

Planning Commission Agenda Item

February 4, 2013

TO: Chair Steiner and

Members of the Planning Commission

THRU: Leslie Roseberry

Planning Manager

FROM: Jennifer Le

Senior Planner/Environmental Review Coordinator

SUBJECT

PUBLIC HEARING: An Ordinance amending Title 17 (Zoning) of the Orange Municipal Code to allow for "transitional housing" and "supportive housing" in Single-Family Residential, Duplex Residential, Multi-Family Residential, and Public Institution zoning districts either as a "permitted" or "conditionally permitted" use, pursuant to State law.

SUMMARY

The California Legislature passed Senate Bill (SB) 2 (effective January 1, 2008) modifying State law to require cities to amend local zoning regulations to allow "transitional housing" and "supportive housing" in zoning districts where similar housing types are already allowed. The proposed Ordinance Amendment satisfies State law by allowing transitional and supportive housing either as a "permitted or "conditionally permitted" use (depending on the number of residents) in Single-Family Residential, Duplex Residential, Multi-Family Residential and Public Institution zoning districts. In addition, the proposed Ordinance identifies a parking standard for transitional and supportive housing, consistent with the existing parking standards applicable to similar housing types.

RECOMMENDED ACTION

Adopt Planning Commission Resolution No. 06-13 entitled:

RESOLUTION OF THE PLANNING COMMISSION RECOMMENDING THAT THE CITY COUNCIL APPROVE AN ORDINANCE AMENDING TITLE 17 (ZONING) OF THE **ORANGE** MUNICIPAL **CODE** TO **ALLOW** TRANSITIONAL HOUSING AND SUPPORTIVE HOUSING IN SINGLE FAMILY RESIDENTIAL, DUPLEX RESIDENTIAL, **MULTI-FAMILY** RESIDENTIAL, **AND PUBLIC** INSTITUTION **ZONING DISTRICTS** AS **EITHER**

PERMITTED OR CONDITONALLY PERMITTED USE PURSUANT TO STATE LAW.

AUTHORIZATION/GUIDELINES

Orange Municipal Code (OMC) Section 17.08.020 authorizes the Planning Commission to review and take action on Zoning Ordinance amendments. The Planning Commission is advisory to the City Council. The City Council is the final decision making body.

PUBLIC NOTICE

On January 24, 2013, a Public Hearing Notice was published in the Orange City News, as required per the OMC.

ENVIRONMENTAL REVIEW

Categorical Exemption: The proposed project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per State CEQA Guidelines Section 15305 (Class 5 – Minor Alterations to Land Use Limitations). This exemption applies to projects involving minor alterations to land use limitations, which do not result in changes in land use or density. The proposed Ordinance Amendment falls under a Class 5 categorical exemption because it involves a minor amendment to the Zoning Code that adds definitions for transitional and supportive housing and establishes land use regulations allowing those uses in zoning districts where similar housing types are already allowed. Therefore, it does not change land use or density. It also does not propose or require physical changes to any specific property.

PROJECT BACKGROUND

State Law

The California Legislature passed Senate Bill (SB) 2 (effective January 1, 2008) modifying State housing laws to require all cities in California to amend their zoning codes to: 1) recognize "transitional housing" and "supportive housing" as a "residential use"; and 2) treat those housing types the same as other similar residential uses of the same type within the same zone.

General Plan Housing Element

The City adopted its 2008-2014 General Plan Housing Element on April 13, 2010. As required by State law, the adopted Housing Element includes "Policy Action 30" which requires the City to comply with SB 2 requirements and amend its zoning code to allow for "transitional housing" and "supportive housing". The subject Ordinance Amendment implements General Plan Housing Element Policy Action 30 and complies with SB 2.

It should be noted that compliance with SB 2 is required in order for the City to take advantage of a new "streamlined" process for State review of the City's upcoming Housing Element Update. The upcoming 2014-2021 Housing Element is due to the State for review in late 2013.

Transitional and Supportive Housing Definitions

Transitional housing and supportive housing are defined by State law. Generally, transitional housing is housing that is operated in conjunction with a program that offers supportive social services to its residents for a period of at least six months and typically up to two years.

Supportive housing is permanent housing (no limit on length of stay) serving specific target populations, with supportive social services offered either on- or off-site. The target populations served are low-income groups with chronic physical or mental health issues or disabilities as defined by State law.

Both transitional and supportive housing can occur in a variety of housing types including a single-family dwelling, duplex, multi-family dwelling, or dwelling configured like a boarding house or dormitory.

Stakeholder Meeting and Feedback

The City held a meeting on November 1, 2012 with housing Stakeholders. Five (5) persons attended. Organizations represented were Mercy House Inc. and Home Aid (both local organizations providing housing and/or services for the homeless and other special needs populations). Generally, stakeholders commented on parking standards, the possibility of allowing transitional and supportive housing in mixed use zones (as opposed to residential zones only), and on the "6 or fewer persons" limitation. Stakeholder's comments are further discussed in the "Analysis/Statement of the Issues" section below.

PROJECT DESCRIPTION

The proposed Ordinance Amendment would allow "transitional housing" and "supportive housing" accommodating 6 or fewer persons as a "permitted use" in the Single Family Residential (R-1), Duplex Residential (R-2), Multi-Family Residential (R-3), and Multi-Family Residential Maximum (R-4) zoning districts. "Transitional housing" and "supportive housing" accommodating 7 or more persons would be allowed with a Conditional use Permit (CUP) in the R-3 and R-4 zoning districts. "Transitional housing" and "supportive housing" (regardless of size) would be a "permitted use" in the Public Institution (P-I) zoning district, so long as the housing is ancillary to and administered by an institutional use such as a church or hospital. In addition, the Ordinance identifies a parking standard for "transitional housing" and "supportive housing" consistent with the existing parking standards applicable to Single-Family, Duplex, and Multi-Family Residential dwellings.

APPLICATION(S) REQUESTED/ REQUIRED FINDINGS

Zoning Ordinance Amendment: The request involves a Zoning Ordinance Amendment.

Required Findings: There are no required findings for a Zoning Ordinance Amendment since it is considered a legislative action. However, OMC Section 17.10.020 requires that when the Planning Commission makes a recommendation to the City Council, the Planning Commission include in its decision: 1) the reasons for the recommendation; 2) the relationship of the proposed amendment to the General Plan and applicable Specific Plans; and 3) the environmental determination. These three items are addressed in the Planning Commission Resolution. By adopting the Resolution, the Planning Commission will have complied with this Code provision.

ANALYSIS/STATEMENT OF THE ISSUES

<u>Issue 1: Compliance with State Law</u>

State law requires the City to amend its zoning code to define transitional and supportive housing and to treat them the same as other residential uses of the same type in the same zone.

Resolution:

As required by State law, the proposed Ordinance changes the Zoning Code to allow "transitional housing" and "supportive housing" (either as a "permitted" or "conditionally permitted" use) in zoning districts where similar housing types are already allowed.

Specifically, in the R-1, R-2, R-3, and R-4 zones, (where the proposed Ordinance would allow transitional and supportive housing accommodating 6 or fewer persons as a "permitted" use), a Single Family Residence, a "Congregate Care Home Health Facility" (6 or fewer persons) and a "Home for Elderly, or mentally, or physically disabled persons" (6 or fewer persons) are already "permitted" uses.

In the R-3 and R-4 zoning districts (where the proposed Ordinance would allow transitional and supportive housing accommodating 7 or more persons with a CUP), a "Community Care Facility" and "Boarding and Lodging Houses" are already allowed with a CUP.

In the PI zone (where the proposed Ordinance would allow transitional and supportive housing regardless of size as a permitted "accessory" use, provided it is ancillary to and administered by the institutional use), "Housing related to a church, hospital or school" is already permitted as an "accessory" use, provided the housing is for students, faculty, nurses, doctors or similar persons and is administered by the institution involved.

Therefore, staff believes the proposed Ordinance accommodates transitional and supportive housing in appropriate zoning districts and meets the City's obligation under State law.

Stakeholder Feedback

It should be noted that Stakeholders requested that the City consider allowing transitional and supportive housing in mixed use zones (as opposed to residential zones only). City staff considered this request. However, ultimately, staff recommends not allowing for transitional and supportive housing in mixed use zones. As described in the City's General Plan and zoning code, mixed use zones are intended for an inter-related and compatible mix of residential, commercial, office, civic and entertainment uses located within a vibrant, pedestrian-oriented environment. Further, commercial retail is encouraged to be the primary use on the ground floor within these activity centers. Therefore, transitional and supportive housing would not support the primary objectives for which this zoning district was created. For these reasons, it is not recommended.

Stakeholders also requested the City consider specifying that the proposed "6 or fewer persons" limit apply to un-related families only, so that large families with greater than 6 members (e.g. parents with more than four children) could be accommodated in residential zones without a CUP. Because the definition provided in the OMC for "family" does not require a group of people to be "related" in order to be a "family", and because the intent of the 6 or fewer limitation is to ensure that the intensity of the transitional or supportive housing use is compatible with a typical Single Family Residential dwelling and/or neighborhood, staff does not recommend increasing the person limitation.

Issue 2: Parking Standards

In amending the zoning code to allow for transitional and supportive housing, it is also necessary to clarify parking standards applicable to those uses.

Resolution:

The proposed Ordinance adds "transitional housing" and "supportive housing" to OMC Table 17.34.060A (Required Parking) and clarifies that existing parking standards for Single Family, Duplex, or Multi-Family Residential uses (as applicable) will apply to transitional and supportive housing.

Stakeholders Feedback

It should be noted that Stakeholders commented that typical residential parking standards tend to overestimate the parking needs of transitional and supportive housing developments (since the majority of occupants do not own cars) and can be an unnecessary barrier to their development. The Stakeholders requested the City consider providing a lesser parking standard or some relief from typical residential parking standards.

Because transitional and supportive housing can serve a variety of target populations with widely varying parking needs, and because transitional and supportive housing may involve onsite or visiting staff, housing managers, and/or supportive services providers, staff does not recommend applying a lesser parking standard. If warranted by the use, the Zoning Code already allows for an Administrative Adjustment process (which provides an opportunity for a 10% reduction in parking

requirements) and a Variance process (which provides an opportunity for a greater deviation from parking requirements) subject to specific findings.

ADVISORY BOARD RECOMMENDATION

Staff Review Committee: The Staff Review Committee did not review the subject project, since it is an Ordinance Amendment.

Design Review Committee: The Design Review Committee did not review the subject project, since it is an Ordinance Amendment. The Community Development Director is advisory to the Planning Commission for Ordinance Amendments. The Planning Commission is a reviewing body, while the City Council has final approval authority.

ATTACHMENTS/EXHIBITS

Attachments to Report:

- 1. Planning Commission Resolution No. 06-13
 - A. Draft Ordinance