



COUNTY OF SAN MATEO
Inter-Departmental Correspondence
Planning and Building



Date: December 23, 2014
Board Meeting Date: January 27, 2015
Special Notice / Hearing: None
Vote Required: Majority

To: Honorable Board of Supervisors

From: Steve Monowitz, Acting Community Development Director

Subject: Adoption of a text amendment to the San Mateo County Zoning Regulations, adding definitions of “transitional housing,” “supportive housing,” and “target population” consistent with California Government Code Section 65582, and stating that transitional and supportive housing are residential uses subject to no additional permitting or other requirements or conditions beyond those applicable to other residential uses of the same type in the same zoning district.

RECOMMENDATION:

1. Adopt the proposed amendment to the definition section of the Zoning Regulations, to include a definition of transitional and supportive housing and a definition of target population, and a statement that these uses are subject only to the conditions applicable to any other residential use in the same zoning district.
2. Find that the proposed text amendment would not be in conflict with the County General Plan, or with any current land use plan for a sub-area of the County previously adopted by the Board of Supervisors; that the proposed text amendment is consistent with Policy HE 15 and Policy 15.2 of the Housing Element of the General Plan, which commit the County to adopt zoning that defines transitional and supportive housing as residential uses subject to no additional conditions or approvals beyond those required of other residential uses; that the proposed text amendment brings the County’s Zoning Regulations into required conformance with State law, as adopted in Senate Bill 2 of 2007; and that the proposed text amendment advances the County’s overall intent, as stated in the County’s Shared Vision 2025, to create affordable, livable, connected communities.

BACKGROUND:

Proposal: California Senate Bill 2 (SB 2, 2007) requires that California jurisdictions consider transitional and supportive housing as residential uses, subject only to the permitting requirements applicable to other residential uses of the same type in any given area or zoning district.

The proposed text amendment to the County Zoning Regulations would add definitions of transitional housing, supportive housing, and target population, consistent with Section 65582 of the California Government Code, as follows:

“Supportive housing” means housing with no limit on length of stay, that is occupied by the target population, and that is linked to an on-site or off-site service that assists the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community.

“Transitional housing” means buildings configured as rental housing developments, but operated under program requirements that require the termination of assistance and recirculating of the assisted unit to another eligible program recipient at a predetermined future point in time that shall be no less than six months from the beginning of the assistance.

“Target population,” as it relates to supportive housing, means persons with low incomes who have one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health condition, or individuals eligible for services provided pursuant to the Lanterman Developmental Disabilities Services Act (Division 4.5 (commencing with Section 4500) of the Welfare and Institutions Code) and may include, among other populations, adults, emancipated minors, families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, and homeless people.

More detail on the requirements of SB 2 is included in the Discussion section below. The proposed amendment would change the text of Chapter 1 of the Zoning Regulations, *General Provisions, Section 6102, Definitions*, to add a definition of “supportive housing” as Section 6102.78, “target population” as Section 6102.79, and “transitional housing” as Section 6102.83. All intervening and subsequent definitions in this chapter would be renumbered accordingly.

The definitions of transitional and supportive housing added to the General Provisions section of the Zoning Code would also incorporate a clear stipulation that each type of housing is a residential use allowed in any residential building type, governed by the same standard applicable to that residential building type for the zoning district in which the residential structure exists or is to be built, by adding the following statements to the appropriate definitions:

“Supportive housing is a residential use, allowed in any zoning district that allows residential uses, subject only to those requirements, restrictions and conditions applicable to residential uses of the same type in the same zoning district.”

“Transitional housing is a residential use, allowed in any zoning district that allows residential uses, subject only to those requirements, restrictions and conditions applicable to residential uses of the same type in the same zoning district.”

Each definition will also include a caveat that transitional and supportive housing that are not short-term housing (hotels, bed and breakfasts, and other similar uses with stays of less than 30 days), and that the definitions of transitional and supportive housing do not change any regulations regarding short-term housing.

Consistent with the explicit requirements of SB 2, these definitions clarify that transitional and supportive housing uses shall not be subject to any additional permits or conditions apart from those that apply to the proposed residential structure in a given zoning district.

Planning Commission Action: On December 17, 2014, the Planning Commission recommended that the Board of Supervisors adopt the proposed zoning amendments, and made the following findings:

1. That the proposed text amendment would not be in conflict with the County General Plan, or with any current land use plan for a sub-area of the County previously adopted by the Planning Commission.
2. That the proposed text amendment is consistent with Policy HE 15 and Policy 15.2 of the Housing Element of the General Plan, which commit the County to adopt zoning that defines transitional and supportive housing as residential uses subject to no additional conditions or approvals beyond those required of other residential uses.
3. That the proposed text amendment brings the County’s Zoning Regulations into required conformance with State law, as adopted in Senate Bill 2 of 2007.
4. That the proposed text amendment is consistent with the County’s overall intent, as stated in the County’s Shared Vision 2025, to create affordable, livable, connected communities.

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

Location: Countywide, unincorporated areas

APNs: Various (Countywide)

Environmental Evaluation: This project is exempt from environmental review per California Environmental Quality Act Guidelines Section 15061(b)(3), because it can be seen with certainty that there is no possibility that the project will result in a significant impact to the environment.

DISCUSSION:

A. KEY ISSUES

In 2007, the California Legislature adopted SB 2, amending the State's Government Code to require that every California jurisdiction must allow transitional and supportive housing subject only to the requirements applicable to other residential uses of the same type in a particular zoning district. The code includes the definitions included in the Proposal, described above.

By "subject only to the requirements applicable to other residential uses of the same type," the law intends that these uses be subject only to those requirements applicable to the same structure type: for example, if a transitional housing development is proposed as, or in, a multi-family structure, it would only be subject to the same requirements as any other multi-family structure in the same zoning district. The clear intent of the law is that the transitional or supportive use, in and of itself, cannot be the basis for any additional restrictions or requirements.

In the County's current Housing Element, the County committed, in Policy HE 15.2, to amend the zoning regulations appropriately to comply with the requirements of SB 2. The Board of Supervisors specifically considered this future zoning amendment during its consideration of the 2007-2014 Housing Element, and adopted that Housing Element on November 15, 2011. This amendment is one of a larger set of programmatic actions implementing the policies in the 2007-2014 Housing Element. A number of these actions have already been implemented by the Board of Supervisors and/or County staff, including: adoption of an emergency shelter zoning ordinance; assessment of the feasibility of County-owned land for housing production; implementation of policies regarding residential displacement due to code enforcement actions; strengthening of code enforcement resources; assessment of County policies that might constrain the creation of SRO hotels; assessment of County policies that might constrain the use of shared housing; streamlining of farm labor housing permitting procedures; County participation in a multi-jurisdictional housing impact fee nexus study; and initiation of a farm labor housing needs study. A number of other actions are ongoing, and will be carried forward and continued in the revised 2014-2022 Housing Element, should that Element be adopted by the Board of Supervisors and approved by the State.

This zoning amendment will not change any other development regulations in any zoning district, and will not change the standards applicable to the creation of any

residential structure. Transitional and supportive housing will be regulated by the same size, location, and other standards that govern any other proposed development of the same structural type in every zoning district. The proposed amendments will not change the allowed amount or intensity of development in any area.

Specifically, the zoning text amendment will:

- Add the definition of supportive housing as Section 6102.78 of the zoning regulations.
- Add the definition of target population as Section 6102.79 of the zoning regulations.
- Add the definition of transitional housing as Section 6102.83 of the zoning regulations.
- Appropriately renumber intervening and subsequent definitions.
- Add a clarifying statement as part of the definitions of supportive and transitional housing, stipulating that both are residential uses, subject only to the approvals and conditions required for a residential use of the same structural type, number of units, and other comparable physical characteristics in the same zoning district.

The Ordinance shows the proposed amendments to Chapter 1 of the Zoning Regulations.

B. ALTERNATIVES

The only alternative to this zoning amendment is to forego the amendment, leaving the County out of compliance with State law.

C. ENVIRONMENTAL REVIEW

This project is exempt from environmental review per California Environmental Quality Act Guidelines Section 15061(b)(3), because it can be seen with certainty that there is no possibility that the project will result in a significant impact to the environment.

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

The adoption of these zoning amendments contributes to the 2025 Shared Vision outcome of a Livable Community by helping to create affordable, livable, connected communities.

FISCAL IMPACT:

There is no fiscal impact to San Mateo County from the adoption of the proposed zoning amendments.

•
•
•

ATTACHMENTS:

A. Recommended Findings

COUNTY OF SAN MATEO
PLANNING AND BUILDING DEPARTMENT

RECOMMENDED FINDINGS

Permit File Number: PLN 2014-00304

Board Meeting Date: January 27, 2015

Prepared By: William Gibson
Project Planner

For Adoption By: Board of Supervisors

RECOMMENDED FINDINGS:

Recommend that the Board of Supervisors:

1. Find that the proposed text amendment would not be in conflict with the County General Plan, or with any current land use plan for a sub-area of the County previously adopted by the Board of Supervisors.
2. Find that the proposed text amendment is consistent with Policy HE 15 and Policy 15.2 of the Housing Element of the General Plan, which commit the County to adopt zoning that defines transitional and supportive housing as residential uses subject to no additional conditions or approvals beyond those required of other residential uses.
3. Find that the proposed text amendment brings the County's Zoning Regulations into required conformance with State law, as adopted in Senate Bill 2 of 2007.
4. Find that the proposed text amendment advances the County's overall intent, as stated in the County's Shared Vision 2025, to create affordable, livable, connected communities.
5. Adopt the proposed text amendment to the San Mateo County Zoning Regulations, defining transitional and supportive housing, and defining target population, and stating that these uses are residential uses subject to no additional conditions or approvals beyond those required of other residential uses.
6. Find that this project is exempt from environmental review per California Environmental Quality Act Guidelines Section 15061(b)(3), because it can be seen with certainty that there is no possibility that the project will result in a significant impact to the environment.