



# Agenda Report

June 12, 2023

**TO:** Honorable Mayor and City Council  
**FROM:** Planning & Community Development Department  
**SUBJECT: ZONING CODE AMENDMENTS TO IMPLEMENT THE HOUSING ELEMENT PERTAINING TO EMERGENCY SHELTERS, LOW BARRIER NAVIGATION CENTERS, SAFE PARKING, DESIGN REVIEW THRESHOLDS, AND MODIFICATIONS FOR INDIVIDUALS WITH DISABILITIES**

## **RECOMMENDATION:**

It is recommended that the City Council:

1. Find that the Addendum to the 2015 Pasadena General Plan Environmental Impact Report (State Clearinghouse No. 2013091009) to address the potential environmental impacts associated with the proposed amendments have been prepared in accordance with the California Environmental Quality Act of 1970 (CEQA) (Cal. Public Resources Code Section 21000, et. seq., as amended) and its implementing guidelines (Cal. Code Regs., Title 14, Section 15000 et. seq., 2016). This Addendum has been prepared and will be processed consistent with CEQA Guidelines (Cal. Code Regs., Title 14, Sections 15162 and 15164). The addendum found that the proposed amendments will not result in any potentially significant impacts that were not already analyzed;
2. Make the Findings for Approval for the Zoning Code Text Amendment (Attachment A); and
3. Direct the City Attorney to prepare an ordinance for the Zoning Code Amendment within 90 days consistent with the provisions set forth in the agenda report.

## **PLANNING COMMISSION RECOMMENDATION:**

On April 26, 2023, the Planning Commission considered the proposed Zoning Code Amendment at a publicly noticed hearing (Attachment B) and recommended, by a 5-1 vote, that the City Council approve the Zoning Code Amendment as presented by staff, with the following amendments:

1. Clarify that the maps in the staff report reflect the staff recommendation;
2. Include safe parking sites as a permitted use on all religious institutions throughout Pasadena with a Minor Conditional Use Permit; and
3. When a Minor Conditional Use Permit is required for emergency shelters, special consideration shall be given to communication and coordination with adjacent schools.

Following additional deliberation, the Planning Commission, by a vote of 6-0, recommended that the City Council approve an additional recommendation:

4. Allow “emergency shelters” and “emergency shelters, limited” land uses in the same areas that low barrier navigation centers are required to be permitted by State law.

### **EXECUTIVE SUMMARY:**

The Housing Element of the General Plan sets forth housing policies, goals, and objectives for the City and implementation programs to achieve these objectives. Among these are objectives related to providing greater opportunities for safe shelter and access to services for unhoused individuals and families, updating standards for shelter uses to remove barriers and constraints, streamlining permitting requirements for individuals with disabilities, and establishing a ministerial review process for specific sites identified in the Housing Element Sites Inventory, consistent with State law. The proposed amendments are intended to address each of these objectives.

### **BACKGROUND:**

#### **2021-2029 Housing Element Implementation**

The 2021-2029 Housing Element was adopted by the City Council on July 18, 2022 and certified by the California Department of Housing and Community Development on March 10, 2023. The Housing Element includes implementation items as part of Program #16 (Housing for People with Disabilities) related to modifications for individuals with disabilities, Program #19 (Homeless Services) related to Safe Parking, and Program #23 (Zoning Code Updates) applicable to emergency shelters, low barrier navigation centers, safe parking, and design review. The City is required to complete the aforementioned implementation items within one year of adoption (July 18, 2023). The relevant Housing Element Programs are provided below in Table 1:

Table 1: Housing Element Programs

Program Policy	Program Requirement
<p><b>16: Housing for People with Disabilities</b></p>	<p>“Amend the Municipal Code to remove the Minor Variance requirement for a request for a reasonable accommodation and replace the process with a staff-level ministerial action. Reduce overall processing time by up to four weeks.</p>
<p><b>19: Homeless Services</b></p>	<p>“Investigate establishing a “safe parking” ordinance that allows people without permanent housing to park on a temporary basis in designated safe parking areas, with some form of discretionary review required to allow such use. If found to be an appropriate City program, establish an ordinance by 2024.”</p>
<p><b>23: Zoning Code Updates</b></p>	<p>“Update emergency shelter regulations in the Zoning Code to ensure consistency with State law and specifically, to ensure adequate capacity to accommodate the City’s unhoused need and address constraints. The updated code provisions would revise parking requirements to comply with State law, increase bed limits above the current 12-bed limit to at least 35 beds based on input from service providers, and allow for Low Barrier Navigation Centers.”</p> <p>“For sites used in prior Housing Elements designated in this element as sites required to achieve the lower-income RHNA, adopt zoning code amendments, in compliance with Government Code section 65583.2, subdivision (c), that establish regulations that allow by-right approval of housing projects that include at least 20 percent of the units for lower-income households and do not require a subdivision. Under, State law, by right approval means that no review under the California Environmental Quality Act may be required, and no discretionary approval may be required, although the City may require design review approval based on objective standards. In the interim and prior to adoption of the ordinance, the City will establish a process or procedure that implements by-right approval for eligible projects in compliance with Government Code section 65583.2, subdivision (c). This will include a provision for design review with objective standards.”</p>

## Homelessness Plan

The Department of Housing is currently preparing a draft Homelessness Plan; the proposed amendments are intended to align with the draft Plan and expand efforts to end homelessness in Pasadena by increasing the availability of shelter beds, access to needed supportive services and potential sites for emergency shelters, low barrier navigation centers, and safe parking locations as well as developing operational requirements to ensure quality of services provided to unhoused individuals and families, provide pathways for transitioning to permanent housing, and ensure compatibility with surrounding neighborhoods and compliance with State law.

## Stakeholder Outreach

Prior to developing the proposed emergency shelter and safe parking regulations, staff consulted with community service providers such as Union Station Homeless Services, Friends In Deed, and Sycamores, in addition to staff from the Housing Department to discuss existing regulations, barriers to operation of existing shelters and services and establishment of new facilities, and obtain feedback on potential amendments.

## ANALYSIS

### Low Barrier Navigation Centers

“Low barrier navigation centers” were established by Assembly Bill 101 (2019) and are codified in the California Government Code, starting with Section 65660 (Attachment F). The use is defined as *“a Housing First, low-barrier, service-enriched shelter focused on moving people into permanent housing that provides temporary living facilities while case managers connect individuals experiencing homelessness to income, public benefits, health services, shelter, and housing”*.

Per California Government Code Section 65662, low barrier navigation centers are established as a by-right use in areas zoned for mixed-use and nonresidential zones permitting multifamily uses, provided that a proposed low barrier navigation center meets the operational requirements included in the law.

The Zoning Code does not presently define low barrier navigation centers nor specify appropriate zones and operational standards. The proposed amendment would bring the Zoning Code into alignment with adopted State law by including a land use definition, list of permitted zones that reflects state law, and operational requirements necessary to ensure compliance with State regulations. Per State law, low barrier navigation centers would be permitted in all mixed-use zones as well as commercial zones that permit multifamily uses. A map of where low barrier navigation centers are currently permitted by right under State law and would be codified in the Zoning Code is available as Attachment D.



## Emergency Shelters

The Zoning Code presently includes two land uses associated with providing temporary lodging for unhoused persons and families; “emergency shelters” and “emergency shelters, limited”.

“Emergency shelters” are defined as: *“A nonprofit facility that provides short-term lodging without rent or fees on a first-come first-serve basis where people must vacate the facility each morning and have no guaranteed bed for the next night.”*

- The existing parking requirement is one space for every four beds.
- Emergency shelters are currently allowed subject to a Minor Conditional Use Permit (MCUP) throughout the Central District Specific Plan, as well as portions of the East Colorado Specific Plan and East Pasadena Specific Plan.

Similarly, “emergency shelters, limited” are defined as *“A nonprofit facility that provides short-term lodging without a fee or rent on a first-come first-serve basis for not more than twelve persons at one time where people must vacate the facility each morning and have no guaranteed bed for the next night.”*

- The existing parking requirement is one space for every four beds.
- Emergency shelters, limited are permitted by-right throughout the South Fair Oaks Specific Plan, as well as portions of the Central District and East Pasadena Specific Plans.

A map of sites where “emergency shelters” and “emergency shelters, limited” uses are currently permitted is shown in Attachment C.

The proposed amendment would expand the zoning districts where emergency shelters are permitted or conditionally permitted and revise the definitions, parking requirements, and operational standards for both uses. The definition for “emergency shelters” and “emergency shelters, limited” would be simplified by removing both the restriction on vacating the facility each morning as well as language specifying that beds are not guaranteed. These revisions are intended to allow shelter operators the flexibility to determine bed usage and allocation as needed. Furthermore, the definition for “emergency shelters, limited” would be amended to increase the maximum bed count from 12 beds per facility to 40 beds. The proposed parking requirement for both uses would be modified to require one space for every two on-site staff members, versus one space for every four shelter beds since most shelter occupants do not have cars.

At the Planning Commission hearing on April 26, 2023, the commission recommended allowing both “emergency shelters” and “emergency shelters, limited” to be permitted in all zones where low barrier navigation centers are required to be permitted under State law. Staff agrees with the Planning Commission’s recommendation and has incorporated an expansion of the proposed zoning for “emergency shelters” and “emergency shelters, limited” to allow both uses in all mixed-use zones as well as

commercial zones that permit multifamily uses. “Emergency shelters” would continue to require a MCUP and “emergency shelters, limited” would continue to be permitted by-right in the revised recommendation. A map of sites where the uses are additionally proposed as part of the Planning Commission recommendation is provided as Attachment D. Additionally, per the recommendation made by the Planning Commission, when an emergency shelter use requires a MCUP, site-specific consideration shall be given to locations that are adjacent to K-12 schools and require that emergency shelter operators communicate and coordinate effectively with adjacent schools to ensure safe operations.

Proposed modifications to the operational requirements for “emergency shelters, limited” (Section 17.50.105 – Attachment E) include condensing standards related to trash removal and storage, removing restrictions on shelter admission times, and incorporating updated terminology. The operational requirements for “emergency shelters, limited” would additionally be extended to “emergency shelters”, with the provision that requirements may be modified through the MCUP process.

Staff has estimated the current by-right capacity of shelter beds based on existing zoning and available parcels as well as an estimate of additional capacity that may be achieved if “emergency shelters, limited” were permitted by-right in additional zones. Staff estimates that approximately 372 shelter beds may be possible under existing zoning and the existing 12-bed limit. Under the proposed recommendation to increase the bed limit to 40 and expand the allowed zones, the shelter bed capacity may increase to 2,400.

### Safe Parking

The Housing Element employs a multi-faceted approach to addressing homelessness and provides implementation actions through Program #19 (Homeless Services). One such implementation action includes the investigation of a Safe Parking ordinance to allow unhoused individuals and families the ability to park in designated safe parking areas on a temporary basis, and potentially establish such an ordinance no later than 2024.

At the Planning Commission hearing on April 26, 2023, staff recommended that Safe Parking be a permitted accessory use on sites occupied by either “transit stations or terminals” or “colleges – traditional campus setting” uses when located within a Specific Plan Area. The Planning Commission recommended expanding sites by allowing Safe Parking as an accessory use with a Minor Conditional Use Permit (MCUP) on all sites occupied by a religious facility.

Staff agrees with expanding safe parking as an accessory use to include religious facilities with a Minor Conditional Use Permit (MCUP), but limited to sites in non-residential zones. Staff additionally recommends allowing safe parking as an accessory use “transit stations or terminals” and “colleges - traditional campus setting” uses when located within a Specific Plan Area or when located within ½ mile of a light-rail station

platform to allow for additional suitable locations that still provide access to transit and services.

Religious facilities are uniquely suited to providing safe parking locations in Pasadena, as they typically have underutilized parking areas, access to on-site restrooms, and connections to community services. Transit stations and traditional college campuses similarly present unique opportunities for safe parking, typically including large parking facilities in a setting with existing amenities and improvements to safely permit the use such as lighting, on-site restrooms and/or available space for portable restrooms, and security staff. Including college locations within ½ mile of a light-rail station allows for the possibility of additional safe parking locations in resource-rich parts of the city with nearby transit options.

Through the MCUP process, site-specific operational requirements related to hours of operation for overnight parking, number of vehicles to be parked on-site, the provision of restroom facilities, lighting requirements, and program monitoring would be reviewed by staff and considered by the Hearing Officer.

A map of locations where safe parking is proposed to be permitted subject to a MCUP is available as Attachment G. These are eligible sites only and any proposed safe parking application must be authorized by the property owner and go through a MCUP process. Under the staff recommendation there would be three eligible transit station sites, two eligible college sites and 69 eligible religious facility sites.

#### Modifications for Individuals with Disabilities

Currently, Section 17.61.080.I of the Zoning Code (Attachment H) requires individuals with disabilities seeking relief from zoning requirements to go through a minor variance process with the Hearing Officer. Modifications are not granted for standards related to density, floor area ratio, gross floor area, or lot coverage, but may be requested for other development standards. Typical examples of requested modifications include access ramps proposed to extend into required setback areas and modifications to allow larger wheelchair-accessible bathrooms. If granted, a modification to one or more zoning standards is a personal accommodation granted to the applicant and does not run with the land.

The City's Housing Element encourages the development of housing suitable for people with disabilities and provides a number of implementation actions through Program #16 (Housing for People with Disabilities). One such action includes developing a staff level process for granting reasonable accommodations to improve access to housing for people with disabilities.

The proposed amendment would establish a staff level review process and approval of requests for reasonable accommodations, including application requirements, procedures for review, criteria for determination, and findings of approval. The proposed procedure for staff level review would specify that reasonable accommodations

requests may be reviewed and decided upon by the Director of Planning and Community Development. An appeal of the Director's decision, if received, would be considered by the Board of Zoning Appeals.

The proposed criteria for staff level review include factors to be considered by staff when making a determination regarding the reasonableness of a request. Such factors would include:

1. The need for the requested modification, including alternatives that may provide an equivalent level of benefit;
2. Whether the findings listed in the next paragraph can be made; and
3. Any other factor that may have a bearing on the request.

Similar to the existing findings of approval required for a modification, the proposed findings for a reasonable accommodation request would include:

1. The dwelling or site which is the subject of the request for reasonable accommodation will be used by an individual with a disability protected under State and Federal law;
2. The requested accommodation(s) are necessary to make the dwelling or site available to an individual with a disability protected under State and Federal law; and
3. The requested accommodation(s) will not have a specific adverse impact on public health or public safety.

#### Design Review Thresholds – Recycled Sites

One requirement of Program #23 (Zoning Code Updates) is to adopt Zoning Code amendments for five sites in the current Housing Element that were identified in prior Housing Elements to achieve lower-income RHNA units (Attachment I). Government Code Section 65583.2 requires that these sites are eligible for by-right approval of housing projects that:

1. Include at least 20 percent of the units for lower-income households; and
2. Do not require a subdivision

By-right approval in this case means that projects cannot be subject to discretionary review or CEQA. Consistent with State Law, this is the City's current practice, and this amendment memorializes the practice. The proposed amendment would amend existing applicability requirements for projects requiring design review (Section 17.61.030.B) to exempt the aforementioned five sites specifically identified in prior Housing Elements and included in the current Housing Element Sites Inventory from discretionary design review. These sites would be subject to ministerial review and objective development standards.

### **ENVIRONMENTAL ANALYSIS:**

An Initial Study and EIR (State Clearinghouse No. 2013091009) was prepared for the Pasadena General Plan in compliance with the California Environmental Quality Act (CEQA) and certified by the City Council on August 17, 2015. An addendum to the IS/EIR has been prepared analyzing the Zoning Code Amendments pertaining to emergency shelters, low barrier navigation centers, safe parking, design review, and modifications for individuals with disabilities in compliance with Section 15164 (Addendum to an EIR or Negative Declaration) of the CEQA guidelines (Title 14, Chapter 3, Article 11), which allows a lead agency to prepare an addendum to a previously certified EIR if only minor technical changes or additions to the previously certified EIR are necessary but none of the conditions described in CEQA Guidelines § 15162 requiring preparation of a subsequent EIR are present. The analysis demonstrates that the proposed modifications evaluated in the Addendum would not result in conditions meeting the criteria requiring preparation of a subsequent EIR set forth in CEQA Guidelines § 15162. Refer to Attachment J for the Addendum to the General Plan EIR.

### **CONCLUSION AND RECOMMENDATION:**

The proposed Zoning Code Amendments would expand the areas where “emergency shelters” and “emergency shelters, limited” are permitted, codify permitted zones and standards for low barrier navigation centers as required by State law, specify locations and standards for safe parking (subject to a MCUP), streamline the review process for zoning modifications for individuals with disabilities, and amend existing design review thresholds to exempt five sites identified in the Housing Element sites inventory from discretionary design review as required by State law. Staff recommends adopting the proposed amendments to implement the Housing Element, expand access to needed services and potential shelter locations, and ensure consistency with State law.

Staff supports incorporating the recommendations of the Planning Commission, as modified. The following is staff’s response to Planning Commission recommendations:

1. Clarify that the maps in the staff report reflect the staff recommendation.

*This recommendation has been included in staff’s recommendation.*

2. Include safe parking sites as a permitted use on all religious institutions throughout Pasadena with a Minor Conditional Use Permit.

*Staff agrees with expanding safe parking as an accessory use to include religious facilities with a Minor Conditional Use Permit (MCUP), but limited to sites in non-residential zones. Staff additionally recommends allowing safe parking as an accessory use “transit stations or terminals” and “colleges - traditional campus setting” uses when located within a Specific Plan Area or when located within ½*

*mile of a light-rail station platform to allow for additional suitable locations that still provide access to transit and services.*

3. When a Minor Conditional Use Permit is required for emergency shelters, special consideration shall be given to communication and coordination with adjacent schools.

*This recommendation has been included in staff's recommendation.*

4. Allow “emergency shelters” and “emergency shelters, limited” land uses in the same areas that low barrier navigation centers are required to be permitted by State law.

*This recommendation has been included in staff's recommendation.*

**FISCAL IMPACT:**

This action will not have a direct fiscal impact.

Respectfully submitted,

  
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Attachments: (10)

- Attachment A – Findings for Zoning Code Amendments
- Attachment B – Planning Commission Hearing Staff Report (4/26/23 – without attachments)
- Attachment C – Map of sites where “emergency shelters” are permitted with a MCUP and “emergency shelters, limited” are currently permitted by-right
- Attachment D – Map of sites where “emergency shelters” are proposed to be permitted with a MCUP, “emergency shelters, limited” are proposed to be permitted by-right, and Low Barrier Navigation Centers are permitted by-right under State law
- Attachment E – PMC Section 17.50.105 (Emergency Shelters, Limited)
- Attachment F – Government Code Sections 65660-65668 (Low Barrier Navigation Centers)
- Attachment G – Map of sites where Safe Parking is proposed to be permitted with MCUP
- Attachment H – PMC Section 17.61.080.I (Modifications for Individuals with Disabilities)
- Attachment I – Map of Housing Element Sites Inventory “Recycled Site” locations
- Attachment J – Addendum to General Plan EIR