

City of Brisbane

Planning Commission Agenda Report

TO: Planning Commission For the Meeting of 7/14/11

FROM: Tim Tune, Senior Planner, and Ken Johnson, Associate Planner, via John Swiecki, Community Development Director
JVS

SUBJECT: **STUDY SESSION:** Implementation of Housing Element Programs H.B.1.c, H.B.1.f, H.B.1.g, H.B.3.e, H.B.3.i, H.D.1.c & H.E.1.a, Regarding Definitions, Design Permits, Emergency Shelters, Supportive Housing and Development Standards in the Southwest Bayshore Subarea

Introduction: This study session is to address programs that were adopted with the 2007-2014 Housing Element that apply to the Southwest Bayshore Subarea, as well as related programs that have City-wide application. Under the Housing Element's adopted timelines and California Government Code Section 65583(a)(4), certain programs are to be implemented by the end of this year. The topics addressed in this study session include allowing for emergency shelters, convalescent homes and supportive single-room-occupancy units, and changing the setback requirements in the SCRO-1 Southwest Bayshore Commercial District. Also included are changes to a number of definitions and amending the provisions for Design Permits and Zoning Administrator action on applications, which will have City-wide implications.

The proposed amendments that would establish emergency shelters as a permitted use ("by-right") and convalescent homes, dwelling groups and single room occupancy dwelling units (as a type of multiple-family dwelling) by use permit within the existing SCRO-1 District, which encompasses the entire Southwest Bayshore subarea. Per the Housing Element, the subarea will be divided into 3 districts: the SCRO-1 District (northern portion), the R-SWB Southwest Bayshore Residential District (southern portion), and the R-MHP Southwest Bayshore Mobilehome Park District (central portion). It is anticipated that the amendments to divide the one district into three will be brought before the Planning Commission for study later this year and into 2012, to meet the State's October 2012 deadline. The changes in permitted and conditional uses in the SCRO-1 District may then be carried through as appropriate to either the R-SWB (Residential Southwest Bayshore) Districts.

The specific programs addressed in this study session are as follows:

Program H.B.3.i Include emergency shelters as a permitted use in the Southwest Bayshore R-SWB district, not subject to discretionary action or to any development or management standards that would not apply to other allowed uses within the zone, except as provided by Government Code Section 65583(a)(4)(A).

Program H.B.1.f Amend the definition of "dwelling" in BMC Section 17.02.235 to specifically include "transitional housing" and "supportive housing" as examples (per SB 2), along with "manufactured housing and mobilehomes" (per 1999-2006 Housing Element Program H1e).

Program H.B.1.c Amend the Design Permits chapter of the Municipal Code to include the findings required by Government Code Section 65589.5(d), (i) & (j) & Section 65583.2(i) regarding proposed housing developments for very low, low or moderate-income households and emergency shelters; and clarify in the Design Permit subsections under the applicable zoning district chapters that any design review for those districts intended to accommodate affordable housing would comply with the restrictions set by AB 2348 (also see Program H.D.1.d). Also amend the Design Permits chapter to provide more certainty in the permitting process by eliminating any vague phrasing in the findings.

Program H.B.3.e Include convalescent homes as a conditional use in the R-SWB District.

Program H.B.1.g Allow "supportive housing single-room occupancy units" as a conditional use in the SCRO-1 District (per AB 2634).

Program H.D.1.c Revise the SCRO-1 District setback requirements to be similar to the R-3 District standards for residential uses, while specifying appropriate setbacks for commercial uses similar to those for the TC-1 District, with exceptions possible through Use Permit approval.

Staff Analysis: To comply with State law, the Zoning Ordinance must include provisions for supportive housing for those with special needs, in the form of emergency shelters, single-room-occupancy units and convalescent homes. Not only do these types of dwelling units need to be defined, but the existing definition of "dwelling" itself needs to be clarified to demonstrate compliance with the law. In addition, the Design Permit process must be revised in regards to emergency shelters and affordable housing proposals.

State law establishes a one year deadline from the date of housing element adoption to establish a zoning district for emergency shelters. The Housing Element was adopted in January 2011 and it designated the Southwest Bayshore subarea (the new R-SWB district) as appropriate for potential development of emergency shelters. However, the establishment of the new R-SWB District will be a complex process, and staff anticipates it will not be completed in time to comply with the State's January 2012 deadline for designating a zoning district for emergency shelters. Staff therefore recommends that the Planning Commission move forward to amend the current SCRO-1 District regulations to provide for emergency shelters and other special-needs housing (convalescent homes and single-room occupancy units) at this time. Then once the district is divided, with establishment of the R-SWB district (as well as the new R-MHP

residential mobile home park district), the regulations for the retained portion of the SCRO-1 District can be amended as appropriate.

Definitions—

Transitional and Supportive Housing: Housing Element Program H.B.1.f calls for amendment of the Zoning Ordinance’s definition of “dwelling” to specifically include “transitional housing” and “supportive housing” as examples.

California Health & Safety Code Section 50675.2(h) defines transitional housing as “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.” Health & Safety Code Sections 50675.14(b)(2) & (3) define supportive housing as “housing with no limit on length of stay, that is occupied by ... persons with low incomes having one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health conditions, ... and that is linked to onsite or offsite 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.”

Government Code Section 65583(a)(5) requires that transitional housing and supportive housing be treated like any other residential use, subject only to those restrictions that apply to other residential uses in the same zoning district. This can be accomplished by simply including the terms under the definition of “dwelling.” Please refer to the attached preliminary draft zoning text amendments.

Group Care Home and Single Family Dwelling: To avoid confusion with “group care home” (BMC Section 17.02.370), the definition of “single-family dwelling” should be amended to note that residential care facilities serving 6 or fewer persons are included under this term, as required by California Welfare & Institutions Code Section 5116 and Health & Safety Code Sections 1267.8(c), 1566.3, 1568.0831, 1761.4 & 11834.23. The definition of group care home should also be clarified accordingly.

Single-room-occupancy units: “Single-room-occupancy dwelling units operated as supportive housing” would also be defined as a type of multiple-family dwelling. Also, to clarify that this type of housing is distinct from hotels (a permitted use in the SP-CRO Sierra Point Commercial District), the definition of hotel would be revised to specifically exclude single-room occupancy dwelling units.

Manufactured Housing and Mobilehomes: Housing Element Program H.B.1.f also carries over a program from the previous Housing Element calling for manufactured housing (referred to as “factory-built housing” in Government Code Section 65583) and mobilehomes to be specifically listed as dwellings that would be treated the same as a conventionally-constructed single-family homes, as required by Government Code Section 65852.3(a). This can be accomplished by amending the definition of “dwelling” to include them as examples.

Dwelling and Family: In its review of the draft Housing Element, the California Department of Housing & Community Development (HCD) recommended that the terms “dwelling” and “family” also be clarified so as to comply with fair housing laws by not discriminating against unrelated adults living as one household. While this has not actually been an issue in Brisbane, this would be an opportune time to amend the definitions of those two terms to avoid any concerns in the future. The definition of “family” would also be updated to use the term “convalescent home” (instead of “nursing home”) to be consistent with the rest of the Zoning Ordinance. The definition of “convalescent home” would then be clarified.

Small Versus Large Family Day Care Home: The terms “small family day care home” and “large family day care home” need to be updated to reflect the new size limits adopted by the State per Health & Safety Code Sections 1596.78 & 1597.46(3). This would also be a good opportunity to update the Zoning Administrator provisions regarding the approval process for large family day care homes as required by Health and Safety Code Section 1597.46(a)(3), as well as for administrative permits for solar energy systems and accessibility improvements per recently adopted Ordinance No. 558.

Emergency Shelter: The term “emergency shelter” also needs to be defined. It is suggested that the definition match that provided in the Health and Safety Code 50801(e).

Emergency Shelters–

Emergency shelters are intended to provide temporary housing with minimal supportive services for persons who are homeless. These may include victims of domestic violence, individuals and households made temporarily homeless due to natural disasters (e.g., fires, earthquakes, etc.), or other persons requiring temporary housing.

Homelessness is an issue of national, statewide and local concern. According to the National Alliance to End Homelessness (www.endhomelessness.org), California had nearly one quarter (23.8%) of the nation’s 671,859 homeless persons in 2007, with a rate of 44 persons per 10,000 population in California versus 22 per 10,000 population for the national average. According to San Mateo County’s Housing Our People Effectively (HOPE): The Plan to Prevent and End Homelessness in San Mateo County, “Every year within San Mateo County, an estimated 4,000 children, men and women are homeless and another 26,000 are just one paycheck or medical emergency away from losing their home”. See the attached 10 Year Plan to End Homelessness (March 2006), and the 2011 San Mateo County Homeless Census and Survey (May 4, 2011) for more information.

The Housing Element included a discussion on the homeless in Brisbane and referenced a 2007 San Mateo County Homeless Census and Survey, conducted on the night of January 30, 2007. That survey identified 11 single adults as homeless within Brisbane. Of these, 4 were found living in vehicles, with the remainder observed on the streets. Also, as presented in the Housing Element, “according to the Brisbane Police Department (October 2008), typically the number of homeless in Brisbane at any one time does not exceed 1 or 2 individuals, usually male transients

along Bayshore Boulevard... Those homeless who do not appear to be in need of medical evaluation are assisted with transportation to the Safe Harbor Shelter in South San Francisco.” The 2011 survey, referenced above, indicated 5 sheltered homeless persons in Brisbane and none unsheltered.

One of the State’s responses to homelessness has been to require each local government to designate a district where emergency shelters will be zoned as a permitted use (allowed “by right”) without a discretionary permit, such as a use permit or design permit. Accordingly, Housing Element Program H.B.3.i calls for inclusion of emergency shelters as a permitted use in the newly designated R-SWB Southwest Bayshore Residential District. This is to be established within 1 year of adoption of the Housing Element (January 2012), per Government Code Section 65583(a)(4)(A).

Government Code Section 65583(4) also establishes the objective parameters that may be included in the local ordinance for emergency shelters. It states that, “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...” These standards are outlined in the attached Department of Housing & Community Development Memorandum on Senate Bill (SB) 2 regarding local planning and approval for emergency shelters, dated May 7, 2008.

Since emergency shelters would be allowed by right, certain quantifiable standards are suggested in accordance with State law, as shown in the attached draft ordinance. The maximum number of people that would be accommodated by a single facility would be 12. Based on the survey information outlined above, a single facility of this size would be adequate to serve the entire homeless population in Brisbane and therefore would be a reasonable upper limit for those facilities that would be allowed “by right.” Larger facilities would be subject to use permit and design permit approval. If more than one emergency shelter were proposed, it would not be allowed to be located within 300 feet of an existing shelter, as allowed by State law. As required by State law, the maximum stay would be 6 months. On site bathing facilities and laundry facilities or services would be required, as well as personal living space, outdoor security lighting, and staff and services to assist residents to obtain permanent shelter and income. In addition, emergency shelters could include kitchen facilities, dining area, recreation room, support services (e.g., training, counseling), and child care facilities. A management plan would be required prior to commencing the operation, which would provide an opportunity to ensure that the required programs are in place. It is estimated that the individual living space and common areas would total approximately 100 to 150 sq ft per person. A 12-bed facility would be approximately 1,200 to 1,800 sq ft, similar to the size of a modest single family home.

Emergency shelters would also be subject to the same development standards as single family residential development in regards to setbacks, height, lot coverage, landscaping and Habitat Conservation Plan (HCP) requirements.

Currently parking requirements for emergency shelters are not included in the Municipal Code, and a draft amendment to BMC Chapter 17.34 "Off-Street Parking" is being brought before the Planning Commission as a separate study item.

Design Permit Findings—

As noted by Housing Element Program H.B.1.c, Government Code Section 65589.5(j) requires that specific findings be made if the City were to deny a proposed housing development project or impose conditions of approval that would require that it be developed at a lower density, even though the project complied with applicable general plan and zoning standards and design review criteria in effect at the time the application was determined to be complete. It must be found that the project would have a specific, adverse impact upon the public health or safety that is not feasible to mitigate except by disapproving the project or approving it at a lower density.

In addition, Government Code Sections 65589.5(d) & (i) require that specific findings be made if the City were to deny a proposed housing development project for very low, low or moderate-income households or if the City were to impose conditions of approval that would render such a project infeasible. These findings include that the City has met or exceeded its share of the regional housing need allocation for the project's income category, or that the project would have specific, adverse impacts upon public health and safety that cannot be mitigated.

The findings required by the Government Code in these instances are suggested to be included in BMC Chapter 17.42, Design Permits, in a new Section 17.42.045 (see attached preliminary draft text amendments).

To address specific concerns expressed by HCD staff regarding the lack of certainty provided in Design Permit Findings A and C due to the use of vague phrases such as "maintains a balance" and "maintains the quality," revisions are proposed in BMC Section 17.42.040. Also, Finding D has been added to address sustainable development issues per Housing Element Policy H.F.4 and Program H.F.4.a. The proposed changes are reflected in the Design Permit Findings in the attached preliminary draft text amendments.

Recommendation: Provide direction to staff to prepare a draft ordinance for recommendation to the City Council, and adopt the attached draft Resolution No. RZ-4-11-a to formally initiate the zoning text amendment process.

Study Session

7/14/2011

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Attachments:

Draft Resolution RZ-4-11-a

Preliminary Draft Zoning Text Amendments

5/7/08 Department of Housing & Community Development Memorandum on
SB 2 regarding Local Planning and Approval for Emergency Shelters

HOPE, San Mateo County 10-year Plan to End Homelessness, 3/06 (excerpts)

HOPE, 2011 San Mateo County Homeless Census and Survey, Final Report,
5/4/11 (excerpts)

draft
RESOLUTION NO. RZ-4-11-a

RESOLUTION OF INTENTION TO CONSIDER AMENDMENTS TO
THE CITY OF BRISBANE MUNICIPAL CODE TITLE 17, ZONING,
REGARDING DEFINITIONS, DESIGN PERMITS AND
THE SCRO-1 SOUTHWEST BAYSHORE COMMERCIAL DISTRICT

WHEREAS, on January 18, 2011, the City Council adopted the 2007-2014 Housing Element; and

WHEREAS, the Planning Commission has determined that amending the Zoning Ordinance's definitions would be consistent with Housing Element Program H.B.1.f; and

WHEREAS, the Planning Commission has determined that amending the SCRO-1 District regulations would be consistent with Housing Element Programs H.B.1.g and H.D.1.c; and

WHEREAS, the Planning Commission has also determined that amending the SCRO-1 District regulations to permit emergency shelters and convalescent homes on an interim basis would be consistent with the intent of the Government Code as cited in Housing Element Program H.B.3.i, as well as Program H.B.3.e; and

WHEREAS, amending the Zoning Ordinance's Design Permits chapter to comply with the California Government Code would be consistent with Housing Element Program H.B.1.c; and

NOW, THEREFORE, BE IT RESOLVED, that the City of Brisbane Planning Commission intends to consider amendments to the Title 17, Zoning, of the Brisbane Municipal Code.

JAMEEL MUNIR
Chairman

I hereby certify that the foregoing Resolution No. RZ-4-11-a was duly and regularly passed and adopted by the Brisbane Planning Commission at a regular meeting thereof held on _____, by the following roll call vote:

AYES:
NOES:
ABSENT:

JOHN SWIECKI
Community Development Director

PRELIMINARY DRAFT TEXT AMENDMENTS

(New text is shown in *italics*, deleted text is shown in ~~striketrough~~, comments shown in **bold**)

Chapter 17.02

DEFINITIONS

Sections:

- 17.02.005 - Application of definitions.
- 17.02.010 - Abandon.
- 17.02.015 - Abutting.
- 17.02.017 - Active records management services.
- 17.02.020 - Addition.
- 17.02.025 - Adjacent.
- 17.02.030 - Adult entertainment facility.
- 17.02.040 - Alley.
- 17.02.045 - Approving authority.
- 17.02.050 - Articulation.
- 17.02.060 - Attached.
- 17.02.065 - Outside wall.
- 17.02.070 - Automotive repair shop.
- 17.02.080 - Bar.
- 17.02.085 - Bay.
- 17.02.090 - Block.
- 17.02.100 - Building.
- 17.02.105 - Reserved.
- 17.02.110 - Canopy.
- 17.02.115 - Cantilever.
- 17.02.120 - Carport.
- 17.02.130 - CEQA.
- 17.02.140 - Chimney-Chimney box.
- 17.02.142 - Commercial parking lot.
- 17.02.145 - Commercial recreation-Commercial gym and health facilities.
- 17.02.150 - Condominium.
- 17.02.155 - Contiguous.
- 17.02.160 - Contractor's yard.

17.02.165 - Convalescent home.
17.02.170 - Cornice.
17.02.175 - Covered parking.
17.02.180 - Cultural facility.
17.02.185 - Cupola.
17.02.190 - Day care center.
17.02.195 - Day care home.
17.02.200 - Deck-Parking deck.
17.02.205 - Detached.
17.02.210 - District.
17.02.220 - Driveway.
17.02.230 - Duplex.
17.02.235 - Dwelling.
~~17.02.240 - Dwelling group.~~
17.02.250 - Eave.
17.02.255 - Educational facility.
17.02.260 - Emergency access.
17.02.265 - Emergency shelter.
17.02.270 - Establishment.
17.02.285 - Family.
17.02.290 - Family day care home.
17.02.300 - Fence.
17.02.310 - Financial institution.
17.02.315 - Floor area-Floor area ratio.
17.02.320 - Food production.
17.02.330 - Freight forwarder.
17.02.340 - Garage.
17.02.345 - Gasoline service station.
17.02.350 - General plan.
17.02.360 - Grade.
17.02.370 - Group care home.
17.02.380 - Habitat Conservation Plan (HCP).
17.02.385 - Heavy equipment repair.
17.02.390 - Hedge.

17.02.400 - Height.
17.02.410 - Home occupation.
17.02.420 - Hotel.
17.02.430 - Infrastructure.
17.02.440 - Invasive.
17.02.450 - Kennel.
17.02.460 - Kitchen.
17.02.470 - Landing.
17.02.475 - Landscaping.
17.02.480 - Light fabrication.
17.02.485 - Live/work development.
17.02.490 - Lot.
17.02.495 - Lot coverage.
17.02.500 - Lot dimensions.
17.02.505 - Lot line.
17.02.510 - Map Act.
17.02.515 - Marina.
17.02.520 - Means of access.
17.02.525 - Media studio.
17.02.530 - Medical facility.
17.02.535 - Meeting hall.
17.02.540 - Mixed use.
17.02.545 - Mobilehome-Mobilehome park.
17.02.550 - Motel.
17.02.560 - Nonconforming.
17.02.570 - Occupant.
17.02.575 - Office.
17.02.580 - Off-street parking facility.
17.02.590 - Open area.
17.02.595 - Open space.
17.02.598 - Organics reload operations.
17.02.600 - Outdoor sales and rental.
17.02.610 - Personal services.
17.02.620 - Place of worship.

17.02.625 - Planning commission.
17.02.627 - Plastic pipe sales.
17.02.630 - Principal place of residence.
17.02.635 - Printing.
17.02.640 - Product showroom.
17.02.645 - Property line.
17.02.650 - Protected tree.
17.02.655 - Public utility facilities.
17.02.660 - Rare plants.
17.02.665 - Record owner.
17.02.670 - Recycling facility.
17.02.675 - Research and development.
17.02.680 - Restaurant.
17.02.685 - Retail sales and rental.
17.02.690 - Retaining wall.
17.02.695 - Ridgeline.
17.02.700 - Right-of-way.
17.02.710 - Scale.
17.02.715 - Setback-Setback area.
17.02.720 - Sign.
17.02.725 - Site.
17.02.730 - Slope.
17.02.740 - Stock-in-trade.
17.02.745 - Storage.
17.02.746 - Storefront.
17.02.750 - Street.
17.02.755 - Structure.
17.02.760 - Subdivision ordinance.
17.02.770 - Use.
17.02.780 - Veterinary clinic.
17.02.790 - Warehousing.
17.02.800 - Wholesale.
17.02.810 - Wildland interface.

§17.02.165 – Convalescent home. “Convalescent home” means an establishment licensed by the state providing residential and health care services, for compensation, for persons recovering from illness: *or injury, or for persons with chronic illness or disability, such as the elderly who require assistance with basic daily activities* ~~suffering from the infirmities of old age.~~

§17.02.235 – Dwelling. “Dwelling” means a place that is used as the personal residence of the occupants thereof, *including transitional housing as defined in California Health and Safety Code Section 50675.2(h) and supportive housing as defined in California Health and Safety Code Sections 50675.14(b)(2) & (3).* The term includes *factory-built or manufactured housing, such as mobilehomes,* but excludes ~~excluding~~ trailers, campers, tents, recreational vehicles, hotels, motels, boarding houses and temporary structures.

A. *“Dwelling group” means a group of two or more detached buildings located upon the same site, each of which contains one or more dwelling units.*

B. *“Dwelling unit” means a room or group of rooms including living, sleeping, eating, cooking and sanitation facilities, constituting a separate and independent housekeeping unit, designed, occupied, or intended for occupancy by one family on a permanent basis.*

C. *“Multiple-family dwelling” means a building or site containing three (3) or more dwelling units (also see “Duplex”). The term includes single-room-occupancy dwelling units operated as supportive housing, typically comprised of one or two rooms (which may include a kitchen and/or a bathroom, in addition to a bed), that are restricted to occupancy by no more than two persons of the target population as defined in California Government Code Section 53260 (d) (i.e., low income persons with mental disabilities, AIDS, substance abuse or chronic health conditions, or persons whose disabilities originated before the person turned 18), and that are linked to onsite or offsite 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.*

D. *“Secondary dwelling unit” means a separate dwelling unit created upon a site within the R-1 or R-BA district that contains a single-family dwelling and for which a use permit has been granted pursuant to Chapter 17.43 of this title. Subject to the restrictions of this title, the secondary dwelling unit may be attached to or detached from the single-family dwelling.*

E. *“Single-family dwelling” means a dwelling unit constituting the only principal structure upon a single site (excluding any lawfully established secondary dwelling unit that may be located within the same structure on upon the same site). The term includes residential care facilities, licensed by the state to provide twenty-four (24) hour nonmedical care, serving six (6) or fewer persons (not including the operator, the operator's family or persons employed as staff) in need of supervision, personal services, or assistance essential for sustaining the activities of daily living or for the protection of the individual. Also see “Group care home” for seven (7) or more persons.*

~~**§17.02.240 – Dwelling group.** “Dwelling group” means a group of two or more detached buildings located upon the same site, each of which contains one or more dwelling units.~~

§17.02.265 – Emergency shelter. “Emergency shelter” means housing with minimal supportive services that is limited to occupancy of up to six months by persons who are homeless, victims of domestic violence, individuals and households made temporarily homeless due to natural disasters (e.g., fires, earthquakes, etc.), or other persons requiring temporary housing.

§17.02.285 – Family. “Family” means one or more persons, *related or unrelated*, occupying a dwelling unit and living together as a single housekeeping unit. The term shall not include a group of persons occupying a fraternity or sorority house, club, hotel, motel, *convalescent nursing* home, group care home or institution of any kind.

§17.02.285 – Family day care home. “Family day care home” means an establishment operated by the provider in the provider’s own home as a accessory use incidental to the residential occupancy and licensed by the state to provide care, protection and supervision to children for periods of less than twenty-four (24) hours per day while the parents or guardians are away, and includes the following:

A. “Small family day care home” means a family day care home for *eight (8) six-(6)* or fewer children, including children under the age of ten (10) years who reside at the home;

B. “Large family day care home” means a family day care home for *nine (9) seven-(7) to fourteen (14) twelve-(12)* children, including children under the age of ten (10) years who reside at the home.

§17.02.370 – Group care home. “Group care home” means an establishment licensed by the state to provide twenty-four (24) hour nonmedical care for *seven (7)* or more persons (*not including the operator, the operator’s family or persons employed as staff*) in need of supervision, personal services, or assistance essential for sustaining the activities of daily living or for the protection of the individual. *Also see “dwelling, single-family” for six (6) or fewer persons.*

§17.02.420 – Hotel. “Hotel” means a building or group of buildings containing guest rooms or suites offered, for compensation, to the general public as transient lodging accommodations. The term includes motel, inn, motor court, bed and breakfast establishment or similar use, *but excludes single-room-occupancy dwelling units operated as supportive housing.*

Chapter 17.16

SCRO-1 SOUTHWEST BAYSHORE COMMERCIAL DISTRICT

Sections:

17.16.010 - Purposes of chapter.

17.16.020 - ~~No-p~~ Permitted uses.

17.16.030 - Conditional uses.

- 17.16.040 - Development regulations.
- 17.16.050 - Performance standards.
- 17.16.060 - Special findings.
- 17.16.070 - Night operations.
- 17.16.080 - Parking.
- 17.16.090 - Signs.
- 17.16.100 – Design Review.
- 17.16.110 - Visual impact analysis.

§17.16.010 - Purposes of chapter. The general plan designates several areas of the city for subregional commercial/retail/office use (SCRO). The SCRO-1 Southwest Bayshore commercial district (hereinafter referred to as the Southwest Bayshore district) is one of such planning areas and is included in the zoning ordinance codified in this title to achieve the following purposes:

- A. To create a zoning district for the Southwest Bayshore area that provides for orderly development consistent with the land use policies for that area as set forth in the city's general plan;
- B. To encourage a mix of subregional uses and the opportunity to include mixed-uses and residential uses when appropriate;
- C. To ensure that future development will be conducted in a manner that will adequately address the environmental constraints in the Southwest Bayshore district, as identified in the general plan;
- D. To address historical issues of incompatible land uses; and
- E. To protect the community health and safety by establishing permit requirements, performance standards, and special findings for the establishment of uses in the Southwest Bayshore district.

§17.16.020 – ~~No permitted uses.~~ ~~There are no permitted uses in the Southwest Bayshore district. Only those uses designated as conditional uses in Section 17.16.030 may be established, subject to the issuance of a use permit in accordance with the requirements of this chapter.~~

A. The following are permitted uses in the SCRO-1 district:

- 1. Emergency shelters in compliance with Section 17.16.040.*

§17.16.030 - Conditional uses.

A. Allowable Conditional Uses. The following conditional uses, *not otherwise permitted per Section 17.16.020.A*, may be allowed in the Southwest Bayshore district, upon the granting of a use permit pursuant to Chapter 17.40 of this title and if conducted in accordance with the performance standards set forth in Section 17.16.050 of this chapter:

- 1. Commercial recreation/commercial gym and health facilities;

2. Contractor's yards;
3. *Convalescent homes;*
4. Cultural facilities;
5. Duplex dwelling units;
6. Educational facilities;
7. *Emergency Shelters with more than 12 beds*
8. Financial institutions;
9. Food production;
10. Group care homes;
11. Hotels;
12. *Large family day care homes;*
13. Light fabrication;
14. Live/work developments;
15. Media studios;
16. Medical facilities;
17. Meeting halls;
18. Mobilehome parks *in compliance with Section 17.32.110;*
19. Motels;
20. Multiple-family dwellings *and dwelling groups;*
21. Offices;
22. Outdoor sales and rental;
23. Personal services;
24. Places of worship;
25. Printing;
26. Product showrooms;
27. Research and development, where the planning director determines, as a result of a risk analysis performed in accordance with Policy No. 166.1 of the general plan, that the use of hazardous materials will not constitute a major component of the research and development activities to be conducted on the site;
28. Restaurants;
29. Retail sales and rental;
30. Single-family dwellings;
31. Storage;
32. Veterinary clinics;
33. Warehousing;
31. ~~Wholesale sale and distribution.~~ [Note: included in definition of warehousing].

B. **Mixed Uses.** A combination of any residential and nonresidential uses listed in subsection A of this section, or in Section 17.16.020, may be allowed as a mixed use within the same structure or upon the same site when specifically authorized by the use permit granted for each individual conditional use and upon such additional conditions as the approving authority may deem necessary or appropriate to insure the compatibility of such mixed uses.

C. **Night Operations.** Night operations associated with the conduct of any uses listed in subsection A of this section (except residential uses) shall require a use permit when subject to the provisions of Section 17.16.070 of this chapter.

§17.16.040 - Development regulations. Development regulations in the Southwest Bayshore district are as follows:

A. **Lot Area.** The minimum area of any lot shall be seven thousand five hundred (7,500) feet.

B. **Density of Development.** The minimum lot area for each dwelling unit on a site shall be as follows:

1. Single-family dwellings: seven thousand five hundred (7,500) square feet;
2. Duplex dwellings: three thousand seven hundred fifty (3,750) square feet;
3. Multiple-family dwellings *and dwelling groups*: one thousand five hundred (1,500) square feet;
4. Mixed use or live/work development: dwelling unit density shall be determined by the use permit.

C. **Lot Dimensions.** The minimum dimensions of any lot shall be as follows:

1. Width: *fifty (50) feet*;
2. Depth: no requirement.

D. **Setbacks.** The minimum required setbacks for any lot shall be as follows:

1. Front setback: ~~five (5) feet~~.
 - a. *Residential/ Mixed Use: ten (10) feet*
 - b. *Commercial Uses: twenty-five (25) feet for commercial uses;*
 - c. *Exception: The setbacks may be reduced to zero (0) where development includes dedication to public right-of-way for a frontage access road and sidewalk, to the satisfaction of the City Engineer and Fire Department.*
2. Side setback: ~~None, except a ten (10) foot setback shall be required when the site is adjacent to any residential use.~~
 - a. *Residential/ Mixed Use: five (5) feet*
 - b. *Commercial Uses: fifteen 15 feet*
 - c. *Exception: The Planning Commission may approve exceptions to the side setback regulations through the granting of a Use Permit.*
3. Rear setback: ten (10) feet.

E. Lot Coverage. The maximum coverage by all structures on any lot shall be seventy percent (70%).

F. Height of Structures. The maximum height of any structure shall be thirty-five (35) feet.

G. Landscaping Requirements.

1. Not less than ten percent (10%) of the lot area shall be improved with landscaping.

2. Plant materials shall be drought resistant and non-invasive as required by the planning director. Where landscaping is located adjacent to unimproved hillside

3. Landscaping required under this section, including replacement landscaping, shall be installed according to detailed plans approved by the planning director.

The landscape plans shall be consistent with the following objectives:

a. Use of plants that are not invasive;

b. Use of water conserving plants; and

c. Use of plants and other landscape features that are appropriate to the context.

4. New and replacement, irrigated landscapes of 1,000 square feet, or more, shall be subject to the Water Conservation in Landscaping Ordinance. Refer to Chapter 15.70.

H. Screening Requirements.

1. Outside storage of pallets or containers used for transportation and delivery of items related to the uses conducted on the site shall not be located in any required setback from a street and shall be screened from off-site view to the extent it is reasonable to do so.

2. The off-site visibility of exterior equipment such as heating and ventilation units, above-ground storage tanks, compactors and compressors, shall be mitigated through such measures as may be reasonable under the circumstances, including, but not limited to, the installation of screening, fencing, painting, or landscaping, or any combination of the foregoing.

3. The screening requirements set forth in subsections 1 and 2 of this section are not intended to be exclusive and the approving authority may require, as a condition of the use permit, such other and additional screening measures as it deems necessary or appropriate to mitigate any potential adverse visual and audible impacts created by the intended use.

I. Recycling Area Requirements.

1. Adequate, accessible and convenient areas for depositing, collecting and loading recyclable materials in receptacles shall be provided. The area shall be located and fully enclosed so as to adequately protect neighboring uses from adverse impacts such as noise, odor, vectors, wind-blown litter or glare. The area shall be designed to prevent storm water run-on to the area and runoff from the area, and roofs shall be designed to drain away from neighboring properties. A sign clearly identifying all recycling and solid waste collection and loading areas and the materials accepted therein shall be posted adjacent to all points of direct access to the area.

2. This requirement shall apply to all new commercial or institutional buildings, residential buildings having five or more living units, and City facilities (including buildings, structures, and outdoor recreation areas owned by the City) where solid waste is collected and loaded. This requirement shall also apply to any existing development for which building permit applications are submitted within a 12-month period collectively adding 30 percent or more to the existing floor area of the development project. For existing developments occupied by multiple tenants, this requirement shall apply to building permit applications submitted by any tenant within a 12-month period collectively adding 30 percent or more to the existing floor area of that portion of the development which said tenant leases. Such recycling areas shall, at a minimum, be sufficient in capacity, number, and distribution to serve that portion of the development project which said tenant leases.

J. Emergency shelters:

Development standards for emergency shelters shall be the same as for residential development in the district, except density of development regulations, and emergency shelters that meet the following requirements are exempt from the requirement of a design permit and use permit:

- 1. No emergency shelter shall be allowed to be located within 300 feet of another emergency shelter.*
- 2. The required setbacks for new development shall be:*
 - a. Front setback: ten (10) feet; except that the front setback may be reduced to zero (0) where development includes dedication to public right-of-way for a frontage access road and sidewalk, to the satisfaction of the City Engineer and Fire Department.*
 - c. Side setback: five (5) feet; except that the Planning Commission may approve exceptions to the side setback regulations through the granting of a Use Permit.*
 - e. Rear setback: ten (10) feet.*
- 3. A maximum of 12 persons (12 beds) to be served nightly.*
- 4. Each resident shall be provided personal living space.*
- 5. Separate men's and women's bathrooms and bathing facilities shall be provided, adequate for the number of residents.*
- 6. Laundry facilities or services shall be provided on site, adequate for the number of residents.*
- 7. The length of stay for individual clients shall not exceed 6 months, or as allowed by state law.*
- 8. Staff and services shall be provided to assist residents to obtain permanent shelter and income.*
- 9. For security, the facility shall provide outdoor lighting of common areas, entries, parking areas, pathways, in compliance with BMC Section 17.16.050.E.*
- 10. For security, the shelter shall be adequately staffed 24 hours a day, 7 days a week.*

11. *Parking shall be as specified in BMC Chapter 17.34.*
12. *Outdoor activities, such as recreation, eating, and staging for drop-off, intake, and pick-up, may be conducted at the facility, between the hours of 5 am and 10 pm. A night operations use permit is required for outdoor activities between the hours of 10 pm and 5 am, as provided for in BMC Section 17.16.070.*
13. *The facility may provide the following:*
 - a. *Kitchen facilities;*
 - b. *Dining area;*
 - c. *Recreation room;*
 - d. *Training and counseling support services;*
 - e. *Child care facilities*
 - f. *Other facilities or services that are accessory to an emergency shelter.*
14. *Prior to commencing operation, the emergency shelter provider must have a written management plan, which shall be provided to the Planning Director. The management plan must include provisions for staff training, resident identification process, neighborhood outreach, policies regarding pets, the timing and placement of outdoor activities, temporary storage of residents' personal belongings, safety and security, screening of residents to insure compatibility with services provided at the facility, and training, counseling and social service programs for residents, as applicable.*

§17.16.050 – Performance Standards. All uses in the Southwest Bayshore district shall be conducted in accordance with the following performance standards:

A. All routine aspects of the day-to-day operations of a business, including the storage of materials and products, shall be conducted entirely within an enclosed structure, with the exception of the following:

1. Outdoor activities specifically authorized by the use permit;
2. Parking of operable vehicles related to the authorized uses conducted on the site;
3. Shipments and deliveries incidental to the conduct of the primary use on the site.

4. Emergency shelter outdoor activities as set forth in Section 17.16.040.J.12.

B. The site shall be kept free of trash and debris and all receptacles for collection and recycling shall be completely screened from view at street level.

C. Sound insulation housing or baffles, or other reasonable measures, shall be installed in conjunction with heating and ventilating equipment or other machinery when necessary to effectively mitigate sound emissions distinctly detectable from any off-site location.

D. Odors from any use shall not be generally or distinctly detectable from any off-site location.

E. Lighting shall be designed to avoid excessive glare as viewed from offsite locations, *in compliance with the California Green Building Standards Code.*

F. Site development shall minimize disturbance of existing natural slopes to the extent feasible, maintain public view corridors of the San Francisco Bay and San Bruno Mountain, minimize rooftop glare, and screen exterior mechanical equipment.

§17.16.060 – Special findings. In addition to the findings required for approval of a use permit as set forth in Section 17.40.060, no use permit shall be granted for any conditional use in the Southwest Bayshore district unless the approving authority also makes such of the following findings as may be applicable to the application:

A. Adequate measures have been taken to protect workers and residents from the twenty-four (24) hour noise generated by traffic on Bayshore Boulevard.

B. The design for projects with residential uses has incorporated measures to buffer the units from potential adverse impacts from nearby and adjacent non-residential uses.

C. The design for projects with residential uses includes outdoor areas, such as courts, yards or decks, securely separated from the street.

D. The improvements have been designed in a manner that will make adequate provision for on-site parking and traffic circulation and safe ingress to and egress from the site.

E. The improvements have been designed to be compatible with the topography and soils of the hillside.

§17.16.070 – Night operations.

A. Definitions. For the purposes of this section, the following words and phrases shall have the meanings respectively ascribed to them as set forth below:

1. "Existing business" means a business or other use that is legally operating within the Southwest Bayshore district as of February 9, 2000, in accordance with all zoning regulations applicable thereto, and pursuant to a business license duly issued by the city.

2. "Night operations" means any activity conducted between the hours of ten (10:00) p.m. and five (5:00) a.m. of the following day.

B. Requirement for Use Permit to Conduct Night Operations. Except as otherwise provided in subsection C of this section, no business or other use, with the exception of residential uses, shall engage in the conduct of night operations at any location within the Southwest Bayshore district unless a use permit for such night operations has been granted pursuant to this chapter.

C. Continuation of Night Operations by Existing Businesses. An existing business which has lawfully been conducting night operations prior to February 9, 2000, may continue to conduct such night operations on the same site and shall be exempted from the requirement to obtain a use permit pursuant to this section. This exemption shall not apply to any relocation of the night operations to a different site, nor may the exemption be assigned or transferred by the existing business to a different business establishment or use, whether conducted on the same site or elsewhere.

D. Approving Authority. Applications for a use permit to conduct night operations shall be acted upon by the planning commission and shall be governed by the provisions of Chapter 17.40 of this title, as supplemented by this section.

E. Findings for Use Permit Approval. In addition to the findings required for approval of a use permit, as set forth in Section 17.40.060 and elsewhere in this section, no use permit shall be granted for the conduct of night operations in the Southwest Bayshore district unless the planning commission also finds and determines that the night operations conducted by the applicant will not create noise, glare or other effects that are likely to create a sleep disturbance for the occupants of neighboring residential properties.

F. Use Permit Conditions. Without limiting the authority of the Planning Commission to impose conditions on the granting of a use permit pursuant to Section 17.40.070, a use permit authorizing the conduct of night operations in the Southwest Bayshore district may contain limitations on the days and hours of operation, restrictions on the nightly volume of vehicle trips, restrictions on the type of vehicles or equipment that may be operated at night, requirements for special devices and measures for abatement of noise and glare, and requirements for mitigation monitoring and periodic mandatory review. The planning commission shall have continuing jurisdiction over every use permit issued pursuant to this section and may at any time, if the original findings required for issuance of the use permit can no longer be made, modify or amend any of the use permit conditions, or impose new and additional conditions, or revoke the use permit.

§17.16.080 - Parking.

Off-street parking facilities shall be provided for each use on the site in accordance with the requirements set forth in Chapter 17.34 of this title.

§17.16.090 - Signs. Signs allowed in the Southwest Bayshore district are as specified in Chapter 17.36 of this title.

§17.16.100 - Design review. The construction of any principal structure in the Southwest Bayshore district, except a single-family or duplex dwelling *or emergency shelter as set forth in Section 17.16.040.J*, shall be subject to the granting of a design permit in accordance with the provisions of Chapter 17.42 of this title and any applicable design guidelines adopted by the city.

§17.16.110- Visual impact analysis. All projects, including single-family and duplex dwellings, *but excluding emergency shelters as set forth in Section 17.16.040.J*, shall submit a visual impact analysis, in accordance with guidelines approved by the planning commission, to address the following design issues: relationship to steep slopes; public view corridors; view of San Francisco Bay and San Bruno Mountain; material and lighting, especially as pertains to light and glare; treatment of roofs and the screening of mechanical equipment.

Chapter 17.42

DESIGN PERMITS

Sections:

- 17.42.010 – Requirement for design permit.
- 17.42.020 – Application for design permit.
- 17.42.030 – Public hearing by planning commission--Notice.
- 17.42.040 – Findings required for issuance of design permit.
- 17.42.045 – Special findings.*
- 17.42.050 – Action by planning commission.
- 17.42.060 – Expiration of design permit--Extensions.
- 17.42.070 – Amendment of design permit—Minor modifications.
- 17.42.080 – Appeals to city council.

§17.42.010 – Requirement for design permit. A. Except as otherwise provided in subsection B of this section, a design permit shall be required for the construction of any new principal structure or the substantial modification of an existing principal structure for which no design permit has previously been issued. As used herein, the term "substantial modification" means an alteration or expansion of the exterior and/or interior of the structure to the extent of significantly modifying its basic design, elevations, size, appearance, or relationship to adjacent properties or structures, as determined by the planning director.

B. No design permit shall be required for the construction or substantial modification of any single-family dwelling, secondary dwelling unit, duplex, or accessory structure, unless *part of a dwelling group totaling three (3) or more units or part of a mixed use development, or* a design permit for such structure has been required as a condition of a development approval granted by the city. *No design permit shall be required for the construction or substantial modification of an emergency shelter of twelve (12) beds or less, as set forth in Section 17.16.040.J.*

§17.42.020 – Application for design permit. A. Contents of Application. Application for a design permit shall be filed with the planning director on such form as the planning director shall prescribe. The application shall be accompanied by legible and reproducible sets of completely dimensioned, scaled site development and architectural plans, with bar scales, showing such of the following items as the planning director deems appropriate in order to evaluate and process the application:

1. Existing and/or proposed structures with floor plans (with the use of each room/space labeled), roof plans, and elevations of all sides of the existing and/or proposed structures, identifying colors and materials as appropriate, indicating the

height from natural grade on each elevation of the tallest points of the structure (cross-sections may also be required based upon the complexity of the design), and including UBC type of construction;

2. For covered projects as defined by Section 15.80.030, green building documentation per Section 15.80.060(A) sufficient to be approved per Section 15.80.060(C).
3. Accurately dimensioned property lines, setbacks, structures on adjacent properties (and their uses), streets, easements, existing and proposed utilities, and building coverage and lot area calculations;
4. Location of existing trees by size (circumference measured twenty-four (24) inches above grade) and type, indicating those proposed for removal;
5. Conceptual landscaping plans showing species, common name, size and number of plantings, with description of proposed plantings (height at maturity, time to maturity, color, drought/wind/salt tolerance, and deciduousness), calculation of the total square footage of proposed irrigated landscaped area and explanation of proposed method of irrigation;
6. Existing and proposed parking facilities, including the dimensions of parking spaces, number and location of spaces designated as compact or handicapped spaces, and a calculation of the number of parking spaces required by this title or any other applicable regulations;
7. Paving details, improved street width (curb-to-curb), sidewalks, and driveway cuts;
8. Existing and proposed topography of the property (at five (5) foot intervals), clearly indicating any proposed grading and filling and the amounts in cubic yards of proposed excavation, fill and removal from the site. If requested by the planning director, a soils report and/or geotechnical study shall also be furnished;
9. Drainage details, exterior lighting, trash enclosures, signs, fences and method of screening exterior mechanical equipment (including rooftop air-conditioning units, transformers and public utilities);
10. Material and color samples and colored rendering of the project;
11. Photographs of the Site. Photomontages of the proposal may also be required dependent upon the visual significance of the proposal.

B. Application Fee. The application shall be accompanied by the payment of a processing fee in such amount as established from time to time by resolution of the city council. In addition to the processing fee, the applicant shall also deposit such amounts as the planning director may require from time to time to cover the cost of any environmental investigations or reports, geotechnic and engineering reports, review of green building documentation, and such other investigations and reports that may be required by the city in connection with the processing of the application.

§17.42.030 – Public hearing by planning commission. The planning commission shall conduct a public hearing on the application for a design permit. Notice of the public hearing

shall be given not less than ten (10) days nor more than thirty (30) days prior to the date of the hearing by mailing, postage prepaid, a notice of the time and place of the hearing to the applicant and to all persons whose names appear on the latest available assessment roll of the county as owning property within three hundred (300) feet of the boundaries of the site which is the subject of the permit application. Notice of the public hearing shall also be posted at each location within the city where agendas for planning commission meetings are routinely posted.

§17.42.040 – Findings required for issuance of design permit. The planning commission may grant a design permit as applied for or in modified form if, on the basis of the application and the evidence submitted, the commission finds and determines that the proposed development is consistent with the general plan and any applicable specific plan and the commission also makes such of the following findings as may be applicable to the proposed development:

- A. The proposal's ~~maintains a balance of~~ scale, form and proportion, ~~and uses design components~~ are harmonious, and the materials and colors *used* complement the project. ~~The proposal integrates well with elements of the site plan and of surrounding areas.~~
- B. The orientation and location of buildings, structures, open spaces and other features *integrate well with each other and* maintain a compatible relationship to adjacent development.
- C. *Proposed buildings and structures are designed and located to mitigate potential impacts to adjacent land uses. Where a proposal abuts or is in close proximity to uses other than that proposed, the plan takes into account its effect on and maintains the quality of the other land uses.*
- D. *The project design takes advantage of natural heating and cooling opportunities through building placement, landscaping and building design to the extent practicable, given site constraints, to promote sustainable development and to address long term affordability.*
- E. For hillside development, the proposal respects the topography of the site and is designed to minimize its visual impact. Significant public views of San Francisco Bay, the Brisbane Lagoon and San Bruno Mountain State and County Park are preserved.
- F. The site plan minimizes the effects of traffic on abutting streets through careful layout of the site with respect to location, dimensions of vehicular and pedestrian entrances and exit drives, and through the provision of adequate off-street parking. There is an adequate circulation pattern within the boundaries of the development. Parking facilities are adequately surfaced, landscaped and lit.
- G. The proposal encourages alternatives to travel by automobile where appropriate, through the provision of facilities for pedestrians and bicycles, public transit stops and access to other means of transportation.
- H. The site provides open areas and landscaping to complement the buildings and structures. Landscaping is also used to separate and screen service and storage areas, break up expanses of paved area and define areas for usability and privacy. Landscaping is generally water conserving and is appropriate to the location. Attention is given to habitat protection and wildland fire hazard as appropriate.

- I. The proposal takes reasonable measures to protect against external and internal noise.
- J. Consideration has been given to avoiding off-site glare from lighting and reflective building materials.
- K. Attention is given to the screening of utility structures, mechanical equipment, trash containers and rooftop equipment.
- L. Signage is appropriate in location, scale, type and color, and is effective in enhancing the design concept of the site.
- M. Provisions have been made to meet the needs of employees for outdoor space.

§17.42.045 – Special findings. *A. The planning commission may deny a design permit for a proposed housing development project, or approve it upon the condition that the project be developed at a lower density, even though the project complies with applicable general plan and zoning standards and design review criteria in effect at the time the application is determined to be complete, subject to both of the following findings, supported by substantial evidence in the record:*

- 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.*
- 2. There is no feasible method to satisfactorily mitigate or avoid the adverse impact, other than through disapproval or approval upon the condition that the project be developed at a lower density.*

B. In addition to the findings above, the planning commission may deny a design permit for a proposed housing development project for very low, low-, or moderate-income households or condition approval in a manner that renders development of such a project infeasible, subject to at least one of the following findings, supported by substantial evidence in the record:

- 1. The city has met or exceeded its share of the regional housing need allocation for the planning period for each of the income categories proposed for the housing development project as identified in the housing element.*
- 2. The development project 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.*
- 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.*
- 4. The development project is proposed on land which does not have adequate water or wastewater facilities to serve the project.*
- 5. The development project is inconsistent with both the zoning ordinance and general plan land use designation as of the date the application was deemed complete, and the project is not proposed for a site that is identified as suitable for very low, low-, or moderate-income households in the housing element and is inconsistent with the density specified in the housing element.*

C. As used in this section, 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 of 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.

D. Any disapproval or conditional approval of a design permit for a proposed housing development project for very low, low-, or moderate-income households shall not discriminate on the basis of any of the reasons prohibited by California Government Code Section 65008.

§17.42.050 – Action by planning commission. A. The planning commission may either grant or deny the application for design permit and may grant the permit subject to such conditions as the planning commission deems necessary or appropriate in order to make the findings prescribed by Section 17.42.040.

B. The design permit shall become effective upon the expiration of fifteen (15) days following the date on which the design permit was granted by the planning commission, unless an appeal has been taken to the city council pursuant to Chapter 17.52 of this title.

§17.42.060 – Expiration of design permit--Extensions. A. A design permit granted pursuant to this chapter shall expire twenty-four (24) months from the date on which such permit became effective, unless prior to such expiration date a building permit for the structure which is the subject of the permit is issued and construction is commenced.

B. A design permit may be extended by the planning commission for a period or periods of time not exceeding thirty-six (36) months. The application for extension shall be filed prior to the expiration date of the permit and shall be accompanied by payment of a processing fee in such amount as established from time to time by resolution of the city council. A public hearing shall be conducted on the application for extension and notice thereof shall be given in the same manner as prescribed in Section 17.42.030 of this chapter. Extension of a design permit is not a matter of right and the approving authority may deny the application or grant the same subject to conditions.

§17.42.070 – Amendment of design permit—Minor modifications. A. Amendments or modifications to a design permit shall require approval by the planning commission, except that the zoning administrator shall have authority to approve the following matters:

1. Any items which, under the terms of the design permit, have been delegated to the zoning administrator for approval, either as a condition for issuance of the permit or at any time thereafter;
2. Minor changes during the course of construction which do not materially affect the use, nature, appearance, quality or character of the project.

B. The application requirements, public hearing procedures and findings required for amendments or modifications to a design permit shall be as prescribed in Sections 17.42.020, 17.42.030 and 17.42.040 of this chapter.

§17.42.080 – Appeals to city council. Any determination or decision by the planning commission under this chapter may be appealed to the city council in accordance with the procedure set forth in Chapter 17.52 of this title.

Chapter 17.56

ADMINISTRATION

...

§17.56.030 – Zoning administrator—Action on applications. A. Except as otherwise provided in this chapter, the zoning administrator shall hear and decide the following:

1. Applications for zoning conformance;
2. Applications for variances;
3. Applications for minor modifications;
4. Applications for certain sign permits, in accordance with the provisions of Chapter 17.36 of this title; ~~and~~
5. Applications for administrative permits for wireless telecommunication facilities, in accordance with the provisions of Section 17.32.032 of this title;
6. *Applications for administrative permits for solar energy systems, in accordance with the provisions of Section 17.32.060.C; and*
7. *Applications for accessibility improvement permits, in accordance with the provisions of Sections 17.32.060.D, 17.32.070.A.1.f and 17.32.080; and*
8. *Applications for large family day care homes, per State Health and Welfare Code Sections 1597.46(a)(3) and 1597.465.*

B. In connection with the applications provided for in this section, the zoning administrator shall have all the duties and responsibilities set forth in this title for the planning commission.


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

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**MEMORANDUM**

DATE: May 7, 2008

TO: Planning Directors and Interested Parties

FROM: 
Cathy E. Creswell, Deputy Director
Division of Housing Policy Development

SUBJECT: **Senate Bill 2 -- Legislation Effective January 1, 2008:
*Local Planning and Approval for Emergency Shelters and
Transitional and Supportive Housing***

Chapter 633, Statutes of 2007 (SB 2) clarifies and strengthens housing element law to ensure zoning encourages and facilitates emergency shelters and limits the denial of emergency shelters and transitional and supportive housing under the Housing Accountability Act. The law will facilitate efforts to address the critical needs of homeless populations and persons with special needs throughout all communities in California. Generally, SB 2 amends housing element law regarding planning and approval for emergency shelters and transitional and supportive housing as follows:

Planning (Government Code Section 65583)

- At least one zone shall be identified to permit emergency shelters without a conditional use permit or other discretionary action.
- Sufficient capacity must be identified to accommodate the need for emergency shelters and at least one year-round emergency shelter.
- Existing or proposed permit procedures, development and management standards must be objective and encourage and facilitate the development of or conversion to emergency shelters.
- Emergency shelters shall only be subject to development and management standards that apply to residential or commercial within the same zone.
- Written and objective standards may be applied as specified in statute, including maximum number of beds, provision of onsite management, length of stay and security.
- Includes flexibility for jurisdictions to meet zoning requirements with existing ordinances or demonstrate the need for emergency shelters can be accommodated in existing shelters or through a multi-jurisdictional agreement.

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

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

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

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

Attachments

Chapter 633, Statutes of 2007 (Senate Bill 2)

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Introduction

Homeless Needs

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

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

Purpose and Objectives of SB 2

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

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

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

Section 1

Planning

(Government Code Section 65583)

Identifying and Analyzing Needs and Resources

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

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

Resources to identify and analyze homeless needs, include:

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

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

Identifying Zoning for Emergency Shelters

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



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

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

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

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

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

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

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

Permitting Emergency Shelters without Discretionary Action

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

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

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



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

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

Development Standards to Encourage and Facilitate Emergency Shelters

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

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

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

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

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



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

Encouraging Multi-Jurisdictional Cooperation and Coordination

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

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

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



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

Existing Ordinances and Existing Shelters that Accommodate Need

Existing Ordinances Permitting Emergency Shelters

Many local governments have a record of effective actions to address the homeless needs in their community. SB 2 recognizes and provides flexibility for jurisdictions that have already adopted an ordinance(s) that complies with the new zoning requirements. For those local governments with existing ordinances and zoning consistent with requirements of SB 2, no further action will be required to identify zones available for emergency shelters. The housing element must however, describe how the existing ordinance, policies and standards are consistent with the requirements of SB 2.



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

Existing Shelters That Accommodate the Need for Emergency Shelters

Local governments that can demonstrate, to the satisfaction of the Department, the existence of one or more emergency shelters either within the jurisdiction or pursuant to a multi-jurisdictional agreement that can accommodate the need for emergency shelters identified in the housing element may comply with the zoning requirements of SB 2 by identifying a zone(s) where new emergency shelters are allowed with a conditional use permit. To demonstrate homeless needs can be accommodated in existing shelters, an element must at minimum list existing shelters including the total number of beds and the number vacant. The analysis should support and document the estimate of vacant beds and must consider seasonal fluctuations in the need for emergency shelters.

Transitional and Supportive Housing

Transitional housing is defined in Section 50675.2 of the Health & Safety Code as rental housing for stays of at least six months but where the units are re-circulated to another program recipient after a set period. Transitional housing may be designated for a homeless individual or family transitioning to permanent housing. This housing can take several forms, including group housing or multifamily units, and may include supportive services to allow

individuals to gain necessary life skills in support of independent living. *Supportive housing* as defined at Section 50675.14 of the Health & Safety Code has no limit on the length of stay, is linked to onsite or offsite services, and is occupied by a target population as defined in Health & Safety Code Section 53260 (i.e., low income persons with mental disabilities, AIDS, substance abuse or chronic health conditions or persons whose disabilities originated before the person turned 18). Services typically include assistance designed to meet the needs of the target population in retaining housing, living and working in the community, and/or improving health and may include case management, mental health treatment, and life skills.

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

If jurisdictions do not explicitly permit transitional and supportive housing as previously described, the element must include a program to ensure zoning treats transitional and supportive housing as a residential use, subject only to those restrictions on residential uses contained in the same type of structure.

Housing Element Policies and Programs

Effective programs reflect the results of the local housing need analyses, identification of available resources, including land and financing, and the mitigation of identified governmental and nongovernmental constraints.

Programs consist of specific action steps the locality will take to implement its policies and achieve goals and objectives. Programs must

include a specific timeframe for implementation, identify the agencies or officials responsible for implementation, and describe the jurisdiction's specific role in implementation.



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

Where a jurisdiction does not provide an analysis demonstrating compliance with the provisions of SB 2 through existing zoning, the element must have a program(s) to address the results of that analysis. For example, if the element does not identify an existing zone to permit emergency shelters without a conditional use permit or other discretionary action, the element must include a program to establish the appropriate zoning, unless the jurisdiction has satisfied its needs through existing emergency shelters or a multi-jurisdictional

agreement. If development and management standards do not encourage and facilitate emergency shelters or zoning does not treat transitional and supportive housing as a residential use, the element must include a program(s) to amend existing zoning or processing requirements to comply with SB 2.

Programs to address the requirements of SB 2 for emergency shelters must be implemented within one year of adoption of the housing element. Programs to address requirements for transitional and supportive housing should be implemented early in the planning period. Further, since the program for emergency shelters must be implemented within one year of adoption, the housing element should provide analysis to support and assure effective implementation of the program. For example, the analysis should examine the suitability of zones to be included in the program and whether sufficient and suitable capacity is available. The same type of analysis could evaluate development and management standards that will be considered as part of establishing or amending zoning. This analysis should demonstrate the necessary commitment to ensure zoning, permit procedures and development standards encourage and facilitate emergency shelters.

Timing: When SB 2 Applies

In accordance with Government Code Section 65583(e), any draft housing element submitted to the Department after March 31, 2008 will be required to comply with SB 2.

Section 2

Local Approval

(Government Code Section 65589.5)

The Housing Accountability Act

To promote predictability for the development of housing affordable to lower- and moderate-income households, the Housing Accountability Act (Government Code Section 65589.5) prohibits a jurisdiction from disapproving a housing development project, including housing for farmworkers and for very low-, low-, or moderate-income households, or conditioning approval in a manner that renders the project infeasible for development for the use of very low-, low-, or moderate-income households, including through the use of design review standards, unless it makes at least one of five specific written findings based on substantial evidence in the record (Government Code Section 65589.5).

SB 2 adds emergency shelters to the list of uses protected under the Housing Accountability Act. In addition, SB 2 clarifies that the definition of a housing development project includes transitional or supportive housing (see Attachment 1: SB 2 - changes are underlined).

Zoning Inconsistency

Pursuant to the Housing Accountability Act, a local government is prohibited from making the finding regarding zoning and general plan inconsistency (Section 65589.5(d)(5)) to disapprove a development if the jurisdiction identified the site in its general plan (e.g., housing or land-use element) as appropriate for residential use at the density proposed or failed to identify adequate sites to accommodate its share of the regional housing need for all income groups. In addition to extending these provisions to emergency shelters and transitional housing, SB 2 prohibits the use of the zoning and general plan inconsistency finding to disapprove an emergency shelter if the jurisdictions have:

- not identified a zone(s) where emergency shelters are allowed as a permitted use without a conditional use or other discretionary permit,
- not demonstrated the identified zone(s) include sufficient capacity to accommodate the need for emergency shelter, or
- not demonstrated the identified zone(s) can accommodate at least one emergency shelter.

This provision applies to any site identified in any element of the general plan for industrial, commercial, or multifamily residential uses. In any court action, the burden of proof is on the local jurisdiction to demonstrate its housing element satisfies the above requirements of SB 2.

Attachment 1

Statutory Changes to Housing Element Law (*underline version*)

Attachment 1

Changes to State Housing Element Law Chapter 633, Statutes of 2007 (SB 2) *(changes indicated in strikeouts and underlines)*

65582. As used in this article, the following definitions apply:

(a) "Community," "locality," "local government," or "jurisdiction" means a city, city and county, or county.

(b) "Council of governments" means a single or multicounty council created by a joint powers agreement pursuant to Chapter 5 (commencing with Section 6500) of Division 1 of Title 1.

(c) "Department" means the Department of Housing and Community Development.

(d) "Emergency shelter" has the same meaning as defined in subdivision (e) of Section 50801 of the Health and Safety Code.

(e) "Housing element" or "element" means the housing element of the community's general plan, as required pursuant to this article and subdivision (c) of Section 65302.

(f) "Supportive housing" has the same meaning as defined in subdivision (b) of Section 50675.14 of the Health and Safety Code.

(g) "Transitional housing" has the same meaning as defined in subdivision (h) of Section 50675.2 of the Health and Safety Code.

65583. The housing element shall consist of an identification and analysis of existing and projected housing needs and a statement of goals, policies, quantified objectives, financial resources, and scheduled programs for the preservation, improvement, and development of housing. The housing element shall identify adequate sites for housing, including rental housing, factory-built housing, ~~and~~ mobilehomes, and emergency shelters, and shall make adequate provision for the existing and projected needs of all economic segments of the community. The element shall contain all of the following:

(a) An assessment of housing needs and an inventory of resources and constraints relevant to the meeting of these needs. The assessment and inventory shall include all of the following:

(1) An analysis of population and employment trends and documentation of projections and a quantification of the locality's existing and projected housing needs for all income levels, including extremely low income households, as defined in subdivision (b) of Section 50105 and Section 50106 of the Health and Safety Code. These existing and projected needs shall include the locality's share of the regional housing need in accordance with Section 65584. Local agencies shall calculate the subset of very low income households allotted under Section 65584 that qualify as extremely low income households. The local agency may either use available census data to calculate the percentage of very low income households that qualify as extremely low income households or presume that 50 percent of the very low income households qualify as extremely low income households. The number of extremely low income households and very low income households shall equal the jurisdiction's allocation of very low income households pursuant to Section 65584.

(2) An analysis and documentation of household characteristics, including level of payment compared to ability to pay, housing characteristics, including overcrowding, and housing stock condition.

(3) An inventory of land suitable for residential development, including vacant sites and sites having potential for redevelopment, and an analysis of the relationship of zoning and public facilities and services to these sites.

(4) (A) The identification of a zone or zones where emergency shelters are allowed as a permitted use without a conditional use or other discretionary permit. The identified zone or zones shall include sufficient capacity to accommodate the need for emergency shelter identified in paragraph (7), except that each local government shall identify a zone or zones that can accommodate at least one year-round emergency shelter. If the local government cannot identify a zone or zones with sufficient capacity, the local government shall include a program to amend its zoning ordinance to meet the requirements of this paragraph within one year of the adoption of the housing element. The local government may identify additional zones where emergency shelters are permitted with a conditional use permit. The local government shall also demonstrate that existing or proposed permit processing, development, and management standards are objective and encourage and facilitate the development of, or conversion to, emergency shelters. Emergency shelters may only be subject to those development and management standards that apply to residential or commercial development within the same zone except that a local government may apply written, objective standards that include all of the following:

* (i) The maximum number of beds or persons permitted to be served nightly by the facility.
(ii) Off-street parking based upon demonstrated need, provided that the standards do not require more parking for emergency shelters than for other residential or commercial uses within the same zone.

(iii) The size and location of exterior and interior onsite waiting and client intake areas.

(iv) The provision of onsite management.

(v) The proximity to other emergency shelters, provided that emergency shelters are not required to be more than 300 feet apart.

(vi) The length of stay.

(vii) Lighting.

(viii) Security during hours that the emergency shelter is in operation.

(B) The permit processing, development, and management standards applied under this paragraph shall not be deemed to be discretionary acts within the meaning of the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code).

(C) A local government that can demonstrate to the satisfaction of the department the existence of one or more emergency shelters either within its jurisdiction or pursuant to a multijurisdictional agreement that can accommodate that jurisdiction's need for emergency shelter identified in paragraph (7) may comply with the zoning requirements of subparagraph (A) by identifying a zone or zones where new emergency shelters are allowed with a conditional use permit.

(D) A local government with an existing ordinance or ordinances that comply with this paragraph shall not be required to take additional action to identify zones for emergency shelters. The housing element must only describe how existing ordinances, policies, and standards are consistent with the requirements of this paragraph.

(5) An analysis of potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels, including the types of housing identified in paragraph (1) of subdivision (c), and for persons with disabilities as identified in

the analysis pursuant to paragraph (6), including land use controls, building codes and their enforcement, site improvements, fees and other exactions required of developers, and local processing and permit procedures. The analysis shall also demonstrate local efforts to remove governmental constraints that hinder the locality from meeting its share of the regional housing need in accordance with Section 65584 and from meeting the need for housing for persons with disabilities identified pursuant to, supportive housing, transitional housing, and emergency shelters identified pursuant to paragraph Transitional housing and supportive housing shall be ~~(5)~~ considered a residential use of property, and shall be subject only to those restrictions that apply to other residential dwellings of the same type in the same zone.

(6) An analysis of potential and actual nongovernmental constraints upon the maintenance, improvement, or development of housing for all income levels, including the availability of financing, the price of land, and the cost of construction.

(67) An analysis of any special housing needs, such as those of the elderly, persons with disabilities, large families, farmworkers, families with female heads of households, and families and persons in need of emergency shelter. The need for emergency shelter shall be ~~(7)~~ assessed based on annual and seasonal need. The need for emergency shelter may be reduced by the number of supportive housing units that are identified in an adopted 10-year plan to end chronic homelessness and that are either vacant or for which funding has been identified to allow construction during the planning period.

(8) An analysis of opportunities for energy conservation with respect to residential development.

(89) An analysis of existing assisted housing developments that are eligible to change from low-income housing uses during the next 10 years due to termination of subsidy contracts, mortgage prepayment, or expiration of restrictions on use. "Assisted housing developments," for the purpose of this section, shall mean multifamily rental housing that receives governmental assistance under federal programs listed in subdivision (a) of Section 65863.10, state and local multifamily revenue bond programs, local redevelopment programs, the federal Community Development Block Grant Program, or local in-lieu fees. "Assisted housing developments" shall also include multifamily rental units that were developed pursuant to a local inclusionary housing program or used to qualify for a density bonus pursuant to Section 65916.

(A) The analysis shall include a listing of each development by project name and address, the type of governmental assistance received, the earliest possible date of change from low-income use and the total number of elderly and nonelderly units that could be lost from the locality's low-income housing stock in each year during the 10-year period. For purposes of state and federally funded projects, the analysis required by this subparagraph need only contain information available on a statewide basis.

(B) The analysis shall estimate the total cost of producing new rental housing that is comparable in size and rent levels, to replace the units that could change from low-income use, and an estimated cost of preserving the assisted housing developments. This cost analysis for replacement housing may be done aggregately for each five-year period and does not have to contain a project-by-project cost estimate.

(C) The analysis shall identify public and private nonprofit corporations known to the local government which have legal and managerial capacity to acquire and manage these housing developments.

(D) The analysis shall identify and consider the use of all federal, state, and local financing and subsidy programs which can be used to preserve, for lower income households, the assisted housing developments, identified in this paragraph, including, but not limited to, federal Community Development Block Grant Program funds, tax increment funds received by a redevelopment agency of the community, and administrative fees received by a housing authority operating within the community. In considering the use of these financing and subsidy programs, the analysis shall identify the amounts of funds under each available program which have not been legally obligated for other purposes and which could be available for use in preserving assisted housing developments.

(b) (1) A statement of the community's goals, quantified objectives, and policies relative to the maintenance, preservation, improvement, and development of housing.

(2) It is recognized that the total housing needs identified pursuant to subdivision (a) may exceed available resources and the community's ability to satisfy this need within the content of the general plan requirements outlined in Article 5 (commencing with Section 65300). Under these circumstances, the quantified objectives need not be identical to the total housing needs. The quantified objectives shall establish the maximum number of housing units by income category, including extremely low income, that can be constructed, rehabilitated, and conserved over a five-year time period.

(c) A program which sets forth a five-year schedule of actions the local government is undertaking or intends to undertake to implement the policies and achieve the goals and objectives of the housing element through the administration of land use and development controls, the provision of regulatory concessions and incentives, and ~~the~~ the utilization of appropriate federal and state financing and subsidy programs when available and the utilization of moneys in a low- and moderate-income housing fund of an agency if the locality has established a redevelopment project area pursuant to the Community Redevelopment Law (Division 24 (commencing with Section 33000) of the Health and Safety Code). In order to make adequate provision for the housing needs of all economic segments of the community, the program shall do all of the following:

(1) Identify actions that will be taken to make sites available during the planning period of the general plan with appropriate zoning and development standards and with services and facilities to accommodate that portion of the city's or county's share of the regional housing need for each income level that could not be accommodated on sites identified in the inventory completed pursuant to paragraph (3) of subdivision (a) without rezoning, and to comply with the requirements of Section 65584.09. Sites shall be identified as needed to facilitate and encourage the development of a variety of types of housing for all income levels, including multifamily rental housing, factory-built housing, mobilehomes, housing for agricultural employees, supportive housing, single-room occupancy units, emergency shelters, and transitional housing.

(A) Where the inventory of sites, pursuant to paragraph (3) of subdivision (a), does not identify adequate sites to accommodate the need for groups of all household income levels pursuant to Section 65584, the program shall identify sites that can be developed for housing within the planning period pursuant to subdivision (h) of Section 65583.2.

(B) Where the inventory of sites pursuant to paragraph (3) of subdivision (a) does not identify adequate sites to accommodate the need for farmworker housing, the program shall provide for sufficient sites to meet the need with zoning that permits farmworker housing use by right, including density and development standards that could accommodate and facilitate the feasibility of the development of farmworker housing for low- and very low income households.

(2) Assist in the development of adequate housing to meet the needs of extremely low, very low, low-, and moderate-income households.

(3) Address and, where appropriate and legally possible, remove governmental constraints to the maintenance, improvement, and development of housing, including housing for all income levels and housing for persons with disabilities. The program shall remove constraints to, and provide reasonable accommodations for housing designed for, intended for occupancy by, or with supportive services for, persons with disabilities.

(4) Conserve and improve the condition of the existing affordable housing stock, which may include addressing ways to mitigate the loss of dwelling units demolished by public or private action.

(5) Promote housing opportunities for all persons regardless of race, religion, sex, marital status, ancestry, national origin, color, familial status, or disability.

(6) Preserve for lower income households the assisted housing developments identified pursuant to paragraph (89) of subdivision (a).

The program for preservation of the assisted housing developments shall utilize, to the extent necessary, all available federal, state, and local financing and subsidy programs identified in paragraph (89) of subdivision (a), except where a community has other urgent needs for which alternative funding sources are not available. The program may include strategies that involve local regulation and technical assistance.

(7) The program shall include an identification of the agencies and officials responsible for the implementation of the various actions and the means by which consistency will be achieved with other general plan elements and community goals. The local government shall make a diligent effort to achieve public participation of all economic segments of the community in the development of the housing element, and the program shall describe this effort.

(d) (1) A local government may satisfy all or part of its requirement to identify a zone or zones suitable for the development of emergency shelters pursuant to paragraph (4) of subdivision (a) by adopting and implementing a multijurisdictional agreement, with a maximum of two other adjacent communities, that requires the participating jurisdictions to develop at least one year-round emergency shelter within two years of the beginning of the planning period.

(2) The agreement shall allocate a portion of the new shelter capacity to each jurisdiction as credit towards its emergency shelter need, and each jurisdiction shall describe how the capacity was allocated as part of its housing element.

(3) Each member jurisdiction of a multijurisdictional agreement shall describe in its housing element all of the following:

(A) How the joint facility will meet the jurisdiction's emergency shelter need.

(B) The jurisdiction's contribution to the facility for both the development and ongoing operation and management of the facility.

(C) The amount and source of the funding that the jurisdiction contributes to the facility.

(4) The aggregate capacity claimed by the participating jurisdictions in their housing elements shall not exceed the actual capacity of the shelter.

(e) Except as otherwise provided in this article, amendments to this article that alter the required content of a housing element shall apply to both of the following:

(1) A housing element or housing element amendment prepared pursuant to subdivision (e) of Section 65588 or Section 65584.02, **wherewhen** a city, county, or city and county submits a **first** draft to the department for review pursuant to Section 65585 more than 90 days after the effective date of the amendment to this section.

(2) Any housing element or housing element amendment prepared pursuant to subdivision (e) of Section 65588 or Section 65584.02, ~~whenever~~ the city, county, or city and county fails to submit the first draft to the department before the due date specified in Section 65588 or 65584.02.

Housing Accountability Act

65589.5. (a) The Legislature finds and declares all of the following:

(1) The lack of housing, including emergency shelters, is a critical problem that threatens the economic, environmental, and social quality of life in California. (2) California housing has become the most expensive in the nation. The excessive cost of the state's housing supply is partially caused by activities and policies of many local governments that limit the approval of housing, increase the cost of land for housing, and require that high fees and exactions be paid by producers of housing.

(3) Among the consequences of those actions are discrimination against low income and minority households, lack of housing to support employment growth, imbalance in jobs and housing, reduced mobility, urban sprawl, excessive commuting, and air quality deterioration.

(4) Many local governments do not give adequate attention to the economic, environmental, and social costs of decisions that result in disapproval of housing projects, reduction in density of housing projects, and excessive standards for housing projects.

(b) It is the policy of the state that a local government not reject or make infeasible housing developments, including emergency shelters, that contribute to meeting the ~~housing~~ need determined pursuant to this article without a thorough analysis of the economic, social, and Environmental effects of the action and without complying with subdivision (d).

(c) The Legislature also recognizes that premature and unnecessary development of agricultural lands for urban uses continues to have adverse effects on the availability of those lands for food and fiber production and on the economy of the state. Furthermore, it is the policy of the state that development should be guided away from prime agricultural lands; therefore, in implementing this section, local jurisdictions should encourage, to the maximum extent practicable, in filling existing urban areas.

(d) A local agency shall not disapprove a housing development project, including farmworker housing as defined in subdivision (d) of Section 50199.50 of the Health and Safety Code, for very low, low-, or moderate-income households, or an emergency shelter, or condition approval in a manner that renders the project infeasible for development for the use of very low, low-, or moderate- income households, or an emergency shelter, including through the use of design review standards, unless it makes written findings, based upon substantial evidence in the record, as to one of the following:

(1) The jurisdiction has adopted a housing element pursuant to this article that has been revised in accordance with Section 65588, is in substantial compliance with this article, and the jurisdiction has met or exceeded its share of the regional housing need allocation pursuant to Section 65584 for the planning period for the income category proposed for the housing development project, provided that any disapproval or conditional approval shall not be based on any of the reasons prohibited by Section 65008. If the housing development project includes a mix of income categories, and the jurisdiction has not met or exceeded its share of the regional housing need for one or more of those categories, then this paragraph shall not be used to disapprove or conditionally approve the project. The share of the regional

housing need met by the jurisdiction shall be calculated consistently with the forms and definitions that may be adopted by the Department of Housing and Community Development pursuant to Section 65400. In the case of an emergency shelter, the jurisdiction shall have met or exceeded the need for emergency shelter, as identified pursuant to paragraph (7) of subdivision (a) of Section 65583. Any disapproval or conditional approval pursuant to this paragraph shall be in accordance with applicable law, rule, or standards.

(2) The development project or emergency shelter as proposed would have a specific, adverse impact upon the public health or safety, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low- and moderate-income households or rendering the development of the emergency shelter financially infeasible. As used in this paragraph, a "specific, adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete. Inconsistency with the zoning ordinance or general plan land use designation shall not constitute a specific, adverse impact upon the public health or safety.

(3) The denial of the project or imposition of conditions is required in order to comply with specific state or federal law, and there is no feasible method to comply without rendering the development unaffordable to low- and moderate-income households or rendering the development of the emergency shelter financially infeasible.

(4) The development project or emergency shelter is proposed on land zoned for agriculture or resource preservation that is surrounded on at least two sides by land being used for agricultural or resource preservation purposes, or which does not have adequate water or wastewater facilities to serve the project.

(5) The development project or emergency shelter is inconsistent with both the jurisdiction's zoning ordinance and general plan land use designation as specified in any element of the general plan as it existed on the date the application was deemed complete, and the jurisdiction has adopted a revised housing element in accordance with Section 65588 that is in substantial compliance with this article.

(A) This paragraph cannot be utilized to disapprove or conditionally approve a housing development project if the development project is proposed on a site that is identified as suitable or available for very low, low-, or moderate-income households in the jurisdiction's housing element, and consistent with the density specified in the housing element, even though it is inconsistent with both the jurisdiction's zoning ordinance and general plan land use designation.

(B) If the local agency has failed to identify in the inventory of land in its housing element sites that can be developed for housing within the planning period and that are sufficient to provide for the jurisdiction's share of the regional housing need for all income levels pursuant to Section 65584, then this paragraph shall not be utilized to disapprove or conditionally approve a housing development project proposed for a site designated in any element of the general plan for residential uses or designated in any element of the general plan for commercial uses if residential uses are permitted or conditionally permitted within commercial designations. In any action in court, the burden of proof shall be on the local agency to show that its housing element does identify adequate sites with appropriate zoning and development standards and with services and facilities to accommodate the local agency's share of the regional housing need for the very low and low-income categories.

~~(e) This section does not relieve the local agency (C) If the local agency has failed to identify a zone or zones where emergency shelters are allowed as a permitted use without a conditional use or other discretionary permit, has failed to demonstrate that the identified zone or zones include sufficient capacity to accommodate the need for emergency shelter identified in paragraph (7) of subdivision (a) of Section 65583, or has failed to demonstrate that the identified zone or zones can accommodate at least one emergency shelter, as required by paragraph (4) of subdivision (a) of Section 65583, then this paragraph shall not be utilized to disapprove or conditionally approve an emergency shelter proposed for a site designated in any element of the general plan for industrial, commercial, or multifamily residential uses. In any action in court, the burden of proof shall be on the local agency to show that its housing element does satisfy the requirements of paragraph (4) of subdivision (a) of Section 65583.~~

~~(e) Nothing in this section shall be construed to relieve the local agency~~ from complying with the Congestion Management Program required by Chapter 2.6 (commencing with Section 65088) of Division 1 of Title 7 or the California Coastal Act (Division 20 (commencing with Section 30000) of the Public Resources Code). ~~This~~ Neither shall anything in this section ~~also does not be construed to~~ relieve the ~~local agency local agency~~ from making one or more of the findings required pursuant to Section 21081 of the Public Resources Code or otherwise complying with the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code).

~~(f) This~~ (1) ~~Nothing in this~~ section ~~does not shall be construed to~~ prohibit a local agency from requiring the development project to comply with objective, quantifiable, written development standards, conditions, and policies appropriate to, and consistent with, meeting the jurisdiction's share of the regional housing need pursuant to Section 65584. However, the development standards, conditions, and policies shall be applied to facilitate and accommodate development at the density permitted on the site and proposed by the development project. ~~This.~~ (2) ~~Nothing in this~~ section ~~does not shall be construed to~~ prohibit a local agency from requiring an emergency shelter project to comply with objective, quantifiable, written development standards, conditions, and policies that are consistent with paragraph (4) of subdivision (a) of Section 65583 and appropriate to, and consistent with, meeting the jurisdiction's need for emergency shelter, as identified pursuant to paragraph (7) of subdivision (a) of Section 65583. However, the development standards, conditions, and policies shall be applied by the local agency to facilitate and accommodate the development of the emergency shelter project.

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

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

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

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

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

(A) Residential units only.

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

(C) Transitional housing or supportive housing.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Attachment 2

Definitions

Attachment 2

Definitions

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

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

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

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

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

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

Target Population Definition per HSC 53260(d)

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

Attachment 3

Helpful Links

Attachment 3

Helpful Links

National Alliance to End Homelessness

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

Interagency Council on Homelessness

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

Interagency Council on Homelessness, Guide to Developing Plans and Examples

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

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

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

The National Coalition for the Homeless – Local Resources in California

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

HCD Selected Bibliography on Homeless Issues

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

Building Blocks for Effective Housing Elements

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

http://www.hcd.ca.gov/hpd/housing_element/index.html



HOUSING OUR PEOPLE EFFECTIVELY

HOPE

Ending Homelessness In San Mateo County



10-Year Plan to End Homelessness

MARCH 2006

The personal stories in the HOPE Plan are true. However, pictures included do not depict factual families to protect children from the stigma of being homeless.

The artwork in this document was generated by children from Kindergarten to fifth grade in San Mateo County. Children were asked to draw a house and explain "what my home means to me." A contest was held to select twelve winners; their delightful artwork was highlighted in the 2006 HIP Housing Calendar.

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C. Planning Process and Structure

D. Demographic Data

E. San Mateo County Housing and Services System Capacity

F. Supportive Housing: Evaluation and Outcomes

G. Housing Needs and Estimated Costs

H. Situational Analysis: Needs, Barriers and Strategic Opportunities

I. HOPE Preliminary Action Plan

J. Glossary

not included (see San Mateo Co. website for further details)
 I.1.64

TO THE PEOPLE OF SAN MATEO COUNTY

A Call to Action

Every year in San Mateo County an estimated 4,000 children, men and women are homeless and another 26,000 are just one paycheck or medical emergency away from losing their home. People who are homeless struggle to meet basic human needs like food and clothing. They face significant barriers to participation in the workforce and in community life.

The human and financial costs of homelessness are enormous and are not only borne by those in crisis, but also by our entire community in the form of diminished community well being including the financial burden of paying for emergency and social services that generally do not end homelessness for those served.

Housing Our People Effectively (HOPE) – The 10-Year Plan to Prevent and End Homelessness in San Mateo County – has been created because of an emerging consensus among political and civic leaders, business people, community activists, homeless people and their families, housing and service providers, and other stakeholders in San Mateo County that something must be done to address the homeless issue. In April 2005, San Mateo County Supervisors Mark Church and Jerry Hill initiated HOPE by bringing together approximately 150 representatives from all sectors of the community with a mandate to create a plan to end homelessness.

HOPE is a milestone in our community's approach to homelessness. It sets forth a ten-year plan of action that will change the way the community works together to solve this problem. It is focused to achieve a single, specific result: preventing and ending homelessness in San Mateo County.

The people of San Mateo County are invited to join our effort to turn this vision into reality. Working together as a community, we can give hope to those with the greatest need and ensure that safe, accessible, affordable housing is available to everyone in San Mateo County.

Jerry Hill, President
*San Mateo County
Board of Supervisors
Co-Chair, HOPE
Leadership Committee*

Mark Church, Member
*San Mateo County
Board of Supervisors
Co-Chair, HOPE
Leadership Committee*

The HOPE Vision

Homelessness will end by ensuring that safe, accessible, affordable housing is available in San Mateo County for those in greatest need.

Executive Summary



PREFACE

Executive Summary

Desired Results

By 2015:

1. 7,900 individual and family households in San Mateo County who have been homeless or at severe risk of homelessness due to extremely low incomes, chronic disabilities and/or other health or special needs, will secure and maintain safe, permanent, accessible, affordable, and where needed, supportive housing:
 - 2,400 units for individuals and families who are homeless; and,
 - 5,500 units for individuals and families who have extremely low incomes and high rent burdens.
2. 4,300 individual and family households will receive short-term assistance to secure or maintain housing.

Recommendations

The HOPE Plan is built around two key strategies: housing and prevention. To end homelessness, San Mateo County must follow the housing strategy successfully documented in other communities around the country: increasing the supply of permanent affordable and supportive housing for people who are homeless and developing strategies to help them move into housing as rapidly as possible. The second key strategy is to prevent individuals and families from becoming homeless in the first place by assisting them to maintain their housing.

The HOPE Plan contains four key recommendations:

1. Increase housing opportunities for people who are homeless or at imminent risk of homelessness.

The most effective way to end homelessness is to ensure that there is a sufficient supply of safe, secure, and accessible housing affordable to those with extremely low incomes, including supportive housing for people with complex challenges who need services to remain housed. These new housing opportunities will be created by developing new affordable and supportive housing units and by making existing housing units affordable.

2. Prevent and end homelessness by delivering timely, flexible services to support stability and independence.

Housing alone will not end homelessness. While creating an increased supply of affordable and supportive housing is critical, there is an equally urgent need to ensure that people receive the services they need to secure and sustain housing. Homeless people and people leaving institutional settings need services to ensure that they are able to rapidly access permanent housing and re-enter the community. For those who are housed but who need services to sustain their housing, support is crucial for increasing income, building assets, improving their health and mental health status, creating social support networks, and participating in the full range of community life.

For those who are at imminent risk of becoming homeless primarily due to lack of adequate income, the Plan calls for the provision of refined and expanded Homeless Prevention services in order to secure and/or maintain their existing housing. HOPE also recommends that every individual or family discharged from a public or private institution (such as a hospital, mental health facility, jail or foster care) has access to safe, accessible, affordable or supportive housing. Both of these recommendations are based on the provision of coordinated and integrated mainstream services such as health, mental health, substance abuse, social and employment services.

3. Create system performance standards, track progress towards ending and preventing homelessness, and report results to stakeholders and the broader community.

Developing the housing and services necessary to prevent and end homelessness depends in large measure on having good information to track progress, evaluate results, and determine whether scarce resources are being used most efficiently and are accomplishing the goals set forth in the Plan. Good data is also essential to ensure accountability to the community and to build public support - by demonstrating that progress is being made to prevent and end homelessness. Progress will be reported to community leaders, policymakers, funders, providers, consumers and the general public to ensure continuous quality improvement of housing and services for people who are homeless.

4. Develop long-term leadership and community will to prevent and end homelessness.

Accomplishing the Plan's recommendations depends in great measure on building broad-based community support and developing a structure that will create and sustain the community's will to prevent and end homelessness. The Plan calls for cultivating

community champions and leaders who will ensure continued, sustainable engagement and action around the vision of HOPE, and the mobilization of a critical mass of citizens, decision makers, and key constituencies to support and implement effective solutions to end homelessness.

Resources Needed to End Homelessness

In addition to working smarter, implementation of the HOPE Plan will require new and reconfigured resources to carry out the recommendations. Although much of the needed funding will come from state and federal resources, it is estimated that it will cost approximately \$1.56 billion over ten years to create and operate the recommended 7,900 new units of permanent affordable and supportive housing.

While this cost estimate is sizeable, the price of not doing things differently is also significant, with poor outcomes for the monies spent. Estimates from other communities suggest that the emergency and social services used by people who are homeless can cost as much as \$70,000 per person per year. If applied to San Mateo County, this figure suggests it could cost nearly \$2 billion over 10 years to simply continue providing expensive emergency interventions that do not for the most part end homelessness for those receiving these services.

Therefore, the HOPE Plan lays out several strategies for securing the needed resources:

- through working smarter, using existing funds more strategically and efficiently;
- through coordination and collaboration, using local funds to leverage more state and federal funding; and,
- by showing tangible results, increasing public and private support for and investment in solutions to end homelessness.



Lalaine and her daughter, Kyla, found themselves homeless after Lalaine left an abusive marriage. With help from a local shelter, Lalaine earned a childhood education certificate and found permanent housing.

A Blueprint for Action

The community stakeholders who developed this Plan are committed to immediate action to ensure that the vision articulated becomes a reality. Concrete steps have been identified to ensure that the momentum developed during this planning process continues to build and accelerate in the months and years to come. An Interim Working Group has been formed to oversee garnering Plan endorsements, to establish preliminary implementation structures recommended in the Plan, and to guide efforts related to the Plan's recommendations already in progress.

Although the official launch of the Plan is scheduled for mid-2006, the transition from the planning to implementation phase has already begun. Specific actions are being put in motion to bring together individuals from all sectors of the community to begin to make progress towards meeting the goals set forth in the HOPE Plan:

- One hundred new units of permanent supportive housing are in development for adults who struggle with poverty, mental health problems and/or other chronic health conditions. Ninety of these units will be created through a partnership between the San Mateo County Health Department Mental Health Services, the Human Services Agency Center on Homelessness, and the Department of Housing, and funded through the county's allocation of State Mental Health Services Act (Proposition 63) funding.
- The City of San Mateo is establishing a pilot multi-disciplinary homeless outreach team under the direction of the Police Department. The team will be a unique partnership between the City of San Mateo, San Mateo County and community nonprofits. The team will reach out to and engage with those homeless people living on the streets in downtown San Mateo who have the longest histories of homelessness – offering them services (including health, mental health, and substance abuse services) as well as access to permanent housing.

Preventing and ending homelessness in San Mateo County will not be easy or simple – but it is possible. The time has come to take action to end this crisis in our community. A challenging period of framing the strategic direction to end homelessness is behind us and the next ten years of realizing it will be even more challenging. By working together as a community, we can overcome the obstacles and ensure that safe, accessible, affordable housing is available for everyone in San Mateo County, including those in greatest need.

SECTION I

Introduction

A. An Action Plan

Housing Our People Effectively (HOPE) sets forth a ten-year plan of action to end homelessness.

By 2015:

1. 7,900 individual and family households in San Mateo County who have been homeless or at severe risk of homelessness due to extremely low incomes, chronic disabilities and/or other health or special needs, will secure and maintain safe, permanent, accessible, affordable, and where needed, supportive housing.
 - 2,400 units for individuals and families who are homeless; and,
 - 5,500 units for individuals and families who have extremely low incomes and high rent burdens.
2. 4,300 individual and family households will receive short-term assistance to secure or maintain housing.

B. Why Plan Now?

The homeless population in San Mateo County includes families with children, youth and adults. Many are living with chronic health conditions such as mental illness, substance abuse issues, HIV/AIDS or other disabilities. An estimated 30,000 people are either homeless or at-risk of homelessness and represent about 12,000 households with extremely urgent housing needs. And they are only one part of an even larger number of households who struggle to afford housing in San Mateo County, which is one of the least affordable housing markets in the United States.¹

The human costs of homelessness are substantial. People who are homeless struggle to meet basic human needs for food and clothing, finding jobs and participating in community life. Without a safe, secure place to live, people are vulnerable to violence and exploitation. Their physical and mental health suffers. The impact of homelessness on children and youth is particularly severe – homeless children are at far greater risk of experiencing developmental delays, emotional and behavioral problems, poor school attendance and lower academic performance.

In San Diego, emergency health and mental health costs amounted to an average of nearly \$70,000 per year for each homeless person.



The financial costs of homelessness are also substantial. Study after study documents the enormous costs of homelessness to society and to communities when a significant portion of the population does not have a stable place to live. In New York City, it costs an average of \$40,000 per year to provide emergency services to each homeless person (including the costs of emergency room visits and in-patient hospital stays, crisis mental health and substance abuse treatment, and criminal justice interventions).

The HOPE Plan is a blueprint for action. It is a roadmap to a desired result: the end of homelessness in San Mateo County.

San Mateo County joins a growing statewide and nation-wide movement to establish long-range plans to end homelessness. The HOPE plan is being developed now because the HOPE planners recognize:

- **Homelessness and highly unstable housing situations create great harm – both for the people who experience it and for the entire community.** People cannot thrive without a safe and secure place to call home. In addition to the human costs of homelessness, the financial costs are straining the community's publicly funded service systems. Social services, hospitals, emergency rooms, jails, law enforcement, mental health services, detoxification programs, the 911 system and others spend substantial resources caring for people who are in crisis due to a lack of stable housing.
- **Ending homelessness requires a new way of doing things.** To implement solutions that actually end homelessness requires a community-wide commitment to use human and financial resources more effectively. This will require an unprecedented degree of coordination and cooperation among all sectors of the community, including city and county government, businesses, the faith community, service and housing providers, concerned citizens and homeless people themselves. This Plan provides the framework for aligning and synchronizing the efforts of all these stakeholders towards a unified purpose.

- **Having a concrete plan in place will allow San Mateo County to maximize existing resources and acquire new ones.** While this plan puts forth many recommendations about how our community can “work smarter” and make more effective use of existing resources, it also recognizes that the goals cannot be accomplished without substantial new investments. By developing a strategic plan, the community is better positioned to tap into state and federal resources, as well as to secure local private and public sector investment.

C. How This Plan is Different From Other Plans

Housing Solutions

There is growing evidence indicating that the vast majority of homeless people can move directly from the street or shelters into housing, provided that housing is affordable, does not have time limits, and offers tenants the support services they need to gain and maintain stability. Although emergency shelters and services are important interventions, particularly when affordable housing units are in short supply, an emergency shelter bed does not end homelessness for anyone. Therefore, the HOPE Plan recommends the creation of permanent housing (meaning housing that does not have time limits) that homeless people and people at-risk of homelessness can afford, and which is linked to the services they need. Additionally, the Plan recommends that homeless people move into permanent affordable or supportive housing as quickly as possible.

Homeless Prevention

Ending homelessness in San Mateo County starts with prevention. Many people become homeless when they are discharged from institutions, such as jails, hospitals, or emergency rooms, or are leaving the foster care system. Providing these individuals with re-entry planning to help them secure affordable housing in the community and the services they need to sustain that housing prior to the time of discharge will significantly reduce the incidence of homelessness.

In San Mateo County there are a large number of families and individuals who are highly vulnerable to crises that may lead to homelessness because they have extremely low incomes and high rent burdens. They may also have special needs such as mental illness, substance abuse issues, chronic health conditions, limited education or job skills, domestic violence problems, or some combination of such challenges.

Homeless prevention requires social and community services that quickly identify people who are at-risk and provide responsive and coordinated prevention services. These needed services and support must come not only from homeless service providers and their community partners, but also from "mainstream" social service systems: the mental health and substance abuse systems, the health and hospital systems, the criminal justice and foster care systems. To provide the integrated and coordinated services needed to prevent and end homelessness requires an unprecedented level of cooperation, coordination and integration among these entities.



After losing her job, Michelle and Fernando were unable to pay rent on their home in San Bruno. After resources ran out, Michelle, Fernando, and their children became homeless. Through the support of a local family shelter, they were able to move into a place of their own in just five months.

Results-Based Accountability

There is a strong body of new research in the area of housing and homelessness that provides rigorous, quantitative and qualitative evidence about what strategies and approaches are most successful in ending or reducing homelessness.

The HOPE planners are committed to learning from successful innovations and have drawn upon this body of research in developing the recommendations in this Plan.

Homeless prevention requires social and community services that quickly identify people who are at-risk and provide responsive and coordinated prevention services.

The desired results described in the Plan include quantitative goals for numbers of people who will be housed and numbers of housing units to be created, as well as recommendations to establish systems for evaluating whether these goals have been met. The HOPE planners have established a system of accountability to track progress in accomplishing the result sought: to end homelessness in San Mateo County.

D. HOPE Planning Process and Structure

The HOPE planning process was spearheaded by San Mateo County Supervisors Mark Church and Jerry Hill to act upon the Board of Supervisor's Shared Vision 2010 goal for the county that "housing will exist for people at all income levels and for all generations of families." In April 2005, Supervisors Hill and Church convened the HOPE Leadership Committee, a group of 50 individuals selected for their leadership and ability to educate, engage and put forth decisions on behalf of their constituencies.

The Supervisors also convened the HOPE Stakeholder Committee, a group of 100 community members with expertise in key areas relevant to preventing and ending homelessness. Together these community members were charged with developing a 10-year plan to prevent and end homelessness in San Mateo County. The

Stakeholder Committee, working in four topic-focused Task Forces, met monthly from April through December 2005 to identify needs, barriers and challenges and to develop strategies and recommendations to meet the identified goal of preventing and ending homelessness. The Task Forces and their areas of focus were:

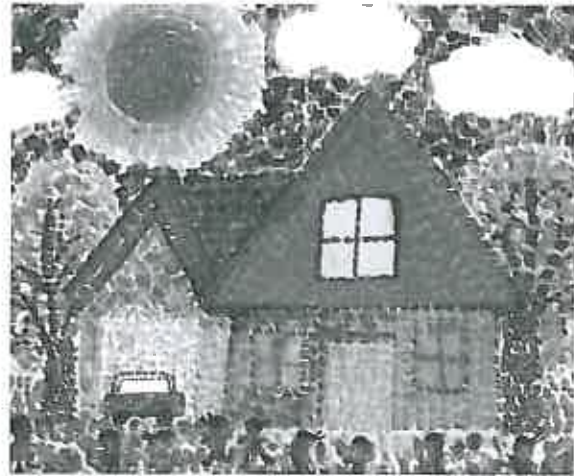
- **Community Connections:** strategies to engage the community, build political will and generate commitments to take action to solve homelessness.
- **Prevention Networks:** Homeless Prevention strategies, including strategies relating to outreach to homeless people, Homeless Prevention interventions, and re-entry of persons to the community from institutional care (e.g., hospitals, jails, treatment, foster care, etc.).
- **Housing Solutions:** strategies to provide a range of affordable housing options, including the services necessary for people to maintain their housing and achieve greater levels of self sufficiency, overall wellness, and connection to the community.
- **Quality Outcomes:** strategies for developing the data and other systems needed to ensure the quality and effectiveness of housing and services for homeless people and people at-risk of homelessness, and to report to the community on progress in achieving the results sought from the HOPE Plan.

The Leadership Committee met quarterly from April 2005 through January 2006 to provide guidance and review the work of the Task Forces, outline the framework for endorsing and implementing the Plan, and finalize the Plan's findings and recommendations. In addition, Leadership Committee members made presentations to their constituencies to begin to raise awareness about the HOPE Plan.

In addition to those with extreme and urgent housing needs, San Mateo County also has a significant number of additional people who struggle to afford the high cost of housing in the community and who simply need affordable housing. These broader housing needs are addressed in other planning processes and documents, such as the Consolidated Plan that is developed by the San Mateo County Housing and Community Development Consortium, the Consolidated Plans developed by the four largest cities in the county, and the Housing Elements that are developed by the county and by each of the twenty cities in the county. The HOPE Plan to prevent and end homelessness is just one component of an overarching county-wide effort to address all housing needs in the community.

The HOPE Plan is focused on the housing needs of people who have the most extreme and urgent housing needs.

(Further details about the HOPE planning process and structure may be found in Appendix C, Chart C2.)



"My home is very special, that sometimes I wish I could share it with people who don't have one." By Tiffany, third grade

SECTION II

Vision and Guiding Principles

A. Vision

Homelessness will end by ensuring that safe, accessible, affordable housing is available in San Mateo County for those in greatest need.

B. Guiding Principles

Everyone involved in creating the HOPE Plan believes that when a community shares a commitment and accountability for results, answers to hard questions emerge and positive change happens.

HOPE is guided by the following principles:

- Homeless individuals and families and those who are at-risk of homelessness should have safe, accessible, affordable **housing** and the support services necessary to maintain that housing. When a person or family becomes homeless, planning to obtain permanent housing should begin immediately.
- Homeless individuals and families should receive **flexible and coordinated** services, benefits and other assistance to help them secure and maintain housing, to meet individual and family needs, and to maximize their independence and integration within the community.

- All **sectors of the community** – business, government, the faith community, non-profit organizations, citizens and homeless people – must work together in a coordinated and integrated fashion to prevent and end homelessness, and to ensure successful, long-term outcomes for individuals and families who are, or who may become, homeless.
- Homeless individuals and families and those who are at-risk of homelessness deserve **respect** and have the right to participate in the development and implementation of an individualized plan to find their home.
- The programs, services and housing created for homeless people and people at-risk of homelessness should be **outcome-driven** – guided by data and research and dedicated to achieving successful outcomes for the people who are served. These interventions should be provided with the goal of achieving the highest standards of practice through **continuous quality improvement**.
- Housing and service interventions must be **cost-effective** – maximizing the use of resources to deliver the best possible results.
- Community **leaders and champions** must strive to build and sustain political will to end homelessness.

SECTION III

Context for Planning

A. Why People Become Homeless

People become homeless primarily because they are poor; there is a severe shortage of affordable and supportive housing; or existing health, mental health, substance abuse, housing, vocational and social services programs are unable to serve them effectively.

Homelessness and poverty are inextricably linked.

Housing is the single most expensive item in most household budgets. People with limited incomes, including many people who work full-time, struggle to afford housing, food, clothing, child care, health care, and other basic necessities. In San Mateo County, in 2005 a family of three would need to earn \$29.54/hour or \$61,440 per year (more than four full-time minimum wage jobs), just to afford an average priced two-bedroom apartment. Nearly half of the renters in the county earn less than this threshold. When a very low-income family or individual suffers an unexpected illness, job loss or other crisis, they all too often find themselves unable to pay the high cost of housing and become homeless.

People who have no home face social, emotional and health challenges.

In addition to limited incomes, a high proportion of people who become homeless also face challenges such as mental illness, alcohol and drug use problems, physical health problems, family separation, and limited social support systems. Some have been victims of physical or sexual abuse. A disproportionate number of people without homes are racial and ethnic minorities, veterans, foster youth, and people with criminal justice involvement.

B. How Many People Are Homeless and At-Risk of Homelessness in San Mateo County

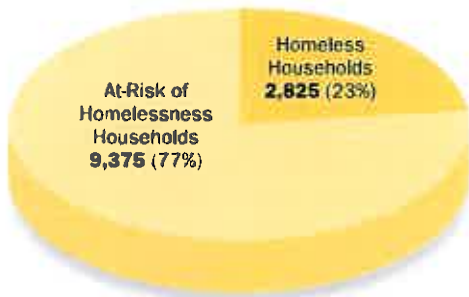
The HOPE Plan estimates that there are 12,200 households comprising 29,693 people including an estimated 13,000 children that are either homeless or at imminent risk of homelessness on an annual basis in San Mateo County.² People who are homeless or at-risk of homelessness represent just under 5% of San Mateo County's total population of 707,161 people, comprising 254,103 households. These figures are consistent with data from other communities in the region and nation-wide.

For the purpose of this plan, "homeless", "at-risk of homelessness" and "housing" are defined as follows:

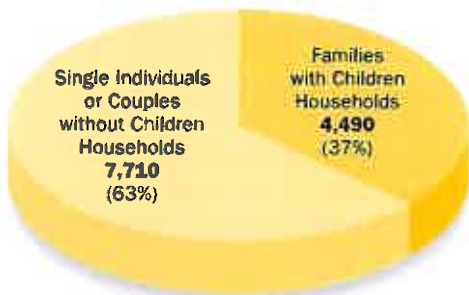


- People who are “homeless” include those who are living in the street, cars, and other places not meant for people to live, and also people living in emergency shelters and transitional housing.
- People who are “at-risk of homelessness” are those who have housing but are at acute risk of losing their housing because they earn 30% of Area Median Income (AMI) or below and pay more than 50% of their income for rent. (Please see Appendix J: Glossary for definition of AMI.)
- Housing is safe, accessible, and affordable.

There is a significantly larger number of households that are at-risk of homelessness than those that are homeless. Of the estimated 12,200 households that are homeless or at-risk of homelessness:



There is a significantly larger number of homeless and at-risk households that are single individuals and couples than households comprised of families with children. Of the 12,200 households that are homeless or at-risk of homelessness:



Despite that families comprise 37% of households that are homeless or are at-risk of homelessness, 65% of total individuals who are homeless and at-risk reside in families with children.

Limitations of the Data

It is very difficult to collect accurate data on the numbers of homeless individuals and families and those at imminent risk of homelessness thus resulting in under estimating this population. Organized efforts to count homeless people often overlook those who live in hidden places (e.g., camping on the coastside, living in cars, or doubled up with friends or family) or who are “situationally” homeless due to financial or other crisis.

The HOPE Planners researched and evaluated existing data sources and identified those that were the most rigorous and accurate to use as the basis for developing estimates of the homeless population in San Mateo County.

(Additional information about the sources of data for the estimates of numbers of homeless people and people at-risk of homelessness, and the limitations of the data may be found in Appendix D, Charts D5 – D8.)

C. Housing and Services Capacity and What is Needed in San Mateo County

Types of Housing

There are four types of housing that are available in San Mateo County for people who are homeless or at-risk of homelessness.

- **Emergency Shelters** provide short-term stays of up to 90 days. Shelters generally are congregate living arrangements and residents do not hold leases or pay rent. Shelters tend to be highly structured and have many rules, including times residents may come and go. Most San Mateo County shelters, however, allow residents to be on-site during the day to participate in day programs. On-site services at emergency shelters typically focus on crisis intervention, stabilization and obtaining a source of income. Shelters usually serve either single individuals or families with children.

- Transitional Housing** provides housing of time-limited duration. Most transitional housing programs in San Mateo County provide stays of between 3 to 10 months. Units can be for a single individual or family or may be shared among multiple individuals or families. On-site services are provided and participation is typically mandatory. Services generally include case management with a focus on developing a plan to secure permanent housing and increase self-sufficiency (e.g., independent living skills, job training, etc.).
- Permanent Affordable Housing¹** is housing where tenants typically pay no more than 30% of their income for rent and utilities. Usually each household has their own apartment. Tenants always have leases. Limited on-site services (such as information and referral, community activities, and computer classes) are sometimes provided. For the majority of families who are homeless or at-risk of homelessness, affordable housing will permanently end their homelessness.
- Permanent Supportive Housing⁴** is permanent affordable housing with services to help tenants secure and maintain their housing and gain maximum independence. Residents always have leases. On-site services or linkages to community services are provided, and participation is voluntary. Services usually focus on assisting tenants to secure the support they need to stay housed and typically include case management, access to health and mental health services, child care, transportation and job training. This form of housing usually serves homeless single adults who have disabilities or families in which an adult member has a disability (e.g., mental illness, substance abuse, chronic health conditions). It is estimated that almost all people who have disabilities and who have experienced extensive periods of homelessness need permanent supportive housing.

Existing Housing Capacity

The following charts summarize the existing inventory of shelter and housing in San Mateo County. The chart has been divided into two sections because emergency shelter and

transitional housing inventory is typically measured by numbers of beds that accommodate people, while supportive and affordable housing is measured in terms of housing units that accommodate households. (Additional information on the housing inventory may be found in Appendix E, Charts E1 and E2.)

Inventory of Emergency Shelter & Transitional Housing Beds			
Housing/ Shelter Type	No. of Beds for		Total Beds
	Individuals	Families	
Emergency Shelter ¹	231	191	422
Transitional Housing	309	363	672
Total	540	554	1,094

This inventory documents the relative proportion of emergency shelter and transitional housing beds for families versus those for individuals:

- 51% of existing emergency shelter and transitional housing beds are available for families and 49% are available for individuals.
- This reflects a slightly higher level of available beds for families relative to the currently documented need, given that people in families make up only 39% of homeless persons (annually, there are estimated to be 1,575 homeless people in families compared to 2,455 homeless people who are single individuals or couples without children).

Inventory of Permanent Affordable and Supportive Housing Units			
Housing Type	No. of Units for		Total Units
	Individuals	Families	
Permanent Supportive Housing	378	18	396
Affordable Housing ≤30% Average Median Income	Not available	Not available	4,702
Total			5,098

Housing Gaps

Based on the numbers of homeless people and people at-risk of homelessness and the existing inventory of housing and shelter beds, there is a lack of needed resources (throughout the system: from emergency shelter through transitional housing to permanent supportive and affordable housing). However, the greatest gap, relative to the need, is for permanent supportive housing and affordable housing that is affordable for people with extremely low incomes.

The lack of capacity in the supportive and affordable housing system places additional strain on the emergency shelter and transitional housing system. One of the main reasons that homeless families and individuals are not able to exit the shelter/transitional housing system is because there is an insufficient supply of affordable and supportive housing, which creates a bottleneck in the emergency shelter and transitional housing system that will only be remedied by creating more housing.

(Section V of this Plan outlines this recommendation in greater detail. Appendix G provides the methodology that was used to make the projections on numbers of units needed.)

Types of Services

There is a wide array of services available to homeless people and people who are at-risk of homelessness in San Mateo County to help them access housing and sustain their housing. Services may be provided by government agencies (often county departments), non-profit and faith-based organizations, congregations, and civic organizations. Some services are available on-site and linked to housing, most of them are not. The following are the main types of services available in San Mateo County. (A more detailed inventory of services may be found in Appendix E, Chart E5.)

- Homeless Prevention Services (e.g., short-term rent and security deposit assistance)

- Outreach and Engagement Services (i.e., services designed to connect with people who are homeless who are not linked to the social services system)
- Case Management (i.e., one-on-one individualized development of a goal plan and help with accessing and coordinating services)
- Health and Behavioral Health Services (i.e., mental health, alcohol and drug services, primary health care)
- Family Services (e.g., child care, parenting classes, etc.)
- Education and Employment Services
- Benefits Advocacy (i.e., help with accessing public benefits such as Supplemental Security Income)
- Community Integration (i.e., help with building a social support network)
- Transportation Assistance

Service Gaps and Needs

In general, the service system is not adequate to meet the needs of homeless people and people at-risk of homelessness in San Mateo County. The major gaps are:

- **Most support service programs in the county are oversubscribed.** Many programs have waiting lists. Some have had to narrow their eligibility requirements due to a lack of resources and a need to prioritize those in greatest need. Some programs, such as short-term rental assistance, limit the number of times a family or individual may access funds in a one-year period or in a lifetime. Greater service capacity and flexibility is needed throughout the system.
- **Many services that homeless people and people at-risk of homelessness need to secure and maintain stable housing are not linked to their housing.** Non-responsive services or the need to travel off-site to access services presents a barrier for many homeless people. There is a need for flexible, coordinated services that are linked to housing. Particularly:

- Case management;
 - Daily living skills;
 - Behavioral health services (mental health and substance abuse services);
 - Health services; and,
 - Vocational services.
- **There are very few services designed to outreach to the “hardest-to-serve” homeless people – those who have disabilities and who have been homeless for extended periods of time.** Many people who are “chronically” homeless are reluctant to connect to the social services system. There is a need to conduct mobile outreach to engage chronically homeless individuals for participation in services and to help them secure housing.

D. Policy Shift: A New Paradigm for Ending Homelessness

Over the past decade, a significant policy shift from a “continuum of care” approach to a “rapid re-housing” approach has taken place nationally. Federal and state governments and non-profit public policy and advocacy organizations are calling for a new approach to homelessness that aims to *end* the problem rather than simply *manage* it, including encouraging communities to develop 10-year plans that take a fresh approach to ending homelessness. Among the elements of this new approach are:

- **Rapid Re-housing.** Homeless individuals and families receive assistance to move into permanent housing as quickly as possible.
- **Homeless Prevention.** Communities work to slow the influx of new homeless people into the homeless services and shelter system, particularly by working with those systems that are discharging people into homelessness - hospitals, jails, substance abuse treatment, and foster care.

- **Planning for outcomes.** All strategies, activities and interventions are designed to achieve a specific result: to end homelessness. Data systems should be in place to allow those who are planning and implementing programs and activities to evaluate whether the results are being achieved.

(The Policy Shift is described in detail in Appendix C.)

Like the rest of the country, San Mateo County began to experience a significant homeless problem in the 1980's. Over the course of the next two decades, city and county government, working in partnership with non-profit housing and service providers, developed a system of shelter, housing and services to address the problem. (This housing and service system is described in detail in Appendix E.)

While the homeless housing and service system in San Mateo County has been successful in ending homelessness for many individuals and families, the problem has not been solved. Each time a family or individual leaves the emergency shelter system, there is a new household waiting to take their place. In particular, people who have been homeless the longest and who have the most complex challenges have had the least successful outcomes. Homelessness remains a persistent and intractable problem in the community.



Affordable housing for very low-income families: Main Street Park Apartments, Half Moon Bay, completed in 2002



2011 SAN MATEO COUNTY HOMELESS CENSUS AND SURVEY

FINAL REPORT

May 4, 2011

Prepared by the San Mateo County Human Services Agency, Center on Homelessness
Data Analysis by Kate Bristol Consulting and Philliber Research Associates

2011 San Mateo County Homeless Census And Survey

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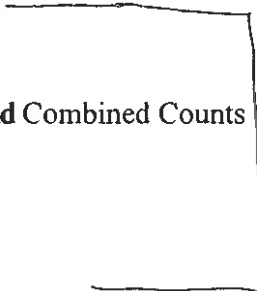
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*Not Included
(See the San Mateo Co
website for further details)*

I. PURPOSE

The purpose of the San Mateo County 2011 Homeless Census and Survey (“the Census and Survey”) is to gather and analyze information that is essential to understanding who is homeless in our community, why they are homeless and what interventions they need to end their homelessness. This data forms the basis for effective planning to solve this complex and long-standing problem. The San Mateo County Human Services Agency’s Center on Homelessness was responsible for overseeing this data collection effort, with assistance from a broad group of community partners, including non-profit social service providers, city and town governments, and homeless and formerly homeless individuals.

The Census and Survey was designed to meet two related sets of data needs. The first is the requirement of the U.S. Department of Housing and Urban Development (HUD) that communities applying for McKinney-Vento Homelessness Assistance funds (also known as Continuum of Care or “CoC” funds) must conduct a point-in-time count of homeless people a minimum of every two years. These counts are required to take place in the last week of January. The Census and Survey was conducted in January 2011 to meet this HUD requirement. The previous HUD-mandated count was conducted in January 2009.

The second set of data needs that the Census and Survey is designed to meet are those outlined in “Housing Our People Effectively (HOPE): Ending Homelessness in San Mateo County” (the “HOPE Plan.”) This Plan is the result of a year-long process that began in 2005 and incorporated the experiences and expertise of over 200 stakeholders, including members of the business, nonprofit and government sectors. The HOPE Plan lays out concrete strategies designed to end homelessness in our community within 10 years. The bi-annual Census and Survey provides data the community needs to guide the implementation of the HOPE Plan, by collecting and analyzing a wealth of additional information beyond what is required by HUD. This data allows for a more complete understanding of who is homeless, why they are homeless, and what they need to end their homelessness, and helps ensure that the interventions undertaken through HOPE are targeted to achieve the best possible results.

II. METHODOLOGY

The 2011 Census and Survey consisted of two main components:

1. **The Homeless Census (“the census”)**, a point-in-time count of homeless persons living on the streets, in vehicles, homeless shelters, transitional housing and institutional settings on the night of January 26th, 2011¹. For the first time, this year the sheltered portion of the count was conducted by extracting data from the County’s Homeless Management Information System (HMIS) rather than by manually surveying providers. See Appendix 1, Methodology, for additional information.

¹ The shelter portion of the Census counted people occupying beds on the night of Jan. 26/early morning of Jan. 27th. The street count portion of the count began at 5:00 a.m. on Jan. 27th and was designed to capture data on people sleeping outdoors or in vehicle on the night of Jan. 26/early morning Jan. 27.

2. **The Homeless Survey (“the survey”)**, consisting of **interviews** with a representative sample of 177 unsheltered homeless people conducted over a two-week period between February 3 and February 17, 2011. Homeless people who were interviewed were asked to respond to a one-page questionnaire designed to elicit demographic information (e.g. age, gender, disabilities, veteran status), as well as information about how long and how many times they have been homeless, and their use of benefits and services.

The Census and Survey used the definition of homelessness established in the federal McKinney-Vento Homeless Assistance Act as the basis for determining who to include and exclude:

1. An individual who lacks a fixed, regular and adequate nighttime residence, and
2. An individual who has a primary nighttime residence that is:
 - a. A supervised publicly or privately operated shelter designed to provide temporary living accommodations (including welfare hotels, congregate shelters, and transitional housing for the mentally ill); or
 - b. An institution that provides a temporary residence for individuals intended to be institutionalized; or
 - c. A public or private place not designated for, or ordinarily used as, a regular sleeping accommodation for human beings.

This definition does not include people who are “at-risk” of homelessness (i.e. living in unstable housing situations) or those who are “couch surfing” (i.e. those who “float” from location to location).

Additional details about the methodology used in the Census and Survey may be found in Appendix 1.

III. FINDINGS

A. Homeless Census

The sections below provide a summary of key findings from the 2011 Homeless Census. Complete Census data may be found in Appendix 2.

1. Number of Homeless People

The 2011 point-in-time homeless census determined that there were **2,149 homeless people in San Mateo County on the night of January 26, 2011** comprised of:

- 1,162 unsheltered homeless people (living on streets, in vehicles, in homeless encampments) and,
- 987 sheltered homeless people (in emergency shelters, transitional housing, motel voucher programs, residential treatment, jails, and hospitals).

Using an annualization formula developed by the Corporation for Supportive Housing, there are an estimated **6,737 homeless people in San Mateo County on an annual basis.**

2. Number of Homeless Households

The 2,149 homeless people counted comprised **1,789 households** as follows:

- 1,640 households without dependent children (92%); and,
- 149 “family” households, i.e., with dependent children (8%).

3. Comparison of 2011, 2009 and 2007 Results

a. Summary of Changes

Location	2007 Count	2009 Count	2011 Count	Net Change (2009-2011)	% Change (2009-2011)
Unsheltered Count					
People Observed on Streets	596	422	466	44	10%
People in Cars, RVs, Encampments	498	381	696	315	83%
Subtotal Unsheltered Count	1,094	803	1,162	359	45%
Shelter Count					
People in Emergency Shelters	296	267	215	-52	-19%
People in Motel Voucher Programs	107	74	43	-31	-42%
People in Transitional Housing	306	403	441	38	9%
People in Institutions	261	249	288	39	16%
Subtotal Shelter Count	970	993	987	-6	-1%
TOTAL HOMELESS PEOPLE	2,064	1,796	2,149	353	17%

b. Analysis of Changes

Unsheltered Homeless People

As illustrated in the chart above, the number of people observed on the streets on the night of the count rose from 422 in 2009 to 466 in 2011, a 10% increase. It should be noted, however, that the number of people on the streets in 2011 still represents a significant decline from 2007, when there were 596 people counted.

However, while the number of people on the street was relatively stable from 2009 to 2011, the number of people observed who appeared to be living in cars, RVs and encampments increased significantly, rising from 381 to 696, or 83%. In 2009, volunteers counted 71 cars, 124 vans or RVs, and 75 encampments. In 2011, they counted 84 cars (an 18% increase), 40 vans or RVs (a

32% increase) and 151 encampments (a 101% increase). Additionally, the homeless survey (which is used to develop an estimate of the numbers of people in each car, van or camp) found a higher number of people per vehicle or encampment.

The reason for the larger numbers of vehicles and camps is not known, though it may have to do with better information available to enumerators about where to find homeless people. In 2011, the Human Services Agency and its partners recruited a larger number of volunteers than in the past, including many more "homeless guides." The guides are currently homeless individuals who have first-hand knowledge about the locations where unsheltered homeless people tend to sleep at night. Each guide was assigned to an enumeration team in a location where he or she was familiar. As result, the teams were able to very effectively target particular locations to focus their efforts and were able to locate more homeless people living in vehicles and camps than in previous counts.

It should also be noted that counting certain types of vehicles, particularly RVs, is an inexact process. People sleeping in cars can generally be assumed to be homeless, since cars are not designed as living spaces. RVs, however, are designed to be lived in and provide adequate living facilities provided there are electrical and sewer hookups available. While enumerators were instructed only to count RVs with sleeping occupants that were parked on the street and did not appear to be connected to services, some of the RVs counted probably did not have homeless occupants. See Appendix 1, Methodology, for a further discussion of the challenges of counting homeless people living in RVs.

Sheltered Homeless People

Unlike the unsheltered homeless count, the sheltered count changed very little, decreasing by 1% from 2009 to 2011. This result was expected, given that the inventory of available shelter and transitional housing beds has changed relatively little in the past two years.

Total Number of Homeless People

Overall, the 2011 homeless count of 2,149 total people represented a 17% increase compared to 2009, largely as a result of the increase in people observed in vehicles and encampments, as discussed above. It should be noted that while the 2011 results represented a substantial increase over 2009, they do not represent a very major change from the 2007 results. The 2011 survey total of 2,149 homeless people represented only a 4% increase over the 2007 total of 2,064 people.

Homeless Families With Children

As in prior years, the enumerators counted very few unsheltered homeless families with children. Of the 149 family households counted in 2011, 112 (75%) were living in shelters, 35 (24%) were in cars, RVs or camps, and only 2 (1%) were observed on the street. The very low numbers of unsheltered homeless families reflects the County's ongoing commitment to preventing family homelessness and its investment in programs targeting families with children, such as the Motel Voucher Program, Inclement Weather Voucher Program, and the new HUD-funded

Homelessness Prevention and Rapid Re-housing (HPRP) Program, which serves both families and individuals.

The 2011 data on homeless families is consistent with the experience of San Mateo County service providers who observe that homeless families with children rarely live on the streets and are much more likely to reside in shelters or cars. Many families with children also live in places that do not meet the HUD standard of homelessness (i.e. they are living temporarily with friends or families) yet they are very precariously housed. See the section on “Hidden Homelessness,” below for more details.

The relative percentages of homeless households with children versus those without children declined slightly from 2009 to 2011. In 2011, 8% of all homeless households counted (both sheltered and unsheltered) were families with children compared to 9% in 2009.

See Appendix 2 for additional data on household composition of sheltered and unsheltered people.

4. Geographic Breakdown

a. 2011 Distribution of Homeless People by City

The following chart summarizes the geographic distribution of the homeless people who were counted in the 2011 Census.

Number of Homeless People by City (Jan. 2011)			
City	Sheltered	Unsheltered	Total
Airport	0	9	9
Atherton	0	1	1
Belmont	0	1	1
Brisbane	5	0	5
Burlingame	0	3	3
Colma	0	1	1
Daly City	38	44	82
East Palo Alto	46	385	431
Foster City	0	0	0
Half Moon Bay	0	41	41
Hillsborough	0	0	0
Menlo Park	168	72	240
Millbrae	0	1	1
Pacifica	0	95	95
Portola Valley	0	16	16

Number of Homeless People by City (Jan. 2011)			
City	Sheltered	Unsheltered	Total
Redwood City	269	233	501
San Bruno	6	14	20
San Carlos	0	9	9
San Mateo	261	68	331
South San Francisco	91	122	211
Unincorporated	0	47	47
Woodside	0	0	0
Scattered Site Programs	103	0	105
TOTAL	987	1,162	2,150

b. Unsheltered Homeless Population By City Compared to General Population

The chart below provide an analysis of the total number of unsheltered people² counted in each jurisdiction compared to the total population of people in each jurisdiction.

Unsheltered Homeless People Compared to General Population				
City	General Population ³	% of General Population	Unsheltered Homeless Population	% of Unsheltered Homeless Population
Airport	NA	NA	9	0.77%
Atherton	7,406	1.04%	1	0.09%
Belmont	24,776	3.48%	1	0.09%
Brisbane	3,677	0.52%	0	0.00%
Burlingame	27,706	3.89%	3	0.26%
Colma	1,422	0.20%	1	0.09%
Daly City	101,514	14.24%	44	3.79%
East Palo Alto	33,575	4.71%	385	33.13%
Foster City	29,089	4.08%	0	0.00%
Half Moon Bay	12,449	1.75%	41	3.53%

² Note that this data does not include sheltered homeless people (those living in emergency shelters, transitional housing, etc.). The inclusion of the sheltered homeless people would skew the data towards those jurisdictions with the largest numbers of shelters and transitional housing programs.

³ Data Source: US Census, July 1, 2008 Population Estimates.

Unsheltered Homeless People Compared to General Population				
City	General Population²	% of General Population	Unsheltered Homeless Population	% of Unsheltered Homeless Population
Hillsborough	10,844	1.52%	0	0.00%
Menlo Park	30,087	4.22%	72	6.20%
Millbrae	20,800	2.92%	1	0.09%
Pacifica	37,739	5.30%	95	8.18%
Portola Valley	4,532	0.64%	16	1.38%
Redwood City	74,060	10.39%	233	20.05%
San Bruno	40,315	5.66%	14	1.20%
San Carlos	27,238	3.82%	9	0.77%
San Mateo	92,256	12.94%	68	5.85%
South San Francisco	62,502	8.77%	122	10.50%
Unincorporated	65,124	9.14%	47	4.04%
Woodside	5,579	0.78%	0	0.00%
TOTAL	712,690	100.00%	1,162	100.00%

As indicated in this chart, Redwood City and East Palo Alto have a much higher percentage of the unsheltered homeless population than their share of the general population. Half Moon Bay, Menlo Park, Pacifica and South San Francisco have a slightly higher percentage of homeless people than their proportion of the general population. In 2009, similar results were found for Redwood City and Half Moon Bay. This year, however, East Palo Alto had an even higher proportion of the homeless population, rising from 25% to 33%. This was also the first year that Menlo Park, Pacifica and South San Francisco had a greater proportion of homeless people than their share of the overall population.

c. Comparison of 2007, 2009 and 2011 Data By City

The chart below provides a comparison of the results of the unsheltered homeless count in 2007, 2009 and 2011, broken out by city.

City	2007 Count	2009 Count	2011 Count	Net Change (2009-2011)
Airport	16	4	9	5
Atherton	0	0	1	1
Belmont	12	5	1	-4
Brisbane	11	1	0	-1
Burlingame	20	8	3	-5
Colma	2	0	1	1
Daly City	42	49	44	-5
East Palo Alto	222	204	385	181
Foster City	14	0	0	0
Half Moon Bay	74	19	41	22
Hillsborough	16	0	0	0
Menlo Park	52	25	72	47
Millbrae	16	1	1	0
Pacifica	7	16	95	79
Portola Valley	13	3	16	13
Redwood City	212	220	233	13
San Bruno	31	34	14	-20
San Carlos	9	11	9	-2
San Mateo	62	99	68	-31
South San Francisco	97	7	122	115
Unincorporated	162	95	47	-48
Woodside	4	2	0	-2
Scattered Sites	0	0	0	0
TOTAL	1,094	803	1,162	359

As illustrated in the chart above, certain jurisdictions have experienced significant fluctuations in the numbers of homeless people over the past three bi-annual counts (2007, 2009, 2011). See appendix 2A for additional breakdowns by city, including data on the numbers of people observed on the street, in cars, in vans/RVs, and in encampments in each city.

5. Analysis of "Hidden" Homelessness

a. Reasons Some Homeless People Are Missed During Homeless Counts

While many of the homeless people in San Mateo County are either residing in shelters or visible on the streets or in vehicles, there are also many homeless people in places that are not easily accessible to enumerators. These "hidden" homeless populations include individuals who live in structures not meant for human habitation, such as storage sheds, unconverted garages, shacks, bus stations, etc. These individuals fall under HUD's official definition of homelessness, but they typically are not found during homeless counts because they are not visible on the streets.

Additionally, there are substantial numbers of people who stay temporarily in the homes of friends or family but who lack their own permanent housing. People who shelter temporarily with friends or family are not considered officially homeless according to HUD definitions of homelessness, but rather as "unstably housed," or "at-risk of homelessness." In the HOPE Plan, people who stay temporarily with family and friends are categorized as "at-risk" of homelessness. However, these individuals often self-identify as homeless and many homeless service providers and advocates believe they should be included in official homeless counts.

b. The 2011 Hidden Homeless Study

In 2011, San Mateo County conducted a "Hidden Homeless Study for the purpose of analyzing: (1) the numbers of "hidden" homeless people who meet HUD definitions who might have been missed on the night of the Homeless Census; and (2) the number of homeless people who might be staying temporarily with family and friends who, though they do not meet HUD homeless definitions, could be considered to be homeless. This study was very similar in design to the Hidden Homeless Study conducted in 2009, with some minor methodological differences (see Appendix 1 for further information).

For a period of three days following the Homeless Census (January 27, 28 and 31), volunteers at 6 locations that provide non-residential drop-in services to homeless people (e.g. meals, food, information and referral, etc.) conducted a brief survey of their clients asking where they had slept the night before. A total of 449 people responded to this information request. This study found that:

- 254 respondents (57%) met the HUD definition of homeless. Of these, 91% were either living on the streets, in cars, encampments, emergency shelter, transitional housing, motels, jail, hospitals and treatment programs. All of these were locations that were included in the Homeless Census. The remaining 9% were in locations that were not counted, including garages, unfinished attics or basements, bus stations, and other places not meant for human habitation. This represented an increase from 2009, when only 6% of people interviewed were living in places that were probably missed during the count. The findings from both 2009 and 2011 confirm that there are people who meet the HUD homeless definition who are missed during the regular enumeration because they are not visible.
- 35 respondents (8%) were living temporarily with family and friends. This was a substantial decrease from 2009, when 20% indicated they were in this situation. Despite the decrease,

the data suggests there are a substantial number of people in San Mateo who seek out services from homeless service providers who are staying temporarily in another household's home or apartment, and thus could be considered to be homeless. However, only 13 of those 35 people (37%) indicated that they considered themselves to be homeless. The remaining 22 people (63%) told interviewers they were not homeless. This reinforces the difficulty for policy makers in deciding whether people who move around from one residence to another and lack a permanent home should be categorized as homeless or rather as unstably housed or at-risk of homelessness.

- 93% of respondents to the Hidden Homeless Study were single adults and 7% were people who were living with children. This data is consistent with the Homeless Census, which found that 8% of homeless households were families with children.

Among those who indicated they were staying temporarily with family and friends, 33% indicated they had children with them. This supports the anecdotal evidence from service providers that homeless families are more likely than single adults to stay temporarily in the homes of family members or friends.

A description of the methodology for the Hidden Homeless Study may be found in Appendix 1, including a discussion of its limitations. Complete data from the study may be found in Appendix 3.

B. Homeless Survey

For the 2011 Homeless Survey, the Human Service Agency elected to interview only unsheltered homeless people. This was a change from 2009, when both sheltered and unsheltered people were interviewed. There were two main reasons for this change:

- (1) The County's HMIS system is now fully up and running and contains a wealth of data on homeless people living in shelters and transitional housing, so it would have been duplicative to also conduct interviews with this population;
- (2) The 2009 Survey data is still relatively recent, so any needed data on sheltered people that is not available from HMIS can be extracted from the 2009 survey.

For the 2011 survey, volunteers conducted interviews with a representative sample of 177 unsheltered homeless people using a one-page questionnaire. This questionnaire was somewhat shorter than the one used in 2009 and asked a smaller number of questions. As noted above, data from the 2009 survey is still very recent, so HSA determined that a fuller survey was not needed in 2011. Although less information was gathered than in 2009, the 2011 survey still provided essential data on the profile of homeless people in San Mateo County and the service interventions they need.

The sections below provide a summary of key findings from the Homeless Survey and data from the HMIS system where available relevant. Complete Homeless Survey data may be found in Appendix 4.

1. Demographic Data

The results of the 2011 unsheltered homeless survey indicated that the typical unsheltered homeless person in San Mateo County is a single man with at least one disability. At least 97% of the unsheltered homeless adults surveyed were single individuals or couples who are not living with children, 67% were men, and 79% had at least one disability. The most commonly cited disabilities were alcohol or drug problems (56%), chronic health problems (43%), physical disability (32%), mental illness (28%) and post-traumatic stress disorder (21%).⁴ This data was consistent with the results from the 2009 survey.

The population of sheltered homeless people looks somewhat different than the unsheltered population. While this population is still predominantly single and male, there is a greater representation of families. Of the homeless adults living in shelters, transitional housing and institutional settings, 21% are in families with children, compared to only 3% of the unsheltered adults. Sheltered adults were 63% male and 37% female. Levels of disability are also somewhat lower among the sheltered population compared to the unsheltered population: only 15% reported having a mental illness, 12% chronic substance use, 7% chronic health conditions, and 3% physical disabilities.

The racial and ethnic composition of the homeless population (sheltered and unsheltered combined) was 40% White, 22% Black or African-American, 21% Latino, 5% Hawaiian or Pacific Islander, 3% Asian, 3% American Indian or Alaska Native, 5% multiple races, and 1% other or declined to state. This data reveals that several racial groups are over-represented among homeless people in San Mateo County. African Americans represent only 3% of the total County population, yet are 22% of the homeless population. Many of the African Americans in San Mateo County live in the south county communities of East Palo Alto and Redwood City, which, as noted earlier, have a disproportional number of homeless people.

Of all the homeless people counted, 12% were Veterans. The unsheltered homeless people were more likely to be Veterans than those who were sheltered. Among the unsheltered homeless people surveyed, 13% were Veterans, including those who served in the U.S. Armed Forces and/or in the National Guard or as Reservists. This was consistent with 2009, in which 12% of unsheltered respondents reported they had served in the Armed Forces (the survey did not ask about the National Guard or Reserves). Among the sheltered people counted in the HMIS system, 10% were veterans. Overall, this data appears to suggest that the numbers of homeless Veterans in San Mateo County is low compared to nation-wide data. National estimates of the number of homeless people who are veterans range from 19% up to 40%.⁵

A very high proportion of unsheltered homeless people in San Mateo County have been homeless repeatedly and/or for long periods of time. The survey found that 46% were "chronically" homeless, meaning that they were disabled and had been homeless for longer than 12 months or for 4 times in the past 3 years. This was fairly consistent with the data from 2009,

⁴ Percentages total more than 100% because multiple responses were permitted.

⁵U.S. Department of Housing and Urban Development (HUD), *The Annual Homeless Assessment Report to Congress*, February 2007, page 31, indicates that 19% of sheltered homeless people are veterans. The National Alliance to End Homelessness (www.naeh.org) indicates that estimates range from 25% to 40%.

in which 41% of unsheltered people interviewed were chronically homeless. Among the sheltered homeless population, only 9% were chronically homeless in 2011.

2. Interventions Needed to End Homelessness

In addition to providing demographic data, the survey also provided critical data about the services that unsheltered homeless people need. Given their high rates of disability, it was not surprising that the survey found high rates of service use among unsheltered homeless people. Of those surveyed, only 16% indicated that they were not accessing some form of social services (e.g. health care, mental health and substance use services, job training, transportation assistance, free meals, emergency shelter etc.).

However, although the survey found a high level of service use, it also documented some major gaps in the service system. There was a substantial mismatch between the types of services and benefits people indicated they needed and the services they received. Of those who had a disability, only 13% were receiving SSI or SSDI benefits, and only 14% were receiving Medicaid or Medicare. Only 20% of those who reporting having a mental illness were accessing mental health services. Of those who reported being veterans of the U.S. military, only 32% were receiving any form of veterans benefits. More than 38% of those interviewed reported receiving no government benefits at all.

Criminal justice system involvement was fairly prevalent among those surveyed. More than one quarter of respondents (27%) reported being on probation or parole. There was also a high rate of involvement with the foster care system, with 18% of those surveyed indicating they had once been in foster care. This represented a major increase from 2009 when only 11% indicated they had been in foster care.

As noted above, the 2011 survey asked a smaller number of questions than the 2009 survey. Among those questions omitted from the 2011 survey were those asking about income and employment, the reasons people became homeless, and use of emergency services. Since no new data was collected on these topics, data from the 2009 survey is provided below to present a more complete picture of homelessness in San Mateo County.

The 2009 survey found that homeless people had extremely limited incomes, with only 7% earning more than \$1,000 per month. Nearly three-quarters (71%) reported living on \$600 per month or less. The vast majority (89%) were unemployed.

Homeless people cited their high rates of unemployment, low incomes and the high cost of housing as the major reasons for their homelessness. Of those surveyed, 44% reported loss of a job as the main reason they became homeless and 15% indicated they were evicted for non-payment of rent. However, in spite of the recent housing crisis and rise in foreclosures, only 3% indicated they lost their housing due to the home they owned or rented being in foreclosure.

The 2009 survey also highlighted the strong barriers that homeless people face in securing employment. When asked what was keeping them from becoming employed, 22% said lack of a permanent address, 22% indicated lack of affordable transportation, 15% cited lack of a phone

number, and 14% noted a lack of needed tools and clothing. Notably, only 3% indicated they did not want to work.

Behavioral issues relating to disability were also important causes of homelessness, with 39% of those surveyed indicating that their alcohol or drug use was a main factor leading to their loss of housing and 15% listing mental illness.⁶ Many respondents also indicated that disability was a barrier to employment, with 32% citing alcohol or drug use and 22% mental health problems as reasons they were not employed.

The 2009 survey also documented that homeless people tend to be frequent users of emergency services, which are not only very expensive but also are not highly effective in helping them become more stable. Of those surveyed, 37% get their medical care by visiting emergency rooms and 20% indicated they had used the emergency room 3 or more times in past year. Of those who reported having a chronic illness, 34% had used the ER 3 or more times in the past year.

IV. IMPLICATIONS FOR SYSTEMS IMPROVEMENT

Combining data from both the 2011 and 2009 Census and Survey, planners, policymakers and service providers have a wealth of data available as they work to expand and improve the system of housing and services for homeless people. The following are some strategies and approaches that should be among the highest priorities.

Continuing Areas of Focus

The following strategies are already being implemented and will continue in the coming year:

- Addressing the lack of housing affordability by continuing to create supportive and affordable housing for homeless people and those at-risk of homelessness;
- Developing strategies to connect homeless people to the services and benefits for which they are eligible, particularly mental health services, veterans benefits, food stamps, Medi-Cal, General Assistance, Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI);
- Addressing the high rate of unemployment among homeless people by exploring strategies to engage and secure employment.
- Working with the systems of care whose clients have very high levels of homelessness, particularly the alcohol and drug treatment system and the criminal justice system, to develop strategies for meeting the housing and service needs of these populations
- Recognizing that the majority of homeless people are long-time residents of San Mateo County and embrace joint planning between the County and local jurisdictions to meet their housing and service needs

⁶ Percentages total more than 100% because multiple responses were permitted.

New Areas of Focus:

- The 2011 Census found very high levels of homelessness in the South County, particularly in East Palo Alto and Redwood City. While previous counts documented that these two communities had disproportional levels of homelessness, the numbers increased substantially in 2011. The data suggests the need for more efforts targeted to these communities. At the same time, the County will continue to work with cities on the Coastside and in the Central and Northern areas to address their homeless population.
- Nationally, the U.S. Department of Housing and Urban Development (HUD) has placed a policy priority on meeting the needs of homeless Veterans and established a goal of ending Veteran homelessness in five years. In keeping with this HUD emphasis, the County will be exploring strategies for targeting housing and services for homeless Veterans, as well as expanding outreach efforts to ensure all homeless Veterans are being identified, assessed and connected to benefits for which they are eligible.
- Over the next year, the Cities, in partnership with the County, should explore additional methodologies for identifying people who are vehicularly housed (particularly those living in RVs) and assessing their need for housing and services. This project may include outreach, engagement and needs assessment surveys.

This report may be downloaded at the HOPE website: <http://www.smchsa.org/hope>