



COUNTY OF SAN MATEO
Inter-Departmental Correspondence
Planning and Building



Date: March 13, 2014
Board Meeting Date: April 22, 2014
Special Notice / Hearing: Newspaper/10-Day
Notice
Vote Required: Majority

To: Honorable Board of Supervisors

From: Jim Eggemeyer, Community Development Director

Subject: EXECUTIVE SUMMARY: Public hearing to consider a text amendment to the Planned Colma (PC) Zoning Regulations, to allow emergency shelters as a use by right in PC-zoned areas designated High Density and Medium High Density residential, and a text amendment to the Design Review Chapter of the Zoning Regulations, indicating that such emergency shelters are exempt from discretionary design review.

RECOMMENDATION:

- A) Introduction of an Ordinance amending Chapter 21B, Planned Colma District, and Chapter 28.1, Design Review Districts, of the County Zoning Regulations, to allow emergency shelters as a use by right in those PC-zoned areas also designated High Density and Medium High Density Residential, and waiver of reading the ordinance in its entirety.
- B) Certify the Negative Declaration as complete and correct.

BACKGROUND:

The proposed amendment would change the text of the PC Zoning Regulations to allow, consistent with the requirements of California Government Code Section 65583, emergency shelters as a use by right in any area zoned PC that is also designated High Density or Medium High Density residential. The Government Code defines emergency shelters as “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.” This zoning amendment would allow emergency shelters in the High Density residential and Medium High Density residential areas of the current PC zoning district, and in any future areas so zoned, but would not change any other development regulations in the PC zoning district related to emergency shelters or to any other type of development. Emergency shelters would be regulated by the same size, location, and other standards

that govern any other development in the PC zoning district. However, because State Code requires that emergency shelters must be permitted as a ministerial use, without any discretionary approvals, emergency shelters in the PC zoning district would not be subject to discretionary design review, but would be subject to a set of ministerially applied design standards specific to emergency shelters. The Design Review Regulations of the County Zoning Regulations would also be amended to specify that emergency shelters in High and Medium High Density PC-zoned areas would be exempt from discretionary design review.

DISCUSSION:

In 2007, the California Legislature adopted SB 2, amending the State's Government Code to require that every California jurisdiction must have at least one identified zoning district in which emergency shelters are allowed as a ministerial (by right) use.

In the County's updated Housing Element, the County identified the PC zoning district as an appropriate district in which to allow emergency shelters by right, and committed the County, in Policy HE 15.1, to amending the PC zoning district appropriately. SB 2 also requires that the zoning districts in question have sufficient capacity to allow the development of emergency shelters; analysis undertaken during the Housing Element update demonstrates that the PC zoning district has ample capacity for development of such facilities.

The California Department of Housing and Community Development (HCD) reviewed the County's Housing Element, and determined that this zoning amendment would fulfill the requirements of SB 2. Your Board specifically considered this future zoning amendment during its consideration of the updated Housing Element, and adopted the Housing Element on November 15, 2011.

Specifically, the zoning text amendment will:

- Add the definition of Emergency Shelter, as defined in the Government Code, to the definitions section of the PC Zoning Regulations.
- Add Emergency Shelters as a specifically described allowed use in each of the "High Density Residential" and "Medium High Density Residential" categories of uses in the PC Zoning Regulations, and indicate in each category that Emergency Shelters are allowed without any required planning permit.
- Add Emergency Shelters to the Required Parking table in the PC Zoning Regulations, requiring 0.75 covered or uncovered parking spaces per employee for emergency shelters.
- Add a statement in the Design Review (DR) Regulations of the County Zoning Regulations to specify, in DR Section 6565.19, "Standards for Design in Planned Colma District," that emergency shelters in PC-zoned areas

designated High Density and Medium High Density are exempt from discretionary design review.

- Add a new Section 6386 to the Planned Colma Zoning Regulations, establishing a set of ministerially applied design standards, specific to emergency shelters.

County Counsel has reviewed and approved the Ordinance as to form.

The adoption of the proposed text amendments to the PC zoning district contributes to the 2025 Shared Vision outcome of a Livable Community by advancing General Plan Policies HE 11, “Amend Zoning and General Plan Regulations to Meet Future Housing Needs,” HE 15, Amend Zoning to Accommodate Emergency Shelters and Transitional and Supportive Housing,” HE 20, “Support Development of Affordable and Special Needs Housing on Available Sites,” and multiple other General Plan Housing Policies intended to promote complete, livable communities for all residents by providing a range and diversity of housing for residents of all types and income levels.

FISCAL IMPACT:

There is no direct fiscal impact to the County from adoption of the proposed text amendments.