



**CITY OF SAN FERNANDO
COUNCIL CHAMBERS**

PLANNING AND PRESERVATION COMMISSION AGENDA

December 4, 2012

Regular Meeting

1. CALL TO ORDER

7:00 P.M.

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

Chairperson Julie Cuellar, Vice-chair Mario Rodriguez, Commissioners, Alvin F. Durham and Jose Ruelas

4. APPROVAL OF AGENDA

December 4, 2012

5. PUBLIC STATEMENTS

There will be a three (3) minute limitation per each member of the audience who wishes to make comments in order to provide a full opportunity to every person who wishes to address the Commission on community planning matters not pertaining to items on this agenda.

6. CONSENT CALENDAR

Items on the consent calendar are considered routine and may be acted on by a single motion to adopt the staff recommendation or report. If the Commission wishes to discuss any item, it should first be removed from the consent calendar.

- Planning and Preservation Commission minutes of the October 2, 2012 meeting.

7. NEW BUSINESS

A: Subject: Zone Text Amendment 2012-01

Location: City-wide, San Fernando, CA 91340

**Applicant: City of San Fernando Community Development Department
117 Macneil Street, San Fernando, CA**

Proposal: The proposed zone text amendment would provide the appropriate definitions and regulations that would allow the establishment of: Single Room Occupancy (SRO) residential units as a conditionally permitted use in the C-1 (limited Commercial) and C-2 (Commercial) zones; Community Care Facilities with seven or more persons as a conditionally permitted use in all residential zones; Emergency Homeless Shelters as a permitted use in the M-2 (Light Industrial) zone; and, Transitional Housing and Supportive Housing as permitted uses in all residential districts subject only to those development

standards that apply to other residential uses of the same type in the same residential district.

Recommendation: It is recommended that the Planning and Preservation Commission review the draft ordinance (Attachment 1) and subsequent to review and comments, direct planning staff to schedule a noticed public hearing in order to consider the proposed zone text amendment and associated environmental assessment.

If, in the future, you wish to challenge the items listed above in Court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice or in written correspondence delivered to the City Planning Commission at, or prior to, the public hearing. Decisions of Planning and Preservation Commission may be appealed to the City Council within 10 days following the final action.

8. STAFF COMMUNICATIONS

- Lopez Adobe Project Phase II update
- 2013-2021 Housing Element update
- 2013 Greater Los Angeles Homeless Count
- Update on commissioner's referrals

9. COMMISSION COMMENTS

10. ADJOURNMENT

Tuesday, January 8, 2013

Any public writings distributed to the Planning and Preservation Commission regarding any item on this regular meeting agenda will also be made available at the Community Development Department public counter at City Hall located at 117 Macneil Street, San Fernando, CA, 91340 during normal business hours. In addition, the City may also post such documents on the City's Web Site at www.sfcity.org.

In accordance with the Americans with Disabilities Act of 1990, if you require a disability-related modification or accommodation to attend or participate in this meeting, including auxiliary aids or services please call the Community Development Department office at (818) 898-1227 at least 48 hours prior to the meeting.



**CITY OF SAN FERNANDO
PLANNING COMMISSION**

**DRAFT MINUTES OF, OCTOBER 2, 2012 MEETING
CITY HALL COUNCIL CHAMBER**

THE FOLLOWING MINUTES ARE A SUMMARY OF ACTIONS TAKEN BY THE PLANNING COMMISSION. AUDIO OF THE ACTUAL MEETING ARE AVAILABLE FOR LISTENING IN THE COMMUNITY DEVELOPMENT DEPARTMENT.

CALL TO ORDER

The meeting was called to order by Chairperson 7:07 P.M.

PLEDGE OF ALLEGIANCE

Led by Commissioner J. Ruelas

ROLL CALL

The following persons were recorded as present:

PRESENT: Chairperson Julie Cuellar, Vice-chair Mario Rodriguez, Commissioners Alvin F. Durham, and Jose Ruelas

ABSENT: None

ALSO PRESENT: City Planner Fred Ramirez, Assistant Planner Edgar Arroyo, and Community Development Secretary Michelle De Santiago

REORGANIZATION

Nomination for Chairperson and Vice-chairperson

Vice-chair M. Rodriguez moved to table the item until the next regularly scheduled meeting. Seconded by Commissioner J. Ruelas, the motion carried with the following vote:

AYES:	M. Rodriguez, J. Ruelas, J. Cuellar, and A. Durham
NOES:	None
ABSENT:	None
ABSTAIN:	None

APPROVAL OF AGENDA

Commissioner A. Durham moved to approve the agenda of October 2, 2012. Seconded by Vice-chair M. Rodriguez, the motion carried with the following vote:

AYES:	A. Durham, M. Rodriguez, J. Cuellar, and J. Ruelas
NOES:	None
ABSENT:	None
ABSTAIN:	None

CONSENT CALENDAR

Commissioner J. Ruelas moved to approve the minutes of the September 5, 2012 Planning and Preservation Commission meeting. Seconded by Commissioner A. Durham, the motion carried with the following vote:

AYES:	J. Ruelas, A. Durham, J. Cuellar, and M. Rodriguez
NOES:	None
ABSENT:	None
ABSTAIN:	None

UNFINISHED BUSINESS

None

PUBLIC HEARING 7A:

Zone Text Amendment 2012-01 – City-wide, San Fernando, CA – City of San Fernando Community Development Department – The proposed zone text amendment would provide the appropriate definitions and regulations that would allow the establishment of: Single Room Occupancy (SRO) residential units as a conditionally permitted use in the C-1 (Limited Commercial) and C-2 (Commercial) zones; Community Care Facilities with seven or more persons as a conditionally permitted use in all residential zones; Emergency Homeless Shelters as permitted use in the M-2 (Light Industrial) zone; identification of manufactured housing as a permitted use in all residential zones; and Transitional Housing and Supportive Housing permitted uses in all residential districts subject only to those development standards that apply to other residential uses of the same type in the same residential district.

STAFF PRESENTATION

City Planner Fred Ramirez gave the staff presentation recommending that that Planning and Preservation Commission direct planning staff to schedule consideration of the proposed zone text amendment and associated environmental assessment for the next regularly scheduled commission meeting in November 2012.

PUBLIC TESTIMONY

None

COMMISSION DISCUSSION

J. Cuellar asked if any of SRO or Emergency Shelters already existing within the city limits.

F. Ramirez indicated that there are Community Care Facilities of 6 or less in the City that are permitted by right. However our zoning code does not contain any language allowing it or conditionally allowing it within the city limits.

J. Cuellar asked staff if we had a count of the homeless population within the city limits.

F. Ramirez indicated that the 2010 Census identified 46 homeless people within the city limits. Additionally, he indicated that any future emergency homeless shelter would have a maximum limit of 50 beds.

J. Cuellar asked for clarification as far as what would be allowed in what zones.

F. Ramirez indicated that the proposed zone text amendment would identify manufactured home as a permitted use in the residential zones, community care facilities with seven or more occupants would be subject to a conditional use permit in the residential zones, SROs would be subject to a conditional use permit in the C-1 and C-2 zones, transitional and supportive housing would be allowed in the residential zones, and that emergency homeless shelter would be permitted in the M-2 zones.

J. Cuellar asked staff to identify how many shelters could be allowed along First Street if they would be allowed every 300 feet.

F. Ramirez indicated that staff could not instantly provide that information but that it would generate a map of the M-2 zone that can depict theoretically how many shelter along First Street there could be if they were setup every 300 feet for the following meeting.

J. Ruelas asked about the SROs and if they would be dormitory layout. Additionally he asked if staff would provide some examples of existing SROs.

F. Ramirez stated that he has noted the comments and requests and will provide the commission with additional information at the next regularly scheduled meeting.

Subsequent to discussion, M. Rodriguez moved to direct staff to schedule a public hearing for consideration of Zone Text Amendment 2012-01. Seconded by J. Ruelas, the motion carried with the following vote:

AYES:	M. Rodriguez, J. Ruelas, J. Cuellar, and A. Durham
NOES:	None
ABSENT:	None
ABSTAIN:	None

STAFF COMMUNICATIONS

F. Ramirez asked the commission about their availability for a Special Meeting at the Lopez Adobe on October 9 or October 11, 2012. He informed the commission regarding a new feature on the city's website under the caption of "Business Opportunity Sites". Additionally he informed the commission about the courtesy notices going out to the various business operators regarding signage and banners.

COMMISSION COMMENTS

J. Cuellar expressed concern regarding two trees in the parkway at De Haven Avenue and Brand Blvd. that obstruct the view when attempting to make a left onto Brand Blvd. She also asked for an update on the apartments at 650 Glenoaks Blvd.

M. Rodriguez requested an update on the charter school located on Fourth Street (i.e. shade structure, traffic issues, and if they are adhering to the conditions of approval for the project).

A. Durham asked if staff if Chrysler/Dodge was coming to San Fernando.

PUBLIC STATEMENTS

None

ADJOURNMENT

Commissioner A. Durham moved to adjourn to November 7, 2012. Second by Commissioner J. Ruelas, the motion carried with the following vote:

AYES:	A. Durham, J. Ruelas, J. Cuellar, and M. Rodriguez
NOES:	None
ABSENT:	None
ABSTAIN:	None

9:00 P.M.
Fred Ramirez
Planning Commission Secretary

MEETING DATE: December 4, 2012

PUBLIC HEARING:

1. CHAIRPERSON TO OPEN THE ITEM AND REQUEST STAFF REPORT
2. STAFF PRESENTS REPORT
3. COMMISSION QUESTIONS ON STAFF REPORT
4. OPEN FOR PUBLIC HEARING
5. CLOSE PUBLIC HEARING
6. PLANNING AND PRESERVATION COMMISSION DISCUSSION
7. RECOMMENDED ACTION:
 - (a) **To Approve:**
“I move to direct staff to schedule a public hearing for consideration of Zone Text Amendment 2012-01”.
 - (b) **To Continue:**
“I move to continue consideration of Zone Text Amendment 2012-01, to a specific date...” (Roll Call Vote)

PUBLIC HEARING:

To Approve ()

To Continue ()

Moved by: _____

Seconded by: _____

Roll Call: _____

7A:
Zone Text Amendment 2012-01


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PLANNING AND PRESERVATION COMMISSION STAFF REPORT

DATE: December 4, 2012

TO: SAN FERNANDO PLANNING AND PRESERVATION COMMISSION

FROM: Fred Ramirez, City Planner 

SUBJECT: **Zone Text Amendment 2012-01: Implementing Housing Element Program No. 11**

LOCATION: City-wide

PROPOSAL: The proposed zone text amendment would provide the appropriate definitions and regulations that would allow the establishment of: Single Room Occupancy (SRO) residential units as a conditionally permitted use in the C-1 (Limited Commercial) and C-2 (Commercial) zones; Community Care Facilities with seven or more persons as a conditionally permitted use in all residential zones; Emergency Homeless Shelters as a permitted use in the M-2 (Light Industrial) zone; identification of manufactured housing as a permitted use in all residential zones; and, Transitional Housing and Supportive Housing as permitted uses in all residential districts subject only to those development standards that apply to other residential uses of the same type in the same residential district.

APPLICANT: City of San Fernando, Community Development Department, 117 Macneil Street, San Fernando, CA 91340

RECOMMENDATION:

It is recommended that the Planning and Preservation Commission review the draft ordinance (Attachment 1) and subsequent to review and comments, direct planning staff to schedule a noticed public hearing in order to consider the proposed zone text amendment and associated environmental assessment.

BACKGROUND

1. In 2007 the State legislature enacted SB 2 (Cedillo), which requires local jurisdictions to incorporate policies into their general plan housing elements to permit the establishment of: Single Room Occupancy residential units ("SRO"), allow manufactured housing, community care facilities, emergency homeless shelters, transitional and supportive housing as permitted or conditionally permitted uses in specified zoning districts and to amend local ordinances to implement such policies.
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2. In April 2009, the City Council adopted the 2008-2014 General Plan Housing Element that includes Housing Implementing Program No. 11 (Zoning Ordinance Revisions). The noted housing program provided for the amendment of “the [city’s] zoning ordinance by December 2009 to make explicit provisions for manufactured housing, community care facilities, SROs, transitional and supportive housing, and emergency shelters. Develop objective standards to regulate emergency shelters as provided under SB 2.” (2008-2014 Housing Element Objective; 2008-2014 Housing Element, V-16 (Housing Plan).) In addition, the housing element provided for the identification of manufactured housing as a permitted use in residential zoning districts.
3. On October 2, 2012, city planning staff provided an overview of the proposed ordinance’s major components including discussion regarding state law mandating identification of zoning districts that can accommodate factory-built/manufactured housing, transitional and supportive housing, single-room occupancy units (“SROs”), community care facilities for seven or more occupants, and emergency homeless shelters. (See Attachment 2.) Based on commission discussion, staff had been directed to develop the draft ordinance for consideration at an upcoming commission meeting. As part of the commission’s direction, staff was also directed to provide additional information regarding the types of households that could be housed under the new housing categories as well as an estimate of the number of emergency homeless shelters that could be developed within the city based on the state requirements for maximum distance separation requirements between similar emergency homeless shelters. (See Attachment 3.)

ANALYSIS:

Eligible household types. Per State law, populations eligible for the types of housing being proposed include 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 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.) (Source: Chapter 633, Statutes of 2007 (SB 2); May 7, 2008 Department of Housing and Community Development Memorandum: Senate Bill 2—Legislation Effective January 1, 2008: Local Planning and Approval for Emergency Shelters and Transitional and Supportive Housing.)

Eligible households for homeless shelters include single males or females, and families. They may include homeless population who are mentally ill, developmentally disabled, veterans, runaways or emancipated foster youth, substance abusers, survivors of domestic violence, and other subpopulations of homeless considered significant by the city.

Transitional housing may be designated for a homeless individual or families transitioning to permanent housing. This housing can involve single family homes, 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 has no limit on length of stay for individuals and includes persons living with mental disabilities, HIV/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 housed persons in order to retain housing, live and work within the community, and/or improve health and may include case management, mental health treatment, and life skills education/training.

Potential sites analysis. Per State law, local ordinances may establish a maximum 300-foot distance separation requirement between emergency homeless shelters. The proposed city ordinance would require a maximum 300-foot distance between emergency homeless shelters within the M-2 (Light Industrial) zone. Based on staff's analysis, ten (13) sites exist within the M-2 zone that are located along First Street (six sites) and Arroyo Avenue (seven sites) that meet the 300-foot distance separation requirement. (See Attachment 4.) Staff evaluated each potential site based on the following criteria: existing uses; duration of occupancy; value of land and building improvements; and the resulting cost per square foot. Based on this analysis, staff determined that the future development of more than one to two of these possible sites as a year-round emergency homeless shelter may not be financially feasible.

As noted in the proposed ordinance, the maximum number of beds allowed for an emergency homeless shelter shall be 50. Based on 2010 Census information, the number of persons identified as "group quarters (non-institutionalized population)" within the City of San Fernando is 46. (*Source: U.S. Census Bureau, American Fact Finder; Table QT-P12, Household Relationship and Group Quarters Population: 2010 Census Summary File 1.*) The U.S. Census Bureau classifies people not living in housing units as living in group quarters. There are two types of group quarters institutionalized (e.g., persons housed in correctional facilities, nursing homes, and hospice facilities) and non-institutional group quarters (e.g., college/university student housing, military quarters, and group homes). The non-institutional group quarters includes emergency and transitional shelters for people experiencing homelessness and group homes. (*Source: <http://www.census.gov/prod/cen2010/doc/sf1.pdf>.*)

State and federal law. California Government Code Section 655583 requires the city's housing element to identify adequate sites for a variety of housing types including factory-built/manufactured housing, transitional and supportive housing, single-room occupancy units ("SROs"), community care facilities for seven or more occupants, and emergency homeless shelters. Government Code Section 65583(a)(4) requires a city to identify one or more zones where emergency homeless shelters are allowed as permitted uses. The identified zone(s) must be able to accommodate at least one year-round emergency homeless shelter. Furthermore, Government Code Section 65583(a)(4)(D)(6), notes that "transitional and supportive housing shall be 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 all the same zones."

State law also notes that manufactured or factory-built housing shall be regulated in the same manner as conventional or "stick-built" structures. Specifically, Government Code Section

65852.3(a) requires that, with the exception of architectural design guidelines, manufactured housing shall only be subject to the same development standards applicable to conventional residential dwellings including, but not limited to, such things as building setbacks, accessory structures provisions, building height maximums, minimum on-site parking requirements, and lot coverage limitations.

Furthermore, federal and state law prohibit discrimination by local government and individuals based on race, color, religion, sex, familial status, marital status, national origin, ancestry or mental or physical disability. California Government Code Section 65008 forbids discrimination against affordable or multi-family housing development proposals, developers or potential residents using planning and zoning powers. Agencies are prohibited not only from exercising bias based on race, sex, age or religion, but from discriminating against developments because the development is subsidized or to be occupied by low or moderate income persons.

Proposed zone text amendments. Adoption of the proposed Ordinance is consistent with the City of San Fernando 2008-2014 housing Element Work Plan, Housing Implementation Program No. 11, which provides zoning ordinance revisions in order to facilitate the provision of a variety of housing types to meet the housing needs of all economic segments of the community. These zoning revisions include:

- Identification of manufactured housing as a permitted use in the city's residential zones;
- Identification of appropriate residential zones for community care facilities with seven or more occupants, subject to a conditional use permit;
- Identification of SROs as a conditionally permitted use in the C-1 (Limited Commercial) and C-2 (Commercial) zones subject to new development standards;
- Addition of transitional and supportive housing to the definitions section and listing them as a permitted uses within the city's residential zones; and,
- Identification of emergency homeless shelters as permitted uses in the M-2 (Light Industrial) zone. (2008-2014 Housing Element Objective; 2008-2014 Housing Element, V-15 (Housing Plan).)

Adoption of an ordinance amending the city's zoning code consistent with State housing law will ensure that each of the proposed housing types are located appropriately and developed in a manner that maintains the character of existing neighborhoods, industrial corridors and business districts.

CONCLUSION:

In light of the forgoing analysis, it is staff's assessment that in order to comply with State housing law and ensure that the city's zoning code accurately reflects the land use policies as identified in the city's 2008-2014 Housing Element Work Plan (Housing Implementation Program No. 11), it is necessary to adopt the zone text amendment establishing definitions and development standards as well as identifying city zoning districts where specific types of housing are allowed by right or subject to the approval of a conditional use permit.

Based on the Planning and Preservation Commission's review of the attached draft ordinance and subsequent direction, planning staff will schedule a public hearing to consider a proposed ordinance that amends the city's zoning code and provides for manufactured housing, SROs, community care facilities serving seven or more occupants, emergency homeless shelters, and transitional and supportive housing as uses within the city's zoning code, subject to applicable zoning regulations.

ATTACHMENTS (4):

1. Draft Ordinance
 2. October 2, 2012 Staff Report to the Planning and Preservation Commission
 3. October 2, 2012 Planning and Preservation Commission Minutes
 4. Site Analysis-Zoning Maps
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ATTACHMENT 1:

Draft Ordinance

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ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SAN FERNANDO, CALIFORNIA AMENDING ARTICLE I OF CHAPTER 106 TO DEFINE SINGLE ROOM OCCUPANCY UNIT, COMMUNITY CARE FACILITIES, EMERGENCY HOMELESS SHELTERS, TRANSITIONAL HOUSING AND SUPPORTIVE HOUSING AND AMENDING ARTICLE III OF CHAPTER 106 TO PROVIDE THAT EMERGENCY SHELTERS ARE PERMITTED USES IN THE M-2 LIGHT INDUSTRIAL ZONE WITH APPLICABLE DEVELOPMENT STANDARDS, SINGLE ROOM OCCUPANCY AS CONDITIONALLY PERMITTED USES IN THE C-1 AND C-2 COMMERCIAL ZONES, COMMUNITY CARE FACILITIES OF SEVEN OR PERSONS AS CONDITIONALLY PERMITTED USES IN ALL RESIDENTIAL ZONES, AND THAT TRANSITIONAL AND SUPPORTIVE HOUSING ARE AND SHALL BE TREATED AS RESIDENTIAL USES, SUBJECT ONLY TO THOSE RESTRICTIONS ON RESIDENTIAL USES APPLICABLE TO THE TYPE OF RESIDENTIAL STRUCTURE OR USE INVOLVED

WHEREAS, in 2007 the State legislature enacted SB 2, which requires local jurisdictions to incorporate policies into their General Plan Housing Elements to allow establishment of: Single Room Occupancy unit ("SRO"), Community Care Facilities, Emergency Homeless Shelters, and Transitional and Supporting Housing as permitted uses in specified zoning districts and to amend local ordinances to implement such policies; and

WHEREAS, the City Council adopted the General Plan Housing Element in April 2009, which includes Housing Program No. 11 (Zoning Ordinance Revisions) that would provide the appropriate definitions and regulations that would allow establishment of: SRO as a conditionally permitted use in the C-1 (Limited Commercial) and C-2 (Commercial) zones; Community Care Facilities with seven or more persons as a conditionally permitted use in all residential zones; Emergency Homeless Shelters as a permitted use in the M-2 (Light Industrial) zone, and Transitional Housing and Supportive Housing as permitted uses in all residential districts only subject to those development standards that apply to other residential uses of the same type in the same residential district; and

WHEREAS, on December 4, 2012, the Planning and Preservation Commission held a properly noticed public hearing at which it received a report from City staff as well as oral and written testimony from the public, and deliberated on the item. At that meeting, the Planning Commission recommended the City Council adopt the proposed zone text amendments in this Ordinance; and

WHEREAS, the City Council public hearing was noticed in accordance with the requirements set forth in Government Code sections 65090 and 65091.

THE CITY COUNCIL OF THE CITY OF SAN FERNANDO DOES ORDAIN AS FOLLOWS:

SECTION 1. The foregoing recitals are true and correct and made a part of this Ordinance.

SECTION 2. The City Council hereby finds as follows:

- a) **The proposed zone text amendment is consistent with the objectives, policies, general land uses and programs of the City's General Plan.**

The proposed text amendment to the San Fernando Municipal Code, which provides definitions and regulations for SROs in the C-1 (Limited Commercial) and C-2 (Commercial) zones, community care facilities with seven or more occupants in the City's residential zones, factory built or manufactured housing as a permitted use in all residential zones, and transitional housing and supportive housing within the City's residential zones is consistent with the objectives, policies, general land uses and programs of the City of San Fernando General Plan Housing Element. Per Housing Element Goal 2.0 and Policy 2.1, the proposed zone text amendment is intended to provide adequate housing sites to facilitate the development of a range of residential development types in the city that fulfill regional needs. In addition, the proposed zone text amendment ensures the city attains its 2008-2014 Housing Element Objective to amend the zoning ordinance to make explicit provisions for manufactured housing, community care facilities, SROs, transitional and supportive housing, and emergency shelters while also developing objective standards for the regulation of emergency homeless shelters as provided for under SB2. Furthermore, providing the required definitions for SROs, community care facilities, emergency homeless shelters, transitional housing and supportive housing as well as establishing the applicable regulations for each proposed use within each specified zoning districts will allow a range of housing types within the City that meets the housing needs of all economic segments of the community while preserving the character of the existing residential neighborhoods and the affected commercial and industrial zoned districts.

- b) **The adoption of the proposed zone text amendment would not be detrimental to the public interest, health, safety, convenience or welfare.**

The proposed revisions to the city zoning ordinance would allow for the introduction of SROs, community care facilities for seven or more persons, factory built or manufactured housing, and transitional and supportive housing units in a manner consistent with the requirements of adopted State legislation while providing specific development standards that assure these new housing units are built in compliance with the City's zoning and building codes. Therefore, the proposed addition of definitions and associated regulations for SROs, community care facilities for seven or more occupants, factory built or manufactured housing, and transitional housing and supportive housing in the specified commercial, industrial or residential zoned districts will ensure the availability of housing for special needs groups within the community in a manner that will not be detrimental to the public interest, health, safety, convenience or welfare.

SECTION 3. Section 106-6, "Definitions," of the San Fernando City Code is hereby amended to revise the definition of "community care facility" providing definitions for "community care facility/large" and "community care facilities/small" and to add definitions for "child day care

facility”, “emergency homeless shelter,” “single room occupancy unit,” “supportive housing,” and “transitional housing,” as follows:

Community care facility/Large means any facility as defined in the Health and Safety Code Section 1502(a) ~~and a child care facility as defined in Health and Safety Code Section 1596.750~~, which provides nonmedical care on a 24-hour a day basis to seven or more persons including, but not limited to persons with substance abuse illnesses, physically handicapped, mentally impaired, incompetent persons, and abused or neglected children. ~~Large community care facility shall be in need of personal services, supervision or assistance essential for sustaining activities of daily living or for the protection of the individual on less than a 24-hour a day basis.~~ considered a conditionally permitted use within all residential zoned districts.

Community care facility/Small means any facility as defined in the Health and Safety Code Section 1502(a), which provides nonmedical care on a 24-hour a day basis to six or less persons including, but not limited to persons with substance abuse illnesses, physically handicapped, mentally impaired, incompetent persons, and abused or neglected children. Small community care facility shall be considered a permitted use within all residential zoned districts.

Child day care facility means a facility that provides nonmedical care to children under 18 years of age in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of individuals on a less than a 24-hour basis. Child day care facility includes day care centers, employer-sponsored child day centers, and family day care centers.

Emergency homeless shelter means housing with minimal supportive services for homeless persons that is limited to occupancy of six months per calendar year or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay. (Health and Safety Code Section 50801(e)). Supportive services may include, but are not limited to, meal preparation, an activities center, day care for homeless person’s children, vocational rehabilitation and other similar activities.

Single room occupancy unit (SRO) means any building containing five or more guestrooms or units intended or designed to be used, or which are used, rented, or hired out, to be occupied, or which are occupied, for sleeping purposes by residents, which is also the primary residence of those residents. The individual units shall lack either cooking facilities or individual sanitary facilities, or both. However, for purposes of this definition, an SRO does not include residential care homes, senior housing projects, rooming and boarding houses, hotels and motels, bed and breakfast lodging, extended care facilities or hospitals.

Supportive housing means housing with no limit on the length of stay and that is occupied by a target population as defined by Health and Safety Code Section 53260(d), as the same may be amended from time to time, and that provides a significant level of onsite and offsite services that assist the supportive housing residents in retaining the housing, improving their health status, maximizing their ability to live, and when

possible, work in the community. Supportive housing shall be treated under this chapter as a residential use and shall be allowed as a permitted use in all residential zoning districts.

Transitional housing means housing operated under program requirements that call for 1) the termination of any assistance to an existing program recipient and 2) the subsequent recirculation of the assisted residential unit to another eligible program recipient at some predetermined future point in time, which point in time shall be no less than six months into the future (Health and Safety Code Section 50675.2(h)). Transitional housing may provide, but not be limited to, meals, counseling, and other services as well as common areas for residents. Transitional housing may be provided under all residential housing types. In all cases, Transitional housing shall be treated as a residential use under this chapter and shall be subject only to those restrictions that apply to other residential uses of the same residential housing type located in the same zoning district.”

SECTION 4. Section 106-311, “Purpose,” and Sections 106-312 through 106-325, “Reserved,” of the San Fernando City Code are hereby amended to read as follows:

~~“Sec. 106-311. Purpose.~~

~~In accordance with the housing element of the city's general plan, and in keeping with the aim of providing adequate housing for all segments of the population, the planning commission may approve, through the conditional use permit process, transitional or temporary housing facilities in the M-1 and M-2 industrial zones under the following circumstances, and with the following conditions:~~

- ~~(1) — Such facilities must be inspected by the city's building official, the fire department and the Los Angeles County Health Department prior to occupancy, to ensure that the building(s) is safe and habitable.~~
- ~~(2) — The facility must include adequate bathroom and shower facilities. If feasible, washers and dryers should be provided.~~
- ~~(3) — The operator of such premises shall be responsible for maintaining an area within 100 feet of the exterior of the premises free of loitering, littering, consumption of alcoholic beverages, and trash and debris.~~
- ~~(4) — Relevant city staff, such as police and community preservation officials, shall have the authority to enter the premises to ensure that all conditions of operation are being met.~~
- ~~(5) — The maximum stay at any such facility shall be three continuous months. The facility's staff shall be responsible for verifying the identification of each client, and for ensuring the maximum length of residence. The maximum total for any one person at any one facility shall be one year, with a minimum one month gap between each individual gap.~~
- ~~(6) — The community development staff shall be responsible for overall monitoring of such facilities, with assistance by the police department and other relevant city and county agencies. Violations of any of the conditions of operation shall subject the operator/owner of such a facility to a revocation hearing before the planning commission, in conformance with section 30.758 of the Oning ordinance.~~

- (7) ~~The following development standards shall apply to all such facilities, unless the planning commission finds that one or more of the standards is unnecessary or does not apply to the particular situation:~~
- ~~a. adequate lighting shall be provided for the entire site, especially the public areas. All lighting shall be directed away from adjacent properties and the public right of way.~~
 - ~~b. The applicant shall provide common facilities for the use of residents and staff as follows:~~
 - ~~1. Central cooking and dining room(s).~~
 - ~~2. Recreation room.~~
 - ~~3. Child care facilities.~~
 - ~~4. Enclosed refuse area, per section 30.681 of the zoning ordinance.~~
 - ~~c. Outdoor activities shall not continue past 10:00 p.m., if the facility is located within 300 feet of any residential zone.~~
 - ~~d. Any proposed new structure must be located at least 300 feet from the nearest residential zone.~~
- (8) ~~The public hearing on the application for such a facility shall be held in conformance with section 30.790 (Hearings and appeals) of the zoning ordinance.~~

~~Secs. 106-312—106-325. Reserved~~

~~Secs. 106-311—106-325. Reserved.”~~

SECTION 5. Section 106-352, “Permitted Uses,” relating to permitted uses within the R-1 Single-Family Residential Zone, of the San Fernando City Code is hereby amended to read as follows:

“Sec. 106-352. Permitted uses.

In the R-1 single family residential zone, the following uses are permitted:

- (1) Accessory buildings and structures such as a garage, workroom, storage shed, recreation room or cabana located on the same lot as the principal residential use. No bathroom, kitchen plumbing or fixtures or cooking facilities shall be permitted in conjunction with accessory buildings. A garage, workroom, storage shed, and recreation room shall not be divided into smaller size rooms and shall be maintained as a single open building.
- (2) Community care facilities/small ~~serving five six or fewer persons; provided, however, that six persons may be served by residential facilities and small family homes.~~
- (3) Home occupations in accordance with division 9 of article VI of this chapter.
- (4) Large family day care home in accordance with division 10 of article VI of this chapter.
- (5) Manufactured home as defined in Health and Safety Code Section 18007.
- (6) Parks and playgrounds or community centers owned and operated by a government agency, including business conducted within the facilities, subject to the approval of the director.

- (7) Private noncommercial greenhouses, horticulture collections, flower gardens, vegetable gardens and fruit trees.
- (8) Primary single-family dwelling units, one per lot, in a permanent location.
- (9) Second dwelling units (one per lot) in accordance with Section 106-358
- (10) Supportive housing.
- (11) Temporary tract sales offices, temporary contractors' equipment offices and storage, subject to approval by the director for a period not to exceed one year with two one-year extensions available, if requested for good cause.
- (12) Transitional housing."

SECTION 6. Section 106-353, "Uses permitted subject to a conditional use permit," relating to conditionally permitted uses within the R-1 Single-Family Residential Zone, of the San Fernando City Code is hereby amended to read as follows:

"Sec. 106-353. Uses permitted subject to a conditional use permit.

In the R-1 single-family residential zone, uses permitted subject to a conditional use permit are as follows:

- (1) Churches, temples or other places of religious worship, with not temporary structures permitted.
- (2) One guesthouse with a minimum lot area of 8,000 square feet.
- (3) Schools.
- (4) Hospitals or sanitariums.
- (5) Community care facilities/large."

SECTION 7. Section 106-488, "Uses permitted subject to a conditional use permit," relating to conditionally permitted uses within the C-1 Limited Commercial Zone, of the San Fernando City Code is hereby amended to read as follows:

"Sec. 106-488. Uses Permitted subject to a conditional use permit.

In the C-1 limited commercial zone, the following uses are permitted subject to a conditional use permit:

- (6) Clubs, lodges and halls.
- (7) Commercial recreation.
- (8) Hotels and motels including Single Room Occupancy unit (SRO) subject to the development standards noted in Section 106-971 of this chapter.
- (9) New automobile sales and display and sales room or lot (used car sales only in conjunction with a new car agency).
- (10) Off-street parking lot.
- (11) On-site and off-site sale of alcoholic beverages.
- (12) Parking lot sales.
- (13) Schools.

- (14) Secondhand stores.
- (15) Museums, art galleries, botanical gardens.”

SECTION 8. Section 106-612, “Permitted Uses,” relating to permitted uses within the M-2 Light Industrial Zone, of the San Fernando City Code is hereby amended to read as follows:

“Sec. 106-612. Permitted uses.

In the M-2 light industrial zone, the following uses are permitted:

- (1) All uses permitted in the M-1 zone.
- (2) Emergency homeless shelters subject to the development standards noted in Section 106-972 of this chapter.
- (3) Manufacturing. Subject to the conditions of this zone, manufacturing, assembling, repairing, testing, processing, warehousing, wholesaling, research or treatment of products may be conducted (other than those which may be obnoxious or offensive because of emission of odor, dust, smoke, gas, noise, vibration or other similar causes detrimental to the public health, safety or general welfare) including but not limited to the following:
 - a. Animal shelter.
 - b. Assaying.
 - c. Automobiles, trailers, boats, recreational vehicles.
 - d. Ceramics, pottery, statuary.
 - e. Heavy equipment sales and rental.
 - f. Ink, polish, enamel.
 - g. Pest control contractors.
 - h. Public service facilities.
 - i. Sandblasting.
 - j. Tile (indoor kiln).
 - k. Wallboard, glass (no blast furnace).
 - l. Blast furnaces as an accessory use and not needing EPA or AQMD approvals.”

SECTION 9. Section 106-971 of the San Fernando City Code, previously reserved, is hereby amended to read as follows:

In the city’s C-1 (Limited Commercial) and C-2 (Commercial) zones, a Single Room Occupancy unit (SRO) shall be subject to the applicable regulations of this division, including the following standards:

- (1) Unit Size. The minimum size of a unit shall be one hundred fifty (150) square feet and the maximum size shall be four hundred (400) square feet. A single room occupancy facility is not required to meet density standards of the general plan.

- (2) Bathroom Facilities. An SRO unit is not required to but may contain partial or full bathroom facilities. A partial bathroom facility shall have at least a toilet and sink; a full facility shall have a toilet, sink, and bathtub, shower, or bathtub/shower combination. If a full bathroom facility is not provided, common bathroom facilities shall be provided in accordance with California Building Code for congregate residences with at least one full bathroom per every three units on a floor. The shared shower or bathtub facility shall be accessible from a common area or hallway. Each shared shower or bathtub facility shall be provided with an interior lockable door.
- (3) Kitchen. An SRO unit is not required to but may contain partial or full kitchen facilities. A full kitchen includes a sink, a refrigerator, and a stove, range top, or oven. A partial kitchen is missing at least one of these appliances. If a full kitchen is not provided, common kitchen facilities shall be provided with at least one full kitchen per floor.
- (4) Closet. Each SRO shall have a separate closet.
- (5) Common Area. Four square feet of interior common space per unit shall be provided, with at least two hundred (200) square feet in area of interior common space, excluding janitorial storage, laundry facilities, and common hallways. All common areas shall comply with all applicable ADA accessibility and adaptability requirements.
- (6) Laundry Facilities. Laundry facilities shall be provided in a separate room at the ratio of one washer and dryer for every ten (10) units, with at least one washer and dryer per floor.
- (7) Cleaning Supply Room. A cleaning supply room or utility closet with a wash tub with hot and cold running water shall be provided on each floor of the SRO facility.
- (8) Management Plan. A management plan shall be submitted with the development application for an SRO facility and shall be approved by the chief planning official. The management plan must address management and operation of the facility, rental procedures, safety and security of the residents and building maintenance.
- (9) Facility Management. An SRO facility with ten (10) or more units shall have an on-site manager. An SRO facility with less than ten (10) units shall provide a management office on-site.
- (10) Parking. Parking shall be provided for an SRO facility at a rate of one standard-size parking space per unit as defined in Section 106-829(1) of this chapter, plus an additional standard-size parking space for the on-site manager.
- (11) Accessibility. All SRO facilities shall comply with all applicable ADA accessibility and adaptability requirements.

- (12) Existing Structures. An existing structure may be converted to an SRO facility, consistent with the provisions of this section.”

SECTION 10. Section 106-972 of the San Fernando City Code, previously reserved, is hereby amended to read as follows:

In the city’s M-2 (Light Industrial) zone, an Emergency Homeless Shelter shall be subject to the applicable regulations of this division, including the following standards:

- (1) Maximum Number of Persons/Beds. The shelter for the homeless shall contain a maximum of 50 beds and shall serve no more than 50 homeless persons.
- (2) Lighting. Adequate external lighting shall be provided for security purposes. The lighting shall be stationary, directed away from adjacent properties and public rights-of-way, and of an intensity compatible with the neighborhood.
- (3) Laundry Facilities. The development shall provide laundry facilities adequate for the number of residents.
- (4) Common Facilities. The development may provide supportive services for homeless residents, including but not limited to: central cooking and dining room(s), recreation room, counseling center, child care facilities, and other support services.
- (5) Security. Parking facilities shall be designed to provide security for residents, visitors, and employees.
- (6) Landscaping. On-site landscaping shall be installed and maintained pursuant to the standards outlined in Section 106-833.
- (7) On-Site Parking. On-site parking for homeless shelters shall be subject to requirements for similarly zoned industrial uses as set forth in Section 106-822(d)(1).
- (8) Outdoor Activity. For the purposes of noise abatement in surrounding residential zoning districts, outdoor activities may only be conducted between the hours of 8:00 a.m. to 10:00 p.m.
- (9) Concentration of Uses. No more than one shelter for the homeless shall be permitted within a radius of 300 feet from another such shelter.
- (10) Refuse. Homeless shelters shall provide a trash storage area as required pursuant to Section 106-897(1) through Section 106-897(3).
- (11) Health and Safety Standards. The shelter for the homeless must comply with all standards set forth in Title 25 of the California Administrative Code (Part 1, Chapter F, Subchapter 12, Section 7972).
- (12) Shelter Provider. The agency or organization operating the shelter shall comply with the following requirements:
 - a. Temporary shelter shall be available to residents for no more than six months if no alternative housing is available.
 - b. Staff and services shall be provided to assist residents to obtain permanent shelter and income. Such services shall be available at no cost to all residents of a provider’s shelter or shelters.
 - c. The provider shall not discriminate in any services provided.
 - d. The provider shall not require participation by residents in any religious or philosophical ritual, service, meeting or rite as a condition of eligibility.

- e. The provider shall have a written management plan including, as applicable, provisions for staff training, neighborhood outreach, security, screening of residents to insure compatibility with services provided at the facility, and for training, counseling, and treatment programs for residents.

SECTION 11. The City has evaluated any potential environmental impacts associated with the adoption of the proposed ordinance (the “Project”) that provides the appropriate definitions and regulations that allows the establishment of Single Room Occupancy Residential Hotel (SRO) as a conditionally permitted use in the C-1 (Limited Commercial) and C-2 (Commercial) zones, Community Care Facilities with seven or more persons as a conditionally permitted use in all residential zones, Emergency Homeless Shelters as a permitted use in the M-2 (Light Industrial) zone, and Transitional Housing and Supportive Housing as permitted uses in all residential districts only subject to those development standards that apply to other residential uses of the same type in the same residential district by the City of San Fernando in order to implement the provisions of Sections 65582, 65583, and 65589.5 of the California Government Code. An Initial Study and Negative Declaration of Environmental Impact have been prepared for the Project in accordance with the provisions of the California Environmental Quality Act (Public Resources Code Section 21000, et seq.), the State CEQA Guidelines (14 Code of Regulations Section 15000, et seq.) and the City’s CEQA procedures. Based upon the Initial Study, the proposed Negative Declaration and the comments thereon, the City Council finds that the Negative Declaration represents the independent judgment of the City and that there is no substantial evidence that the project may have a significant effect on the environment. The documents constituting the record on which this decision is based are on file in the City.

SECTION 12. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The San Fernando City Council hereby declares that it would have adopted this ordinance and such section, subsection, sentence, clause, phrase or portion may be declared invalid or unconstitutional.

SECTION 13. Pursuant to California Government Code Section 36937, this ordinance shall take effect and be in full force and effect thirty (30) days after its final approval by the San Fernando City Council.

SECTION 14. The City Clerk shall cause this ordinance to be published and posted in accordance with the requirements noted in California Government Code Section 36933.

SECTION 15. That the Mayor shall sign and that the City Clerk shall attest to the adoption of this ordinance by the City Council of the City of San Fernando at the duly noticed regular meeting held on the ____ day of _____, 2013.

PASSED, APPROVED AND ADOPTED upon second reading this ____ day of ____ 2013.

Mayor

ATTEST:

City Clerk

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS
CITY OF SAN FERNANDO)

I, Elena G. Chávez, City Clerk of the City Council of the City of San Fernando, do hereby certify that the foregoing resolution was duly adopted by the City Council at its meeting held on the __ day of _____ 2013.

AYES:

NOES:

ABSENT:

ABSTAIN:

City Clerk

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ATTACHMENT 2:

**October 2, 2012 Staff Report to the
Planning and Preservation Commission**

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SAN FERNANDO

PLANNING AND PRESERVATION COMMISSION STAFF REPORT

DATE: October 2, 2012

TO: SAN FERNANDO PLANNING AND PRESERVATION COMMISSION

FROM: Fred Ramirez, City Planner 

SUBJECT: **Zone Text Amendment 2012-01: Implementing Housing Element Program No. 11**

LOCATION: City-wide

PROPOSAL: The proposed zone text amendment would provide the appropriate definitions and regulations that would allow the establishment of: Single Room Occupancy (SRO) residential units as a conditionally permitted use in the C-1 (Limited Commercial) and C-2 (Commercial) zones; Community Care Facilities with seven or more persons as a conditionally permitted use in all residential zones; Emergency Homeless Shelters as a permitted use in the M-2 (Light Industrial) zone; identification of manufactured housing as a permitted use in all residential zones; and, Transitional Housing and Supportive Housing as permitted uses in all residential districts subject only to those development standards that apply to other residential uses of the same type in the same residential district.

APPLICANT: City of San Fernando, Community Development Department, 117 Macneil Street, San Fernando, CA 91340

RECOMMENDATION:

It is recommended that subsequent to the staff presentation on the item, that the Planning and Preservation Commission direct planning staff to schedule consideration of the proposed zone text amendment and associated environment assessment for the next scheduled commission meeting in November 2012.

BACKGROUND

1. In 2007 the State legislature enacted SB 2 (Cedillo), which requires local jurisdictions to incorporate policies into their general plan housing elements to permit the establishment of: Single Room Occupancy residential units ("SRO"), allow manufactured housing, community care facilities, emergency homeless shelters, transitional and supportive housing as permitted or conditionally permitted uses in specified zoning districts and to amend local ordinances to implement such policies.
-

2. In April 2009, the City Council adopted the 2008-2014 General Plan Housing Element that includes Housing Implementing Program No. 11 (Zoning Ordinance Revisions). The noted housing program provided for the amendment of "the [city's] zoning ordinance by December 2009 to make explicit provisions for manufactured housing, community care facilities, SROs, transitional and supportive housing, and emergency shelters. Develop objective standards to regulate emergency shelters as provided under SB 2." (2008-2014 Housing Element Objective; 2008-2014 Housing Element, V-16 (Housing Plan).) In addition, the housing element provided for the identification of manufactured housing as a permitted use in residential zoning districts.

ANALYSIS:

State law. California Government Code Section 655583 requires the city's housing element to identify adequate sites for a variety of housing types including factory-built/manufactured housing, transitional and supportive housing, single-room occupancy units ("SROs"), community care facilities for seven or more occupants, and emergency homeless shelters. Government Code Section 65583(a)(4) and requires of one or more zones where emergency homeless shelters are permitted uses. The identified zone(s) must be able to accommodate at least one year-round emergency homeless shelter. Government Code Section 65583(a)(4)(D)(6), notes that "transitional and supportive housing shall be 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 all the same zones."

State law also notes that manufactured or factory-built housing shall be regulated in the same manner as conventional or "stick-built" structures. Specifically, Government Code Section 65852.3(a) requires that with the exception of architectural design guidelines, manufactured housing shall only be subject to the same development standards applicable to conventional residential dwellings including, but not limited to such things as building setbacks, accessory structures provisions, building height maximums, minimum on-site parking requirements, and lot coverage limitations.

Proposed zone text amendments. Adoption of the proposed Ordinance is consistent with the City of San Fernando 2008-2014 housing Element Work Plan, Housing Implementation Program No. 11, which provides zoning ordinance revisions in order to facilitate the provision of a variety of housing types to meet the housing needs of all economic segments of the community. These zoning revisions include:

- Identification of manufactured housing as a permitted use in the city's residential zones;
 - Identification of appropriate residential zones for community care facilities with seven or more occupants, subject to conditional use permit;
 - Identification of SROs as a conditionally permitted use in the C-1 (Limited Commercial) and C-2 (Commercial) zones subject to new development standards;
 - Addition of transitional and supportive housing to the definitions section and listing as a permitted use within the city's residential zones; and,
-

- Identification of emergency homeless shelters as permitted uses in the M-2 (Light Industrial) zone. (2008-2014 Housing Element Objective; 2008-2014 Housing Element, V-15 (Housing Plan).)

Adoption of an ordinance amending the city's zoning code consistent with State housing law will ensure that each of the proposed housing types are located appropriately and developed in a manner that maintains the character of existing neighborhoods, industrial corridors and business districts.

CONCLUSION:

In light of the forgoing analysis, it is staff's assessment that in order to comply with State housing law and ensure that the city's zoning code accurately reflects the land use policies as identified in the city's 2008-2014 Housing Element, Work Plan (Housing Implementation Program No. 11) it is necessary to adopt the zone text amendment establishing definitions and development standards as well as identifying city zoning districts where specific types of housing are allowed by right or subject to the approval of a conditional use permit.

At the November 6, 2012, Planning and Preservation Commission Meeting, planning staff will schedule a public hearing to consider a proposed ordinance that amends the city's zoning code and provides for manufactured housing, SROs, community care facilities serving seven or more occupants, emergency homeless shelters, and transitional and supportive housing as uses within the city's zoning code, subject to applicable zoning regulations.

ATTACHMENTS (3):

1. Senate Bill 2
 2. 2008-2014 City of San Fernando Housing Element excerpt (Housing Plan Pages V-15 and V-16)
 3. Existing City Zoning regarding allowable land uses in residential, commercial, and industrial zones as well as current regulations for transitional housing
-

ATTACHMENT 1:

Senate Bill 2

Senate Bill No. 2

CHAPTER 633

An act to amend Sections 65582, 65583, and 65589.5 of the Government Code, relating to local planning.

[Approved by Governor October 13, 2007. Filed with
Secretary of State October 13, 2007.]

LEGISLATIVE COUNSEL'S DIGEST

SB 2, Cedillo. Local planning.

(1) The Planning and Zoning Law requires the housing element of the general plan of a city, county, or city and county to contain, among other things, an assessment of housing needs, including an inventory of land suitable for residential development, and a program with a 5-year schedule of actions that the local government is undertaking or intends to undertake to implement the goals and objectives of the housing element. This program is also required to identify adequate sites with zoning that permits owner-occupied and multifamily residential use by right, including the development of farmworker housing for low- and very low income households.

This bill would add emergency shelters to these provisions, as specified, and would add provisions to the housing element that would require a local government to identify a zone or zones where emergency shelters are allowed as a permitted use without a conditional use or other discretionary permit. The bill would also authorize a local government to satisfy all or part of this requirement by adopting and implementing a multijurisdictional agreement, as specified, and would delete multifamily residential use from these provisions. By increasing the duties of local public officials, the bill would create a state-mandated local program.

(2) The Planning and Zoning Law requires that a local agency not disapprove a housing development project, including farmworker housing, for very low, low-, or moderate-income households or condition its approval, including through the use of design review standards, in a manner that renders the project infeasible for development for those households unless it makes written findings, based upon substantial evidence in the record, as to one of a number of specified conditions.

This bill would add supportive housing, transitional housing, and emergency shelters to these provisions and would revise the conditions upon which a disapproval or a conditional approval of an emergency shelter is based. The bill would define supportive housing and transitional housing. By increasing the duties of local public officials, the bill would impose a state-mandated local program.

(3) The bill would also make other technical and conforming changes to these provisions.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares all of the following:

(a) Homelessness is a statewide problem that affects many cities and counties. There are an estimated 360,000 homeless individuals and families in California. In some counties, like Los Angeles, an estimated 254,000 men, women, and children experience homelessness over the course of each year. Some of the causes of homelessness are mental illness, substance abuse, prison release, and lack of affordable housing.

(b) Because homelessness affects people of all races, gender, age, and geographic location there is a growing need for every city and county to plan for the location of adequate emergency shelters. Many people experiencing homelessness, primarily youth and single individuals, need shelter but also have a need for residential substance abuse and mental health services.

(c) The lack or shortage of emergency shelters for homeless individuals and families in cities and counties across the state leads to the concentration of services in inner cities and poor communities, like the skid row area in downtown Los Angeles.

(d) In order to ensure access to services in every city and county for homeless individuals and families, it is important that cities and counties plan for these services to address the special needs and circumstances of this threatened population.

(e) It is the responsibility of cities and counties to plan and identify areas for emergency shelters. Cities and counties should include this as part of their planning process and locate emergency shelters where most appropriate in their community. The state should not dictate where these emergency shelters should be located.

(f) It is the responsibility of the Legislature to promote strong communities and ensure that housing and residential services are available in all communities.

SEC. 2. Section 65582 of the Government Code is amended to read:

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.

SEC. 3. Section 65583 of the Government Code is amended to read:

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, 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, supportive housing, transitional housing, and emergency shelters identified pursuant to paragraph (6). Transitional housing and supportive housing shall be 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.

(7) 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 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.

(9) 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 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 (9) 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 (9) 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, when a city, county, or city and county submits a 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, when 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.

SEC. 4. Section 65589.5 of the Government Code is amended to read:
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 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.

(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). Neither shall anything in this section be construed to relieve the 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) (1) Nothing in this section 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.

(2) Nothing in this section 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 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 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.

SEC. 5. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.

ATTACHMENT 2:

**2008-2014 City of San Fernando
Housing Element Excerpt
(Housing Plan Pages V-15 and V-16)**



Project Area every ten years, with the current 10 year compliance period extending 2005-2014.

- The affordability period for inclusionary units is 45 years for ownership units and 55 years for rental units.

San Fernando currently implements inclusionary requirements within its Redevelopment Project Areas as a matter of policy. However, with significant new development to occur in the Project Area associated with implementation of the San Fernando Corridors Specific Plan, the city is proposing to codify its inclusionary policy to ensure adherence with Redevelopment requirements.

2008-2014 Objective: Adopt a local inclusionary housing ordinance applicable to San Fernando's Redevelopment Project Areas by 2009. Evaluate the alternative options for fulfillment of inclusionary requirements, such as provision of affordable units off-site or payment of an in-lieu fee. Advertise on the city's website, along with incentives available through the density bonus ordinance for on-site provision of affordable units.

11. Zoning Ordinance Revisions: As part of the Governmental Constraints analysis for the Housing Element update, several revisions to the San Fernando Zoning Code were identified as appropriate to better facilitate the provision of a variety of housing types. These zoning revisions include:

- Identification of manufactured housing as a permitted use in the R-1 (Single Family Residential) Zone, R-2 (Multiple Family Dwelling) Zone and the R-3 (Multiple Family) Zone.
- Identification of appropriate residential zone(s) for community care facilities with seven or more occupants, subject to a Conditional Use Permit (CUP) process.
- Addition of transitional housing and supportive housing to definition section, and list as permitted uses within residential zones.
- Development of standards for Single Room Occupancy (SROs) uses, and identification as a conditionally permitted use within C-1 (Limited Commercial) and C-2 (Commercial) zones.
- Identification of emergency shelters as a permitted use in the M-2 (Light Industrial) Zone.

Due to the unique nature and service-enhanced characteristics of large community care facilities, a CUP process is utilized to enhance compatibility with the surrounding neighborhood, and to ensure proper licensing of the facility. The CUP process will not be utilized to establish undue conditions that will serve as a constraint to the provision of such facilities.



Emergency shelters will be subject to the same development and management standards as other permitted uses in M-2 zone. The city will however develop written, objective standards to regulate the following, as permitted under SB 2:

- The maximum number of beds or persons permitted to be served nightly by the facility;
- Off-street parking based on demonstrated need;
- The size and location of onsite waiting and client intake areas;
- The provision of onsite management;
- The proximity of 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.

2008-2014 Objective: Amend the zoning ordinance by December 2009 to make explicit provisions for manufactured housing, community care facilities, SROs, transitional and supportive housing, and emergency shelters. Develop objective standards to regulate emergency shelters as provided for under SB 2.

12. Pursue Outside Funding Sources: To effectively implement Housing Element programs that create affordable housing depends on a variety of county, state, federal and local housing funds. Because local funds for housing activities are limited, leveraging outside funding sources will be essential to address San Fernando's affordable housing needs. The various funding programs available to San Fernando are outlined in Section IV Housing Resources (Table IV-3).

For housing development funds, the city or redevelopment agency would typically work with a developer to assist in securing funds. City involvement could include review of pro forma analyses, provision of background data as necessary to complete funding applications, review and comment on draft applications, and City Council letters of support.

San Fernando has a strong track record in leveraging outside funding sources, having secured over \$23 million in competitive grant funds between 2002-2007. In July 2008, the city was awarded \$3.56 million in State Proposition 1C funds to initiate its first downtown mixed-use project - a three-story, 100 unit affordable senior housing project including 10,000 square feet of commercial space and a joint public/private parking facility.

2008-2014 Objective: Actively pursue county, state, federal and private funding sources as a means of leveraging local funds and maximizing assistance, with a goal of securing at least three new funding sources. Complete the development agreement on the downtown senior mixed-use project by early 2009 to enable dispersal of Prop 1C grant funds to the project.

ATTACHMENT 3:

**Existing City Zoning Regarding Allowable Land
Uses in Residential, Commercial, and Industrial
Zones as well as Current Regulations for
Transitional Housing**

ATTACHMENT 3

Permitted and Conditionally Permitted Uses in the R-1 (Single-Family Residential) Zone

Sec. 106-352. - Permitted uses.

In the R-1 single family residential zone, the following uses are permitted:

- (1) Accessory buildings and structures such as a garage, workroom, storage shed, recreation room or cabana located on the same lot as the principal residential use. No bathroom, kitchen plumbing or fixtures or cooking facilities shall be permitted in conjunction with accessory buildings. A garage, workroom, storage shed, and recreation room shall not be divided into smaller size rooms and shall be maintained as a single open building.
- (2) Community care facilities serving five or fewer persons; provided, however, that six persons may be served by residential facilities and small family homes.
- (3) Home occupations in accordance with division 9 of article VI of this chapter.
- (4) Large family day care home in accordance with division 10 of article VI of this chapter.
- (5) Parks and playgrounds or community centers owned and operated by a government agency, including business conducted within the facilities, subject to the approval of the director.
- (6) Private noncommercial greenhouses, horticulture collections, flower gardens, vegetable gardens and fruit trees.
- (7) Primary single-family dwelling units, one per lot, in a permanent location.
- (8) Second dwelling units (one per lot) in accordance with section 106-358
- (9) Temporary tract sales offices, temporary contractors' equipment offices and storage, subject to approval by the director for a period not to exceed one year with two one-year extensions available, if requested for good cause.

(Ord. No. 1270, § 30.051, 9-30-1985; Ord. No. 1305, 6-15-1987; Ord. No. 1547, § 3, 1-20-2004)

Sec. 106-353. - Uses permitted subject to conditional use permit.

In the R-1 single-family residential zone, uses permitted subject to a conditional use permit are as follows:

- (1) Churches, temples or other places of religious worship, with no temporary structures permitted.
- (2) One guesthouse with a minimum lot area of 8,000 square feet.
- (3) Schools.
- (4) Hospitals or sanitariums.

(Ord. No. 1270, § 30.052, 9-30-1985; Ord. No. 1305, 6-15-1987)

Permitted and Conditionally Permitted Uses in the R-2 (Multiple Family Dwelling) Zone

Sec. 106-387. - Uses permitted.

The following uses are permitted in the R-2 multiple-family dwelling zone:

- (1) All uses permitted in the R-1 zone.
- (2) Duplexes.
- (3) Multiple-family dwelling units.

(Ord. No. 1270, § 30.101, 9-30-1985; Ord. No. 1305, 6-15-1987)

Sec. 106-388. - Uses permitted subject to conditional use permit.

In the R-2 multiple-family dwelling zone, the following uses are permitted subject to a conditional use permit:

- (1) Any conditional use permitted in the R-1 zone subject to all the provisions therein.
- (2) Electric distribution substation, pumping station, water well, water reservoir.
- (3) Mobile home park.
- (4) Residential condominium.

(Ord. No. 1270, § 30.102, 9-30-1985; Ord. No. 1305, 6-15-1987)

Permitted and Conditionally Permitted Uses in the R-3 (Multiple Family) Zone

Sec. 106-422. - Uses permitted.

In the R-3 multiple-family zone, the following uses are permitted:

- (1) All uses permitted in the R-1 and R-2 zones.
- (2) Multiple-family dwellings.

(Ord. No. 1270, § 30.151, 9-30-1985; Ord. No. 1305, 6-15-1987)

Sec. 106-423. - Uses permitted subject to conditional use permit.

In the R-3 multiple-family zone, the following uses are permitted subject to a conditional use permit:

- (1) Any conditional use permitted in the R-1 and R-2 zones subject to the provisions therein.
- (2) Boardinghouses.
- (3) Hospitals or sanitariums.
- (4) Museums or libraries.
- (5) Nursery schools.
- (6) Nonresidential off-street automobile parking lot subject to division 3 of article V of this chapter.

(Ord. No. 1270, § 30.152, 9-30-1985; Ord. No. 1305, 6-15-1987)

Permitted and Conditionally Permitted Uses in the C-1 (Limited Commercial) Zone

Sec. 106-487. - Permitted uses.

In the C-1 limited commercial zone, the following uses are permitted:

- (1) Administrative and professional offices.
- (2) Government buildings and related facilities.
- (3) Parks and playgrounds (public and private).
- (4) Public utility substations (masonry-walled and landscaped).
- (5) Retail businesses.
- (6) Service businesses (excluding repair businesses).
- (7) Any use which in the judgment of the commission, as evidenced by resolution in writing, are similar to and no more objectionable than any of those enumerated in subsections (1) through (6) of this section.
- (8) Any and all amusement devices shall be subject to approval of an amusement device permit. The permit may be approved by the director subject to conditions and limitations stated in division 3 of article VI of this chapter. Any violations of the conditions and/or limitations shall result in the revocation of the amusement device permit, subject to the provisions of section 106-148

(Ord. No. 1270, § 30.251, 9-30-1985; Ord. No. 1305, 6-15-1987)

Sec. 106-488. - Uses permitted subject to conditional use permit.

In the C-1 limited commercial zone, the following uses are permitted subject to a conditional use permit:

- (1) Clubs, lodges and halls.
- (2) Commercial recreation.
- (3) Hotels and motels.
- (4) New automobile sales and display and sales room or lot (used car sales only in conjunction with a new car agency).
- (5) Off-street parking lot.
- (6) On-site and off-site sale of alcoholic beverages.
- (7) Parking lot sales.
- (8) Schools.
- (9) Secondhand stores.
- (10) Museums, art galleries, botanical gardens.

(Ord. No. 1270, § 30.252, 9-30-1985; Ord. No. 1305, 6-15-1987)

Permitted and Conditionally Permitted Uses in the C-2 (Commercial) Zone

Sec. 106-517. - Permitted uses.

In the C-2 commercial zone, the following uses are permitted:

- (1) All uses permitted in the C-1 zone, subject to the restrictions and/or prohibitions imposed in this section.
- (2) Automobile service stations.
- (3) Bus stations.
- (4) Fortunetelling, subject to the following:
 - a. The establishment shall be located a minimum of 1,000 feet from any other such use.
 - b. No person under the age of 18 shall be allowed in the establishment.
- (5) Hospitals.
- (6) Mortuaries.
- (7) New automobile sales and display and sales room or lot (used car sales only in conjunction with a new car agency).
- (8) Nurseries (flower, plant or tree).
- (9) Pet stores.
- (10) Radio and television stations without transmitting tower antennas.
- (11) Repair shops, bicycle and motorcycle.
- (12) Rummage sales (refer to article III of chapter 66 of this Code).
- (13) Veterinary clinics.
- (14) Other businesses which in the judgment of the commission, as evidenced by resolution in writing, are similar to and no more objectionable than any of those enumerated in this section.

(Ord. No. 1270, § 30.301, 9-30-1985; Ord. No. 1305, 6-15-1987)

Sec. 106-518. - Uses permitted subject to conditional use permit.

In the C-2 commercial zone, the following uses are permitted subject to a conditional use permit:

- (1) All those uses permitted by conditional use permit in the C-1 zone.
- (2) Ambulance service.
- (3) Automobile repair, minor, shall be permitted subject to division 11 of article VI of this chapter.
- (4) Bail bondsman.
- (5) Billiards and pool parlor.
- (6) Carwashes.
- (7) Dating and escort services.
- (8) Fruit and vegetable stands (outdoor only).
- (9) Live entertainment.
- (10) Theater/bowling alley.
- (11) Adult entertainment business (refer to division 2 of article VI of this chapter).

Permitted and Conditionally Permitted Uses in the M-1 (Limited Industrial) Zone

Sec. 106-582. - Permitted uses.

In the M-1 limited industrial zone, the following uses are permitted:

- (1) Agricultural.
- (2) Manufacturing. Subject to the conditions of this zone, manufacturing, assembling, repairing, testing, processing, packaging, warehousing, wholesaling, research or treatment of products may be conducted (other than those which may be obnoxious or offensive because of emission of odor, dust, smoke, gas, noise, vibration or other similar causes detrimental to the public health, safety or general welfare) including but not limited to the following:
 - a. Animal hospitals.
 - b. Assembly plants.
 - c. Automobile laundry.
 - d. Automotive repair major and minor.
 - e. Building materials and hardware sales.
 - f. Cabinet shops and woodworking.
 - g. Computer manufacturing, maintenance and service.
 - h. Cosmetics (no soap).
 - i. Electric and gas appliances.
 - j. Food products (excluding fish meat, sauerkraut, vinegar, yeast, and rendering or refining of fats and oils).
 - k. Jewelry.
 - l. Laundry, cleaning and dry cleaning plants.
 - m. Lumberyard, building materials, contractor storage.
 - n. Machine shop.
 - o. Motion picture studio or television studio.
 - p. Optical equipment.
 - q. Pharmaceutical.
 - r. Photographic products and equipment.
 - s. Product service center.
 - t. Signs.
 - u. Telephone, communication exchange or equipment building.
 - v. Welding shop.
 - w. Wholesale business.
 - x. Other uses. The following accessory uses are permitted only where they are integrated with and clearly incidental to a primary permitted use:
 1. Employee's cafeteria or coffeeshop.
 2. Exhibition of products, produced on the premises or available for wholesale distribution.
 3. Offices.
 - y.

Additional uses which in the judgment of the commission, as evidenced by resolution in writing, are similar to or not more objectionable than any of those enumerated in this subsection.

- (3) Commercial uses which are customarily and incidental to industrial uses permitted in subsection (2) of this section.

(Ord. No. 1270, § 30.401, 9-30-1985; Ord. No. 1305, 6-15-1987)

Sec. 106-583. - Uses permitted subject to conditional use permit.

In the M-1 limited industrial zone, the following uses are permitted subject to a conditional use permit:

- (1) Animal shelter.
- (2) Commercial antennas.
- (3) Engine manufacture.
- (4) Helistop.
- (5) Laboratory: chemical, biological, anatomical.
- (6) Outdoor storage.
- (7) Outdoor advertising signs, provided that no outdoor advertising sign shall be located within a 500-foot radius of any other such sign; each outdoor advertising sign shall have, at most, two sign faces, and each sign face shall have a maximum area of 100 square feet; the maximum height shall be 24 feet; and no outdoor advertising sign shall be located within 300 feet of a residential zone.
- (8) Paint or related manufacture.
- (9) Research and development.
- (10) Service station.
- (11) Swap meets or flea markets, auctions indoor or outdoor.
- (12) Truck terminal or yard.
- (13) New and used car sales.
- (14) Storage and distribution.
- (15) Warehousing.
- (16) Extermination business.
- (17) Heliports.
- (18) House moving businesses.
- (19) Contractors' storage and fabrication yards.
- (20) Lumberyards and outside storage of building materials.
- (21) Boat building and repair businesses.
- (22) Landscaping and gardening service and supply businesses.
- (23) Machine shops and tool and die making.
- (24) Metal welding and plating business.
- (25) Rental yards, maintenance yards and storage yards for construction and agricultural related equipment, machinery and vehicles.
- (26) Restaurants.
- (27) Roofing businesses.
- (28) Salvage and recycling businesses.
- (29) Recreation vehicle storage yards.

- (30) Electric distribution and transmission substations, gas metering and regulation stations, and other similar public utility structures and uses.
 - (31) Research and development facilities for the creation of prototypes.
 - (32) Pharmaceutical laboratory.
 - (33) Administrative, professional and business offices accessory to use permitted in this district.
 - (34) Blueprinting and photostating.
 - (35) Assembly of plastic products.
 - (36) Manufacture of ceramic products using only previous pulverized clay and using kilns fired only by electricity or gas.
 - (37) Parcel service delivery depot.
 - (38) Photoengraving.
 - (39) Manufacture of control devices and gauges.
 - (40) Glass edging, beveling and silvering.
 - (41) Studio or office or quarters for industrial designing, model making, sculpture, architecture, engineering, planning, drafting, editorial and general designing and ceramic arts.
 - (42) Recreation area or facility accessory to any use permitted in this district.
 - (43) Hazardous waste facility which includes off-site facility, on-site facility, regional facility, transfer facility/station, transportable treatment units, and treatment facility and which is subject to division 12 of article VI of this chapter.
 - (44) Transitional housing, in accordance with section 106-311
- (Ord. No. 1270, § 30.402, 9-30-1985; Ord. No. 1305, 6-15-1987; Ord. No. 1486, § 2, 12-15-1997)

Permitted and Conditionally Permitted Uses in the M-2 (Light Industrial) Zone

Sec. 106-612. - Uses permitted.

In the M-2 light industrial zone, the following uses are permitted:

- (1) All uses permitted in the M-1 zone.
- (2) Manufacturing. Subject to the conditions of this zone, manufacturing, assembling, repairing, testing, processing, warehousing, wholesaling, research or treatment of products may be conducted (other than those which may be obnoxious or offensive because of emission of odor, dust, smoke, gas, noise, vibration or other similar causes detrimental to the public health, safety or general welfare) including but not limited to the following:
 - a. Animal shelter.
 - b. Assaying.
 - c. Automobiles, trailers, boats, recreational vehicles.
 - d. Ceramics, pottery, statuary.
 - e. Heavy equipment sales and rental.
 - f. Ink, polish, enamel.
 - g. Pest control contractors.
 - h. Public service facilities.
 - i. Sandblasting.
 - j. Tile (indoor kiln).
 - k. Wallboard, glass (no blast furnace).
 - l. Blast furnaces as an accessory use to a permitted use and not needing EPA or AQMD approvals.

(Ord. No. 1270, § 30.451, 9-30-1985; Ord. No. 1305, 6-15-1987)

Sec. 106-613. - Uses permitted subject to conditional use permit.

In the M-2 light industrial zone, the following uses are permitted subject to a conditional use permit:

- (1) Uses subject to a conditional use permit in the M-1 zone.
- (2) Automotive impound area.
- (3) Metal engraving, metal fabrications.
- (4) Tire retreading and recapping

(Ord. No. 1270, § 30.452, 9-30-1985; Ord. No. 1305, 6-15-1987)

ATTACHMENT 3:

**October 2, 2012 Planning and Preservation
Commission Minutes**

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**CITY OF SAN FERNANDO
PLANNING COMMISSION**

**DRAFT MINUTES OF, OCTOBER 2, 2012 MEETING
CITY HALL COUNCIL CHAMBER**

THE FOLLOWING MINUTES ARE A SUMMARY OF ACTIONS TAKEN BY THE PLANNING COMMISSION. AUDIO OF THE ACTUAL MEETING ARE AVAILABLE FOR LISTENING IN THE COMMUNITY DEVELOPMENT DEPARTMENT.

CALL TO ORDER

The meeting was called to order by Chairperson 7:07 P.M.

PLEDGE OF ALLEGIANCE

Led by Commissioner J. Ruelas

ROLL CALL

The following persons were recorded as present:

PRESENT: Chairperson Julie Cuellar, Vice-chair Mario Rodriguez, Commissioners Alvin F. Durham, and Jose Ruelas

ABSENT: None

ALSO PRESENT: City Planner Fred Ramirez, Assistant Planner Edgar Arroyo, and Community Development Secretary Michelle De Santiago

REORGANIZATION

Nomination for Chairperson and Vice-chairperson

Vice-chair M. Rodriguez moved to table the item until the next regularly scheduled meeting. Seconded by Commissioner J. Ruelas, the motion carried with the following vote:

AYES: M. Rodriguez, J. Ruelas, J. Cuellar, and A. Durham
NOES: None
ABSENT: None
ABSTAIN: None

APPROVAL OF AGENDA

Commissioner A. Durham moved to approve the agenda of October 2, 2012. Seconded by Vice-chair M. Rodriguez, the motion carried with the following vote:

AYES: A. Durham, M. Rodriguez, J. Cuellar, and J. Ruelas
NOES: None
ABSENT: None
ABSTAIN: None

CONSENT CALENDAR

Commissioner J. Ruelas moved to approve the minutes of the September 5, 2012 Planning and Preservation Commission meeting. Seconded by Commissioner A. Durham, the motion carried with the following vote:

AYES:	J. Ruelas, A. Durham, J. Cuellar, and M. Rodriguez
NOES:	None
ABSENT:	None
ABSTAIN:	None

UNFINISHED BUSINESS

None

PUBLIC HEARING 7A:

Zone Text Amendment 2012-01 – City-wide, San Fernando, CA – City of San Fernando Community Development Department – The proposed zone text amendment would provide the appropriate definitions and regulations that would allow the establishment of: Single Room Occupancy (SRO) residential units as a conditionally permitted use in the C-1 (Limited Commercial) and C-2 (Commercial) zones; Community Care Facilities with seven or more persons as a conditionally permitted use in all residential zones; Emergency Homeless Shelters as permitted use in the M-2 (Light Industrial) zone; identification of manufactured housing as a permitted use in all residential zones; and Transitional Housing and Supportive Housing permitted uses in all residential districts subject only to those development standards that apply to other residential uses of the same type in the same residential district.

STAFF PRESENTATION

City Planner Fred Ramirez gave the staff presentation recommending that that Planning and Preservation Commission direct planning staff to schedule consideration of the proposed zone text amendment and associated environmental assessment for the next regularly scheduled commission meeting in November 2012.

PUBLIC TESTIMONY

None

COMMISSION DISCUSSION

J. Cuellar asked if any of SRO or Emergency Shelters already existing within the city limits.

F. Ramirez indicated that there are Community Care Facilities of 6 or less in the City that are permitted by right. However our zoning code does not contain any language allowing it or conditionally allowing it within the city limits.

J. Cuellar asked staff if we had a count of the homeless population within the city limits.

F. Ramirez indicated that the 2010 Census identified 46 homeless people within the city limits. Additionally, he indicated that any future emergency homeless shelter would have a maximum limit of 50 beds.

J. Cuellar asked for clarification as far as what would be allowed in what zones.

F. Ramirez indicated that the proposed zone text amendment would identify manufactured home as a permitted use in the residential zones, community care facilities with seven or more occupants would be subject to a conditional use permit in the residential zones, SROs would be subject to a conditional use permit in the C-1 and C-2 zones, transitional and supportive housing would be allowed in the residential zones, and that emergency homeless shelter would be permitted in the M-2 zones.

J. Cuellar asked staff to identify how many shelters could be allowed along First Street if they would be allowed every 300 feet.

F. Ramirez indicated that staff could not instantly provide that information but that it would generate a map of the M-2 zone that can depict theoretically how many shelter along First Street there could be if they were setup every 300 feet for the following meeting.

J. Ruelas asked about the SROs and if they would be dormitory layout. Additionally he asked if staff would provide some examples of existing SROs.

F. Ramirez stated that he has noted the comments and requests and will provide the commission with additional information at the next regularly scheduled meeting.

Subsequent to discussion, M. Rodriguez moved to direct staff to schedule a public hearing for consideration of Zone Text Amendment 2012-01. Seconded by J. Ruelas, the motion carried with the following vote:

AYES:	M. Rodriguez, J. Ruelas, J. Cuellar, and A. Durham
NOES:	None
ABSENT:	None
ABSTAIN:	None

STAFF COMMUNICATIONS

F. Ramirez asked the commission about their availability for a Special Meeting at the Lopez Adobe on October 9 or October 11, 2012. He informed the commission regarding a new feature on the city's website under the caption of "Business Opportunity Sites". Additionally he informed the commission about the courtesy notices going out to the various business operators regarding signage and banners.

COMMISSION COMMENTS

J. Cuellar expressed concern regarding two trees in the parkway at De Haven Avenue and Brand Blvd. that obstruct the view when attempting to make a left onto Brand Blvd. She also asked for an update on the apartments at 650 Glenoaks Blvd.

M. Rodriguez requested an update on the charter school located on Fourth Street (i.e. shade structure, traffic issues, and if they are adhering to the conditions of approval for the project).

A. Durham asked if staff if Chrysler/Dodge was coming to San Fernando.

PUBLIC STATEMENTS

None

ADJOURNMENT

Commissioner A. Durham moved to adjourn to November 7, 2012. Second by Commissioner J. Ruelas, the motion carried with the following vote:

AYES:	A. Durham, J. Ruelas, J. Cuellar, and M. Rodriguez
NOES:	None
ABSENT:	None
ABSTAIN:	None

9:00 P.M.
Fred Ramirez
Planning Commission Secretary

ATTACHMENT 4:













Site Analysis-Zoning Maps

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Potential Emergency Shelter Sites

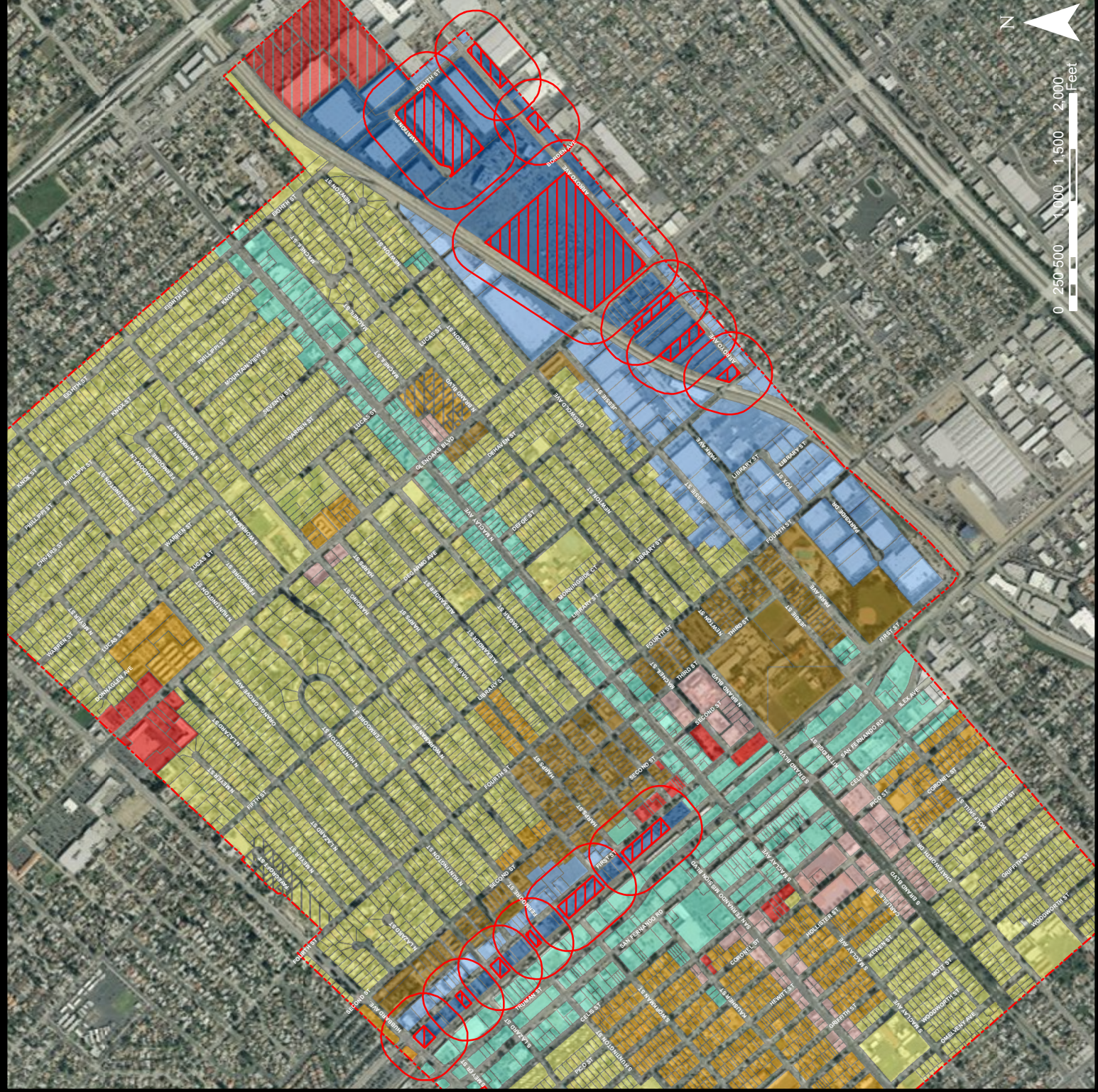
Project Map Legend

Zoning

	R-1
	RPD R-1
	R-2
	RPD R-2
	R-3
	C-1
	C-2
	PD
	SC
	M-1
	M-2
	SP-1 - SP-4

Potential Shelter Sites

	City Boundary
	Potential Shelter Sites
	300-Foot Buffer



Map Revised 11/30/2012

THE CITY OF
SAN FERNANDO

Community Development Department
117 Macneil Street
San Fernando, CA 91340

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Potential Emergency Shelter Sites - First Street

Project Map Legend

- Zoning
 - R-1
 - RPD R-1
 - R-2
 - RPD R-2
 - R-3
 - C-1
 - C-2
 - PD
 - SC
 - M-1
 - M-2
 - SP-1 - SP-4
- City Boundary
 - Potential Shelter Sites
 - 300-Foot Buffer

Map Revised 11/30/2012



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Potential Emergency Shelter Sites - Arroyo Ave

Project Map Legend

- Zoning

R-1

RPD R-1

R-2

RPD R-2

R-3

C-1

C-2

PD

SC

M-1

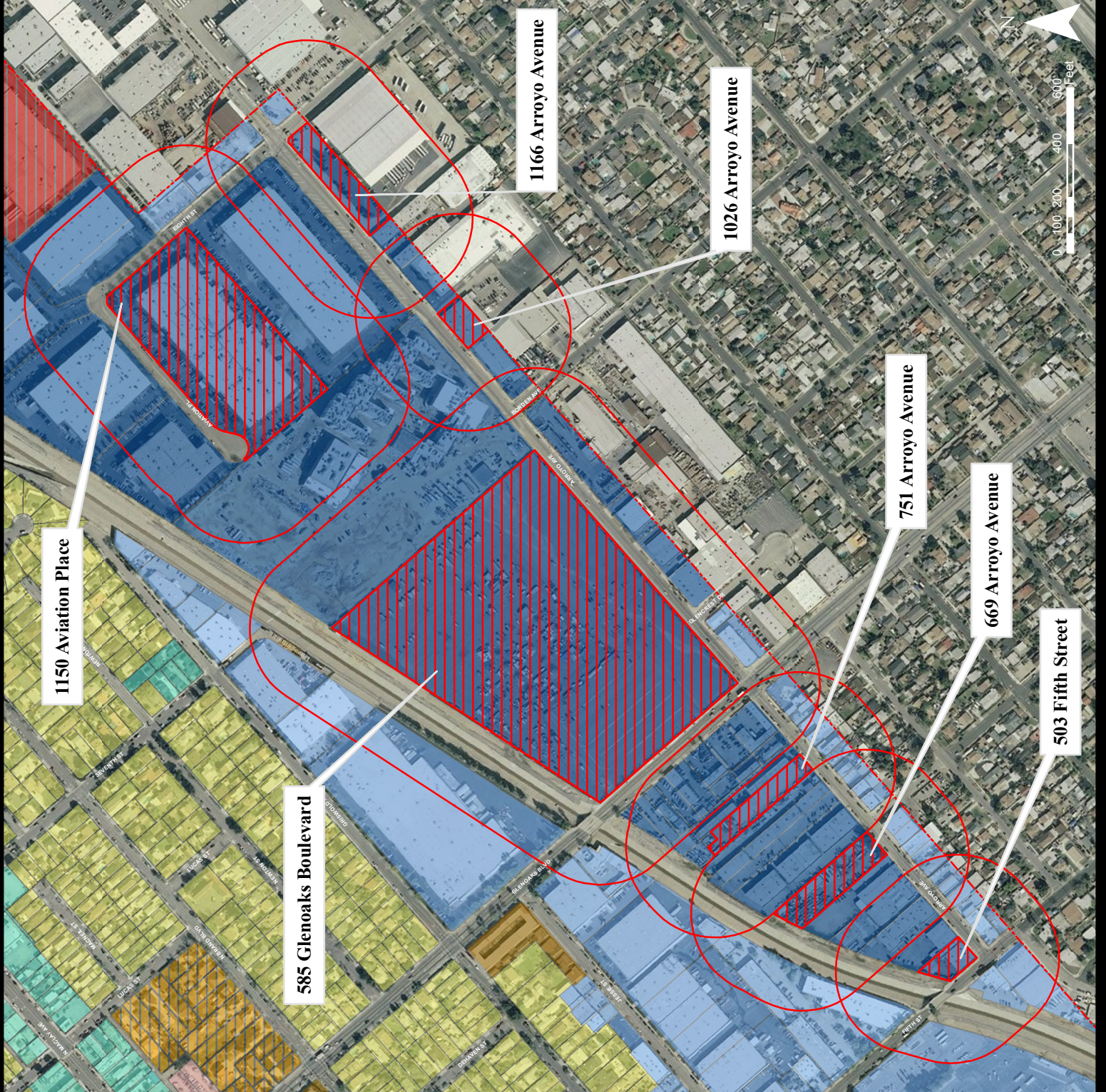
M-2

SP-1 - SP-4

City Boundary
- Potential Shelter Sites

Potential Shelter Sites

300-Foot Buffer



Map Revised 11/30/2012