

Agenda Report

October 5, 2020

TO: Honorable Mayor and City Council
FROM: Planning and Community Development Department
SUBJECT: POTENTIAL HOUSING FOR THE HOMELESS AT RELIGIOUS INSTITUTIONS

RECOMMENDATION:

It is recommended that the City Council receive the following report and consider whether to provide direction to staff or the Planning Commission.

EXECUTIVE SUMMARY:

At a recent City Council meeting, staff was requested to present to the City Council the status of the amendment to the Zoning Code that would allow for housing as an ancillary use on the property of religious institutions. Staff has presented this issue to the Planning Commission on two separate occasions over this past summer. The following report provides an outline of the issue and advises as to its status with the Planning Commission.

BACKGROUND:

General Plan

The General Plan includes numerous goals and policies in the Land Use and Housing Elements regarding the importance of providing a variety of housing opportunities. The following selection of goals and policies speak to the intent of working creatively with partners throughout the community to create housing opportunities for individuals experiencing homelessness:

Goal 2: Land Use Diversity. A mix of land uses meeting the diverse needs of Pasadena's residents and businesses, fostering improved housing conditions, offering a variety of employment and recreation opportunities, and supporting a healthy population while protecting the environment.

Policy 2.1: Housing Choices. Provide opportunities for a full range of housing types, densities, locations, and affordability levels to address the community's fair share of regional, senior, and workforce housing needs and provide a strong customer base sustaining the economic vitality of Pasadena's commercial land uses. The types, densities, and location of housing shall be determined by the Land Use Diagram and reflect the projected needs specified in the Housing Element.

Goal HE-2: An adequate supply and diversity of quality rental and ownership housing opportunities suited to residents of varying lifestyle needs and income levels.

Policy HE-2.2: Affordable Housing. Facilitate a mix of household income and affordability levels in residential projects and the appropriate dispersal of such units to achieve greater integration of affordable housing throughout the City.

Policy HE-3.2: Partnerships. Support collaborative partnerships with nonprofit organizations, faith-based organizations, developers, business community, and state and federal agencies to develop, rehabilitate, preserve, and retain affordable housing.

Temporary Housing on Religious Property

The Zoning Code identifies Religious Institutions with Temporary Homeless Shelter as a land use type that is permitted or conditionally permitted in various Zoning Districts throughout the City. This land use type is defined as a religious assembly use with temporary facilities for the homeless, and is generally allowed by-right in the CG and CL zones as well as the CD-1 and CD-2 zones located in the Central District Specific Plan. This land use is also allowed with a Conditional Use Permit (CUP) or Minor CUP in all residential zoning districts, including single-family residential, as well as most zoning districts throughout the City's Specific Plan areas.

The Zoning Code also provides standards specific to Religious Facilities with Temporary Homeless Shelters that if met, allow a religious assembly to use the site for a temporary homeless shelter without having to obtain a CUP. These standards are as follows:

1. Within the residential zoning districts and CO and PS zoning districts, the religious facility was authorized through CUP approval;
2. No rent or fees of any kind are charged for the service offered to homeless persons;
3. Except within commercial zoning districts, the facility that is used to house homeless persons accommodates a maximum of 10 persons at any one time. Within commercial zoning districts, there is no limitation on the number of homeless persons that can be accommodated;
4. Homeless persons reside at the facility a maximum of 60 days;
5. Occupancy by homeless persons at the facility commences upon the religious facility receiving a Certificate of Occupancy; and

6. The fee for a Certificate of Occupancy required by Municipal Code Chapters 14.37 and 17.16 shall not be required of a religious facility that seeks a Certificate of Occupancy for a temporary homeless shelter.

Permanent Housing on Religious Property

A recent effort by churches and faith-based organizations in California, referred to as “YIGBY” (Yes in God’s Backyard) has prompted a discussion on the use of land owned by religious organizations for uses other than worship. Many churches are required to set aside substantial portions of their properties for parking. The YIGBY effort seeks to respond to the State’s housing crisis by allowing for the redevelopment of church parking lots into permanent affordable housing for low-income and moderate-income households.

Religious facilities are allowed in a variety of zones throughout Pasadena, either by-right or conditionally. In Residential and PS zones, the parking requirement is 1 space per 4 fixed seats, or 20 spaces per 1,000 square-feet of seating area if there are no fixed seats. In commercial zones, the parking requirement is 1 space per 8 fixed seats, or 14 spaces per 1,000 square-feet of seating area if there are no fixed seats.

Assembly Bill 1851 (Wicks)

Introduced on January 6, 2020 and signed by the Governor on September 28, 2020, this bill prohibits local agencies from denying a housing project proposed on property owned by religious institutions solely on the basis of parking, and would provide minimum parking standards for such projects.

The bill additionally defines a “religious institution affiliated housing development project” as one that meets all of the following criteria:

- The project is located on one or more contiguous parcels that are each owned entirely by a “religious institution”, which is defined as an institution owned, controlled, and operated and maintained by a bona fide church, religious denomination, or religious organization composed of multidenominational members of the same well-recognized religion, lawfully operating as a nonprofit religious corporation.
- The project qualifies as being near co-located religious use parking, by any of the following means:
 - The project is located on one or more parcels that collectively contain religious-use parking
 - The project is located adjacent to a parcel owned by the religious institution that contains religious-use parking

- The project is located on one or more parcels that are no more than 0.1 miles away from a parcel owned by the religious institution, which contains religious-use parking.
- The project qualifies for a density bonus under State law (only applies to projects with 5 or more units)

Per AB 1851, local agencies must reduce or eliminate parking requirements for qualifying projects. This parking reduction must be ministerial. Local agencies cannot require the replacement of parking spaces that would be eliminated, however, the number of parking spaces requested to be eliminated cannot exceed 50% of the number available at the time of the request. Local agencies also cannot require any pre-existing deficits in parking to be cured as a condition of approval.

Example - San Diego

In December 2019, the City of San Diego's City Council approved zoning code revisions that allow affordable housing to be constructed in church parking lots, as well as a streamlined process for approving senior living facilities. The revisions to the zoning code included allowing continuing care retirement communities to be permitted in zones that allow multifamily housing, and conditionally permitted in single-family zones. One church, Clairemont Lutheran, is exploring options for providing affordable housing, to be constructed in a portion of their on-site parking lot.

Example - Walnut Creek

In 2016, the City of Walnut Creek approved a Conditional Use Permit for St. Paul's Episcopal Church to construct St. Paul's Commons, a 45-unit multifamily affordable housing project with 100% affordable units, with community facilities serving the homeless and working poor on the ground floor. The project included 10 on-site parking spaces as well as 21 parking spaces in a lot across the street. This project is a recent example of affordable housing constructed on church property.

DISCUSSION:

Temporary Housing

There is potential for this land use type to allow properties owned by religious institutions to create temporary housing for people experiencing homelessness in underutilized areas of their property. Examples of this type of housing have been implemented in other jurisdictions in California, including the "Tiny Homes Project," which has created six mobile housing units in the parking lot at the First Presbyterian Church of Hayward in Alameda County. Those units serve as temporary, transitional housing for 6-12 individuals, and residents are eligible to stay in those units for up to 18 months. Similarly, churches in East Palo Alto and Mountain View have allowed RV parking on their parking lots as a form of emergency shelter for people experiencing

homelessness. However, there are potential uncertainties or barriers that may make it difficult to implement similar housing solutions in Pasadena. Some of the issues include:

- Whether any changes are warranted regarding which zoning districts Religious Facilities with Temporary Homeless Shelters should be permitted, conditionally permitted, or prohibited;
- Should there be an increase in the maximum stay period from 60 days to a period that would enable more time to provide supportive services and promote longer-term housing stability, such as six months;
- Should the definition of “temporary facilities” be clarified so that trailers, recreational vehicles, or other non-permanent structures are allowed;
- What standards should be included for utility connections for trailers or recreational vehicles; and
- Are there other conflicting sections of the Municipal Code as-needed to allow these types of temporary facilities, such as code sections prohibiting the parking of recreational vehicles in certain locations on private property and limiting the amount of time that they may remain parked on private property.

Permanent Housing

Staff has been exploring the establishment of regulations that would address:

- Appropriate zones for housing proposed on property owned by religious institutions;
- Reductions in parking requirements, specifically for housing on property owned by religious institutions;
- Minimum lot size requirements;
- Minimum affordability requirements; and
- Density and height regulations that would be compatible with the regulations found in adjacent zones.

There are currently no proposed projects or pending projects that would be subject to AB 1851 in the City, however there are a number of sites identified that could potentially accommodate residential units. The consideration of affordable housing located on property owned by religious institutions would increase the potential capacity for housing options in the City, but does not require such housing to be constructed.

Housing Element Update

The Housing Element is currently in the beginning stages of an update, expected to commence in October 2020, with completion anticipated for Fall 2021. Updates to the Zoning Code related to temporary and permanent housing on properties owned by religious institutions could be considered as part of an implementation item for the next Housing Element.

FEMA Trailers

As the COVID-19 pandemic unfolded, the Federal Emergency Management Agency (FEMA) through the state of California provided the City of Pasadena with 50 mobile trailers to be used at the City's discretion. The City has used these trailers, which are equipped with kitchenettes, sitting/sleeping space, to house first responders (including some from other agencies) and other City employees who needed to quarantine due to COVID-19 exposure. To date, a total of 44 people have been housed in the trailers for varying periods of time.

Since their arrival, the City has received inquiries as to whether the trailers could be used to house persons experiencing homelessness. Doing so in their current location was deemed impractical for several reasons including, the lack of services necessary to support a large grouping as well as the desire to preserve the location for COVID specific quarantining. Additionally, the City along with its non-profit partners was successful in housing approximately 110 homeless individuals in area hotels during the peak of the COVID crisis.

Although the risk of COVID-19 remains, the sense of imminent crisis appears to have eased somewhat such that consideration can be given to the long-term use of the trailers. The Rose Bowl Operating Company has indicated a desire to utilize 25, half the total, to support various events and activities. City staff has not identified any particular use for the remaining 25. Since the City has title to the trailers, it is possible that should the Zoning Code be modified to allow ancillary housing on the site of religious institutions, the City could make them available.

Planning Commission

The Planning Commission considered these issues at two different study sessions. During the June 24, 2020 meeting, staff introduced the idea of temporary (referred to as ancillary) housing on property owned by religious institutions. This discussion was focused on allowing the addition of a small number of housing units in the form of temporary trailers, such as those supplied by FEMA, or prefabricated homes as ancillary uses for religious facilities. The Planning Commission expressed some interest in helping religious facilities provide temporary homeless housing on their properties, but there was concern among some Commissioners that a zoning code amendment to allow these uses could be too drastic of a step given the amount of unknown issues and potential unintended consequences, and instead encouraged staff to explore alternative approaches to utilizing trailers for housing, such as multiple overnight parking permits.

During the July 8, 2020 meeting, staff presented the concept of permanent housing on religious institution properties and sought input. The Commission suggested that most religious institutions were located in areas zoned PS (Public, Semi-Public) and focused on potentially amending that zoning designation. The Commission also suggested that any housing proposed on sites owned by religious facilities should consist of affordable housing units only. The Commission additionally suggested that this amendment could

be addressed through the Specific Plan Update and recommended that, should this item return to the Commission for consideration, options related to the Specific Plan Update should be included for review.

Next Steps

At this time, staff is seeking feedback and direction from the City Council on the preferred approach toward these various opportunities for providing more affordable housing and homeless housing on properties owned by religious institutions, both on a temporary and permanent basis. The three options identified below are intended to provide a framework for the Council's discussion, however the Council is by no means limited by these options alone, and staff will follow any direction the Council wishes to provide:

- Option 1: Council directs staff to continue processing Zoning Code Amendments on an open-ended basis, and return with recommendations based on input from a virtual community meeting and Planning Commission meeting.
- Option 2: Council directs staff to continue processing Zoning Code Amendments with specific direction on which housing strategy to focus on and specific parameters for those amendments. A virtual community meeting and Planning Commission meetings would still occur, and staff would return to the Council with recommendations accordingly.
- Option 3: Council directs staff not to continue pursuing any Zoning Code Amendments on these topics at this time. Staff would focus instead on whether any of these strategies can be incorporated into related planning efforts, such as the Specific Plan Update program or the Housing Element update.

ENVIRONMENTAL ANALYSIS:

This report is for information and discussion only, no action is proposed that would be subject to environmental review. Environmental analysis of code revisions will be evaluated if and when proposed code changes are identified.

FISCAL IMPACT:

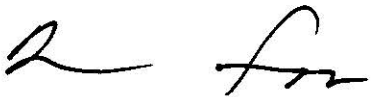
There is no fiscal impact as a result of this study session and will not have any indirect or support cost requirements.

Respectfully submitted,

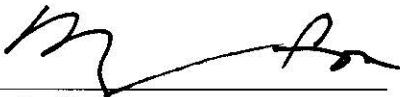


DAVID M. REYES
Director of Planning & Community
Development Department

Prepared by:



Andre Sahakian
Senior Planner



Martin Potter
Planner

Approved by:



STEVE MERMELL
City Manager