within one year of the 2008-2014 Housing Element adoption in compliance with SB 2, including development standards that will apply to emergency shelters. At this time, the city is evaluating the creation of an overlay zone in the eastern portion of the city generally bounded by Ballona Creek on the west, Jefferson Storm Drain on the south, Fairfax Avenue on the east and Washington Boulevard on the north to accommodate emergency shelters by right. This area includes parcels zoned IG (General Industrial) and CG (General Commercial) and encompasses approximately 30 acres. The area is well-served by bus transit and is located near a variety of services. However, as part of the evaluation process the City Council may determine that another area is better suited for this purpose. Any alternate location that may be determined to be better suited for emergency shelters shall comply with the requirements of SB 2. As part of the Municipal Code amendment, appropriate findings and development standards will be adopted in compliance with SB 2.⁸

III. Pasadena

The City has identified two zones—Light Industrial (IG) and Central District (CD-6)—as appropriate and adequate locations to accommodate emergency shelters. As of January 2009, these districts offer 125 acres of appropriately zoned land that provide opportunities for construction and/or modification of buildings for emergency shelters. Both districts offer sites near public transportation and access to Passageways on Arroyo Parkway, the designated intake and counseling center, and to medical facilities. The development standards in the commercial and industrial zones are more suitable for emergency shelters than in residential areas, and Pasadena's success in providing assistance to people who are homeless demonstrates the appropriateness of the locations.

⁷ City of Santa Monica: Housing Element 2008-2014. 5-14

⁸ City of Culver City: Housing Element 2008-2014. II-25

The Housing Element proposes the development of a zoning overlay within the IG and CD-6 zoning districts. The overlay boundaries will be drawn to encompass underutilized sites that are accessible to transit, public services, and other supportive services. Within this overlay zone, emergency shelters will be allowed as a by-right use. The City will also specify written, objective standards to regulate aspects of emergency shelters to enhance compatibility as allowed under Senate Bill 2. Where permitted, these uses need to be treated like any other commercial or industrial uses in the same zone. These codes will be adopted within one year of adoption of the Housing Element.⁹

IV. Beverly Hills

Pursuant to SB 2, Beverly Hills determined that areas within the R-4 multi-family residential zoning overlay district where congregate housing for elderly and disabled persons is allowed are the most conducive to provision of an emergency homeless shelter by right. The district is characterized as a high density multi-family zone consisting of a variety of existing apartment buildings and condominiums. Within the approximately 37.8 acre (172 properties) are there are four vacant parcels, as well as numerous older and/or underutilized residential properties. In summary, there are sufficient properties within the proposed area to provide opportunities for an emergency shelter, either through conversion of an existing building or new construction on a vacant underutilized parcel. Additionally, the overlay zone provides close access to needs and services such as grocery stores, pharmacies and transportation.¹⁰

V. City of Los Angeles

Fund and provide other support for the maintenance of short-term housing for homeless persons, including emergency shelter beds and transitional housing beds. This includes over 1,000 beds for victims of domestic violence, 200 beds for persons living with HIV/ AIDS, over 1,700 general emergency shelter beds, over 2,800 general transitional housing beds, and over 1,700 winter shelter beds (provided from December through March of each year, as required by weather conditions). These beds generally serve extremely low income households and individuals.

In 2006, there were 203 program sites with 10,062 beds for short-term housing citywide. This constitutes more than 70% of the available beds in the County. This is an increase in 1,460 beds from the 8,602 beds that were available in the City in 2000. The special needs population groups served by these programs include the chronically homeless, domestic violence victims, emancipated foster youth, families with children, the mentally ill, persons living with HIV/AIDS, the post-incarcerated, pregnant women, runaway or unaccompanied youth, seniors, substance abusers, and veterans.

The City of Los Angeles not only funds a majority of these short-term housing beds annually (5,122 emergency and 3,063 transitional beds), but also offers housing options for homeless people through 6,420 Section 8 vouchers and other rental assistance programs. The City also maintains 1,527 permanent supportive housing units for homeless persons. In addition to the existing shelter programs and beds available for short-term housing, the City of Los Angeles has taken measures to ensure that emergency shelters can be built in the City by right, without conditional use permits or other land use entitlements. Since 1986, the City has permitted the establishment of shelters for homeless people in the R4, R5, C2, C4, C5 and CM Zones as a matter of right (Ordinance No. 161,427). Of the more than 21,000 parcels listed in RHNA Inventory of Sites for this Housing Element Update, more than 10,200 sites, ranging from 0.02 to 22.90 acres in size, have one of these zoning designations.¹¹

⁹ City of Pasadena: Housing Element 2008-2014. 3-17 <http://ww2.cityofpasadena.net/planning/deptorg/commplng/GenPlan/Housing_2008/2008-2014%20Housing%20Element_Final_072610.pdf>

¹⁰ City of Beverly Hills: Draft Housing Element Update 2008 – 2014. 551-552

< http://www.beverlyhills.org/cbhfiles/storage/files/filebank/10276--11_Housing%201152011.pdf>

¹¹ City of Los Angeles: Housing Element of the General Plan 2006 – 2014. 47

< [http://cityplanning.lacity.org/HousingInitiatives/HousingElement/Final/HousingElement\(Complete%20Doc\).zip](http://cityplanning.lacity.org/HousingInitiatives/HousingElement/Final/HousingElement(Complete%20Doc).zip) >