



# Agenda Report

January 30, 2017

**TO:** Honorable Mayor and City Council

**FROM:** Planning & Community Development Department

**SUBJECT: TEXT AMENDMENT TO VARIOUS SECTIONS OF ALL EXISTING SPECIFIC PLANS AND THE ZONING CODE RELATED TO THE RESIDENTIAL CARE FACILITIES WITH SIX OR FEWER PERSONS, TRANSITIONAL HOUSING AND SUPPORTIVE HOUSING**

## **RECOMMENDATION:**

It is recommended that the City Council:

1. Find that the proposed amendments to all existing specific plans and the Zoning Code are exempt from environmental review pursuant to the California Environmental Quality Act (CEQA) under the State CEQA guidelines sections 15061(b)(3) (General Rule);
2. Adopt the Findings of Consistency (Attachment A);
3. Adopt a resolution approving the text amendment to all eight specific plans as presented in this report; and
4. Direct the City Attorney to prepare an ordinance within 60 days amending all applicable sections of the Title 17 of the Pasadena Municipal Code (Zoning Code) as presented in this report.

## **PLANNING COMMISSION RECOMMENDATION:**

The Planning Commission reviewed the proposed amendments to the Zoning Code and all eight specific plans related to residential care facilities with six or fewer persons, transitional housing, and supportive housing on December 14, 2016, and voted unanimously to recommend approval of the proposed amendments. At this meeting, the Planning Commission acknowledged that the proposed Zoning Code and specific plan amendments were necessary to comply with the state law, but expressed general concerns regarding the potential impact of State mandated land use regulations on local municipalities; ability to assert local authority.

## **EXECUTIVE SUMMARY:**

The Housing Element is one of the State-mandated Elements of the General Plan, the current of which, 2014-2021 Housing Element, was adopted by the City Council on February 3, 2014. The Housing Element identifies 24 implementation programs to achieve the goals and policies of the Housing Element, which are divided into 62 program objectives. Among these program objectives, Objectives #19.3 and #22.2 require review and update of the City's Zoning Code related to residential care facilities with six or fewer persons, transitional housing, and supportive housing to ensure compliance with the State Law. As such, the proposed specific plan and Zoning Code amendments include technical changes to land use regulations, definitions, and parking requirements associated with these three land uses in order to align the existing specific plans and the Zoning Code with the State Law.

## **BACKGROUND:**

### **Special Housing Needs**

Pasadena has long supported an inclusive housing vision and is recognized as a national leader in addressing a variety housing needs of its residents. While the City of Pasadena has made enormous strides in addressing the needs of the homeless population, housing the "chronically" homeless (individuals who are homeless continuously for a year) remains a tremendous challenge. The 2016 Homeless Count conducted in January 2016 revealed that nearly half of the 530 homeless people, which includes those temporarily sheltered, are chronically homeless. In addition, this population tends to be comprised of single adults who face such obstacles as mental illness, substance abuse problems, and chronic physical health problems. Their significant needs make it especially difficult to permanently house these individuals.

The City of Pasadena provides a variety of housing, addressing a variety of needs of its residents. In particular, Pasadena supports a number of housing programs that cater to special needs, which include residential care facilities, transitional housing, and supportive housing. These facilities currently shelter approximately 3,400 residents, including children and adults of all ages with a variety of physical, sensory, development, or mental disabilities. The City acknowledges the importance of these housing programs and continues to support such facilities and homes in an effort to combat homelessness in Pasadena.

### **State Law**

Over the past decade, California housing element law has been amended to address special housing needs, particularly those of people with disabilities and who are homeless. In recent years, significant legislation includes:

- Senate Bill 520: Analysis of constraints that hinder the development, maintenance, and improvement of housing for persons with disabilities (2002)
- Senate Bill 2: Analysis of local codes to encourage and facilitate the provision of emergency shelters, transitional housing, and supportive housing (2007)
- Senate Bill 812: Analysis of the housing needs of persons with developmental disabilities and programs to facilitate and encourage suitable housing (2010)

In particular, Senate Bill 2 modified State housing laws to require all cities in California to amend their zoning codes to: 1) identify where emergency shelters are a permitted use without a conditional use or other discretionary permit and show that there is sufficient capacity to accommodate the need for emergency shelter as identified in the housing element; 2) recognize transitional housing and supportive housing as a residential use; and 3) treat transitional housing and supportive housing types the same as other similar residential uses of the same type within the same zone.

### **Housing Element 2014-2021**

In February 2014, the City Council adopted the 2014-2021 Housing Element that included several additional action items that addressed special housing needs as required by the State Law, particularly those of people with disabilities and who are homeless. Among these, the program objective related to emergency shelters (Objective #22.3) was completed in December 2013 and the remaining two program objectives are as follows:

- Objective #19.3: Review zoning code to ensure residential care facilities serving six or fewer persons are allowed in appropriate zones consistent with state law; and
- Objective #22.2: Update zoning code to allow transitional and permanent supportive housing in all zones allowing residential uses subject to the same standards as to housing of the same type in the same zone.

### **ANALYSIS:**

#### **California State Law**

##### **Residential Care Facilities with Six or Fewer Persons**

State Law defines residential care facilities as any family home, group care facility, or similar facility for 24-hour non-medical care of persons in need of personal services, supervision, or assistance essential for sustaining activities of daily living or for the protection of the individual.

State Law mandates that such facilities serving six or fewer persons be considered a residential use of a property, subject only to the restrictions that apply to other family

dwellings of the same type in the same zone. The legislative intent is to allow such residents to live in a typical residential setting, and as such, this use must be allowed by right in all zones where other types of housing is permitted. This includes, but is not limited to, zones that allow single-family and multiple-family uses, apartments, townhomes, condominiums, and planned unit developments. Facilities serving seven or more clients, however, can continue to be regulated through a discretionary permit.

### Transitional Housing and Supportive Housing

State Law defines transitional housing as buildings configured as rental housing developments, but operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time that shall be no less than 6 months from the beginning of the assistance. Supportive housing refers to housing with no limit on length of stay, is occupied by the *target population*, and is linked to on-site or off-site services that assist the supportive housing resident (e.g. health and employment services). *Target population* is defined as persons with low incomes who have one or more disabilities, which includes mental illness, HIV or AIDS, substance abuse, or other chronic health condition, or individuals eligible for services provided pursuant to the Lanterman Developmental Disabilities Services Act and may include adults, emancipated minors, families with children, elderly persons, young adults aging out to the foster care system, individuals exiting from institutional settings, veteran and homeless persons.

State Law requires that transitional and supportive housing be considered a residential use of property, subject only to the restrictions that apply to other residential dwellings of the same type in the same zoning district. Therefore, transitional housing and supportive housing must be permitted in all zones allowing residential uses and cannot be subject to any restrictions (e.g., occupancy limit) not imposed on similar dwellings (e.g., single family home, apartments) in the same zoning district in which the transitional housing and supportive housing is located. In practice, if transitional or supportive housing is built like a single-family dwelling unit, or if an existing single-family dwelling unit accommodates such housing, it must be treated like any other single-family dwelling. Similarly, if transitional or supportive housing is built like a multiple family unit, or an existing, multiple-family unit accommodates such housing, it must be treated likewise.

### **Existing Regulations**

The City's Zoning Code currently defines the residential care facilities with six or fewer persons and transitional housing and provides applicable regulations. However, the City's Zoning Code is silent on supportive housing. The following summarizes the existing regulations for all three land uses:

### Residential Care Facilities with Six or Fewer Persons

The existing Zoning Code defines residential care facilities with six or fewer persons under the term “Residential Care Facilities, Limited”, which refers to *“any State licensed facility, place, or structure that is maintained and operated to provide nonmedical residential care, day treatment, or foster agency services for six or fewer adults, children, or adults and children as defined in Article 1 of Chapter 3 of the California Health and Safety Code, Section 1500 et seq.. This use includes the administration of limited medical assistance (e.g., dispensing of prescribed medications).”*

This use is currently allowed in both single-family (RS) and multi-family (RM) residential zones, and limited commercial zones (CL and CO). In specific plan areas, this use is generally permitted in areas that are designated with RM, CL, or CO base zoning districts. Two covered parking spaces are required per unit.

### Transitional Housing

Transitional housing is defined as a *“facility that provides housing at no cost for individuals in immediate need of housing in which residents stay longer than overnight. This housing may include support services (e.g., emergency medical care, employment and housing counseling).”*

This use is currently only allowed in multi-family (RM) residential zones, and limited commercial zones (CL and CO). In specific plan areas, this use is generally permitted in areas that are designated with RM, CL, or CO base zoning districts, with some exceptions. Two covered parking spaces are required per unit.

### Supportive Housing

The existing Zoning Code does not define nor have land use regulations or parking standards for supportive housing. However, in recognition of the existing State Law statues and the need for such housing, the City has been accommodating this use on a case-by-case basis by categorizing it as a residential land use that such supportive housing occupies (e.g. a supportive housing in an apartment building is classified as a multi-family residential land use).

### *Review of the Existing Regulations*

In order to properly analyze the City’s Zoning Code related to these land uses with relevant state statues, staff obtained assistance from a housing consultant and legal counsel specializing in housing-related matters. Based on the review conducted, it was determined that the City’s Zoning Code and specific plans do not fully comply with the State Law. Particularly, the existing definitions do not match the State Law definition, the existing parking standards may exceed the maximum requirement allowed by the State Law depending on the type of structure that the use occupies, and these uses are not currently permitted in a number of zoning districts that allow housing. Finally, the

City's existing Zoning Code does not define, nor have land use regulations or parking standards for supportive housing.

### **Proposed Amendments**

The following amendments are proposed to the City's Zoning Code and all eight existing specific plans in order to bring them into compliance with the State Law as required by the adopted Housing Element:

#### Residential Care Facilities with Six or Fewer Persons

The City's existing Zoning Code governing Residential Care Facilities, Limited, including the definition, is generally consistent with the State Law. However, the current definition mirrors that of a community care facility, which includes additional types of facilities beyond what is required by the State Law. Also, even though the existing Zoning Code already allows Residential Care Facilities, Limited in all residential zones and some commercial and specific plan areas, the Zoning Code must be amended to explicitly allow this use in all commercial and specific plan areas that currently allow housing. In addition, the parking standards must also be amended as they are more restrictive than required in some cases. The details of the proposed changes to the Residential Care Facilities, Limited, are summarized in Attachment B.

#### Transitional Housing

The City's existing Zoning Code governing transitional housing is generally consistent with the State Law. However, the definition needs to be amended to remove provisions that are too narrow or restrictive (i.e. no-cost, limited to individuals) so that it mirrors provisions within the State Law. Also, even though the existing Zoning Code already allows transitional housing in multi-family residential zones and some commercial and specific plan areas, the Zoning Code must be amended to explicitly allow this use in all single-family residential zones, along with other commercial and specific plan areas that currently allow housing. In addition, the parking standards must also be amended as they may be more restrictive than what is required in some cases. The details of the proposed changes to the transitional housing are summarized in Attachment C.

#### Supportive Housing

The City's existing Zoning Code currently does not define, nor have land use regulations or parking standards for supportive housing. Therefore, supportive housing must be introduced to the City's Zoning Code as a defined land use, and corresponding regulations and standards need to be established. As such, new definition and parking standards for supportive housing will mirror the State Law definition. Also, supportive housing will be allowed in all single-family, multi-family, and commercial and specific plan areas that currently allow housing, as with Residential Care Facilities, Limited and transitional housing. The details of the proposed changes related to the supportive housing are summarized in Attachment D.

**REQUIRED FINDINGS:**

In order to amend specific plans and the zoning code, the City Council is required to make certain findings as set forth in the Sections 17.68.070.A and 17.74.070.B of the PMC. As detailed in Attachment B (Findings of Consistency), the required findings can be made for the proposed amendment.

**COUNCIL POLICY CONSIDERATION:**

The proposed amendment to the specific plans and the Zoning Code furthers the goals and policies of the General Plan related to adequate and affordable housing, people with disabilities, and service-enriched housing, as described in Attachment B (Findings of Consistency).

**ENVIRONMENTAL ANALYSIS:**

The proposed amendment to the Zoning Code is exempt from the California Environmental Quality Act (CEQA) under Section 15061(b)(3) (General Rule), in that it can be seen with certainty that there is no possibility that the proposed amendment may have a significant effect on the environment since the proposed amendments are technical changes only and they do not entitle any development.

**FISCAL IMPACT:**

There is no significant fiscal impact associated with the adoption of the proposed Zoning Code Amendment.

Respectfully submitted,



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Attachments (4)

- A – Findings of Consistency
- B – Details of the Proposed Changes for Residential Care Facilities with Six or Fewer Persons
- C – Details of the Proposed Changes for Transitional Housing
- D – Details of the Proposed Changes for Supportive Housing