

Location:	Citywide
Proposal:	Recommendation to the City Council to adopt amendments to the City’s Planning Code to permit emergency homeless shelters by-right in locations recommended in this staff report, to comply with California State Law Senate Bill 2 (SB 2).
Applicant:	City Planning Commission
Case File Number:	ZT13336
Planning Permits Required:	Oakland Planning Code Amendment
General Plan:	Mixed Housing Type Residential, Neighborhood Center Mixed Use, Institutional, Community Commercial, Urban Residential, General Industrial, Housing and Business Mix, Estuary Policy Plan (Light Industry 1)
Zoning:	RU-3, RM-2, CN-3, S-1, CC-2, CN-3, RU-5, CC-3, I-G, CIX-1, M-30, C-40, CIX-2, HBX-2, RU-4, RU-5, CN-1, CN-2
Environmental Determination:	The proposed emergency shelter location and development standards would be an amendment to the Oakland Planning Code and relies on the previously certified 2007-2014 Housing Element Final EIR (2010)
Service Delivery District:	1, 2, 3, 4, 5
City Council District:	1, 2, 3, 4, 5, 6
Status:	A meeting of the City Planning Commission Zoning Update Committee was held on December 11, 2013.
Action to be Taken:	Discuss and make recommendation to the City Council
Finality of Decision:	Recommendation to City Council
For Further Information:	Contact case planner Alicia Parker at (510) 238-3362 , aparker@oaklandnet.com

SUMMARY

The City of Oakland is updating its Planning Code to comply with California State Law Senate Bill 2 (SB 2), which requires cities to permit emergency shelters in at least one zoning district without a conditional use permit or other discretionary action. Over the past several months, City staff has met with local homeless shelter operators and social service providers to develop policy options related to appropriate locations in Oakland for emergency shelters. City staff has also developed emergency shelter performance and development standards.

As required by SB 2, this zoning amendment would change the Planning Code to permit shelters by-right in certain zoning district(s), thus streamlining the approval process for the establishment of future shelters. This staff report provides background information on SB 2, and the regulatory and policy framework surrounding homelessness and emergency shelters, including Alameda County’s EveryOne Home plan and Oakland’s Permanent Access to Housing (PATH) Strategy. The city’s current requirements for city-funded shelters are summarized, as are the Planning Code sections dealing with shelters. The Key Issues section highlights the results of Alameda County’s 2013 homeless survey, for context on the homeless issues, and presents an inventory of emergency shelters in the City of Oakland. Possible locations for permitting emergency shelters by-right are listed, as well as options for emergency shelter development standards. Finally, proposed amendments to the Oakland Planning Code use classifications for transitional and supportive housing are presented.

Planning staff requests that the Planning Commission review and provide feedback on the options for permitting emergency shelters by-right in certain zoning districts, development standards applicable to emergency shelters, and land use classification edits, and make recommendations to the City Council.

BACKGROUND

SB 2 is a California State law that clarifies and strengthens existing housing element requirements to ensure zoning encourages and facilitates emergency shelters and limits the denial of emergency shelters and transitional and supportive housing under the Housing Accountability Act. Under SB 2, all cities must identify at least one zoning district that allows emergency shelters as a permitted use (i.e., without a conditional use permit or other discretionary action). The identified zone(s) shall include sufficient capacity to accommodate the need for emergency shelters identified in the housing element and must in any case accommodate at least one year-round emergency shelter. Additionally, SB 2 specifies that emergency shelters shall only be subject to development and management standards that apply to residential or commercial uses within the same zone, and that transitional and supportive housing shall be considered a residential use of the property, and subject only to those restrictions that apply to other residential uses of the same type in the same zone.

To meet the requirements of SB 2, the City will be updating the Oakland Planning Code to permit emergency shelters in at least one zone without a conditional use permit or other discretionary permit, and adopting related development standards. Additionally, the City will be modifying the definitions for transitional and supportive housing. A stakeholder group of homeless shelter operators and social service providers has been established to help develop draft proposals with City staff.

Compliance with SB 2 is a requirement of the City of Oakland’s 2007-2014 General Plan Housing Element. The Housing Element is one of seven mandated elements of the Oakland General Plan; State law requires every jurisdiction to update its Housing Element every five years. The preparation of the 2015-2023 Housing Element update is now underway; however, the SB 2 Zoning update must be adopted prior to adopting the next Housing Element update. Without a State-adopted Housing Element, the City may lose opportunities for certain grant funding which the State has set aside for jurisdictions with adopted Housing Elements.

REGULATORY AND POLICY FRAMEWORK

EveryOne Home

EveryOne Home, Alameda County’s Ten Year Plan to End Homelessness, was adopted in 2006 by Oakland and other cities in the County. EveryOne Home is a collaborative plan between community stakeholders, cities and Alameda County government agencies representing three key services: homeless services, HIV/AIDS services, and mental health services, all of which are aligned around a mutual recognition that stable housing is a critical cornerstone to ending homelessness in Alameda County. The adoption of EveryOne Home signaled a shift in homeless policy from emergency and transitional housing programs to a “housing first” policy. The housing first policy focuses resources on the development of permanent rental housing units, supportive services, and tenant based rent subsidies for extremely low income persons.

Oakland PATH Strategy

As a companion to EveryOne Home, Oakland’s Permanent Access to Housing (PATH) Strategy is a roadmap for ending homelessness in the city over the next 15 years. Both EveryOne Home and PATH emphasize greater coordination and mutual accountability among all the systems (homeless services, HIV/AIDS, and mental health services) by broadening the population whose needs are addressed to include those who are homeless or most at-risk of homelessness due to poverty or disability. Key elements of the strategy include development and operation of permanent affordable and supportive housing, restructuring homeless prevention activities, and ensuring that people who do become homeless are re-housed as rapidly as possible. Under the housing first approach of PATH, homeless people are moved directly from the streets or shelter into permanent housing. Supportive services (for mental health and substance use) are designed to meet the client “where they are”, providing only those services needed by the housed client.

Current Requirements for City of Oakland-Funded Emergency Shelters

The following information is a summary of the requirements set forth in a “Standard Contract – Service Agreement” that would govern the disposition of funds from the City of Oakland, through the Department of Human Services, to a shelter operator.

- Monthly reports – service providers must provide a description of activities, program components, service area, goals, number of beneficiaries and demographics.
- Accounting and record-keeping – City-funded shelters must be fiscally monitored (fiscal accountability).
- Annual reports – service providers combine information from monthly reports into annual report.
- On-site monitoring – representatives of the City perform on-site monitoring; any observed issues must be resolved by a specified deadline.
- Non-discrimination requirements – shelter operator uses equal employment practices.
- Drug-free workplace – shelter operator posts notification that drug use/distribution is prohibited, that drug free awareness program is available to employees, that employees should notify employer of any drug violations, and that City is notified of any drug violations.
- Shelter Operation and Maintenance Standards:
 1. A shelter shall provide a clean, safe and healthy environment that is consistent with conventional social services practices and which respects individual needs and human dignity.
 2. A shelter shall meet all City health and safety codes, building codes and inspection requirements, including disabled access regulations.
 3. The physical layout of a shelter shall provide living, kitchen and dining facilities separate from sleeping areas, if such facilities are provided on a congregate basis. Telephone service for residents shall be provided separately from the office telephone in order to allow privacy.
 4. A shelter’s physical equipment shall be appropriate to meet the needs of residents and to provide an attractive and pleasant atmosphere.
 5. The shelter shall ensure an adequate supply of linens for each bed, including bath towels, pillowcases, sheets, blankets and waterproof mattress covers, if the shelter provides these. Bed linens shall be changed with change of resident and, if occupied continuously by one person, changed at least once per week. If the shelter provides only a bed, mat or cot, and residents are permitted to use their own bedding, sleeping bag or bedroll, the shelter shall

implement routine procedures for disinfecting the bed, mat or cot and its cover with each change of resident.

6. Residents shall not be locked in any portion of the shelter without means of exit.
7. The physical condition of the shelter's plant and equipment shall be maintained on a regular basis.
8. A shelter shall provide appropriate measures to safeguard and account for personal articles of residents that are brought to the shelter and any cash entrusted to the care or control of the shelter operator.
9. A shelter shall provide separate male and female sleeping quarters. If the shelter houses children under eighteen (18) years of age, the shelter operator shall provide the City with written regulations subject to the City's approval, which shall provide for the health, safety, and welfare of the children. The written regulations shall include, but not be limited to, provisions for sleeping quarters, bathroom facilities, day care, and school attendance.

Existing Oakland Planning Code

The City of Oakland Planning Code currently contains rules for regulating emergency shelters within various Zoning districts through the Conditional Use Permit procedure. Base Zoning districts that currently conditionally permit emergency shelters include:

- Urban Residential Zones RU-2 through RU-5
- Community Commercial Zones CC-1 through CC-3 (new residential facilities not allowed on ground floor)
- Neighborhood Center Commercial Zones CN-1 through CN-4 (limitation on new ground floor residential, additional conditional use permit findings: area's character upheld, proposal will not weaken continuous building facades and retail facilities, proposal will not interfere with movement of people along important pedestrian street, proposal conforms to any applicable district plan)
- Regional Commercial Zone CR-1
- Housing and Business Mix Commercial Zones HBX-1 through HBX-3
- Central Business District Zones CBD-R, CBD-P, CBD-C, CBD-X,
- Kaiser Permanente Oakland Medical Center District Zones D-KP-1 through D-KP-3
- Central Estuary District Zones D-CE-3 and D-CE-4

The above Zones conditionally permit emergency shelters subject to the general Conditional Use Permit (CUP) criteria and criteria specific to emergency shelters and transitional housing. These criteria are summarized as follows:

- I. Planning Code Section 17.134.050 (General Use Permit Criteria). Except as different criteria are prescribed elsewhere in the zoning regulations, a conditional use permit shall be granted only if the proposal conforms to all of the following general use permit criteria, as well as to any and all other applicable use permit criteria:
 1. That the location, size, design, and operating characteristics of the proposed development will be compatible with and will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood, with consideration to be given to harmony in scale, bulk, coverage, and density; to the

availability of civic facilities and utilities; to harmful effect, if any, upon desirable neighborhood character; to the generation of traffic and the capacity of surrounding streets; and to any other relevant impact of the development;

2. That the location, design, and site planning of the proposed development will provide a convenient and functional living, working, shopping, or civic environment, and will be as attractive as the nature of the use and its location and setting warrant;
 3. That the proposed development will enhance the successful operation of the surrounding area in its basic community functions, or will provide an essential service to the community or region;
 4. That the proposal conforms to all applicable regular design review criteria set forth in the regular design review procedure at Section 17.136.050;
 5. That the proposal conforms in all significant respects with the Oakland General Plan and with any other applicable guidelines or criteria, district plan or development control map which has been adopted by the Planning Commission or City Council.
- II. Planning Code Section 17.103.010 (Special Regulations and Findings Applying to Residential Care, Service-Enriched Permanent Housing, Transitional Housing, and Emergency Shelter Residential Activities)
- A. Additional Use Permit Criteria. A conditional use permit for any conditionally permitted Residential Care, Service-Enriched Permanent Housing, Transitional Housing, or Emergency Shelter Residential Activity may only be granted upon determination that the proposal conforms to the general use permit criteria set forth in the conditional use permit procedure in Chapter 17.134, to any and all applicable use permit criteria set forth in the particular individual zone regulations, and to all of the following additional use permit criteria:
 1. That staffing of the facility is in compliance with any State Licensing Agency requirements;
 2. That if located in a residential zone, the operation of buses and vans to transport residents to and from off-site activities does not generate vehicular traffic substantially greater than that normally generated by Residential Activities in the surrounding area;
 3. That if located in a residential zone, the on-street parking demand generated by the facility due to visitors is not substantially greater than that normally generated by the surrounding Residential Activities;
 4. That if located in a residential zone, arrangements for delivery of goods are made within the hours that are compatible with and will not adversely affect the livability of the surrounding properties;
 5. That the facility's program does not generate noise at levels that will adversely affect the livability of the surrounding properties.
 - B. Restriction on Overconcentration of Resident Care, Service-Enriched Permanent Housing, Transitional Housing, and Emergency Shelter Residential Activities. No Residential Care, Service-Enriched Permanent Housing, Transitional Housing, or Emergency Shelter Residential Activity shall be located closer than three hundred (300) feet from any other such Activity or Facility.

KEY ISSUES

I. Oakland's Homeless Population and Emergency Shelter Inventory

A. Oakland's Homeless Population

The Alameda Countywide Homeless Count and Survey Report, which conducted a point-in-time homeless count and survey on January 30, 2013, provides data on the homeless population at the county level. A summary of the major findings of that report is included here for context on the issue of homelessness in Alameda County.

The 2013 Alameda Countywide Homeless Count found:

- From 2003 to 2013, homelessness decreased from .35% to .27% of the Alameda County population, a period in which the overall County population increased by 8%.
- The total homeless population decreased from 4,838 in 2007 to 4,178 in 2011. Since 2011, there has been a slight increase in the homeless population to 4,264, however, this increase is not statistically significant.
- Alameda County has the second highest poverty rate (12%) and lowest median income (just over \$70,000) compared with surrounding Bay Area counties. Despite these statistics, Alameda's 2013 homeless population is equal to or less than neighboring, more affluent counties.
- While the percent of unsheltered persons as a portion of the homeless population has remained constant (around 50%) since 2003, there has been a relative decrease in shelter capacity and increase in permanent supportive housing stock, simultaneous to a reduction in the sheltered homeless count (from 2,459 to 1,927). This evolving set of programs is by definition related to a change in population dynamics.

Trends for some homeless subpopulations are encouraging:

- 22% of homeless individuals are chronically homeless - this population has fluctuated slightly as a percentage of the homeless population over the last ten years; 2013's rate is the lowest recorded level.
- The number of homeless veterans has remained fairly consistent since 2007, but has declined since the first two counts in 2003 and 2005 by more than 200 people.
- Homelessness for unsheltered women is declining. In 2009, females made up 24% of the unsheltered homeless population; in 2013, women constituted just over 13% of the unsheltered homeless population.
- Homeless families with children make up 32% of the overall homeless population, down from 56% in 2003.

For the most part, results for homeless subpopulations are static or concerning:

- The proportion of homeless people living with chronic substance abuse issues has remained roughly the same over the last 10 years (in 2003, 28% and in 2013, 30%).
- Although the total sub-population of homeless people living with HIV/AIDS is small, the proportion has remained fairly consistent since 2011, at just above 2% of the homeless population.
- The number of people with severe mental illness, entirely in the unsheltered population, has substantially increased since 2011.

- Domestic violence has increased from a low of 9% in 2005 to a high of 25% of homeless people in 2013. Rates of surviving domestic violence have varied widely across the six counts; 2013 reflects the highest rate to date.
- 10% of unsheltered homeless people are 61 years or older.

The 2013 Homeless Count also included data for understanding the context for homelessness in Alameda County, as follows:

- The fair market rent for a two bedroom apartment in Alameda County and the Oakland metropolitan area is the 17th most expensive in the nation. At \$1,361 per month (although rents are much higher lately), the fair market rent in Oakland is well above the \$977 national average and has risen steeply over the last year, making it unaffordable to someone working full-time at a minimum-wage job.
- Even the fair market rent of an efficiency/studio apartment is \$892, exceeding the Supplemental Security Income benefits of \$866 for someone who is disabled.
- Job growth has primarily been in higher wage sectors, creating competition for increasingly expensive rental units.
- Housing development continues to grow at an insufficient pace – and lack the affordability – to meet the housing needs of all Alameda County residents.

As previously noted, homelessness in Alameda County has remained essentially the same since 2011. These relatively static results are encouraging given global economic trends during that time period - including the severe effects of recession, its impact on the housing and job market, as well as local trends such as the increase in the population of Alameda County, and its rate of poverty.

Recent legislative decisions have impacted the rate of implementation of Oakland's PATH Strategy. The dissolution of redevelopment agencies, and the subsequent loss of redevelopment funds targeted towards affordable housing, coupled with Federal cuts to housing programs, have severely hindered the production of new affordable housing in Oakland, bringing production to a near standstill. The loss of redevelopment blight abatement funding has also impacted homeless outreach activities and the abatement of homeless encampments. Budget cuts to the Federal HOME program for affordable housing, and for the Community Development Block Grant (CDBG) program has likewise impacted housing activities. Similarly, on the homeless services side, a reduction of 5% in the Emergency Solutions Grant (ESG), CDBG, and Housing Opportunities to Persons with AIDS (HOPWA) in 2013 is projected to result in cuts to services provided under PATH, and for provision of housing and services to persons living with AIDS. ESG and CDBG funding make up approximately 64% of the City's PATH Strategy funding. These budget cuts will lead to severely reduced services provided under PATH, and stalled affordable housing production for extremely low and very low income people.

The Affordable Care Act and the Public Safety Realignment Act (AB 109) offer new systems for the health of homeless people and people at-risk of becoming homeless. Under the Affordable Care Act ("Obama Care"), many low income persons currently without healthcare will become insured, and some supportive housing services may be eligible for Medicare funding. However, the type of services eligible for Medicare funding is limited, continuing challenges with ongoing funding for supportive housing services. The Public Safety Realignment Act focuses on alleviating overcrowding in the California State prisons and reducing the corrections budget by transferring responsibility for incarceration and supervision of many low-level inmates and parolees to the county. These non-violent, non-serious, non-high risk offenders are being released to local supervision, not state parole. The county has established a housing first program (similar to the PATH housing first policy) that provides permanent housing for this population.

B. Emergency Shelter Inventory

The County of Alameda prepares inventories of emergency shelters, transitional housing and permanent supportive housing. Although Oakland’s 2007 PATH Strategy promotes a housing first policy, emergency shelters still provide a key link in the care for homeless people, particularly due to budget cuts negatively impacting the production of new affordable housing. The City’s Department of Human Services provided the following Oakland-specific list of shelters (based on the County inventory) for the 2012-2013 period.

The inventory includes 12 emergency shelter facilities housing a variety of households: single women with children, households with children, youth (male and female), single males and females, and single males. The emergency shelters in Oakland have a combined 403 beds. The average utilization rate across the shelters is approximately 80%.

Facility Type	Target Population	Year-Round Beds	Total Seasonal Beds	Total Beds	Utilization Rate
ES	SFHC	17	0	17	71%
ES	HC	20	0	20	100%
ES	YMF	8	0	8	100%
ES	HC	20	0	20	50%
ES	SFHC	19		19	95%
ES	SM	50	0	50	92%
ES	SMF	18	0	18	83%
ES	SMF	N/A	40	40	0%
ES	SMF+HC	100	N/A	100	98%
ES	SMF	8	0	8	100%
ES	SMF+HC	76	0	76	67%
ES	SMF		25	27	100%
12 Emergency Shelters				403 total beds	

Acronyms Defined:

Target Population

SFHC – Single female in household with children

HC – Households with children

YMF – Youth, Male & Female

SMF – Single males and females

SM – Single males

Program Type

ES – Emergency Shelter

Analysis

According to the 2013 Homeless Count, the unsheltered homeless population is 55% of the general homeless population. The 2013 Count found 4,264 homeless people. Therefore, in 2013, there are approximately 2,345 unsheltered homeless people in the County. Oakland has assumed 52% of the

County's homeless population is in Oakland. This is based on findings from the 2009 Homeless Count (the last count with regional data), as well as analysis of data in the Homeless Management Information System (HMIS). Approximately **2,217** individuals are homeless at any point in time in Oakland. Minorities make up a disproportionate share of this total¹. As many homeless persons have mental or chemical dependency problems, supportive services are important. This results in a current unsheltered homeless population in Oakland of **1,109**. The County inventory of emergency shelters in Oakland yields 403 shelter beds. Subtracting the unsheltered homeless need for Oakland from the emergency shelter supply (number of beds) results in approximately **706** unsheltered homeless people in Oakland. This need is important to establish when determining the overall area to dedicate, through zoning, to this type of activity.

Due to ongoing budget cuts to social safety net programs and the cost of living in Oakland, there is expected to be an ongoing need to continue to house sheltered homeless people and to prevent low income people from becoming homeless.

II. Emergency Shelter Siting Criteria and Location Options

In order to provide adequate sites to meet the shelter needs of the unsheltered homeless population, staff analyzed a number of factors including:

- Location of sensitive uses citywide (i.e., public schools, parks, and emergency shelters and transitional housing) (see **Attachment A**);
- Location of zoning districts that currently conditionally permit emergency shelters (see **Attachment B**);
- Location of sensitive uses (mapped homeless encampments, emergency shelters and transitional housing facilities) and support services (food pantries and AC transit routes) (see **Attachment C**).
- Presence of large floor plate buildings suitable for conversion to shelters; and
- Compatibility with surrounding uses.

A working group of emergency shelter operators and social service providers met on September 24, 2013, and October 18, 2013, to discuss options related to zoning for emergency shelters. Staff presented two possible options to the working group (based loosely on the 2007-2014 Housing Element Action 1.1.5, which included four options for permitting emergency shelters by-right). The first option included permitting emergency shelters in certain industrial areas zoned CIX-1 or CIX-2. These zoning districts are likely to have existing large floor place facilities that can be converted to shelter space, and are generally accessible by public transportation. The second option involved permitting emergency shelters in one or more zones that currently conditionally permit emergency shelters. Zoning districts that conditionally permit emergency shelters (shown on **Attachment B**) are typically downtown and along the City's major corridors.

Service providers generally agreed that shelters should be permitted on San Pablo Avenue, International Boulevard, and Hegenberger Road. Service providers expressed concern that some of these corridors, such as International Boulevard, may be considered "saturated" by the community. The service providers also recommended that three distinct populations should be considered: families, single individuals and

¹ This estimate is consistent with the estimate of Oakland's share of the homeless population that Alameda County produced using data from the Homeless Management Information System (HMIS).

290/290r (sex offenders/registered sex offenders), and that locations for sheltering each population should be identified.

On December 11, 2013, Planning staff presented the draft location proposals, based on feedback from the service providers, to the Zoning Update Committee (ZUC) of the City's Planning Commission. Staff presented a map of proposed options (generally supported by stakeholders) (see **Attachment D**) and recommendations for shelter development standards. The consensus among the Commissioners was that the locations should be spread throughout the City to: be close to job centers and schools (for families experiencing momentary lapse of housing) and be near hospitals (for mentally unstable).

After the ZUC meeting, City staff from the Planning and Building Department, Department of Human Services, Office of Neighborhood Investment, and the Department of Housing and Community Development convened to refine the location proposals based on the following objectives (substantially consistent with the ZUC recommendations):

- dispersing shelter permitting zones throughout the City;
- locating proposed shelter permitting zones near AC Transit bus lines;
- locating proposed shelter permitting zones in close proximity to support services (such as hospitals and other support services); and
- encapsulating both commercial and industrial areas.

Planning staff revised the map of proposed locations for permitting emergency shelters by-right based on the above objectives, which is included as **Attachment E**. A table summarizing the rationale, existing base zoning and General Plan designation, as well as City Council districts for the proposed segments is included as **Attachment F**. Planning staff requests that the Planning Commissioners review **Attachments E and F** and provide feedback and make a recommendation to City Council identifying of at least one zone where emergency shelters are permitted without a conditional use permit or other discretionary action.

III. Emergency Shelter Development Standards to Address in the Planning Code

In addition to identifying suitable sites for permitting emergency shelters, the City is permitted to determine appropriate development standards to apply to emergency shelters permitted by-right. Under SB 2, emergency shelters may only be subject to those development and management standards that apply to residential or commercial development within the same zone. However, SB 2 allows flexibility for the City to apply the following written, objective development and management standards:

- i. The maximum number of beds or persons permitted to be served nightly by the facility
- ii. Off-street parking based upon demonstrated need (not more than for other residential or commercial uses in the same zone)
- iii. Size and location of exterior and interior onsite waiting and client intake areas
- iv. Provision of onsite management
- v. Proximity to other emergency shelters, provided that emergency shelters are not required to be more than 300 feet apart
- vi. Length of stay
- vii. Lighting

- viii. Security (during hours the emergency shelter is in operation)

Generally, service providers felt that the City should not regulate the size and location of exterior and interior onsite waiting and client intake areas, nor the provision of on-site management. Rather, the service providers felt that the City’s current shelter service agreement requirements for grant funding are sufficient to address positive outcomes for these topics. Also, since shelters have different client populations, it would be difficult to write Zoning regulations to address each scenario. Omitting such detailed requirements from the Zoning ordinance provides the service providers with flexibility to develop standards appropriate to the needs of their clients and the surrounding community.

Given this feedback, Planning staff has proposed development standards to apply to emergency shelters permitted by-right. The proposed draft development standards are included in Planning Code Chapter 17.102 Regulations Applicable to Certain Activities and Facilities, in the proposed new Section 17.102.460 Standards Applicable to Emergency Shelters Permitted “By-Right” (see **Attachment G** for the Planning Code text edits). Part “A” of this proposed new section describes the proposed location of emergency shelters permitted by-right. Part “B” includes proposed development standards applicable to emergency shelters permitted by-right. The proposed standards stipulate that emergency shelters must comply with the development standards of the underlying zone and to additional standards, specific to emergency shelters, including number of beds, off-street parking, distance separation requirements from similar facilities, length of stay, lighting and security. Proposed performance standards include requirements to comply with all State, County and City licenses, permits, and approvals and compliance with the “Standard Contract – Service Agreement” for shelters receiving funding from the City Department of Human Services.

Planning staff requests that the Planning Commissioners review **Attachment G** and provide feedback and make a recommendation to City Council to consider adoption of the proposed written objective standards.

IV. Proposed Text Amendments to the Planning Code to Address SB 2 Transitional/Supportive Housing

The proposed text amendments to the Oakland Planning Code presented below in strikethrough (deleted text) and underline (added text) address the requirements in SB 2, including revised use classifications for permanent residential, residential care, transitional housing and service-enriched housing consistent with those provided in the California Health and Safety Code. Any facilities serving six (6) or fewer persons are currently permitted and comply with State Law. The primary change is a text amendment that will make explicit how the Planning Code treats transitional housing and supportive housing as residential uses thus demonstrating compliance with SB 2.

Chapter 17.10 Use Classifications

17.10.110 – Permanent Residential Activities

Permanent Residential Activities include the occupancy of living accommodations on a weekly or longer basis, with none of the living units under the same ownership or management on the same lot being occupied on a shorter basis; but exclude institutional living arrangements other

than state-licensed residential care facilities for six (6) or fewer residents including family foster care homes; service-enriched permanent housing facilities for six (6) or fewer residents; and transitional housing facilities for six (6) or fewer residents. However, such state-licensed residential care- facilities, service-enriched permanent housing facilities and transitional housing facilities shall be subject to the three hundred (300) foot separation requirement in Section 17.103.010.B. This classification also includes certain activities accessory to the above, as specified in Section 17.10.040.

17.10.112 Residential Care Residential Activities

Residential Care Residential Activities include all residential care facilities that require a state license or are state licensed for seven or more residents which provide twenty-four (24) hour primarily nonmedical care and supervision. Occupancy of living accommodations by six (6) or fewer disabled persons, elderly persons, or persons in need of support services for chemical dependency recovery; or a family foster care home; or occupancy of any facilities supervised by or under contract with the State Department of Corrections; or service-enriched permanent housing facilities for six (6) or fewer residents; or transitional housing facilities for six (6) or fewer residents, ~~are~~ excluded. This classification also includes certain activities accessory to the above, as specified in Section 17.10.040. State licensed residential care facilities for six (6) or fewer residents shall be treated as Permanent Residential Activities except with regard to the three hundred (300) foot separation requirement in Section 17.103.010.B.

17.10.114 - Service-Enriched Permanent Housing Residential Activities

Service-Enriched Permanent Housing Residential Activities, for seven (7) or more residents, include permanent housing in which residents are tenants who live independently and have access to various voluntary support services, such as; health, mental health, education and employment/training services. These services may be provided on-site and/or off-site. If support services are also offered ~~to~~ on-site and/or off-site ~~residents,~~ the support services component will be classified and regulated as Community Education and/or Health Care Civic Activities. This classification also includes certain activities accessory to the above, as specified in Section 17.10.040. Service-Enriched Permanent Housing Residential Activities for six (6) or fewer residents is considered a Permanent Residential Activity.

17.10.116 - Transitional Housing Residential Activities

Transitional Housing Residential Activities, for seven (7) or more residents include all types of "transitional housing programs" as defined by the state of California, which are designed to assist persons in obtaining skills necessary for independent living in permanent housing and which have all of the following components:

- A. Support services programs that include regular individualized case management services and may include alcohol and drug abuse counseling, self-improvement education, employment and training assistance services, and independent living skills development.
- B. Use of a living unit by a resident in a structured living environment, which use is conditioned upon compliance with the transitional housing program rules and regulations.
- C. 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, which shall be no less than six (6) months. A rule or regulation which specifies an occupancy period of not less than 30 days, but not more than 24 months.

If support services are also offered on-site to off-site residents, the support services component will be classified and regulated as Community Education and/or Health Care Civic Activities. This classification also includes certain activities accessory to the above, as specified in Section 17.10.040. Transitional Housing Residential Activities for six (6) or fewer residents is considered a Permanent Residential Activity.

Planning staff requests that the Planning Commissioners review the proposed text amendments to the Planning Code, above, and provide feedback and make a recommendation to City Council to consider adoption of the amendments.

ENVIRONMENTAL REVIEW

The proposed amendments to the Oakland Planning Code rely on the previously certified 2007-2014 Housing Element Final EIR (2010), which provides analysis of the environmental impacts of the proposed amendments and support all levels of approval necessary to implement the Planning Code amendments. The proposed amendments to the Oakland Planning Code would not result in any significant effect that has not already been analyzed in the EIR, and there will be no significant environmental effects caused by the change that have not already been analyzed in the EIR. The proposed amendments are also categorically exempt from CEQA under CEQA Guidelines sections 15183 (projects consistent with General Plan and Zoning) and 15061(b)(3) (no significant effect on the environment), each as a separate and independent basis.

RECOMMENDATION

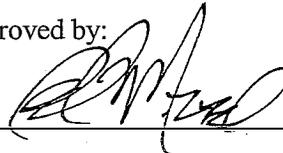
Staff recommends that the Planning Commission review the draft map of proposed locations to permit emergency shelters by-right, the proposed Planning Code Chapter 17.102 Regulations Applicable to Certain Activities and Facilities, in the proposed new Section 17.102.460 Standards Applicable to Emergency Shelters Permitted "By-Right", and proposed text amendments to the Planning Code to address transitional/supportive housing, described above, provide feedback and recommendations, and forward the item to the City Council.

Prepared by:



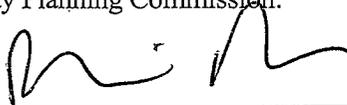
Alicia Parker
Planner II

Approved by:



ED MANASSE
Strategic Planning Manager

Approved for forwarding to the
City Planning Commission:



DARIN RANELLETTI
Deputy Director, Bureau of Planning

Attachments:

- A. Location of sensitive uses citywide
- B. Location of zoning districts that currently conditionally permit emergency shelters
- C. Location of sensitive uses (mapped homeless encampments, emergency shelters and transitional housing facilities) and support services (food pantries and AC transit routes)
- D. December 11, 2013, map of proposed options for permitting emergency shelters by-right (presented to the Zoning Update Committee)
- E. Revised map of proposed locations for permitting emergency shelters by-right
- F. A table summarizing the rationale, existing base zoning and General Plan designation, as well as City Council districts for the proposed segments from the map in Attachment E
- G. Oakland Planning Code Text Edits