

**COUNTY OF SAN MATEO
PLANNING AND BUILDING DEPARTMENT**

DATE: December 17, 2014

TO: Planning Commission

FROM: Planning Staff

SUBJECT: Consideration 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.

County File Number: PLN 2014-00304

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, and in Attachment A. 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.

RECOMMENDATION

That the Planning Commission recommend that the Board of Supervisors 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.

BACKGROUND

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

Location: Countywide, unincorporated areas

Existing Zoning: Various

General Plan Designation: Various

Sphere-of-Influence: Various

Existing Land Use: Various

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 updated 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 updated Housing Element, and adopted the Housing Element on November 15, 2011.

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.

Attachment C shows the proposed amendments to Chapter 1 of the zoning ordinance.

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.

D. REVIEWING AGENCIES

County Counsel

ATTACHMENTS

- A. Recommended Findings
- B. Excerpt from HCD Advisory Memo on SB 2
- C. Proposed Text Amendments to Zoning Regulations

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County of San Mateo
Planning and Building Department

RECOMMENDED FINDINGS

Permit or Project File Number: PLN 2014-00304 Hearing Date: December 17, 2014

Prepared By: William Gibson
Project Planner

For Adoption By: Planning Commission

RECOMMENDED FINDINGS

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 Planning Commission.
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 is consistent with the County's overall intent, as stated in the County's Shared Vision 2025, to create affordable, livable, connected communities.

Recommend that the Board of Supervisors:

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.

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County of San Mateo - Planning and Building Department

ATTACHMENT B

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.

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,

such as single family 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. 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.

The housing element must demonstrate that transitional housing and supportive housing are permitted as a residential use and only subject to those restrictions that apply to other residential dwellings of the same type in the same zone (Government Code Section 65583(a)(5)). In other words, transitional housing and supportive housing are permitted in all zones allowing residential uses and are not subject to any restrictions (e.g., occupancy limit) not imposed on similar dwellings (e.g., single family home, apartments) in the same zone in which the transitional housing and supportive housing is located. For example, transitional housing located in an apartment building in a multifamily zone is permitted in the same manner as an apartment building in the same zone and supportive housing located in a single family home in a single family zone is permitted in the same manner as a single family home in the same 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.

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



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



County of San Mateo - Planning and Building Department

ATTACHMENT C

Proposed Changes to San Mateo County Zoning Regulations, Chapter 1

Section 1. The San Mateo County Ordinance Code (Zoning Regulations), Division VI, Part One, Chapter 1 (General Provisions), Section 6102 (Definitions) is hereby amended to add subsection 6102.78, to read as follows:

Supportive Housing. 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. 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. Supportive housing is not considered a short-term residential use (such as hotels, bed and breakfasts, and other similar uses with stays of less than 30 days), and the definition of supportive housing does not change any regulations regarding such short-term housing.

Section 2. The San Mateo County Ordinance Code (Zoning Regulations), Division VI, Part One, Chapter 1 (General Provisions), Section 6102 (Definitions) is hereby amended to add subsection 6102.79, to read as follows:

Target Population. Target population, as it relates to supportive and transitional 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.

Section 3. The San Mateo County Ordinance Code (Zoning Regulations), Division VI, Part One, Chapter 1 (General Provisions), Section 6102 (Definitions) is hereby amended to add subsection 6102.83, to read as follows:

Transitional Housing. 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. 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. Transitional housing is not considered a short-term residential use (such as hotels, bed and breakfasts, and other similar uses with stays of less than 30 days), and the definition of transitional housing does not change any regulations regarding such short-term housing.

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