

City of Los Alamitos

Agenda Report Public Hearing

August 19, 2013
Item No: 9A

To: Mayor Warren Kusumoto & Members of the City Council

From: Lisa Kranitz, Assistant City Attorney
Steven A. Mendoza, Director of Community Development

Via: Gregory D. Korduner, Interim City Manager

Subject: Zoning Ordinance Amendment (ZOA No. 12-03) Adoption of Senate Bill 2 Requirements

Summary: Senate Bill 2 (SB 2) requires the City to adopt a Code Amendment related to emergency shelters, transitional & supportive housing and single room occupancy (SRO's). This Zoning Ordinance Amendment provides for the necessary changes to bring the City of Los Alamitos into compliance with Senate Bill 2 prior to the next round of Housing Element submittal. In preparation for this hearing, the City Council has held a Study Session on the topic and the Planning Commission has hosted three Public Hearings while drafting the Ordinance.

Recommendation:

1. Open the Public Hearing; and,
2. Waive reading in full and authorize reading by title only of Ordinance No. 13-04 and set for second reading; and,
3. Mayor Kusumoto read the title of Ordinance No. 13-04 "AN ORDINANCE OF THE CITY COUNCIL OF LOS ALAMITOS, CALIFORNIA, MAKING AMENDMENTS TO THE ZONING CODE TO PROVIDE HOUSING OPPORTUNITIES IN COMPLIANCE WITH THE CITY OF LOS ALAMITOS' HOUSING ELEMENT BY AMENDING THE DEFINITIONS RELATING TO VARIOUS TYPES OF RESIDENTIAL USES, SPECIFYING ZONING FOR TRANSITIONAL HOUSING/SUPPORTIVE HOUSING/RESIDENTIAL CARE FACILITIES/ EMERGENCY SHELTERS/SINGLE ROOM OCCUPANCY UNITS, SPECIFYING STANDARDS FOR EMERGENCY SHELTERS AND SINGLE ROOM OCCUPANCY UNITS, AND AMENDING THE PARKING STANDARDS FOR STUDIOS AND AFFORDABLE HOUSING UNITS (ZOA 12-03) (CITYWIDE)."

Background

All cities with the Southern California Association of Government (SCAG) region are preparing their latest Housing Element for a State-required October submittal date. A prerequisite for submitting a new Housing Element is to meet the requirements of the previous document as well as meet State Law.

This complex topic was the subject of an August 29, 2013 Study Session wherein Assistant City Attorney, Lisa Kranitz, presented the mandatory provisions that the State required to be completed as part of the City's last Housing Element. This topic has also been reviewed and considered by the City's Planning Commission. The Planning Commission has adopted Resolution No. 13-06 recommending that the City Council adopt this Code Amendment.

In December, 2009 the City Council adopted the 2007-2014 Housing Element in compliance with the provisions of the California Government Code. As part of the Housing Element, the City set policy actions to address present and future housing needs and meet the requirements of State law. The attached draft Ordinance would implement these Policies.

Zoning Ordinance Amendment 12-03, if approved, would amend the Zoning Code to implement housing policies from the City's Housing Element relating to Emergency Shelters; Transitional & Supportive Housing; Single Room Occupancy Housing; Residential Care Facilities; and parking standards for studios and affordable housing units, some of which are required by the passage of California Senate Bill 2. Tonight, Staff presents a draft Ordinance to the City Council for their consideration to possibly approve at their next regularly scheduled meeting.

In 2007, the Governor signed Senate Bill 2 (SB2), which strengthened Housing Element law to ensure that zoning encourages and facilitates Emergency Shelters, as well as Transitional and Supportive Housing. State Housing law now requires that cities identify sites that are adequately zoned for Emergency Shelters and Transitional & Supportive Housing.

SB2 limits the denial of Emergency Shelters and Transitional or Supportive Housing. SB2 required all jurisdictions, within one year of the State's approval of the Housing Element, to designate a zone that permits Emergency Shelters without a Conditional Use Permit or other discretionary action. SB2 allows jurisdictions to impose on Emergency Shelter's objective development and management standards for the maximum number of beds, the provision of onsite management, length of stay, and security. Transitional and Supportive Housing must be considered a Residential use and, therefore, be permitted in a zone where Residential uses are allowed. Today, the Los Alamitos Municipal Code does not meet the requirements of SB2.

The State creates a number of statewide policies for Housing Law. Prohibitions such as not building a home in a floodplain or homes at the end of an airport runway, as well

as general building Codes are all State laws. What the State requires of cities is that they create a General Plan, create a zoning code, and -- in the case of SB2 -- provide suitable living options for all economic strata of society. This requirement is one of the matters in which State law supersedes what laws a city can impose. These types of housing must be integrated into each city's zoning code before the next round of a new Housing Element documents are approved for each city within the State. Further, the City Council, in its approval of Policy 4 of the current 2007-2014 Housing Element, set as an objective the task to allow these types of housing in the City.

Discussion

The following section of this staff report addresses each section of the draft Ordinance.

Section 2: Revises definitions relating to different types of facilities.

In order to make the changes, it was necessary to revise the definitions to be consistent with State law. To ensure that uses were not placed in the wrong category, each definition in the subcategory was moved to its proper place in alphabetical order. The ordinance Section 2 shows the changes in more detail.

Section 3: Amends Table 2-02 of Section 17.08.020 relating to uses allowed in the Residential zone.

State law already provides that transitional housing, supportive housing, and residential care facilities for 6 or fewer persons are allowed in all Residential zones of the city with the same development standards as other residential uses in those zones. The table has been revised to clarify this.

Residential care facilities are currently allowed in the R-3 zone with a CUP, provided that they are located in a single-family home with a minimum parcel area of 6,000 square feet. The table has been revised to specify that the CUP requirement only applies to facilities for 7 or more persons and the footnote reference to the single-family home requirement has been deleted. These facilities will still be allowed on a parcel of 6,000 square feet which is less than the 7,200 square feet normally required in the R-3 Zone.

Section 4: Amends Table 2-04 of Section 17.10.020 relating to uses allowed in the non-residential zones of C-O, C-G, and P-M.

Currently, social service facilities are allowed in the Commercial Office zone with a CUP. As required by State law, the definition of social service facilities has been amended to clarify that these are residential or non-residential facilities and that they do not need to be licensed by the State.

Transitional housing, supportive housing, and emergency shelters are called out as specific uses in the tables because of the requirements of State law. Therefore, the

table was amended to clarify that these uses are still allowed in the C-O zone with a CUP. Since these uses are already allowed, there is no actual change of use to the C-O zone.

The substantive changes to Table 2-04 occur in the Planned Light Industrial Zone.

Section 5: Amends Table 3-01 relating to residential parking standards.

To ensure that parking requirements do not constrain the development of multi-family units and affordable housing, the Housing Element provided that the City would revise multi-family parking requirements. Therefore, the number of parking spaces for each studio unit has been reduced from 2 spaces to 1 space, the number of parking spaces for affordable units has been reduced from 2 spaces to 1 for each one bedroom unit, and the number of parking spaces for 2 or more bedrooms is capped at 2.

Section 6: Adds Section 17.38.170 to the zoning code relating to emergency shelters and sets the requirements shown in the ordinance.

SB2 amended the Government Code to require that cities have at least one zoning district in which emergency shelters are allowed as of right. The zone must provide opportunities for new shelters to meet the need identified in the housing analysis of 121 persons. The Planned Light Industrial (P-M) zone has 248 acres and comprises 18% of the land in the City. In this zone, there are large buildings that could be available for emergency shelter use with improvements to the structure. With Los Alamitos being a small town, as with all zones in the City, the P-M is close to transit, job centers, and services.

Section 7: Adds Section 17.38.180 to the zoning code relating to single-room occupancy units and sets forth the requirements shown as shown in the ordinance.

Environmental Review

The proposed project has been reviewed in compliance with the provisions of the California Environmental Quality Act (CEQA) and the City's environmental review procedures in that the proposed amendments were adopted in conjunction with a Negative Declaration for the 2007-2014 Housing Element to satisfy the requirements of the California Environmental Quality Act (CEQA). Because the Housing Element contained policies that called for this Zoning Ordinance Amendment, ZOA 13-___ is exempt from further *review* under CEQA.

Notice

Notice announcing the City Council Public Hearing was published in the News Enterprise on August 7, 2013 and properly posted in three sites.

Fiscal Impact

None.

Submitted By:



Steven A. Mendoza
Director of Community Development

Approved By:



Gregory D. Korduner
Interim City Manager

Attachments:

- 1. Ordinance No. 13-04*
- 2. Power Point Presentation*
- 3. Senate Bill 2*
- 4. Planning Commission Resolution PC 13-06*

ORDINANCE NO. 13-04

AN ORDINANCE OF THE CITY COUNCIL OF LOS ALAMITOS, CA MAKING AMENDMENTS TO THE ZONING CODE TO PROVIDE HOUSING OPPORTUNITIES IN COMPLIANCE WITH THE CITY OF LOS ALAMITOS' HOUSING ELEMENT BY AMENDING THE DEFINITIONS RELATING TO VARIOUS TYPES OF RESIDENTIAL USES, SPECIFYING ZONING FOR TRANSITIONAL HOUSING/SUPPORTIVE HOUSING/RESIDENTIAL CARE FACILITIES/ EMERGENCY SHELTERS/ SINGLE ROOM OCCUPANCY UNITS, SPECIFYING STANDARDS FOR EMERGENCY SHELTERS AND SINGLE ROOM OCCUPANCY UNITS, AND AMENDING THE PARKING STANDARDS FOR STUDIOS AND AFFORDABLE HOUSING UNITS (ZOA 12-03) (CITYWIDE).

WHEREAS, State law, as embodied in the California Government Code's requirements for on Housing Elements, provides that the attainment of decent housing and a suitable living environment for every Californian is a priority of the highest order; and,

WHEREAS, Senate Bill 2 (SB2) became law in 2008 and addresses zoning requirements for housing types that serve homeless populations; and,

WHEREAS, SB2 requires each city to accommodate at least one year-round emergency shelter by right in a specified zone in the City and to allow transitional housing and supportive housing as residential uses; and,

WHEREAS, SB 2634 requires each city to address single-room occupancy units; and,

WHEREAS, the California Department of Housing and Community Development (HCD) approved the City of Los Alamitos' 2007-2014 Housing Element in December, 2009; and,

WHEREAS, Chapter 4 of the Housing Element contains policy actions which the City has committed to taking to increase the availability of affordable housing, including amending the zoning code: to allow for emergency shelters by right in one zone and to allow transitional/supportive housing as a residential use in all residential zones (Policy Action 3.1); to provide that residential care facilities for six or fewer persons is a residential use permitted by right in residential zones (Policy Action 3.4); to identify zones in which SROs may be permitted (Policy Action 3.6); to remove constraints to residential care facilities for seven or more persons (Policy Action 3.7); and to revise

multi-family parking requirements for affordable housing projects (Policy Action 4.4); and,

WHEREAS, the City's Zoning Code currently allows social service facilities, in the C-O zone with a conditional use permit and the City Council would like to continue to allow such uses in this zone; and,

WHEREAS, social service facilities as defined in the City's code would include community care facilities, emergency shelters, transitional housing, and supportive housing among other uses; and

WHEREAS, there are two existing facilities in the C-O zone which provide emergency shelter, transitional and/or supportive housing and the City Council would like to clarify that such uses are allowed in the C-O zone now that they are also specified as uses in other zones; and,

WHEREAS, the City Council believes that parking standards should be reduced for all studio units and for affordable housing units; and,

WHEREAS, it is necessary to update the definitions and use charts contained in the City's Zoning Code in order to clarify what uses are allowed in what zones; and,

WHEREAS, the City Council believes that the requirement for a residential care facility for more than 6 persons to be located in a single family home in the R-3 zone creates a constraint upon the development of such facilities which should be removed; and,

WHEREAS, on, June 10, 2013, the Planning Commission held a public hearing, after which it adopted Resolution No. 13-06 recommending that the City Council adopt this Ordinance; and,

WHEREAS, on July 29, 2013 the City Council held a study session on this Ordinance; and

WHEREAS, a duly noticed Public Hearing as prescribed by law was held on this Ordinance by the City Council on _____, 2013; and,

WHEREAS, after consideration of all applicable staff reports and all public testimony, and evidence presented at the Public Hearings, the City Council does hereby make the following findings of fact regarding the Zoning Ordinance Amendment to amend the Los Alamitos Municipal Code as set forth in this Ordinance.

1. The proposed Ordinance ensures and maintains internal consistency with the actions, goals, objectives, and policies of the General Plan, and would not create any inconsistencies with the Zoning Code. The Ordinance is consistent with and implements the policies and objectives of the 2007 – 2014 Housing Element as

specified above. The proposed amendments are consistent with General Plan Land Use Policy 1-3.1 to “apply appropriate and consistent standards in land use and site plan approvals to achieve continuity and cohesion in the physical development of the City.” The proposed amendments establish consistent standards and cohesive definitions of how or where specified uses may be established in the City.

2. The proposed amendments of, and additions to, the Los Alamitos Municipal Code Sections are not significant changes and add clarity to the uses that are allowed. Transitional housing, supportive housing and residential care facilities for 6 or fewer persons are already an allowed use in residential zones by State law. Transitional housing, supportive housing, and emergency shelters are already conditionally permitted uses in the C-O zone under the existing category of social service facilities. Outside of clarifying definitions, the substantive changes that create new land uses are to allow emergency shelters as a permitted use in the P-M zone for up to 20 beds and allow emergency shelters of more than 20 beds and single-room occupancy units in the P-M zone pursuant to a conditional use permit. Minor modifications have been made to development standards by deleting the requirement that residential care facilities have to be located in a single-family home in the R-3 zone and reducing parking standards for studio units and affordable units as such units have a lower parking need.

3. State law already requires that certain uses be allowed in the residential zones and therefore this Ordinance will not create any additional adverse impacts to the public convenience, health, interest, safety, or welfare of the City. Further the Ordinance promotes the public health, safety and welfare by helping the City to achieve the policies set forth in its Housing Element to provide housing opportunities for all.

4. The proposed project has been reviewed in compliance with the provisions of the California Environmental Quality Act (CEQA) and the City’s environmental review procedures in that the proposed amendments were anticipated by the 2007-2014 Housing Element for which a negative declaration was adopted to satisfy the requirements of the California Environmental Quality Act (CEQA). ZOA 12-03 is exempt from further review under CEQA.

5. The proposed zoning ordinance is internally consistent with other applicable provisions of the zoning code and does not create any conflicts with any other provision of the Los Alamitos Municipal Code.

THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS DOES ORDAIN AS FOLLOWS:

SECTION 1. The City Council of the City of Los Alamitos, California finds that the above recitals are true and correct and incorporates them by reference herein.

SECTION 2. Los Alamitos Municipal Code Section 17.76.020 definitions are amended by adding, revising, and deleting as follows:

"Assisted Living Facility" means a type of residential care facility that provides a combination of housing, meals, supportive services, personalized assistance, and health care that responds to the individual requirements of those who need assistance with the activities of daily living, but who do not need twenty-four (24) hour skilled medical care. Other services such as transportation may also be provided.

"Community Care Facility": See "Residential care facilities." means any state licensed facility, place, or building that is maintained and operated to provide nonmedical residential care, day treatment, adult day care, or foster family agency services for children, adults, or children and adults, including, but not limited to, the physically handicapped, mentally impaired, incompetent persons, and abused or neglected children. (Reference Health & Safety Code § 1502.)

"Congregate Care Facility" See "Residential care facilities."

"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. (Reference Health & Safety Code § 50801(e).)

"Residential care facilities" means state-licensed facilities providing twenty-four (24)-hour-a-day nonmedical residential care to persons residing on the premises in need of assistance, guidance, personal services, protection, supervision, and training essential for sustaining the activities of daily living or for the protection of the individual. These facilities are licensed by the state of California Department of Social Services for nonmedical care in compliance with the provisions of the state Community Care Facilities Act or other applicable state law. No medical care shall be provided except incidental medical service as may be allowed, without additional authorization, certification, or licensing for non-medical care in compliance with state law. Note: Convalescent homes, nursing homes, and similar facilities providing medical care are included under the definition of "Medical services—Extended care." State-licensed facilities providing care on a less than twenty-four (24) hour per day basis are community care facilities as defined by this Code and listed under "Child day care facilities," "Family day care homes" or "Social service facilities."

1. ~~"Assisted living facilities" means a facility that provides a combination of housing, meals, supportive services, personalized assistance, and health care that responds to the individual requirements of those who need assistance with the activities of daily living, but who do not need twenty-four (24) hour skilled medical care. Other services such as transportation may also be provided.~~

- ~~2. “Community care facilities” means a state authorized, certified or licensed group home providing assistance for children and adults who require special care or services.~~
- ~~a. “Emergency shelters” means a residential facility, for persons who do not have housing, (usually due to some catastrophic event) where they can live on a twenty-four (24) hour per day basis until more permanent arrangements can be made (generally no longer than thirty (30) days).~~
- ~~b. “Sober living facilities” means a group home that provides a sober living environment for persons recovering from alcohol and/or drug abuse and may have a meeting room used for assembly purposes, such as Alcoholics Anonymous meetings. A sober living facility is not a rehabilitation or treatment center. (“Social service facilities—Substance abuse treatment center”). Facility may have, but is not required to have on-site resident managers.~~
- ~~c. “Transitional housing” means a facility designed or operated as temporary living quarters for persons (usually for up to two years). Residents are also provided with one-on-one case management, education and training, employment assistance, mental and physical services, and support groups. (e.g., homeless shelters, battered women homes, abused children homes, etc.). For short-term homeless shelters see “Social care facilities—Homeless shelters.”~~
- ~~3. “Congregate care facilities” means a residential facility with semi-independent living arrangements that may contain common kitchen, dining and recreation areas and provide transportation, meal preparation and other services but include separate sleeping rooms or living quarters.~~
- ~~4. “Senior care facilities” means residential facilities that provide social and personal care with little or no medical care to persons who are at least sixty-two (62) years of age, or are at least fifty-five (55) years of age and meet the qualifications found in Section 51.3 of the California Civil Code. Facilities may include congregate care facilities or independent living arrangements, but excludes convalescent or nursing homes (“Medical services—Extended care). This category includes facilities also known as retirement homes and/or rest homes.~~

Rest Home. See ~~“Residential care facilities—Senior care facilities.~~

Retirement Home. See ~~“Residential care facilities—Senior care facilities.~~

“Senior care facilities” means residential facilities that provide social and personal care with little or no medical care to persons who are at least sixty-two (62) years of age, or are at least fifty-five (55) years of age and meet the qualifications found in Section 51.3 of the California Civil Code. Facilities may include congregate care facilities or independent living arrangements, but excludes convalescent or

nursing homes (“Medical services—Extended care). This category includes facilities also known as retirement homes and/or rest homes.

“Senior residential housing projects” means a housing development incorporating independent dwelling units that are designed for, and limited to, the occupancy by persons who are at least sixty-two (62) years of age, or who are at least fifty-five (55) years of age and meet the qualifications found in Section 51.3 of the California Civil Code. This definition includes senior apartments, retirement communities, retirement homes, and homes for the aged. It dDoes not include extended care facilities such as convalescent homes or skilled nursing facilities (“Medical services—Extended care”); assisted living facilities or senior care facilities (“Residential care facilities”).

“Single room occupancy” means units that are small one-room units occupied by no more than two persons and may either have a shared or private kitchen and shower facilities. SROs are rented on a monthly basis typically without rental deposits, and can provide an entry point into the housing market for extremely low income individuals, formerly homeless and disabled persons.

“Sober Living Facilities”—See “Residential care facilities—Community care facilities.”—means a group home that provides a sober living environment for persons recovering from alcohol and/or drug abuse and may have a meeting room used for assembly purposes, such as Alcoholics Anonymous meetings. A sober living facility is not state licensed and is not a rehabilitation or treatment center. Sober living facilities may have, but are not required to have, on-site resident managers.

“Social service facilities” means residential or non-residential facilities providing assistance and aid to those persons requiring counseling and/or treatment for psychological problems, addictions, learning disabilities, physical disabilities or to those persons in need of food and/or shelter. Licensing is required by the California State Department of Social Services. May include feeding centers, homeless shelters, and substance abuse recovery and treatment facilities.

“Supportive Housing” means housing with no limit on length of stay, that is occupied by the target population that is linked to on-site 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. (Reference Health & Safety Code § 50675.14).

“Transitional Housing” 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. (Reference Health & Safety Code § 50675.2).

SECTION 3. The Los Alamitos Municipal Code Section 17.08.020, Table 2-02 is hereby amended by adding the following to the Residential Uses and making the change to Services:

Land Use Table for Residential Zoning Districts

RESIDENTIAL

	<u>R-1</u>	<u>R-2</u>	<u>R-3</u>	<u>Specific Use Regulations</u>
<u>Transitional Housing</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Supportive Housing</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Residential Care Facilities for 6 or fewer persons</u>	<u>P</u>	<u>P</u>	<u>P</u>	

SERVICES

	R-1	R-2	R-3	Specific Use Regulations
<u>Residential care facilities (24 hours) for 7 or more persons</u>	_____	_____	CUP ⁽⁷⁾	

(7) ~~In a single family home with a m~~Minimum parcel area of 6,000 square feet

SECTION 4. The Los Alamitos Municipal Code Section 17.10.020, Table 2-04 is hereby amended by adding the following to the Residential Uses:

Land Use Table for Commercial/Industrial Districts

RESIDENTIAL

	C-O	C-G	P-M	Specific Use Regulations
<u>Transitional Housing</u>	<u>CUP</u>	_____	_____	
<u>Supportive Housing</u>	<u>CUP</u>	_____	_____	
<u>Emergency Shelters – up to 20 beds</u>	<u>CUP</u>	_____	<u>P</u>	<u>17.38.170</u>
<u>Emergency Shelters – more than 20 beds</u>	<u>CUP</u>	_____	<u>CUP</u>	<u>17.38.170</u>
<u>Single-Room Occupancy Unit</u>	_____	_____	<u>CUP</u>	<u>17.38.180</u>

SECTION 5. The Los Alamitos Municipal Code Section 17.26.040, Table 3-01 relating to residential parking is amended to read as follows:

Description of Use	Required Number of Spaces
Residential	
Recreation rooms (association or common) for multiple-family dwellings	Two parking spaces
R-1 single-family	Two spaces for each dwelling unit
R-2 limited multiple-family	Two spaces for each dwelling unit
R-3 multiple family	<ul style="list-style-type: none"> • Two <u>Two</u> spaces for the first two bedrooms of each dwelling unit; plus ½ space for each bedroom or other room ◦ For rooms that can readily be used as bedrooms (i.e., bedrooms, dens, offices); an additional ½ space for each room in excess of the first two bedrooms • One parking space for each studio unit
<u>R-3 multiple family – affordable housing units</u>	<ul style="list-style-type: none"> ◦ One parking space for each studio ◦ One parking space for each affordable one bedroom dwelling unit ◦ Two parking spaces for each affordable dwelling unit over one bedroom,

SECTION 6. The Los Alamitos Municipal Code is hereby amended by adding "Section 17.38.170 - Emergency Shelters."

17.38.170 – Emergency Shelters

This section identifies locations for emergency shelters and sets forth the development standards that must be met regardless of whether the emergency shelter is allowed as of right or by a conditional use permit:

A. Locations:

1. P-M zone as of right up to 20 beds;
2. P-M zone with a conditional use permit for more than 20 beds; and
3. C-O zone with a conditional use permit regardless of number of beds.

B. Off-street parking: Parking shall be a minimum of 1 space per 500 square feet.

C. Size and location of on-site waiting and intake areas: 10 square feet per bed, minimum 100 square feet.

D. Facility Management: A resident manager shall be required. A written management plan addressing, at a minimum, staff training, identification process, neighborhood outreach, pet policy, safety, security, client intake, loitering control, referral services, outdoor activities, storage, refuse control, and facility maintenance shall be approved by the Director of Community Development. The management plan may be reviewed as needed by the City with revisions made by the operator.

E. Proximity to other emergency shelters: An emergency shelter may not be located closer than 300 feet from another emergency shelter.

F. Length of stay: Six-month maximum.

G. Emergency Shelters for Homeless persons that are subject to a multi-jurisdictional agreement, pursuant to California Government Code Section 65583(d), shall be considered a permitted use even if inconsistent with the criteria in this section (LAMC 17.38.170), provided the agreement includes standards and operational criteria acceptable to the participating jurisdictions.

SECTION 7. The Los Alamitos Municipal Code is hereby amended by adding "Section 17.38.180 – Single Room Occupancy Units."

17.38.180 – Single Room Occupancy Units

This section identifies locations for single room occupancy ("SRO") units and sets forth the development standards that must be met:

A. Location: P-M zone with a conditional use permit.

B. Development Standards: SRO residential units are subject to the following requirements in addition to the other requirements of Chapter 17.42:

1. Each room shall have a minimum floor area of one hundred fifty square feet and a maximum floor area of three hundred fifty square feet.

2. Dwelling units shall be offered for rent on a monthly basis or longer.

3. An SRO unit shall accommodate a maximum of two persons.

4. Each SRO development shall provide a minimum common area of ten square feet for each unit or two hundred fifty square feet, whichever is greater. All common areas shall be within the structure. Dining rooms, meeting rooms, recreational rooms, or other similar areas approved by the community development director may be considered common areas. Shared bathrooms, kitchens, janitorial storage, laundry facilities, common hallways, and other similar types of areas shall not be considered as common areas.

5. If a full kitchen is not provided in each SRO unit, common kitchen facilities shall be provided in the development. A full kitchen includes a sink, refrigerator, and a stove, range top and/or oven.

6. Each SRO unit shall have a private toilet in an enclosed compartment with a door and a sink (not including a kitchen sink if any). The compartment shall be a minimum of fifteen square feet. If private bathing facilities are not provided for each unit, shared shower or bathtub facilities shall be provided in accordance with the most recent edition of the California Building Code for congregate residences. However, in no event shall there be less than one full shower or bathtub for every three units, and shower and bathtub facilities shall be located on each floor. Shared shower and bathtub facilities shall be accessible from a common area or hallway and shall be provided with an interior lockable door.

7. Each SRO unit shall have a separate closet.

8. Laundry facilities shall be provided in a separate room at the ratio of one washer and dryer for every ten units.
9. A cleaning supply room or utility closet with a wash tub with hot and cold running water shall be provided on each floor
10. Parking shall be provided for an SRO facility at the rate of one parking space per unit plus an additional two spaces for the resident manager.
11. A resident manager shall be required. A written management plan addressing, at a minimum, staff training, identification process, neighborhood outreach, pet policy, safety, security, client intake, loitering control, referral services, outdoor activities, storage, refuse control, and facility maintenance shall be approved by the Director of Community Development. The management plan may be reviewed as needed by the City with revisions made by the operator.
12. An SRO development shall not be located within 300 feet of another SRO development.

SECTION 8. If any section, subsection, subdivision, sentence, clause, phrase or portion of this Ordinance, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 9. To the extent the provisions of the Los Alamitos Municipal Code as amended by this Ordinance are substantially the same as the provisions of that Code as they read immediately prior to the adoption of this Ordinance, then those provisions shall be construed as continuations of the earlier provisions and not as new enactments.

SECTION 10. The City Clerk shall certify as to the adoption of this Ordinance and shall cause a summary thereof to be published within fifteen (15) days of adoption and shall post a certified copy of this Ordinance, including the vote for and against same, in the Office of the City Clerk, in accordance with Government Code Section 36933.

PASSED, APPROVED, AND ADOPTED this ___ day of _____, 2013.

Warren Kusumoto, Mayor

ATTEST:

Windmera Quintanar, CMC
City Clerk

APPROVED AS TO FORM:

Cary S. Reisman, City Attorney

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss
CITY OF LOS ALAMITOS)

I, Windmera Quintanar, City Clerk of the City of Los Alamitos, do hereby certify that the foregoing Ordinance No. 13-____ was duly introduced and placed upon its first reading at a regular meeting of the City Council on the ____ day of _____, 2013 and that thereafter, said Ordinance was duly adopted and passed at a regular meeting of the City Council on the ____ day of _____, 2013, by the following vote, to wit:

AYES: COUNCILMEMBERS:
NOES: COUNCILMEMBERS:
ABSENT: COUNCILMEMBERS:
ABSTAIN: COUNCILMEMBERS:

Windmera Quintanar, City Clerk



HOUSING POLICIES

Implementation of State Law and the City's Housing Element

City is required to adopt housing policies related to:

- Transitional Housing



City is required to adopt housing policies related to:

- Transitional Housing
- Supportive Housing



City is required to adopt housing policies related to:

- Transitional Housing
- Supportive Housing
- Residential Care Facilities



City is required to adopt housing policies related to:

- › Transitional Housing
- › Supportive Housing
- › Residential Care Facilities
- › Emergency Shelters



City is required to adopt housing policies related to:

- › Transitional Housing
- › Supportive Housing
- › Residential Care Facilities
- › Emergency Shelters
- › Single Room Occupancy Units



City is required to adopt housing policies related to:

- › Transitional Housing
- › Supportive Housing
- › Residential Care Facilities
- › Emergency Shelters
- › Single Room Occupancy Units
- › Parking Standards for Studios/Affordable Housing



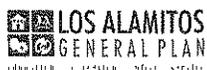
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- › Transitional Housing
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- › Emergency Shelters
- › Single Room Occupancy Units
- › Parking Standards for Studios/Affordable Housing
- › Reasonable Accommodation Provisions



What mandates these policies?

- State law
- Federal law
- City's Housing Element



First Step – Definitions

- Before changing the substantive provisions of the Los Alamitos Municipal Code – it was first necessary to revise definitions to match State law and to remove inconsistencies in existing Code.

Please refer to separate handout



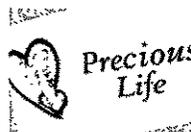
SB 2 – Emergency Shelters, Transitional & Supportive Housing

- Adopted in 2007 – effective Jan 2008
- Purpose was to clarify and strengthen Housing Element to ensure that local zoning encourages and facilitates these types of uses and limits the denial of such housing to address the critical needs of homeless population and those with special needs
- City included these requirements in its 2007 – 2014 Housing Element that was approved by HCD



Emergency Shelters

“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.



Emergency Shelter – State Law Requires:

Must allow emergency shelters by right in at least one zone in the City - no discretionary permits

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Must have sufficient capacity to accommodate the need for emergency shelters and at least one year-round emergency shelter - *Housing Element identified 121 persons in need of emergency shelter on any given night*

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May provide objective standards for

- Maximum beds
- Off street parking
- Size of waiting/intake areas
- Proximity to other emergency shelters (max. 300')
- Length of stay
- Lighting
- Onsite management

Emergency Shelters – Los Alamitos

▶ Emergency Shelters are currently allowed in Los Alamitos in the C-O zone and R-3 zone by CUP under heading of "residential care facility"

- Example - Casa Youth
- Example - Inebrious Life



Emergency Shelters - Los Alamitos

- Emergency Shelters are currently allowed in Los Alamitos in the C-O zone and R-3 zone by CUP under heading of "residential care facility"
 - Example - Casa youth
 - Example - Precious Life

Will now be allowed AS OF RIGHT in the P-M zone for 20 or fewer beds

- Satisfies Housing Policy Action 3.1



Emergency Shelters - Los Alamitos

- Emergency Shelters are currently allowed in Los Alamitos in the C-O zone and R-3 zone by CUP under heading of "residential care facility"
 - Example - Casa Youth
 - Example - Precious Life

Will now be allowed AS OF RIGHT in the P-M zone for 20 or fewer beds

- Satisfies Housing Policy Action 3.1

- Will be allowed by CUP in:
 - P-M zone for 21+ beds; and
 - C-O zone for any number of beds
 - Did not want any existing shelters to become non-conforming use



Emergency Shelters - Additional Los Alamitos Requirements:

- Resident manager



Emergency Shelters - Additional Los Alamitos Requirements:

- Resident manager
- Cannot be closer than 300 feet to another Emergency Shelter



Emergency Shelters - Additional Los Alamitos Requirements:

Resident manager 

- Cannot be closer than 300 feet to another Emergency Shelter 
- Maximum length of stay - 6 months 

Emergency Shelters - Additional Los Alamitos Requirements:

Resident manager 

- Cannot be closer than 300 feet to another Emergency Shelter 
- Maximum length of stay - 6 months 
- Off street parking - 1 space/500 s.f. 

Transitional Housing

“Transitional Housing” means buildings configured as rental housing development, 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

“Supportive Housing” means housing with no limit on length of stay, that is occupied by the target population that is linked to on-site 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.

Transitional & Supportive Housing - State Law Requires:

- Permitted as a residential use in residential zones *and listed as such*
 - Regardless of Los Alamitos Municipal Code – State law prevails and these are an allowed residential use
- Can only be subject to the same standards as other residential development in the same zones

Transitional & Supportive Housing - Los Alamitos

- Transitional and Supportive Housing currently allowed in the C-O zone by CUP under "social service facilities" designation
 - Example - Casa Youth
 - Example - Precious Life
 - Will continue to be allowed in the C-O zone by CUP
- Transitional and Supportive Housing already allowed in all residential zones by State law
 - Will now be specifically called out as an allowed use in the R-1, R-2, and R-3 zones
 - Satisfies Housing Policy 3.1*



Residential Care Facilities

"Residential care facilities" means State-licensed facilities providing 24-hour a day nonmedical residential care to persons residing on the premises in need of assistance, guidance, personal services, protection, supervision, and training essential for sustaining the activities of daily living or for the protection of the individual.

Such facilities are licensed by the State for nonmedical care

Residential Care Facilities - State Law

- State law provides that Residential Care Facilities for 6 or fewer persons are an allowed use in all residential zones in the City

*Rossmoor Sunshine
Villa Residential Care
Facility for the
Elderly*



Residential Care Facilities – Los Alamitos

Los Alamitos Municipal Code currently allows Residential Care Facilities for any number of individuals by CUP in the R-3 and C-O zones

Regardless of Municipal Code, State law allows Residential Care Facilities for 6 or fewer in all residential zones

- Residential Care Facilities for 6 or fewer will now specifically be called out as an allowed use in the R-1, R-2, and R-3 zones
Satisfies Housing Policy 3.4

- Residential Care Facilities for 7 or more will still be allowed by CUP in the R-3 zone
Requirement that it be in single family house has been eliminated

Single Room Occupancy (“SRO”)

“Single room occupancy” means units that are small one-room units occupied by no more than two persons and may either have a shared or private kitchen and shower facilities. SROs are rented on a monthly basis typically without rental deposits, and can provide an entry point into the housing market for extremely low income individuals, formerly homeless, and disabled persons.

SRO – State Law

Government Code does not provide a definition of SROs – just requires that the City address SRO as part of the Housing Element

42 unit SRO in
San Jose, CA



SRO – Los Alamitos

Proposed Ordinance provides for:

- SRO in P-M zone with a CUP

SRO – Los Alamitos

Proposed Ordinance provides for:

- SRO in P-M zone with a CUP
- Sized between 150 – 300 s.f.

SRO – Los Alamitos

Proposed Ordinance provides for:

- SRO in P-M zone with a CUP
- Sized between 150 – 300 s.f.
- Rent – at least on a monthly basis

SRO – Los Alamitos

Proposed Ordinance provides for:

- SRO in P-M zone with a CUP
- Sized between 150 – 300 s.f.
- Rent – at least on a monthly basis
- Maximum – 2 persons/unit

SRO – Los Alamitos

Proposed Ordinance provides for:

- SRO in P-M zone with a CUP
- Sized between 150 – 300 s.f.
- Rent – at least on a monthly basis
- Maximum - 2 persons/unit
- Kitchen to be provided on site

SRO – Los Alamitos

Proposed Ordinance provides for

- SRO in P-M zone with a CUP
- Sized between 150 - 300 s.f.
- Rent - at least on a monthly basis
- Maximum - 2 persons/unit
- Kitchen to be provided on site
- Each unit to have private toilet and sink; bathing/shower facilities may be shared

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- SRO in P-M zone with a CUP
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- Laundry facilities required

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- Laundry facilities required
- Resident manager required

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- SRO in P-M zone with a CUP
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- Laundry facilities required
- Resident manager required
- Must be 300 feet from other SRO developments

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 - Laundry facilities required
 - Resident manager required
 - Must be 300 feet from other SRO developments
 - Parking. 1 space/unit + 2 spaces for manager
- Satisfies Policy Action 3.6 of Housing Element*

What Really Changes?

Because of existing Los Alamitos Municipal Code provisions and the fact that State law already provides that certain uses are allowed in residential zones *regardless* of what Code provides, there are very few changes in allowed uses - it is more a matter of calling out what is already allowed by law by the specific use categories



Residential Uses - 17.08.020

RESIDENTIAL

	17.08.020	17.08.020	17.08.020
Transitional	P - already allowed by State law	P - already allowed by State law	P - already allowed by State law
Supportive Housing	P - already allowed by State law	P - already allowed by State law	P - already allowed by State law
Residential Care - 6 or less	P - already allowed by State law	P - already allowed by State law	P - already allowed by State law

SERVICES

Residential Care for 7 or more	CUP - already allowed by LAMC
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Non-Residential Uses - 17.10.020

RESIDENTIAL

Transition	Code	Regulation	Specific Use
Transition	CUF	Already allowed by LAMC	
Transition	CUF	Already allowed by LAMC	
Emergency Shelters up to 20 beds	CUF	Already allowed by LAMC	F New 17.10.170
Emergency Shelters more than 20 beds	CUF	Already allowed by LAMC	F U New 17.10.175
SFU	CUF	Already allowed by LAMC	F U New 17.10.180

Other Changes - Relaxation of R-3 Parking Standards

- R-3 currently requires 2 spaces for the first 2 bedrooms + 1/2 space for each additional bedroom or other room that could be used as a bedroom
- Studio unit will now require only 1 space/unit
- Affordable housing units will now require.
 - 1 space/studio unit
 - 1 space/1 bedroom unit
 - 2 spaces/2+ bedrooms

Satisfies Housing Policy 4.4



Other Changes - Reasonable Accommodations in Housing

Federal and State law require that persons with disabilities have a right to a reasonable accommodation from a land use regulation, policy or practice that would prevent such person from having an equal opportunity for housing

- Federal - Fair Housing Act, ADA, Rehabilitation Act
- State - California Fair and Equal Housing Act

Adoption of Reasonable Accommodation Ordinance satisfies Housing Policy 3.3



Reasonable Accommodation

Reasonable Accommodation requests are fact specific

Examples

- Provide additional time to respond to a code enforcement notice to clean up property
- Allow an addition to home even if it violates development standards
- Reduce a setback to allow ramps for a wheelchair



Reasonable Accommodation - Who Can Get One

The are 4 categories of persons who can file for a reasonable accommodation -

- * Disabled person
- * Representative of disabled person
- * Developer of housing for disabled persons
- * Providers of residential care to disabled individuals



Reasonable Accommodation - Findings

- Request is made by one of the four listed groups

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- › Request will not result in a fundamental alteration in the nature of the City's zoning program as defined by law

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- › Request will not fundamentally alter the character of the community, as defined by law, including a substantial increase in traffic or parking
- › Request will not create a direct threat to the health/safety of other individuals or physical damage to the property of others

Reasonable Accommodations – Who Decides

Proposed ordinance provides that person/body that decides any corresponding discretionary permit will decide reasonable accommodation request

¹ Community Development Director decides if no other discretionary permit needed

² Planning Commission decides if deciding a corresponding discretionary permit – such as a conditional use permit – or on appeal of Director's decision

³ City Council decides if deciding corresponding discretionary permit – such as a zone change – or on appeal of Commission's Decision



Reasonable Accommodation – Removal of Improvement

- Proposed Ordinance provides that improvements which exceed development standards that were allowed to provide a reasonable accommodation will be removed *unless* Community Development Director find

The accommodation is necessary for another disabled person to have an equal opportunity to use the housing unit or

The removal of the improvement is not readily achievable without significant structural changes that would impact the safety and soundness of the structure or that the cost of removal would be at least 25% of the value of the structure



What Happens if the City Fails to Implement?



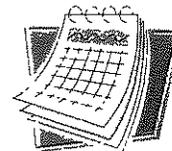
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Cannot qualify for 8 year review for future Housing Elements, will have to review every 4 years AND no streamlined review



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 - Cannot qualify for 8 year review for future Housing Elements, will have to review every 4 years AND no streamlined review
 - May be prohibited from issuing building permits for other projects
 - Cannot deny emergency shelters in any zone and burden on City to show adequacy of Housing Element



Who Would Sue?

- Persons eligible to reside in developments - i.e., homeless, low-income, disabled
- Housing rights advocates
- Developer of housing
- Someone opposed to a completely unrelated project on the ground of an inadequate General Plan because of deficiency in Housing Element



Who Would Sue?

- Persons eligible to reside in developments - i.e., homeless, low-income, disabled
 - Housing rights advocates
 - Developer of housing
 - Someone opposed to a completely unrelated project on the ground of an inadequate General Plan because of deficiency in Housing Element
- Costs and Attorney's fees can be awarded against the City for enforcement of Housing Element laws and Reasonable Accommodation Requirements



Senate Bill No. 2

CHAPTER 633

An act to amend Sections 65582, 65583, and 65589.5 of the Government Code, relating to local planning.

[Approved by Governor October 13, 2007 Filed with
Secretary of State October 13, 2007.]

LEGISLATIVE COUNSEL'S DIGEST

SB 2, Cedillo. Local planning.

(1) The Planning and Zoning Law requires the housing element of the general plan of a city, county, or city and county to contain, among other things, an assessment of housing needs, including an inventory of land suitable for residential development, and a program with a 5-year schedule of actions that the local government is undertaking or intends to undertake to implement the goals and objectives of the housing element. This program is also required to identify adequate sites with zoning that permits owner-occupied and multifamily residential use by right, including the development of farmworker housing for low- and very low income households.

This bill would add emergency shelters to these provisions, as specified, and would add provisions to the housing element that would require a local government to identify a zone or zones where emergency shelters are allowed as a permitted use without a conditional use or other discretionary permit. The bill would also authorize a local government to satisfy all or part of this requirement by adopting and implementing a multijurisdictional agreement, as specified, and would delete multifamily residential use from these provisions. By increasing the duties of local public officials, the bill would create a state-mandated local program.

(2) The Planning and Zoning Law requires that a local agency not disapprove a housing development project, including farmworker housing, for very low, low-, or moderate-income households or condition its approval, including through the use of design review standards, in a manner that renders the project infeasible for development for those households unless it makes written findings, based upon substantial evidence in the record, as to one of a number of specified conditions.

This bill would add supportive housing, transitional housing, and emergency shelters to these provisions and would revise the conditions upon which a disapproval or a conditional approval of an emergency shelter is based. The bill would define supportive housing and transitional housing. By increasing the duties of local public officials, the bill would impose a state-mandated local program.

(3) The bill would also make other technical and conforming changes to these provisions.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares all of the following:

(a) Homelessness is a statewide problem that affects many cities and counties. There are an estimated 360,000 homeless individuals and families in California. In some counties, like Los Angeles, an estimated 254,000 men, women, and children experience homelessness over the course of each year. Some of the causes of homelessness are mental illness, substance abuse, prison release, and lack of affordable housing.

(b) Because homelessness affects people of all races, gender, age, and geographic location there is a growing need for every city and county to plan for the location of adequate emergency shelters. Many people experiencing homelessness, primarily youth and single individuals, need shelter but also have a need for residential substance abuse and mental health services.

(c) The lack or shortage of emergency shelters for homeless individuals and families in cities and counties across the state leads to the concentration of services in inner cities and poor communities, like the skid row area in downtown Los Angeles.

(d) In order to ensure access to services in every city and county for homeless individuals and families, it is important that cities and counties plan for these services to address the special needs and circumstances of this threatened population.

(e) It is the responsibility of cities and counties to plan and identify areas for emergency shelters. Cities and counties should include this as part of their planning process and locate emergency shelters where most appropriate in their community. The state should not dictate where these emergency shelters should be located.

(f) It is the responsibility of the Legislature to promote strong communities and ensure that housing and residential services are available in all communities.

SEC. 2. Section 65582 of the Government Code is amended to read:

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.

SEC. 3. Section 65583 of the Government Code is amended to read:

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, 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, supportive housing, transitional housing, and emergency shelters identified pursuant to paragraph (6). Transitional housing and supportive 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.

(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.

(7) 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 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.

(9) 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 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 (9) 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 (9) 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, when a city, county, or city and county submits a 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, when 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.

SEC. 4. Section 65589.5 of the Government Code is amended to read:

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 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.

(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). Neither shall anything in this section be construed to relieve the 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) (1) Nothing in this section shall be construed to prohibit a local agency from requiring the development project to comply with objective, quantifiable, written development standards, conditions, and policies appropriate to, and consistent with, meeting the jurisdiction's share of the regional housing need pursuant to Section 65584. However, the development standards, conditions, and policies shall be applied to facilitate and accommodate development at the density permitted on the site and proposed by the development.

(2) Nothing in this section shall be construed to prohibit a local agency from requiring an emergency shelter project to comply with objective, quantifiable, written development standards, conditions, and policies that are consistent with paragraph (4) of subdivision (a) of Section 65583 and appropriate to, and consistent with, meeting the jurisdiction's need for emergency shelter, as identified pursuant to paragraph (7) of subdivision (a) of Section 65583. However, the development standards, conditions, and policies shall be applied by the local agency to facilitate and accommodate the development of the emergency shelter project.

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

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

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

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

(2) "Housing development project" means a use consisting of 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 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 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.

SEC. 5. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.

RESOLUTION NO. 13-06

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL MAKE AMENDMENTS TO THE ZONING CODE TO PROVIDE HOUSING OPPORTUNITIES IN COMPLIANCE WITH THE CITY OF LOS ALAMITOS' HOUSING ELEMENT BY AMENDING THE DEFINITIONS RELATING TO VARIOUS TYPES OF RESIDENTIAL USES, SPECIFYING ZONING FOR TRANSITIONAL HOUSING/SUPPORTIVE HOUSING/RESIDENTIAL CARE FACILITIES/ EMERGENCY SHELTERS/SINGLE ROOM OCCUPANCY UNITS, SPECIFYING STANDARDS FOR EMERGENCY SHELTERS AND SINGLE ROOM OCCUPANCY UNITS, AND AMENDING THE PARKING STANDARDS FOR STUDIOS AND AFFORDABLE HOUSING UNITS (ZOA 12-03) (CITYWIDE).

WHEREAS, State law, as embodied in the California Government Code's requirements for on Housing Elements, provides that the attainment of decent housing and a suitable living environment for every Californian is a priority of the highest order; and,

WHEREAS, Senate Bill 2 (SB2) became law in 2008 and addresses zoning requirements for housing types that serve homeless populations; and,

WHEREAS, SB2 requires each city to accommodate at least one year-round emergency shelter by right in a specified zone in the City and to allow transitional housing and supportive housing as residential uses; and,

WHEREAS, SB 2634 requires each city to address single-room occupancy units; and,

WHEREAS, the California Department of Housing and Community Development (HCD) approved the City of Los Alamitos' 2007-2014 Housing Element in December, 2009; and,

WHEREAS, Chapter 4 of the Housing Element contains policy actions which the City has committed to taking to increase the availability of affordable housing, including amending the zoning code: to allow for emergency shelters by right in one zone and to allow transitional/supportive housing as a residential use in all residential zones (Policy Action 3.1); to provide that residential care facilities for six or fewer persons is a residential use permitted by right in residential zones (Policy Action 3.4); to identify zones in which SROs may be permitted (Policy Action 3.6); to remove constraints to residential care facilities for seven or more persons (Policy Action 3.7); and to revise multi-family parking requirements for affordable housing projects (Policy Action 4.4); and,

WHEREAS, the City's Zoning Code currently allows social service facilities, in the C-O zone with a conditional use permit and the Planning Commission would like to continue to allow such uses in this zone; and,

WHEREAS, social service facilities as defined in the City's code would include community care facilities, emergency shelters, transitional housing, and supportive housing among other uses; and

WHEREAS, there are two existing facilities in the C-O zone which provide emergency shelter, transitional and/or supportive housing and the Planning Commission would like to clarify that such uses are allowed in the C-O zone now that they are also specified as uses in other zones; and,

WHEREAS, the Planning Commission believes that parking standards should be reduced for all studio units and for affordable housing units; and,

WHEREAS, it is necessary to update the definitions and use charts contained in the City's zoning code in order to clarify what uses are allowed in what zones; and,

WHEREAS, the Planning Commission believes that the requirement for a residential care facility for more than 6 persons to be located in a single family home in the R-3 zone creates a constraint upon the development of such facilities which should be removed; and,

WHEREAS, on, June 10, 2013, the Planning Commission held a public hearing, after which it adopted Resolution No. 13-06 recommending that the City Council to adopt an Ordinance concerning these amendments; and,

WHEREAS, after consideration of all applicable staff reports and all public testimony, and evidence presented at the Public Hearings, the Planning Commission does hereby make the following findings of fact regarding the Zoning Ordinance Amendment to amend the Los Alamitos Municipal Code as set forth in the attached Ordinance.

1. The proposed Ordinance ensures and maintains internal consistency with the actions, goals, objectives, and policies of the General Plan, and would not create any inconsistencies with the Zoning Code. The Ordinance is consistent with and implements the policies and objectives of the 2007 – 2014 Housing Element as specified above. The proposed amendments are consistent with General Plan Land Use Policy 1-3.1 to “apply appropriate and consistent standards in land use and site plan approvals to achieve continuity and cohesion in the physical development of the City.” The proposed amendments establish consistent standards and cohesive definitions of how or where specified uses may be established in the City.

2. The proposed amendments of, and additions to, the Los Alamitos Municipal Code Sections are not significant changes and add clarity to the uses that are allowed. Transitional housing, supportive housing and residential care facilities for 6 or fewer persons are already an allowed use in residential zones by State law. Transitional housing, supportive housing, and emergency shelters are already conditionally permitted uses in the C-O zone under the existing category of social service facilities. Outside of clarifying definitions, the substantive changes that create new land uses are to allow emergency shelters as a permitted use in the P-M zone for up to 20 beds and allow emergency shelters of more than 20 beds and single-room occupancy units in the P-M zone pursuant to a conditional use permit. Minor modifications have been made to development standards by deleting the requirement that residential care facilities have to be located in a single-family home in the R-3 zone and reducing parking standards for studio units and affordable units as such units have a lower parking need.

3. State law already requires that certain uses be allowed in the Residential Zones and therefore this Resolution will not create any additional adverse impacts to the public convenience, health, interest, safety or welfare of the City.

4. The proposed project has been reviewed in compliance with the provisions of the California Environmental Quality Act (CEQA) and the City's environmental review procedures in that the proposed amendments were anticipated by the 2007-2014 Housing Element for which a negative declaration was adopted to satisfy the requirements of the California Environmental Quality Act (CEQA). ZOA 12-03 is exempt from further review under CEQA.

5. The proposed zoning ordinance is internally consistent with other applicable provisions of the zoning code and does not create any conflicts with any other provision of the Los Alamitos Municipal Code.

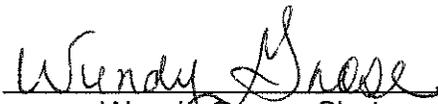
NOW, THEREFORE BE IT RESOLVED, the Los Alamitos Planning Commission does hereby recommend to the City Council of the City of Los Alamitos as follows:

SECTION 1. The Planning Commission of the City of Los Alamitos, California finds that the above recitals are true and correct and are incorporated by reference herein.

SECTION 2. Based upon such findings and determinations, the Planning Commission hereby recommends to the City Council of the City of Los Alamitos, California, to approve Zoning Ordinance Amendment 12-03 by adopting an Ordinance making amendments to the zoning code to provide housing opportunities in compliance with the City of Los Alamitos' Housing Element by amending the definitions relating to various types of residential uses, specifying zoning for transitional housing/supportive housing/residential care facilities/emergency shelters/single room occupancy units, specifying standards for emergency shelters and single room occupancy units, and amending the parking standards for studios and affordable housing units.

SECTION 3. The Secretary of the Planning Commission shall certify to the adoption of this resolution and shall enter a certified copy of this resolution in the book of resolutions of the City.

PASSED, APPROVED, AND ADOPTED this 10th day of June, 2013.



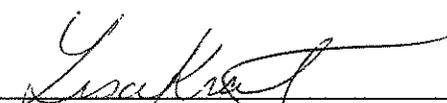
Wendy Grose, Chairperson

ATTEST:



Steven Mendoza, Secretary

APPROVED AS TO FORM:



Lisa Kranitz, Assistant City Attorney

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss
CITY OF LOS ALAMITOS)

I, Steven Mendoza, Planning Commission Secretary of the City of Los Alamitos, do hereby certify that the foregoing Resolution was adopted at a regular meeting of the Planning Commission held on the 10th day of June, 2013, by the following vote, to wit:

AYES: Daniel, DeBolt, Grose, Loe, Sofelkanik
NOES: None
ABSENT: Riley, Sutherlin
ABSTAIN: None



Steven Mendoza, Secretary