



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: 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.

County File Number: PLN 2013-00076

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:

Proposal: The proposed amendment would change the text of the PC Zoning Regulations to allow, consistent with the requirements of State law (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 follows: "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." More detail on the requirements of SB 2 is included in the Discussion Section below.

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.

Planning Commission Action: On February 26, 2014, the Planning Commission unanimously recommended that the Board of Supervisors adopt the proposed text amendment, and certify the related Negative Declaration.

Report Prepared By: William Gibson, Project Planner, Telephone 650/363-1816

Applicant: San Mateo County Planning and Building Department

Owner: Various

Location: Unincorporated Colma

APNs: Various

Existing Zoning: PC/DR

General Plan Designation: Various

Sphere-of-Influence: Daly City

Existing Land Use: Various, primarily mixed urban residential and commercial uses

Flood Zone: Various

Environmental Evaluation: Negative Declaration

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. The code defines emergency shelters as follows: "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.”

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.

The Board of Supervisors initially reviewed this item on February 11, 2014. The proposed amendment at that time did not include design standards specific to emergency shelters. The Board of Supervisors directed staff to draft design standards for emergency shelters, to ensure that shelters would not be entirely exempt from such standards. These standards are included in the revised amendments described in this report. The standards are similar to those applicable to other uses in the Planned Colma District, but their application does not rely on the subjective judgment of a Design Review Officer or Committee. The standards, shown in Attachment B, ensure that shelters are subject to design criteria, while still meeting the legal requirement that shelters not be subject to any discretionary approvals.

This zoning amendment will not change any other development regulations in the PC zoning district, related to emergency shelters or to any other type of development. Emergency shelters will be regulated by the same size, location, and other standards that govern any other development in the PC zoning district. However, because SB 2 requires that emergency shelters must be permitted as a ministerial use, without any discretionary approvals, emergency shelters in the PC zoning district will not be subject to discretionary design review, but will be subject to a set of ministerially applied design standards specific to emergency shelters.

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.

Attachment B shows the proposed amendments to the text of the PC Zoning Regulations and Design Review Regulations.

1. ALTERNATIVES

Conceivably, the County could select another district or districts as appropriate locations to allow emergency shelters by right. However, analysis undertaken during the Housing Element update determined that the PC zoning district was the district where emergency shelters would be most consistent with existing uses, and that the PC zoning district had sufficient capacity for such shelters, as required by State law. The Board of Supervisors, in adopting the Housing Element, also indicated approval of this district as the appropriate location to allow such shelters by right. The only other alternative is to forego the zoning amendment, leaving the County out of compliance with State law.

2. ENVIRONMENTAL REVIEW

County staff has completed an Initial Study of the project, indicating that adoption of the amendment to the PC zoning district text will not have any significant environmental impacts. The Initial Study and Negative Declaration for the project are attached as Attachment C. The Initial Study and Notice of Intent to Adopt a Negative Declaration were circulated for public review between April 2, 2013 and May 4, 2013. No comments were received.

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.

ATTACHMENTS:

- A. Recommended Findings
- B. Initial Study and Negative Declaration
- C. Vicinity Map

COUNTY OF SAN MATEO
PLANNING AND BUILDING DEPARTMENT

RECOMMENDED FINDINGS

Permit File Number: PLN 2013-00076

Board Meeting Date: April 22, 2014

Prepared By: William Gibson
Project Planner

For Adoption By: Board of Supervisors

RECOMMENDED FINDINGS:

Regarding the Negative Declaration, Find:

1. That the Board of Supervisors does hereby find that this Negative Declaration reflects the independent judgment of San Mateo County.
2. That the Negative Declaration is complete, correct and adequate and prepared in accordance with the California Environmental Quality Act and applicable State and County Guidelines.
3. That, on the basis of the Initial Study, there is no substantial evidence that the project will have a significant effect on the environment.

Regarding the Text Amendment to the PC Zoning Regulations and Design Review Regulations, Find:

4. That the Board of Supervisors adopt, by ordinance, the proposed text amendments to the PC Zoning Regulations and Design Review Regulations to make emergency shelters a use by right, consistent with the requirements of State law, the policies of the County Housing Element, and the intent of the Board on adoption of the County's Housing Element.