

Major Issues Summary: 5-21-09

Chapter 8 Housing Element

Overview

At the last meeting on the 2009 Housing Element on April 16, 2009, the Planning Commission requested staff provide materials to focus the remaining deliberations on the major issues where there is not consensus on the policies, standards and implementation measures, and organize them by topic.

Issue #1 Requirements for a Mixture of Housing Sizes and Types

Staff Comment: The Commission is considering modifications to this policy to apply to all residential subdivisions, and to require the long term affordability covenants and restrictions of Alternative A. At the April 16th meeting, there was also interest in developing a policy that combined mixed housing and inclusionary requirements. Alternative B, Alternative A and this new combination policy is discussed below.

Alternative B requires a mixture of housing sizes and types in all subdivisions in Housing Opportunity Zones which have public sewer. A schedule has been added to the Standards section to specify a prescriptive mixture of housing types that would comply with the mixed housing type policy. Applicants could propose alternatives mixes of equal or better affordability to the prescribed standards for review and approval of the Planning Commission.

Policy variables that your Commission can consider under Alternative B include:

- 1) The minimum size of the subdivision that would be subject to the requirements.

As currently crafted, Alternative B would apply the requirements to all major subdivisions. The original staff recommendation applied the requirements to subdivisions with a total build-out potential of 70 units or more.

- 2) The percentage of lots in the subdivision that would be subject to the requirements.

As currently crafted, Alternative B would apply to 20% of the lots in the subdivision. This amount could be increased up to 45% mirroring the percentage of low income RHNA requirement to the total RHNA requirement (see Housing Element Table 8.1). The Commission could adopt a sliding schedule and apply a 20% requirement to smaller

subdivisions and a greater percentage to large subdivisions.

- 3) Allowances for transferring mixed housing requirements between subdivisions or paying an affordable housing fee in-lieu of providing mixed of housing types.

As currently crafted, Alternative B would allow a property owner to transfer mixed housing requirements to other sites under the control of the owner. In-lieu payments would also be accepted for minor subdivisions and subdivisions outside of HOZ's. The in-lieu payments would be based on a formula that considered the density and land area of the subdivided parcel and the affordability of the proposed development in relation to total RHHA affordability requirements.

- 4) Monitoring and reporting provisions to assess the effectiveness of the mixed housing policy in terms of the number and affordability of constructed housing units in relation to RHNA and HUD affordability requirements. If monitoring concluded the policies were not effective, inclusionary zoning requirements could be imposed.

A monitoring implementation measure has been added to Alternative B. A second implementation measure has been added that would trigger the adoption of inclusionary zoning if monitoring indicated the mixed housing policy was not creating the targeted amount of affordable units in new subdivisions. The implementation measure, as currently written, does not include a specific performance standard but one could be adopted (e.g. creating less than 80% of targeted affordable units in relation to creation of targeted moderate and above moderate units).

Policy: Alternative B

H-P3. Requirements for a Mixture of Housing Sizes and Types. The County shall require a variety of housing types and sizes in ~~specified major subdivisions~~ all residential subdivisions within Housing Opportunity Zones (HOZ's) to ensure a mix of very low, low, moderate and above moderate housing opportunities necessary to meet the Regional Housing Needs Allocation Plan. The County shall allow payment in lieu of meeting these requirements for minor subdivisions. ~~The County shall require payment in lieu of meeting these requirements for all residential subdivisions outside of HOZ's, under specified circumstances.~~

Standard: Alternative B

H-S5. Requirements for a Mixture of Housing Sizes and Types. The County shall require 20% of all new lots created by subdivision for residential purposes be developed with multifamily housing according to the schedule below, or have a maximum lot size of

~~2,700 square feet a mix of housing types and sizes in specified major subdivisions in general proportion to reflect~~ the ratio of housing needs for designated income levels in the Regional Housing Needs Allocation Plan.

Schedule of Required Housing Types and Targeted Income Category by Subdivision Size

# of lots in the subdivision	Required Housing Type	Targeted Income Category*
2 – 5	a) One unit of 1,000 square feet (sf) or less	1 low income unit
6 – 10	b) Two units, each 1,000 sf or less - or - a duplex of 2,000 sf or less	2 low income units
11 – 15	c) One triplex of 3,000 sf or less, or a) + b)	3 low income units
16 – 20	d) One fourplex of 4,000 sf or less	4 very low income units
21 -25	One fourplex of 4,000 sf or less, plus a)	4 very low income units + 1 low income unit
26 – 30	One fourplex of 4,000 sf or less plus b)	4 very low income units + 2 low income units

# of lots in the subdivision	Required Housing Type	Targeted Income Category*
31 – 35	One fourplex of 4,000 sf or less plus c)	4 very low income units + 3 low income units
36 – 40	Two fourplexes each 4,000 sf or less	8 very low income units
41 – 45	Two fourplexes each 4,000 sf or less plus a)	8 very low income units + 1 low income unit
46 – 50	Two fourplexes each 4,000 sf or less plus b)	8 very low income units + 2 low income units
51 – 55	Two fourplexes each 4,000 sf or less plus c)	8 very low income units + 3 low income units
56 – 60	Three fourplexes each 4,000 sf or less	12 very low income units
61 – 65	Three fourplexes each 4,000 sf or less plus a)	12 very low income units + 1 low income unit
66 – 70	Three fourplexes each 4,000 sf or less plus b)	12 very low income units + 2 low income units
71+	Multifamily dwellings developed at a per lot density of 16 units per acre	16+ very low income units (20% of the total lots)

* Assumed household size is 2.5 persons per household.

Implementation: Alternative B

H-IM3. Requirements for a Mixture of Housing Sizes and Types. The County shall require a variety of housing types and sizes in specified major all residential subdivisions, including provisions for payment in lieu, and transfer mechanisms to allow transfer of multifamily development requirements to other sites under the control of the owner by ordinance.

H-IMXX. Monitor the Effectiveness of the Mixture of Housing Sizes and Types Policy. Between August 31, 2012 and August 31, 2013, the County shall report on the effectiveness of the Mixture of Housing Sizes and Types in producing the targeted affordable housing after 3 years. The monitoring report shall be presented as a public hearing item to the Board of Supervisors.

H-IMXX. Revisions to the Mixture of Housing Sizes and Types Policy. Should the monitoring results of H-IMXX demonstrate the program is not meeting RHNA affordability targets for Other Low and Very Low Income categories (Table 8.3) in comparison to its progress in meeting targets for moderate and above moderate income categories in

approved subdivisions, the County shall adopt inclusionary zoning policies and standards designed to ensure the development of targeted affordable housing.

Ordinance:

- 1) Consistent with H-P3 and H-S5, add Section 322-4.5 to the subdivision ordinance to require in all new residential subdivisions, at least 20% of the lots be developed with a mixture of housing types and sizes.
 - a. Insert text to allow payment in lieu of meeting these requirements for minor subdivisions and require payment in lieu for subdivisions outside HOZ's.
 - b. Insert text to allow a waiver of this requirement in cases of hardship, to include exemptions for affordable units such as apartments and small homes.
 - c. Insert text to allow for a transfer of multifamily and small lot size requirements between lots under the control of the same owner.
 - d. Include language to require the affordable units be distributed throughout the subdivision.
 - e. Insert text in the purpose statement of the ordinance text citing a need for a mixture of housing types and sizes in new residential subdivisions.
- 2) Modify the R-1 (Inland) and RS (Coastal) Single Family Residential Zones in Chapter 3 and 4 of the Zoning Ordinance to allow two family dwellings and multiple dwellings of four (4) units or fewer as conditionally permitted uses.

Plan Changes

- 1) Modify the RL - Residential Low Density Land Use Designation in the Framework Plan, Community Plans and Coastal Plans to allow multifamily uses as compatible uses.

If the Commission wants to recommend Alternative A, staff recommends adding standards, implementation measures and ordinance changes; that reflect Sonoma County's inclusionary zoning ordinance.

Policy variables that your Commission can consider under Alternative A include:

- 1) Minimum subdivision size, percentage of lots subjected to inclusionary zoning, transfer and in-lieu payment mechanisms and monitoring and reporting provisions.
- 2) Incentives, design and construction standards, timing of construction measures, and alternative equivalent actions,

Policy: Alternative A

H-P3. Requirements for a Mixture of Housing Sizes and Types. The County shall require long-term affordability restrictions and covenants on housing ~~for specified major~~ in all residential subdivisions to ensure the availability of housing for very low and low income categories. The County shall allow payment in lieu of meeting these requirements for minor subdivisions. ~~under specified circumstances.~~

A combination of Alternative A and B would require mixed housing types and affordability covenants and restrictions. The variables under this policy are the same as the variables under Alternative A and B.

Policy: Combination of Alternative A and B

H-P3. Inclusionary Zoning and Requirements for a Mixture of Housing Sizes and Types.

The County shall require a variety of housing types and sizes with long-term affordability restrictions and covenants in all residential subdivisions within Housing Opportunity Zones (HOZ's) with public sewer to ensure a mix of very low, low, moderate and above moderate housing opportunities necessary to meet the Regional Housing Needs Allocation Plan. The County shall allow payment in lieu of meeting these requirements for minor subdivisions. The County shall require payment in lieu of meeting these requirements for all residential subdivisions outside of HOZ's.

Issue #2 Incentives for Affordable Housing

Staff Comment: Modifying H-P3 to apply to all subdivisions has implications for Standard H-S9: if all subdivisions are required to include affordable housing, then all subdivisions may qualify for the 11 incentives of H-S9 (Incentives for Affordable and Special Needs Housing). Staff recommends H-S9 be modified to explicitly require long term affordability restrictions and covenants to qualify for the incentives.

H-S9. Incentives for Affordable and Special Needs Housing. Residential development with long term covenants and restrictions to ensure continued affordability ~~affordable~~ to persons or families of low, very low or extremely low income or meeting the housing needs of identified special populations shall be provided with one or more of the following incentives as detailed in the land use ordinance:

- 1) Deferral or subsidy of permit and review fees
- 2) Deferral of subdivision improvements until issuance of building permits.
- 3) Deferral of subdivision fees until issuance of building permits
- 4) Deferral or subsidy of development impact fees
- 5) Eligible for fast-track and streamlined permit process
- 6) Modified parking standards
- 7) Increased density bonuses and allowances
- 8) Reduced lot coverage standards
- 9) Modified Solar Shading Ordinance requirements
- 10) Special Permit process for waiver of development standards
- 11) Prioritized infrastructure development and service delivery

Issue #3 Housing Opportunity Zones

Staff Comment: The Commission is considering modifications to reduce the incentives offered in Housing Opportunity Zones (HOZ's). Staff recommends modifications to account for the interaction between this policy and H-P3, which requires a mixture of housing types for subdivisions in HOZ's.

One other important consideration for the Commission is the interaction between the HOZ policies and standards and the Community Design policies in the Land Use Element of the General Plan. Reduced building setback allowances and increased lot coverage allowances in new HOZ subdivisions will potentially conflict with Community Design policies which prioritize treatment of the streetscape for public benefit.

The proposed ordinance changes seek to resolve this potential conflict with the requirement for a Planning Commission approved development plan to allow reduced building setback allowances and increased lot coverage. The development plan would be required with submittal of all subdivision applications in HOZ's, and could consider alternative street designs to enhance the streetscape.

Standard: Alternative B

H-S8. Incentives for Residential Development within Housing Opportunity Zones. Residential development within designated Housing Opportunity Zones shall be provided with one or more of the following incentives as detailed in the land use ordinance:

- ~~Deferral of improvements for minor subdivisions~~
- ~~Deferral of subdivision fees until issuance of building permits~~
- 1) Accommodations for residential units in commercial zones
- 2) Modified parking standards
- ~~Reduced building setback requirements~~
- ~~Eligible for fast-track and streamlined permit process~~
- 3) Increased density bonuses and allowances
- 4) Modified development standards for second units
- 5) Allowance for lot-splits for qualified second units
- 6) Reduced minimum parcel sizes
- ~~Reduced lot coverage standards~~
- ~~Modified Solar Shading Ordinance requirements~~
- ~~Reduce Parkland Dedication requirements for existing structures~~
- 7) Prioritized infrastructure development

New residential subdivisions in HOZ's which provide a mixture of housing sizes and types without payment in lieu of meeting those requirements shall also be provided with one or more of the following incentives:

- 8) Deferral of improvements for minor subdivisions
- 9) Deferral of subdivision fees until issuance of building permits
- 10) Reduced building setback requirements
- 11) Reduced lot coverage standards
- 12) Eligible for fast-track permit process

Ordinance:

Staff Comment: Each of the above incentives requires changes to the County's land use development codes. Eliminating any one of the above incentives from the Housing Element will reduce the changes to the zoning ordinance that need to be made.

The following paragraphs describe the ordinance changes that would apply within the mapped Housing Opportunity Zone areas:

1) Accommodations for residential units in commercial zones: Modify Chapters 3 and 4 of the Zoning Ordinance (Inland and Coastal Zoning Regulations) to allow multifamily units in a mixed use configuration as principally permitted uses in specified commercial zones, subject to performance standards for mixed use commercial development, in specified zones where they are now allowed with a Special Permit (Inland: C-1, C-2, CH, Coastal: CN, CG).

These standards will address compatibility for residential use in terms of noise, light, hours and days of operation, nature and intensity of the commercial operation, use of toxic or hazardous materials, parking, etc. Additionally, identify development standards for the residential uses considering factors such as the height, bulk, density, and placement of residential units to ensure multifamily uses on the ground floor remain subordinate to the commercial uses on the property.

The following development standards are proposed for new and existing commercial uses on the same parcel as the proposed principally permitted residences to address potential conflicts between residential and commercial uses in the commercial zones. Waiver of these standards would be allowed with a Special Permit.

Lighting: Outdoor lighting after normal business hours (7:30am – 5:30pm) of commercial buildings and commercial parking areas shall be limited to security lighting with motion sensors. The lighting shall be shielded and directed so that no direct lighting of the residential units or neighboring property occurs

Noise: Noise levels at the exterior of residential units shall not exceed 55 dbA.

Hours and Days of Operation: Commercial uses shall be limited to normal business hours (7:30am – 5:30pm) 7 days/week.

Nature and Intensity of the Commercial Uses: Principal and conditionally permitted uses shall be the same as those specified by the zone.

Use of Toxic or Hazardous Materials. Residential uses shall not be allowed as principally permitted on parcels where commercial uses have filed a hazardous materials business plan with the Division of Environmental Health. Approval of conditionally permitted uses shall consider the compatibility of residential uses with the storage, use and disposal of toxic and hazardous materials on site.

Parking: Parking may be shared between residential and commercial uses where it can be demonstrated the commercial uses will not use the shared parking areas outside of normal business hours (7:30am – 5:30pm). A Notice of Restriction may be required to disclose to future commercial tenants the nature of the shared parking arrangement.

Size and Placement of Principally Permitted Residential Units on the Ground Floor: The gross floor area of principally permitted residential units on the ground floor shall be no more than twenty five percent (25%) of the gross floor area of commercial establishments on the same parcel. Entrances to principally permitted residential units on the ground floor shall be subordinate to the entrances of the commercial establishments on the same parcel.

2) Modified parking standards: Modify the Parking Ordinance in Chapters 3 and 4 of the Zoning Ordinance (§313-109.1 and 314-109.1) to allow ½ of the required parking spaces, or one required parking space, whichever is greater, to be located within the front yard setback. Only one (1) parking space shall be required for residences 1,000 square feet in size or smaller, regardless of the number of bedrooms.

3) Increased density bonuses and allowances: Modify the "Density Bonus and Planned Developments" sections of the Framework Plan, each Coastal Plan, and each Community Plan, and the Residential Density Bonus sections of Chapters 3 and 4 of the Zoning Ordinance (§313-111.1 & 314-112.1) to allow up to 100% density bonuses for projects with 100% units affordable to lower income households.

4) Modified development standards for second units: Modify the Second Unit Ordinance in Chapters 3 and 4 of the Zoning Ordinance (§313-87.1 & 314-87.1) to eliminate the requirement of shared driveways for principally permitted second units and the required finding the second unit is subordinate to the primary unit on lots where the general plan density is met. Identify standards for the minimum separation of encroachments based on best practices.

5) & 6) Allowance for lot-splits for qualified second units & reduced minimum parcel sizes: Modify §325-11 of the Subdivision Ordinance (Minimum Lot Size Modification) and the Minimum Lot Size Exceptions sections of Chapters 3 and 4 of the Zoning Ordinance (§313-99.1 & 314-99.1) to allow parcel sizes less than 5,000 square feet with lot size modification within Housing Opportunity Zones. The minimum parcel size will be 1,500 square feet, which would allow for a 525 square foot residence on the lot without exceeding 35% lot coverage. Encouraging affordable home ownership opportunities will be added as one of the purposes for lot size modification. Also, modify the Code to exclude from the 1.8 times the zone minimum parcel size limitation (maximum parcel size), areas not suited for residential development for reasons of protection of environmentally sensitive habitat areas, steep slopes or other hazards recognized by the residential land inventory as constraints on the parcel.

7) Prioritized Infrastructure Development: No ordinance changes are necessary; see below Plan Changes for the appropriate Framework Plan amendments.

8) Deferral of subdivision fees until issuance of building permits: Add to the fee ordinance for the Departments of CDS and Public Works, and to Section 322-2 of the Subdivision Regulations (Subdivision Processing Fees) an allowance for the deferral of fees for processing tentative maps to the Planning Commission until the issuance of building permits for the first new home on the newly created lots, upon request of the applicant, where the project will achieve a density of 1.5x the mid-point density. Use of this incentive shall be contingent upon a budget mechanism to support this fee deferment.

9) Deferral of improvements for minor subdivisions: Add text to the Subdivision Regulations (Section 326-2(a)) to clarify that the subdivision agreement may include provisions for the completion of improvement work in units consistent with an approved subdivision phasing plan and for deferment of certain subdivision improvements (e.g., sidewalks on undeveloped lots) until time of building permit issuance for the first new home on the newly created lots. Improvement deferrals will be subject to the discretion of the Planning Commission upon consideration of the recommendations of Public Works. Also, clarify improvement timing for subdivision that are subject to Instruments of (Parcel Map) Waiver.

10) Reduced building setback requirements: Modify the R-1 (Inland) and RS (Coastal) Single Family Residential Zones in Chapter 3 and 4 of the Zoning Ordinance to allow reduced side and rear yard setbacks for structures on newly created lots consistent with a Planning Commission approved Development Plan.

11) Reduced lot coverage standards: Modify the R-1 (Inland) and RS (Coastal) Single Family Residential Zones in Chapter 3 and 4 of the Zoning Ordinance to allow up to 50% lot coverage on newly created lots within Housing Opportunity Zones consistent with a Planning Commission approved Development Plan.

12) Eligible for fast-track permit process: Modify Chapter 2 of the Subdivision Regulations and the Residential Density Bonus provisions of Chapter 3 and 4 of the Zoning Ordinance

(§313-111.1 and §314-112.1) to allow fast track processing of all subdivisions and permits for affordable housing projects through the Planning and Building, Environmental Health and Public Works Land Use Divisions. The ordinance shall specify that fast tracking is to be done by dedicated staff on a priority basis ahead of non-density bonus permit applications as a concession over and above those currently provided for by the ordinance. Use of this incentive shall be contingent upon a budget to support this level of staffing.

Modified Solar Shading Ordinance requirements: ~~Modify §322.5-9 of the Subdivision Ordinance (Design for Solar Access: Cause for Exemption) to allow, upon request of the applicant, an exemption to solar shading requirements within Housing Opportunity Zones for subdivisions where 1) solar access is encouraged where feasible, 2) all structures are limited to one story, and 3) the project will achieve a density of 1.5x the mid-point density consistent with a Planning Commission approved Development Plan.~~

Reduce Parkland Dedication requirements for existing structures: ~~Modify the Parkland Dedication Fee Ordinance in Chapters 3 and 4 of the Zoning Ordinance (§313-110.1 & 314-110.1) to exempt structures in new subdivisions which existed prior to enactment of the applicable Parkland Dedication fee ordinance.~~

Plan Changes

Prioritized infrastructure development: Modify the §4510 and §4520 of the Framework Plan (Water and Wastewater Facilities) to add policies prioritizing funding and the allocation of other resources to public water and wastewater facilities in the HOZ areas.

Issue #4 Single Room Occupancy Units

Staff Comment: The Commission is considering the appropriate standards that should be applied to Single Room Occupancy (SRO) units.

Policy:

H-P13. Single Room Occupancy Units. The County shall support the conversion and use of motels, hotels and development of detached bedrooms for single room occupancy (SRO) units consistent with public health, safety and welfare.

Standard:

H-S15. Single Room Occupancy Units. The County shall allow conversion of hotels and motels to single room occupancy units (SRO) under specified conditions in selected zones that allow transient habitation. Plan and zone density standards shall may be waived for SRO units consistent with public health and safety. The County shall support development of detached bedrooms for SRO units up to a maximum of 10 bedrooms per lot in areas not served by public water and sewer. Permit fees shall be subsidized for hotel and motel conversions to SRO units and for reviews of the legal non-conforming status or Plan amendments or zone reclassifications for motel and hotel conversions that have already occurred.

Implementation:

H-IM11. Single Room Occupancy Units. The County shall accommodate the use of hotels, motels and detached bedrooms for single room occupancy units by ordinance. Responsible Agency: CDS. Timeframe: By August 31, 2009.

Ordinance:

- 1) Add Single Room Occupancy Facilities to the list of specially permitted residential uses in the following commercial zones: Inland – C-1, C-2, C-3, CH, Coastal – CN, CG, and the Agricultural General (AG), Forest Recreation (FR) and Rural Residential Agriculture (RA) Zones (Inland) for parcels not served by public water or sewer.
- 2) Add §313-61.1 and §314-61.1 to Chapters 3 and 4 of the Zoning Ordinance to describe SRO units as follows:

“Single Room Occupancy Facilities

A Single Room Occupancy (SRO) Facility shall comply with the requirements of this Section, where allowed by the zoning districts.

A. Purpose. The provisions of this Section are intended to provide opportunities for the development of permanent, affordable housing for small households and for people with special needs in proximity to transit and services, and to establish standards for these small units.

B. Development Standards

Single Room Occupancy Facilities

- 1. Density.** A Single Room Occupancy Facility which is a conversion of an existing hotel or motel is not required to meet density standards of the General Plan but shall comply with the occupancy standards of the adopted Airport Land Use Plan (ALUP). All other Single Room Occupancy Facilities shall meet the density standards of the General Plan and the occupancy standards of the adopted Airport Land Use Plan (ALUP).
- 2. Common area.** Four square feet per living unit shall be provided, with at least 200 square feet in area of interior common space, excluding janitorial storage, laundry facilities and common hallways.
- 3. Laundry facilities.** Laundry facilities must be provided in a separate room at the ratio of one washer and one dryer for every twenty units or fractional number thereof, with at least one washer and dryer per floor.
- 4. 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.
- 5. Common Building Site.** The total area occupied by the Single Room Occupancy Facility shall be no more than 2 contiguous acres.

Single Room Occupancy Units

- 1. Unit size.** An SRO unit shall have a minimum size of 150 square feet and a maximum of 400 square feet.
- 2. Occupancy.** An SRO unit shall accommodate a maximum of two persons.
- 3. Bathroom.** 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 the California Building Code for congregate residences with at least one full bathroom per floor.

4. Kitchen. Except as provided herein, 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. A detached bedroom SRO Facility may not contain a full or partial kitchen facility.

5. Closet. Each SRO unit shall have a separate closet.

6. Code compliance. SRO units shall comply with all requirements of the California Building Code.

C. Accessibility. All SRO units shall comply with all applicable accessibility and adaptability requirements. All common areas shall be fully accessible.

D. Management

1. Facility Management. An SRO Facility with 10 or more units shall provide on-site management. An SRO Facility with less than 10 units shall provide a management office on-site.

2. Management Plan. A management plan shall be submitted with the development application for an SRO Facility and shall be approved by the County. The management plan must address management and operation of the facility, rental procedures, safety and security of residents and building maintenance.

E. Parking. Off street parking shall be provided consistent with the parking regulations in §313-109.1 (Coastal) §314-109.1 (Inland). Secure bicycle parking shall be provided at the ratio of one (1) space per four (4) SRO units.

H. Tenancy. Tenancy of SRO units shall be limited to 30 or more days.

I. Existing Structures. An existing structure may be converted to an SRO Facility, consistent with the provisions of this Section.

J. Exceptions: Exceptions to the Standards of Subsections B and D of this section may be approved where compatible with surrounding land uses.

- 3) Add Single Room Occupancy Facilities to the Off-Street Parking Requirements (§313-109.1 & 314-109.1), at 0.5 spaces per unit.
- 4) Add Single Room Occupancy Facilities to the definitions sections (§313-154 & 314-154) as follows:

"Single Room Occupancy Facility. A residential building or structure, or group of buildings or structures that include one or more Single Room Occupancy units.

Single Room Occupancy Unit. A living space with a minimum floor area of 150 square feet and a maximum of 400 square feet restricted to occupancy by no more than 2 persons. With the exception of detached bedrooms, kitchen and bathroom facilities may be wholly or partially included in each living space, or may be fully shared."

Issue #5 Emergency Shelters

Staff Comment: The Commission is discussing the appropriate location for principally permitted emergency shelters. Staff continues to recommend not allowing principally permitted emergency shelters in the R-4 and MB zone districts. Limiting the size of the shelters to 20-30 beds is now thought to be too restrictive based on comments from Public Health; a limit of 50 beds is now recommended. With a Special Permit, that number could be increased

Staff identified excluded areas for emergency shelters based on the lack of public services. Under the staff recommended alternative, emergency shelters will only be allowed as a principally permitted use in the HOZ areas. Under Alternative A, they would be limited to HOZ areas with sewer services.

Policy: Alternative A and B

H-P14. Emergency Shelters, Supportive and Transitional Housing. Emergency shelters, ~~supportive and transitional housing~~ shall be allowed as principally permitted uses on specified parcels within specified zones.

Proposed New Policy: "H-PXX. Supportive and Transitional Housing. 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."

Policy: Alternative C

H-P14. Emergency Shelters, Supportive and Transitional Housing. Emergency shelters, ~~supportive and transitional housing~~ shall be allowed as principally permitted uses in specified zones.

Proposed New Policy: "H-PXX. Supportive and Transitional Housing. 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."

Standard: Alternative A and B

H-S12. Emergency Shelters. The County shall use a zoning overlay to identify specific parcels or areas for principally permitted emergency shelters. Parcels shall have one of the following underlying zone designations:

- 1) ~~MB – Business Park Zone~~
- 2) ML – Limited Industrial Zone
- 3) C-2 – Community Commercial Zone
- 4) C-3 – Industrial Commercial Zone
- 5) CG – Commercial General Zone
- 6) R-3 – Residential Multiple Family Zone
- 7) ~~R-4 – Apartment Professional Zone~~
- 8) RM – Residential Medium Density Zone

Standard: Alternative C

H-S12. Emergency Shelters. The County shall identify areas for allow principally permitted emergency shelters within in the following zoning designations:

- 1) ~~MB – Business Park Zone~~
- 2) ML – Limited Industrial Zone
- 3) C-2 – Community Commercial Zone
- 4) C-3 – Industrial Commercial Zone
- 5) CG – Commercial General Zone
- 6) R-3 – Residential Multiple Family Zone
- 7) ~~R-4 – Apartment Professional Zone~~
- 8) RM – Residential Medium Density Zone

Standard: Alternatives A, B and C

H-S13. Standards for Principally Permitted Emergency Shelters. Emergency shelters allowed as principally permitted uses shall be required to meet ordinance standards developed by the County that address all the following:

- 1) Maximum number of beds
- 2) Off-street parking based upon demonstrated need
- 3) Size and location of on-site waiting and intake areas
- 4) Provision of on-site management
- 5) Proximity to other shelters
- 6) Length of stay
- 7) Lighting
- 8) Security during hours when the shelter is open

Ordinance: Alternatives A, B and C

- 1) In the following zone districts, delete emergency shelters from the list of Specially Permitted Uses and Conditionally Permitted Uses, and add them to the list of Principally Permitted Uses, subject to the development standards of §313-61.2 and §314-61.2:

:

ML – Limited Industrial Zone
 C-2 – Community Commercial Zone
 C-3 – Industrial Commercial Zone
 CG – Commercial General Zone
 R-3 – Residential Multiple Family Zone
 RM – Residential Medium Density Zone,

- 2) Add development standards to §313-47.1 and §314-47.1 such as the following:

“Emergency Shelters

Emergency Shelters shall comply with the requirements of this Section, where allowed by the zoning districts.

A. Purpose. The provisions of this Section are intended to provide opportunities for the development of temporary and permanent emergency shelters for homeless persons in areas with public services, and to establish standards for these facilities.

B. Development Standards

1. **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.
 2. **Common Facilities.** The development may provide one or more of the following specific common facilities for the exclusive use of the residents and staff:
 - A. Central cooking and dining room(s).
 - B. Recreation room.
 - C. Counseling center.
 - D. Child care facilities.
 - E. Other support services.
 3. **Security.** Parking and outdoor facilities shall be designed to provide security for residents, visitors and employees.
 4. **Outdoor Activity.** For the purposes of noise abatement in residential districts, organized outdoor activities may only be conducted between the hours of eight a.m. and ten p.m.
 5. **Emergency 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.
 - B. Staff and services shall be provided to assist residents to obtain permanent shelter and income.
 - C. 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.
 6. **Maximum Unit Density.** Homeless shelters located in residential districts, when not developed in an individual dwelling unit format, shall not be subject to the density standard of the General Plan, but the number of beds shall be limited to 50. In no case shall occupancy of the facility exceed the limit set forth in the adopted Airport Land Use Plan (ALUP).
 7. **Proximity to Other Emergency Shelters.** Emergency shelters shall not be located within ½ mile of each other.
 8. **Exceptions to the Development Standards.** Exceptions to each of the development standards 1 – 7 listed above may be allowed with approval of a Special Permit."
- 3) Add Transitional Housing and Supportive Housing to the list of principally permitted uses and conditionally permitted uses in all zones that allow multifamily uses as principally or conditionally permitted uses; the R-3, R-4 and RM zones, the MB – Business Park Zone, ML – Limited Industrial Zone, C-1 – Neighborhood Commercial, C-2 – Community Commercial Zone, C-3 – Industrial Commercial Zone, CG – Commercial General Zone and CH – Highway Service Commercial Zones.

Issue #6 H-P23: Residential Subdivision Approvals within Housing Opportunity Zones

Staff Comment: The Planning Commission has expressed concern that this policy may go too far in promoting residential subdivisions in HOZ's. Concerns were raised that the policy may conflict with provisions of the Coastal Act, and other policies which protect public health, safety and welfare. To address the Commission's concerns, staff is recommending the following revisions:

Policy: Alternatives B and C

H-P23. Residential Subdivision Approvals within Housing Opportunity Zones. The density of residential subdivisions within Housing Opportunity Zones shall be approved not be reduced below the calculated minimum number of units per Standard H-S3 unless the County makes specified findings for denial.

Ordinance: Alternatives B and C

Add the following specific findings as Section 325-13 of the subdivision ordinance (Required Findings in Housing Opportunity Zones):

"Within Housing Opportunity Zones (HOZ), the County shall refrain from imposing criteria for design or improvements, as defined in the Subdivision Map Act, for the purpose of rendering infeasible the calculated minimum number of residential units on a parcel per Housing Element Standard H-S3 and proposed by the development project

Nothing in this section shall be construed to prohibit the County from requiring the residential subdivision to comply with the Coastal Act and other appropriate objective, quantifiable, written development standards, conditions, and policies. Also, nothing in this section shall be construed to prohibit the County from imposing fees and other exactions otherwise authorized by law that are essential to provide necessary public services and facilities to the development."

Issue #7 H-S3: Calculation of the Minimum Number of Residential Units on a Parcel.

Staff Comment: Standard H-S3 received some attention at the meeting on April 16, 2009. The Commission discussed making the density ranges of the plan designations align with the minimum density expressed in H-S3. Also, the Commission discussed applying it only to residentially zoned properties.

Upon further consideration, staff recommends revising H-S2 and H-S3 so they apply only to parcels in the residential land inventory of the Housing Element. If the Commission believes the calculated minimum density of a parcel is inappropriate because, for example, it is considered resource land, those parcels should be taken out of the residential land inventory. The table following this discussion identifies the development potential of parcels now in the residential land inventory by Zoning district; staff recommends the Commission identify zoning districts that should be taken out of the residential land inventory, and exempt from Standard H-S3.

Standard: Alternative B (the only alternative)

H-S2. Requirement to Develop the Minimum Number of Residential Units on a Parcel.

Parcels in the residential land inventory of the Housing Element shall be developed at a residential density equal to or greater than the calculated minimum density unless the County makes findings supported by substantial evidence according to Government Code Section ~~65583 (b) (c)~~ 65589.5 (d).

H-S3. Calculation of the Minimum Number of Residential Units on a Parcel. The minimum number of required residential units on an individual parcel in the residential land inventory of the Housing Element shall be calculated by multiplying the applicable mid-point Plan density by the net developable area determined during application processing. The net developable area shall be the total parcel area minus areas that cannot be physically developed due to hazards or environmental constraints.

Development Potential and Developable Acres By Zoning District

2009 Housing Element Residential Land Inventory as of May 21, 2009

Zoning Category	Development Potential	Developable Acres
AE	7	413.7
AE;AG	1	11.4
AE;RA-2.5-M/R	1	2.8
AE;RS-5/C,W,F	10	4.5
AE;RS-T	32	46.9
AE;TPZ	3	652.0
AE-40;AG;TPZ	19	91.3
AE-40;R-1-B-2/GO	205	68.5
AE60/W,F,R,T;RM15/W	1	4.0
AE-B-5(160);TPZ	0	200.4
AE-B-5(160);TPZ;U	6	285.3
AE-B-5(40)	16	388.0
AE-WR;AE;TPZ-WR;TPZ	7	380.4
AG	124	586.0
AG;AE-B-5(60)	0	10.5
AG;C-2-D	1	18.7
AG;TPZ	7	47.3
AG-B-5(10)	16	121.3
AG-B-5(10)-AP-WR	2	15.3
AG-B-5(10)-N	1	14.5
AG-B-5(10)-N-WR	1	3.9
AG-B-5(10)-Q	3	40.9
AG-B-5(10)-WR	1	14.7
AG-B-5(20)	16	270.2
AG-B-5(3)-AP-N-WR	1	0.2
AGB5(3)AP-WR;R-1APWR	2	1.1
AG-B-5(40)	2	40.3
AG-B-5(5)	153	983.1
AG-B-5(5)	8	118.4
AG-B-5(5);FP	4	47.6

Zoning Category	Development Potential	Developable Acres
AG-B-5(5);FR	2	29.2
AG-B-5(5);R-1	2	13.6
AG-B-5(5);R-4-P	48	105.8
AG-B-5(5);RA (1-5)	1	7.2
AG-B-5(5);RS-D	1	3.5
AG-B-5(5);TPZ	6	67.2
AG-B-5(5)-AP	1	5.0
AG-B-5(5)AP+	1	2.8
AG-B-5(5)-AP-WR	2	11.0
AGB5(5)-D;MHX-D;FP-D	0	27.9
AG-B-5(5)-P	2	20.3
AG-B-5(5)-Q	9	22.5
AG-B-5(5)-WR	1	0.6
AG-B-6	20	165.8
AG-B-6;MH	0	22.7
AG-B-6-Q	1	20.5
AG-B-7(0.5)-AP	11	43.9
AG-B-7(0.5)-AP-N-WR	36	142.5
AG-B-7(1)	8	46.9
AG-B-7(1);AG-B-5(10)	2	5.5
AG-B-7(1)-AP	2	7.8
AG-B-7(1)-AP-WR	1	2.6
AG-B-7(10)	2	4.9
AG-B-7(2.5)	2	14.3
AG-D	3	3.9
AG-F	3	8.9
AG-N	1	0.9
AG-N-WR	1	4.0
AG-WR	1	3.1
FP	4	58.0
FP;R-1	1	0.4
FP;RST	1	1.0
FP;U	1	2.6
FR	6	74.2
FR;FR-B-5(5)	8	23.9
FR-B-5(10)	99	913.9
FR-B-5(20)	72	1,517.3
FR-B-5(20)-D	1	3.4
FR-B-5(40)	505	17,700.2
FR-B-5(40);TPZ	12	600.4
FR-B-5(40);U	18	917.5
FR-B-5(5)	23	150.8
FR-B-5(5);TPZ	4	28.1
FR-B-5(56.6)	2	21.2
FR-Q-D	2	9.4
NR/W	1	0.1
RA-1	3	1.2

Zoning Category	Development Potential	Developable Acres
RA-1/F	2	3.0
RA-1/F	3	4.7
RA-1;TPZ	1	85.8
RA-10-M/D,R	0	4.6
RA-10-M/E	1	12.1
RA-2	4	6.5
RA-2.5	1	1.4
RA-2.5/D	2	25.4
RA2.5/D,F,W,A	2	7.2
RA-2.5/G,D,O,P,R	2	14.5
RA-2.5/R	25	38.4
RA-2.5;RS-B-5(2.5)	1	2.4
RA-2.5;U	0	2.8
RA-2.5-M	0	6.2
RA-2.5-M/D,F	4	10.0
RA-2.5-M/E,F,R;AG	1	1.0
RA-2.5-M/R	4	7.6
RA-2.5-M/R;TC/R	1	2.4
RA-2.5-M/R;U	0	2.9
RA-2-M/D,O,R	4	31.5
RA-2-M/D,R	2	11.6
RA-2-M/G,D,R;CR/G,D	0	8.4
RA-5/A	12	75.5
RA-5/A;RS-20	4	1.2
RA-5/D,O,R	2	15.0
RA-5/F,R	2	11.1
RA-5/G,D,O,R	3	15.2
RA-5/T	1	4.4
RA-5/T;RS-B-5(5)	2	6.7
RA-5/W	2	6.3
RA-5-M	1	7.4
RA-5-M/A,D,R	0	1.4
RA-5-M/D,R	3	25.9
RA-5-M/D,R;RS-X/D	2	22.8
RA-5-M/R	3	5.8
RA-5-Y2.5-M/E,D	1	6.1
RA-5-Y2.5-M/E,D;+	2	22.4
RAILROAD	0	1.8
RA-SM/D	2	4.2
RA-X	1	1.0
RA-X-M/E,D,R	1	10.3
TC/F,R	+	10.5
TC/F,R;AE	4	78.9
TPZ	+	1,179.7
U	1,183	29,098.2
Total	3,144	58,638.8