EXHIBIT B
California Statutory References

Government Code references

§ 65582. Definitions

As used in this article, the following definitions apply:

(a) "Community," "locality," "local government," or "jurisdiction" means a city, city and county, or county.

(b) "Council of governments" means a single or multicounty council created by a joint powers agreement pursuant to Chapter 5 (commencing with Section 6500) of Division 1 of Title 1.

(c) "Department" means the Department of Housing and Community Development.

(d) "Emergency shelter" has the same meaning as defined in subdivision (e) of Section 50801 of the Health and Safety Code.

(e) "Housing element" or "element" means the housing element of the community's general plan, as required pursuant to this article and subdivision (c) of Section 65302.

(f) "Supportive housing" has the same meaning as defined in subdivision (b) of Section 50675.14 of the Health and Safety Code.

(g) "Transitional housing" has the same meaning as defined in subdivision (h) of Section 50675.2 of the Health and Safety Code.

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§ 65583. Housing element components

The housing element shall consist of an identification and analysis of existing and projected housing needs and a statement of goals, policies, quantified objectives, financial resources, and scheduled programs for the preservation, improvement, and development of housing. The housing element shall identify adequate sites for housing, including rental housing, factory-built housing, mobilehomes, and emergency shelters, and shall make adequate provision for the existing and projected needs of all economic segments of the community. The element shall contain all of the following:

(a) An assessment of housing needs and an inventory of resources and constraints relevant to the meeting of these needs. The assessment and inventory shall include all of the following:

(1) An analysis of population and employment trends and documentation of projections and a quantification of the locality's existing and projected housing needs for all income levels, including extremely low income households, as defined in subdivision (b) of Section 50105 and Section 50106 of the Health and Safety Code. These existing and projected needs shall include the locality's share of the regional housing need in accordance with Section 65584. Local agencies shall calculate the subset of very low income households allotted under Section 65584 that qualify as extremely low income households. The local agency may either use available census data to calculate the percentage of very low income households that qualify as extremely low income households or presume that 50 percent of the very low income households qualify as extremely low income households. The number of extremely low income households and very low income households shall equal the jurisdiction's allocation of very low income households pursuant to Section 65584.

(2) An analysis and documentation of household characteristics, including level of payment compared to ability to pay, housing characteristics, including overcrowding, and housing stock condition.

(3) An inventory of land suitable for residential development, including vacant sites and sites having potential for redevelopment, and an analysis of the relationship of zoning and public facilities and services to these sites.

(4)

(A) The identification of a zone or zones where emergency shelters are allowed as a permitted use without a conditional use or other discretionary permit. The identified zone or zones shall include sufficient capacity to accommodate the need for emergency shelter identified in paragraph (7), except that each local government shall identify a zone or zones that can accommodate at least one year-round emergency shelter. If the local government cannot identify a zone or zones with sufficient capacity, the local government shall include a program to amend its zoning ordinance to meet the requirements of this paragraph within one year of the adoption of the housing element. The local government may identify additional zones where emergency shelters are permitted with a conditional use permit. The

local government shall also demonstrate that existing or proposed permit processing, development, and management standards are objective and encourage and facilitate the development of, or conversion to, emergency shelters. Emergency shelters may only be subject to those development and management standards that apply to residential or commercial development within the same zone except that a local government may apply written, objective standards that include all of the following:

(i) The maximum number of beds or persons permitted to be served nightly by the facility.

(ii) Off-street parking based upon demonstrated need, provided that the standards do not require more parking for emergency shelters than for other residential or commercial uses within the same zone.

(iii) The size and location of exterior and interior onsite waiting and client intake areas.

(iv) The provision of onsite management.

(v) The proximity to other emergency shelters, provided that emergency shelters are not required to be more than 300 feet apart.

(vi) The length of stay.

(vii) Lighting.

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

(B) The permit processing, development, and management standards applied under this paragraph shall not be deemed to be discretionary acts within the meaning of the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code).

(C) A local government that can demonstrate to the satisfaction of the department the existence of one or more emergency shelters either within its jurisdiction or pursuant to a multijurisdictional agreement that can accommodate that jurisdiction's need for emergency shelter identified in paragraph (7) may comply with the zoning requirements of subparagraph (A) by identifying a zone or zones where new emergency shelters are allowed with a conditional use permit.

(D) A local government with an existing ordinance or ordinances that comply with this paragraph shall not be required to take additional action to identify zones for emergency shelters. The housing element must only describe how existing ordinances, policies, and standards are consistent with the requirements of this paragraph.

(5) An analysis of potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels, including the types of housing identified in paragraph (1) of subdivision (c), and for persons with disabilities as

identified in the analysis pursuant to paragraph (7), including land use controls, building codes and their enforcement, site improvements, fees and other exactions required of developers, and local processing and permit procedures. The analysis shall also demonstrate local efforts to remove governmental constraints that hinder the locality from meeting its share of the regional housing need in accordance with Section 65584 and from meeting the need for housing for persons with disabilities, supportive housing, transitional housing, and emergency shelters identified pursuant to paragraph (7). Transitional housing and supportive housing shall be considered a residential use of property, and shall be subject only to those restrictions that apply to other residential dwellings of the same type in the same zone.

(6) An analysis of potential and actual nongovernmental constraints upon the maintenance, improvement, or development of housing for all income levels, including the availability of financing, the price of land, and the cost of construction.

(7) An analysis of any special housing needs, such as those of the elderly; persons with disabilities, including a developmental disability, as defined in Section 4512 of the Welfare and Institutions Code; large families; farmworkers; families with female heads of households; and families and persons in need of emergency shelter. The need for emergency shelter shall be assessed based on annual and seasonal need. The need for emergency shelter may be reduced by the number of supportive housing units that are identified in an adopted 10-year plan to end chronic homelessness and that are either vacant or for which funding has been identified to allow construction during the planning period.

(8) An analysis of opportunities for energy conservation with respect to residential development. Cities and counties are encouraged to include weatherization and energy efficiency improvements as part of publicly subsidized housing rehabilitation projects. This may include energy efficiency measures that encompass the building envelope, its heating and cooling systems, and its electrical system.

(9) An analysis of existing assisted housing developments that are eligible to change from low-income housing uses during the next 10 years due to termination of subsidy contracts, mortgage prepayment, or expiration of restrictions on use. "Assisted housing developments," for the purpose of this section, shall mean multifamily rental housing that receives governmental assistance under federal programs listed in subdivision (a) of Section 65863.10, state and local multifamily revenue bond programs, local redevelopment programs, the federal Community Development Block Grant Program, or local in-lieu fees. "Assisted housing developments" shall also include multifamily rental units that were developed pursuant to a local inclusionary housing program or used to qualify for a density bonus pursuant to Section 65916.

(A) The analysis shall include a listing of each development by project name and address, the type of governmental assistance received, the earliest possible date of change from low-income use, and the total number of elderly and nonelderly units that could be lost from the locality's low-income housing stock in each year during the 10-year period. For purposes of

state and federally funded projects, the analysis required by this subparagraph need only contain information available on a statewide basis.

(B) The analysis shall estimate the total cost of producing new rental housing that is comparable in size and rent levels, to replace the units that could change from low-income use, and an estimated cost of preserving the assisted housing developments. This cost analysis for replacement housing may be done aggregately for each five-year period and does not have to contain a project-by-project cost estimate.

(C) The analysis shall identify public and private nonprofit corporations known to the local government which have legal and managerial capacity to acquire and manage these housing developments.

(D) The analysis shall identify and consider the use of all federal, state, and local financing and subsidy programs which can be used to preserve, for lower income households, the assisted housing developments, identified in this paragraph, including, but not limited to, federal Community Development Block Grant Program funds, tax increment funds received by a redevelopment agency of the community, and administrative fees received by a housing authority operating within the community. In considering the use of these financing and subsidy programs, the analysis shall identify the amounts of funds under each available program which have not been legally obligated for other purposes and which could be available for use in preserving assisted housing developments.

(b)

(1) A statement of the community's goals, quantified objectives, and policies relative to the maintenance, preservation, improvement, and development of housing.

(2) It is recognized that the total housing needs identified pursuant to subdivision (a) may exceed available resources and the community's ability to satisfy this need within the content of the general plan requirements outlined in Article 5 (commencing with Section 65300). Under these circumstances, the quantified objectives need not be identical to the total housing needs. The quantified objectives shall establish the maximum number of housing units by income category, including extremely low income, that can be constructed, rehabilitated, and conserved over a five-year time period.

(c) A program which sets forth a schedule of actions during the planning period, each with a timeline for implementation, which may recognize that certain programs are ongoing, such that there will be beneficial impacts of the programs within the planning period, that the local government is undertaking or intends to undertake to implement the policies and achieve the goals and objectives of the housing element through the administration of land use and development controls, the provision of regulatory concessions and incentives, the utilization of appropriate federal and state financing and subsidy programs when available, and the utilization of moneys in a low- and moderate-income housing fund of an agency if the locality has established a redevelopment project area pursuant to the Community Redevelopment Law (Division 24 (commencing with Section 33000) of the Health and

Safety Code). In order to make adequate provision for the housing needs of all economic segments of the community, the program shall do all of the following:

(1) Identify actions that will be taken to make sites available during the planning period with appropriate zoning and development standards and with services and facilities to accommodate that portion of the city's or county's share of the regional housing need for each income level that could not be accommodated on sites identified in the inventory completed pursuant to paragraph (3) of subdivision (a) without rezoning, and to comply with the requirements of Section 65584.09. Sites shall be identified as needed to facilitate and encourage the development of a variety of types of housing for all income levels, including multifamily rental housing, factory-built housing, mobilehomes, housing for agricultural employees, supportive housing, single-room occupancy units, emergency shelters, and transitional housing.

(A) Where the inventory of sites, pursuant to paragraph (3) of subdivision (a), does not identify adequate sites to accommodate the need for groups of all household income levels pursuant to Section 65584, rezoning of those sites, including adoption of minimum density and development standards, for jurisdictions with an eight-year housing element planning period pursuant to Section 65588, shall be completed no later than three years after either the date the housing element is adopted pursuant to subdivision (f) of Section 65585 or the date that is 90 days after receipt of comments from the department pursuant to subdivision (b) of Section 65585, whichever is earlier, unless the deadline is extended pursuant to subdivision (f). Notwithstanding the foregoing, for a local government that fails to adopt a housing element within 120 days of the statutory deadline in Section 65588 for adoption of the housing element, rezoning of those sites, including adoption of minimum density and development standards, shall be completed no later than three years and 120 days from the statutory deadline in Section 65588 for adoption of the housing element.

(B) Where the inventory of sites, pursuant to paragraph (3) of subdivision (a), does not identify adequate sites to accommodate the need for groups of all household income levels pursuant to Section 65584, the program shall identify sites that can be developed for housing within the planning period pursuant to subdivision (h) of Section 65583.2. The identification of sites shall include all components specified in subdivision (b) of Section 65583.2.

(C) Where the inventory of sites pursuant to paragraph (3) of subdivision (a) does not identify adequate sites to accommodate the need for farmworker housing, the program shall provide for sufficient sites to meet the need with zoning that permits farmworker housing use by right, including density and development standards that could accommodate and facilitate the feasibility of the development of farmworker housing for low- and very low income households.

(2) Assist in the development of adequate housing to meet the needs of extremely low, very low, low-, and moderate-income households.

(3) Address and, where appropriate and legally possible, remove governmental constraints

to the maintenance, improvement, and development of housing, including housing for all income levels and housing for persons with disabilities. The program shall remove constraints to, and provide reasonable accommodations for housing designed for, intended for occupancy by, or with supportive services for, persons with disabilities.

(4) Conserve and improve the condition of the existing affordable housing stock, which may include addressing ways to mitigate the loss of dwelling units demolished by public or private action.

(5) Promote housing opportunities for all persons regardless of race, religion, sex, marital status, ancestry, national origin, color, familial status, or disability.

(6) Preserve for lower income households the assisted housing developments identified pursuant to paragraph (9) of subdivision (a). The program for preservation of the assisted housing developments shall utilize, to the extent necessary, all available federal, state, and local financing and subsidy programs identified in paragraph (9) of subdivision (a), except where a community has other urgent needs for which alternative funding sources are not available. The program may include strategies that involve local regulation and technical assistance.

(7) Include an identification of the agencies and officials responsible for the implementation of the various actions and the means by which consistency will be achieved with other general plan elements and community goals.

(8) Include a diligent effort by the local government to achieve public participation of all economic segments of the community in the development of the housing element, and the program shall describe this effort.

(d)

(1) A local government may satisfy all or part of its requirement to identify a zone or zones suitable for the development of emergency shelters pursuant to paragraph (4) of subdivision (a) by adopting and implementing a multijurisdictional agreement, with a maximum of two other adjacent communities, that requires the participating jurisdictions to develop at least one year-round emergency shelter within two years of the beginning of the planning period.

(2) The agreement shall allocate a portion of the new shelter capacity to each jurisdiction as credit towards its emergency shelter need, and each jurisdiction shall describe how the capacity was allocated as part of its housing element.

(3) Each member jurisdiction of a multijurisdictional agreement shall describe in its housing element all of the following:

(A) How the joint facility will meet the jurisdiction's emergency shelter need.

(B) The jurisdiction's contribution to the facility for both the development and ongoing operation and management of the facility.

(C) The amount and source of the funding that the jurisdiction contributes to the facility.

(4) The aggregate capacity claimed by the participating jurisdictions in their housing elements shall not exceed the actual capacity of the shelter.

(e) Except as otherwise provided in this article, amendments to this article that alter the required content of a housing element shall apply to both of the following:

(1) A housing element or housing element amendment prepared pursuant to subdivision (e) of Section 65588 or Section 65584.02, when a city, county, or city and county submits a draft to the department for review pursuant to Section 65585 more than 90 days after the effective date of the amendment to this section.

(2) Any housing element or housing element amendment prepared pursuant to subdivision (e) of Section 65588 or Section 65584.02, when the city, county, or city and county fails to submit the first draft to the department before the due date specified in Section 65588 or 65584.02.

(f) The deadline for completing required rezoning pursuant to subparagraph (A) of paragraph (1) of subdivision (c) shall be extended by one year if the local government has completed the rezoning at densities sufficient to accommodate at least 75 percent of the units for low- and very low income households and if the legislative body at the conclusion of a public hearing determines, based upon substantial evidence, that any of the following circumstances exist:

(1) The local government has been unable to complete the rezoning because of the action or inaction beyond the control of the local government of any other state, federal, or local agency.

(2) The local government is unable to complete the rezoning because of infrastructure deficiencies due to fiscal or regulatory constraints.

(3) The local government must undertake a major revision to its general plan in order to accommodate the housing-related policies of a sustainable communities strategy or an alternative planning strategy adopted pursuant to Section 65080.

The resolution and the findings shall be transmitted to the department together with a detailed budget and schedule for preparation and adoption of the required rezonings, including plans for citizen participation and expected interim action. The schedule shall provide for adoption of the required rezoning within one year of the adoption of the resolution.

(g)

(1) If a local government fails to complete the rezoning by the deadline provided in subparagraph (A) of paragraph (1) of subdivision (c), as it may be extended pursuant to subdivision (f), except as provided in paragraph (2), a local government may not disapprove a housing development project, nor require a conditional use permit, planned unit development permit, or other locally imposed discretionary permit, or impose a condition that would render the project infeasible, if the housing development project (A) is proposed to be located on a site required to be rezoned pursuant to the program action required by that subparagraph and (B) complies with applicable, objective general plan and zoning standards and criteria, including design review standards, described in the program action required by that subparagraph. Any subdivision of sites shall be subject to the Subdivision Map Act (Division 2 (commencing with Section 66410)). Design review shall not constitute a "project" for purposes of Division 13 (commencing with Section 21000) of the Public Resources Code.

(2) A local government may disapprove a housing development described in paragraph (1) if it makes written findings supported by substantial evidence on the record that both of the following conditions exist:

(A) The housing development project would have a specific, adverse impact upon the public health or safety unless the project is disapproved or approved upon the condition that the project be developed at a lower density. As used in this paragraph, a "specific, adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.

(B) There is no feasible method to satisfactorily mitigate or avoid the adverse impact identified pursuant to paragraph (1), other than the disapproval of the housing development project or the approval of the project upon the condition that it be developed at a lower density.

(3) The applicant or any interested person may bring an action to enforce this subdivision. If a court finds that the local agency disapproved a project or conditioned its approval in violation of this subdivision, the court shall issue an order or judgment compelling compliance within 60 days. The court shall retain jurisdiction to ensure that its order or judgment is carried out. If the court determines that its order or judgment has not been carried out within 60 days, the court may issue further orders to ensure that the purposes and policies of this subdivision are fulfilled. In any such action, the city, county, or city and county shall bear the burden of proof.

(4) For purposes of this subdivision, "housing development project" means a project to construct residential units for which the project developer provides sufficient legal commitments to the appropriate local agency to ensure the continued availability and use of at least 49 percent of the housing units for very low, low-, and moderate-income households with an affordable housing cost or affordable rent, as defined in Section 50052.5 or 50053 of the Health and Safety Code, respectively, for the period required by the

applicable financing.

(h) An action to enforce the program actions of the housing element shall be brought pursuant to Section 1085 of the Code of Civil Procedure.

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§ 65589.5. Housing Accountability Act; Legislative findings; Prerequisites to local government's or agency's rejection or disapproval of affordable housing developments or emergency shelters; Rights and duties of local agencies; Charter cities; Burden of proof; Writ

(a) The Legislature finds and declares all of the following:

(1) The lack of housing, including emergency shelters, is a critical problem that threatens the economic, environmental, and social quality of life in California.

(2) California housing has become the most expensive in the nation. The excessive cost of the state's housing supply is partially caused by activities and policies of many local governments that limit the approval of housing, increase the cost of land for housing, and require that high fees and exactions be paid by producers of housing.

(3) Among the consequences of those actions are discrimination against low-income and minority households, lack of housing to support employment growth, imbalance in jobs and housing, reduced mobility, urban sprawl, excessive commuting, and air quality deterioration.

(4) Many local governments do not give adequate attention to the economic, environmental, and social costs of decisions that result in disapproval of housing projects, reduction in density of housing projects, and excessive standards for housing projects.

(b) It is the policy of the state that a local government not reject or make infeasible housing developments, including emergency shelters, that contribute to meeting the need determined pursuant to this article without a thorough analysis of the economic, social, and environmental effects of the action and without complying with subdivision (d).

(c) The Legislature also recognizes that premature and unnecessary development of agricultural lands for urban uses continues to have adverse effects on the availability of those lands for food and fiber production and on the economy of the state. Furthermore, it is the policy of the state that development should be guided away from prime agricultural lands; therefore, in implementing this section, local jurisdictions should encourage, to the maximum extent practicable, in filling existing urban areas.

(d) A local agency shall not disapprove a housing development project, including farmworker housing as defined in subdivision (d) of Section 50199.50 of the Health and Safety Code, for very low, low-, or moderate-income households, or an emergency shelter, or condition approval in a manner that renders the project infeasible for development for the use of very low, low-, or moderate-income households, or an emergency shelter, including through the use of design review standards, unless it makes written findings, based upon substantial evidence in the record, as to one of the following:

(1) The jurisdiction has adopted a housing element pursuant to this article that has been revised in accordance with Section 65588, is in substantial compliance with this article, and

the jurisdiction has met or exceeded its share of the regional housing need allocation pursuant to Section 65584 for the planning period for the income category proposed for the housing development project, provided that any disapproval or conditional approval shall not be based on any of the reasons prohibited by Section 65008. If the housing development project includes a mix of income categories, and the jurisdiction has not met or exceeded its share of the regional housing need for one or more of those categories, then this paragraph shall not be used to disapprove or conditionally approve the project. The share of the regional housing need met by the jurisdiction shall be calculated consistently with the forms and definitions that may be adopted by the Department of Housing and Community Development pursuant to Section 65400. In the case of an emergency shelter, the jurisdiction shall have met or exceeded the need for emergency shelter, as identified pursuant to paragraph (7) of subdivision (a) of Section 65583. Any disapproval or conditional approval pursuant to this paragraph shall be in accordance with applicable law, rule, or standards.

(2) The development project or emergency shelter as proposed would have a specific, adverse impact upon the public health or safety, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low- and moderate-income households or rendering the development of the emergency shelter financially infeasible. As used in this paragraph, a "specific, adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete. Inconsistency with the zoning ordinance or general plan land use designation shall not constitute a specific, adverse impact upon the public health or safety.

(3) The denial of the project or imposition of conditions is required in order to comply with specific state or federal law, and there is no feasible method to comply without rendering the development unaffordable to low- and moderate-income households or rendering the development of the emergency shelter financially infeasible.

(4) The development project or emergency shelter is proposed on land zoned for agriculture or resource preservation that is surrounded on at least two sides by land being used for agricultural or resource preservation purposes, or which does not have adequate water or wastewater facilities to serve the project.

(5) The development project or emergency shelter is inconsistent with both the jurisdiction's zoning ordinance and general plan land use designation as specified in any element of the general plan as it existed on the date the application was deemed complete, and the jurisdiction has adopted a revised housing element in accordance with Section 65588 that is in substantial compliance with this article.

(A) This paragraph cannot be utilized to disapprove or conditionally approve a housing development project if the development project is proposed on a site that is identified as suitable or available for very low, low-, or moderate-income households in the jurisdiction's housing element, and consistent with the density specified in the housing element, even

though it is inconsistent with both the jurisdiction's zoning ordinance and general plan land use designation.

(B) If the local agency has failed to identify in the inventory of land in its housing element sites that can be developed for housing within the planning period and that are sufficient to provide for the jurisdiction's share of the regional housing need for all income levels pursuant to Section 65584, then this paragraph shall not be utilized to disapprove or conditionally approve a housing development project proposed for a site designated in any element of the general plan for residential uses or designated in any element of the general plan for commercial uses if residential uses are permitted or conditionally permitted within commercial designations. In any action in court, the burden of proof shall be on the local agency to show that its housing element does identify adequate sites with appropriate zoning and development standards and with services and facilities to accommodate the local agency's share of the regional housing need for the very low and low-income categories.

(C) If the local agency has failed to identify a zone or zones where emergency shelters are allowed as a permitted use without a conditional use or other discretionary permit, has failed to demonstrate that the identified zone or zones include sufficient capacity to accommodate the need for emergency shelter identified in paragraph (7) of subdivision (a) of Section 65583, or has failed to demonstrate that the identified zone or zones can accommodate at least one emergency shelter, as required by paragraph (4) of subdivision (a) of Section 65583, then this paragraph shall not be utilized to disapprove or conditionally approve an emergency shelter proposed for a site designated in any element of the general plan for industrial, commercial, or multifamily residential uses. In any action in court, the burden of proof shall be on the local agency to show that its housing element does satisfy the requirements of paragraph (4) of subdivision (a) of Section 65583.

(e) Nothing in this section shall be construed to relieve the local agency from complying with the Congestion Management Program required by Chapter 2.6 (commencing with Section 65088) of Division 1 of Title 7 or the California Coastal Act (Division 20 (commencing with Section 30000) of the Public Resources Code). Neither shall anything in this section be construed to relieve the local agency from making one or more of the findings required pursuant to Section 21081 of the Public Resources Code or otherwise complying with the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code).

(f)

(1) Nothing in this section shall be construed to prohibit a local agency from requiring the development project to comply with objective, quantifiable, written development standards, conditions, and policies appropriate to, and consistent with, meeting the jurisdiction's share of the regional housing need pursuant to Section 65584. However, the development standards, conditions, and policies shall be applied to facilitate and accommodate development at the density permitted on the site and proposed by the development.

(2) Nothing in this section shall be construed to prohibit a local agency from requiring an

emergency shelter project to comply with objective, quantifiable, written development standards, conditions, and policies that are consistent with paragraph (4) of subdivision (a) of Section 65583 and appropriate to, and consistent with, meeting the jurisdiction's need for emergency shelter, as identified pursuant to paragraph (7) of subdivision (a) of Section 65583. However, the development standards, conditions, and policies shall be applied by the local agency to facilitate and accommodate the development of the emergency shelter project.

(3) This section does not prohibit a local agency from imposing fees and other exactions otherwise authorized by law that are essential to provide necessary public services and facilities to the development project or emergency shelter.

(g) This section shall be applicable to charter cities because the Legislature finds that the lack of housing, including emergency shelter, is a critical statewide problem.

(h) The following definitions apply for the purposes of this section:

(1) "Feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.

(2) "Housing development project" means a use consisting of any of the following:

(A) Residential units only.

(B) Mixed-use developments consisting of residential and nonresidential uses in which nonresidential uses are limited to neighborhood commercial uses and to the first floor of buildings that are two or more stories. As used in this paragraph, "neighborhood commercial" means small-scale general or specialty stores that furnish goods and services primarily to residents of the neighborhood.

(C) Transitional housing or supportive housing.

(3) "Housing for very low, low-, or moderate-income households" means that either (A) at least 20 percent of the total units shall be sold or rented to lower income households, as defined in Section 50079.5 of the Health and Safety Code, or (B) 100 percent of the units shall be sold or rented to moderate-income households as defined in Section 50093 of the Health and Safety Code, or middle-income households, as defined in Section 65008 of this code. Housing units targeted for lower income households shall be made available at a monthly housing cost that does not exceed 30 percent of 60 percent of area median income with adjustments for household size made in accordance with the adjustment factors on which the lower income eligibility limits are based. Housing units targeted for persons and families of moderate income shall be made available at a monthly housing cost that does not exceed 30 percent of 100 percent of area median income with adjustments for household size made in accordance with the adjustment factors on which the moderate-income eligibility limits are based.

(4) "Area median income" means area median income as periodically established by the Department of Housing and Community Development pursuant to Section 50093 of the Health and Safety Code. The developer shall provide sufficient legal commitments to ensure continued availability of units for very low or low-income households in accordance with the provisions of this subdivision for 30 years.

(5) "Disapprove the development project" includes any instance in which a local agency does either of the following:

(A) Votes on a proposed housing development project application and the application is disapproved.

(B) Fails to comply with the time periods specified in subdivision (a) of Section 65950. An extension of time pursuant to Article 5 (commencing with Section 65950) shall be deemed to be an extension of time pursuant to this paragraph.

(i) If any city, county, or city and county denies approval or imposes restrictions, including design changes, a reduction of allowable densities or the percentage of a lot that may be occupied by a building or structure under the applicable planning and zoning in force at the time the application is deemed complete pursuant to Section 65943, that have a substantial adverse effect on the viability or affordability of a housing development for very low, low-, or moderate-income households, and the denial of the development or the imposition of restrictions on the development is the subject of a court action which challenges the denial, then the burden of proof shall be on the local legislative body to show that its decision is consistent with the findings as described in subdivision (d) and that the findings are supported by substantial evidence in the record.

(j) When a proposed housing development project complies with applicable, objective general plan and zoning standards and criteria, including design review standards, in effect at the time that the housing development project's application is determined to be complete, but the local agency proposes to disapprove the project or to approve it upon the condition that the project be developed at a lower density, the local agency shall base its decision regarding the proposed housing development project upon written findings supported by substantial evidence on the record that both of the following conditions exist:

(1) The housing development project would have a specific, adverse impact upon the public health or safety unless the project is disapproved or approved upon the condition that the project be developed at a lower density. As used in this paragraph, a "specific, adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.

(2) There is no feasible method to satisfactorily mitigate or avoid the adverse impact identified pursuant to paragraph (1), other than the disapproval of the housing development project or the approval of the project upon the condition that it be developed at a lower

density.

(k) The applicant or any person who would be eligible to apply for residency in the development or emergency shelter may bring an action to enforce this section. If in any action brought to enforce the provisions of this section, a court finds that the local agency disapproved a project or conditioned its approval in a manner rendering it infeasible for the development of an emergency shelter, or housing for very low, low-, or moderate-income households, including farmworker housing, without making the findings required by this section or without making sufficient findings supported by substantial evidence, the court shall issue an order or judgment compelling compliance with this section within 60 days, including, but not limited to, an order that the local agency take action on the development project or emergency shelter. The court shall retain jurisdiction to ensure that its order or judgment is carried out and shall award reasonable attorney's fees and costs of suit to the plaintiff or petitioner who proposed the housing development or emergency shelter, except under extraordinary circumstances in which the court finds that awarding fees would not further the purposes of this section. If the court determines that its order or judgment has not been carried out within 60 days, the court may issue further orders as provided by law to ensure that the purposes and policies of this section are fulfilled, including, but not limited to, an order to vacate the decision of the local agency, in which case the application for the project, as constituted at the time the local agency took the initial action determined to be in violation of this section, along with any standard conditions determined by the court to be generally imposed by the local agency on similar projects, shall be deemed approved unless the applicant consents to a different decision or action by the local agency.

(l) If the court finds that the local agency (1) acted in bad faith when it disapproved or conditionally approved the housing development or emergency shelter in violation of this section and (2) failed to carry out the court's order or judgment within 60 days as described in subdivision (k), the court in addition to any other remedies provided by this section, may impose fines upon the local agency that the local agency shall be required to deposit into a housing trust fund. Fines shall not be paid from funds that are already dedicated for affordable housing, including, but not limited to, redevelopment or low- and moderate-income housing funds and federal HOME and CDBG funds. The local agency shall commit the money in the trust fund within five years for the sole purpose of financing newly constructed housing units affordable to extremely low, very low, or low-income households. For purposes of this section, "bad faith" shall mean an action that is frivolous or otherwise entirely without merit.

(m) Any action brought to enforce the provisions of this section shall be brought pursuant to Section 1094.5 of the Code of Civil Procedure, and the local agency shall prepare and certify the record of proceedings in accordance with subdivision (c) of Section 1094.6 of the Code of Civil Procedure no later than 30 days after the petition is served, provided that the cost of preparation of the record shall be borne by the local agency. Upon entry of the trial court's order, a party shall, in order to obtain appellate review of the order, file a petition within 20 days after service upon it of a written notice of the entry of the order, or within such further time not exceeding an additional 20 days as the trial court may for good cause allow. If the local agency appeals the judgment of the trial court, the local agency shall post

a bond, in an amount to be determined by the court, to the benefit of the plaintiff if the plaintiff is the project applicant.

(n) In any action, the record of the proceedings before the local agency shall be filed as expeditiously as possible and, notwithstanding Section 1094.6 of the Code of Civil Procedure or subdivision (m) of this section, all or part of the record may be prepared (1) by the petitioner with the petition or petitioner's points and authorities, (2) by the respondent with respondent's points and authorities, (3) after payment of costs by the petitioner, or (4) as otherwise directed by the court. If the expense of preparing the record has been borne by the petitioner and the petitioner is the prevailing party, the expense shall be taxable as costs.

(o) This section shall be known, and may be cited, as the Housing Accountability Act.

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adopted Program 41.9 to amend the Zoning Ordinance as necessary to ensure compliance with Health & Safety Code Sections 17021.5 and 17021.6. This will increase the available sites for farmworker housing by allowing employee housing as a permitted use on sites where agriculture is a permitted use.

D Homeless Needs

The 2009 Alameda Countywide Homeless Count and Survey, prepared December 2009 for EveryOne Home, is the most reliable estimate of the number of homeless persons (termed "Literally Homeless") in Alameda County and selected sub-populations within the homeless population. In addition, the survey estimates the number of persons and description of the characteristics of precariously housed persons (termed "Hidden Homeless") and comparison with low-income "Housed" persons who use soup kitchen, food pantry, drop-in center, and mobile outreach services. The survey is based on actual counts of sheltered persons residing in emergency shelters and transitional housing countywide on the night of January 26, 2009. Below are definitions used in the 2009 Alameda Countywide Homeless Count and Survey:

- **Literally Homeless:** Sleeping on the streets or other place not meant for human habitation, staying in a shelter or a transitional housing program.

- **Hidden Homeless:** Being evicted within next 7 days, staying in a hotel or motel on a temporary basis, or staying with a friend or relative on a temporary basis having been notified that the arrangement is short term and with no other financial resources to relocate.

- **Total Homeless:** The total of combined "Literally Homeless" and "Hidden Homeless".

The report uses both a narrower definition of homeless, which is used by HUD, and includes only the Literally Homeless, and a broader community definition that includes both the Literally Homeless and Hidden Homeless. Using the HUD definition of homelessness, an estimated 3,347 homeless adults, accompanied by 994 children, utilize homeless services in Alameda County (total of 4,341 homeless persons). Under the broader community definition, 5,304 homeless adults utilize homeless services, accompanied by 2,079 children.

About one-third (1,099 persons) of the HUD-defined homeless adult service users are assessed as HUD-defined Chronically Homeless. By definition, Chronically Homeless persons are homeless long-term, disabled, and single, without accompanying children. Under the community definition, 2,554 adult service users (48% of those found to be homeless under the community definition) meet the criterion of chronic homelessness and are accompanied by 385 children. Further, using the community definition 2,122 adults, accompanied by 336 children (40% of those homeless under the community definition), are estimated to be chronically homeless and disabled.

It is estimated there are 10,567 adult users of homeless services in Alameda County, with 533 (5.0%) being in the East area of the County (Pleasanton, Livermore and Dublin). Countywide just over half of adult persons utilizing services are males, and their mean age is 49 years, but women comprise the majority of service users in South, East, and Mid County, and service users are youngest in South County (mean age 43). Pleasanton, Livermore and Dublin are classified as the East area of Alameda County in the homeless count.

The study does not include a breakdown of the homeless population by jurisdiction, so the number for Pleasanton is estimated based on the City's share of the total East area population and the unsheltered homeless. A range in homeless need is provided to also account for Hidden Homeless persons. Since about 35% of the population in the East area of Alameda County resides in Pleasanton, the range in homeless needs for Pleasanton is for sufficient beds to accommodate 24 to 51 persons. Surveys have not been done to determine year-round need as compared to seasonal need. However, because the 2009 survey was completed in the winter in January 209, it is considered to represent peak need, when the demand for emergency shelters is highest.

Due to the complicated nature of homelessness, the provision of housing and services for homeless individuals and families is often approached on a regional or sub-regional basis. While Pleasanton does not currently have a homeless shelter located within its jurisdictional boundaries, the City has provided financing and similar assistance to homeless resources for many years. In 2002, the cities of Pleasanton, Livermore, and Dublin collaborated to secure a HUD Section 108 loan to acquire and rehabilitate the former Family Crisis Shelter in Livermore which was reopened as Sojourner House under the ownership of Tri-Valley Haven. Funding has been provided to several regional housing projects that benefit homeless and formerly homeless persons such as Bluebell transitional housing (Livermore), Carmen Avenue apartments (Livermore), and Lorenzo Creek (Castro Valley). Pleasanton also participates and/or provides funding to efforts such as EveryOne Home and HPRP (both described earlier).

Recently passed legislation, SB2 required, among other things, that jurisdictions allow emergency housing (homeless shelters) in at least one zone without discretionary review. Local governments may apply non-discretionary design review standards. The standards must "promote" the use and be objective and predictable. Currently, there are no emergency, transitional or supportive shelters in Pleasanton. Pleasanton is committed to expanding the resources for homeless individuals in the community, particularly the supply of permanent supportive housing. The City will also be amending the Zoning Ordinance to comply with SB2.

The potential areas of regulation are discussed in more detail below.

- **Development standards common to the zoning district.** The shelter may be subject to objective standards applied to other uses in the zone. For instance, FAR, setback, height, lot area, etc.

- **Maximum number of beds.** State law specifically allows jurisdictions to regulate the number of beds in an emergency shelter. At the same time, it says limits on the numbers of beds

must "facilitate," "promote," and "encourage" new emergency housing. Jurisdictions could choose a maximum facility size that is economically viable. For example, shelters in San Mateo County range from six beds to 87 beds, with the median number being 22. Alternately, a jurisdiction could set the maximum shelter size the same as their need. The challenge for jurisdictions will be to balance the part of the State law allowing a maximum on the number of beds versus the strict limits on standards.

- **Off-street parking based upon demonstrated need.** The standards may not require more parking for emergency shelters than for other residential or commercial uses within the same zone. Parking is needed for employees, volunteers/visitors and residents. Most homeless families will have a car while most homeless individuals will not. A rule of thumb used by some shelters is one car per family or .35 cars per individual bed, plus one parking spot per staff member on duty when residents are there (but less if on a major transit route). Homeless shelters that serve the chronically homeless or the mentally ill will have lower parking needs. As a comparison, available parking spaces for various emergency shelters are summarized below:
  - Crossroads (Oakland), 0.55 acres, 125 residents, 47 employees, 17 parking spaces
  - Family Emergency Center (San Rafael), 0.25 acres, 52 beds, 16 spaces
  - Mill Street Shelter (San Rafael), 0.33 acres, 40 beds, 10 spaces
  - Safe Harbor (South San Francisco), 90 beds, 24 spaces (parking lot is full at night)

- **Size and location of exterior and interior on-site waiting and client intake areas.** Most ordinances do not have minimum size requirements for waiting and client intake areas, but this is an important topic. In fact, according to the Center on Homelessness and other experts, a common design flaw in shelters is to have too little public/communal space or office space. Having adequate waiting/ communal/gathering areas will reduce the likelihood of loitering and smoking in the adjacent properties. Communal areas also give space for volunteers to stage and donations to be accepted and sorted. Office space should also be provided. In addition to shelter staff, partner organizations often use the office to provide services.

- **The provision of on-site management.** Most ordinances require on-site management when the shelter is open (i.e. has clients at the facility). There are many import topics to include in a management plan, including:
  - Client smoking areas and policies.
  - Volunteer and donation procedures.
  - Health and Safety plan including emergencies.
  - Neighborhood communication plan.
  - One tool useful tool for ensuring a thorough management plan is the Quality Assurance Standards recently produced by the HOPE Quality Improvement Work Group. This document describes both minimal and higher level (desirable) standards and procedures for all aspects of operating emergency, transitional and supportive housing.

- **The proximity to other emergency shelters.** State law puts the maximum distance at 300 feet apart. A typical standard is, "The proposed shelter must be more than 300 feet from any other shelters for the homeless."

- **The length of stay.** A standard definition is 30 or 60 days. Ordinances can allow a set length of time with an extension possible if there is no other housing available.

- **Lighting.** Many ordinances call for "adequate" lighting, but this may not meet the standard for objectivity as required by law. An alternate definition to consider is, "The lighting shall be sufficient to provide illumination and clear visibility to all outdoor areas, with minimal shadows or light leaving the property. The lighting shall be stationary, directed away from adjacent properties and public rights-of-way, and of intensity compatible/comparable with the neighborhood."

- **Security during hours that the emergency shelter is in operation**. Most shelters do not admit dangerous clients, will work to quickly to de-escalate potentially dangerous situations, and will call the police if a client poses a threat. Staff are usually told not to engage or restrain dangerous clients. Still, best practices call for shelters to have a security/emergency plan.

- **Non-discretionary design standards.** Traditionally, homeless shelters were seen as basic, utilitarian housing for the poor. They were often crowded and lacked basic design amenities. Recently, there has been an effort to raise the standards of homeless shelters to make them fit in better with the neighborhood and be more inspirational places for the clients. Some specific design guidelines include:
  - Shelters should have designated smoking areas not visible from the street, ideally outside.
  - There should be no space for outdoor congregating in front of the building and no outdoor public telephones.
  - There should be a refuse area screened from view.
  - The shelter should have access for persons with disabilities.
  - There should be bicycle parking.
  - Other design standards that apply to residential buildings.

Staff evaluated the City's Zoning Districts in regards to the appropriateness of locating one or more facilities for emergency housing, to accommodate the City's estimated need for 24 to 51 emergency shelter beds. After analyzing vacant and underutilized parcels, and considering other uses allowed in various zoning districts, it was determined that the City's Commercial Service District (C-S) would be most appropriate. The following use is currently allowed with a conditional use permit in this district: "Charitable institutions and operations, including but not limited to, lodging houses or dormitories providing temporary quarters for transient persons, organizations devoted to collecting or salvaging new or used materials, or organizations devoted principally to distributing food, clothing, and other supplies on a charitable basis and other similar charitable

operations." A zoning code amendment will be adopted to make shelters a permitted use, to satisfy the requirements of SB2.

Table II-1: Potential Emergency Housing Sites describes six sites within the C-S Commercial Service District that could accommodate an emergency shelter. The six sites are either vacant lands or currently developed with structures that could reasonably be converted to a shelter facility.

Each of the sites is within a half mile of retail services or other supporting services that occupants of the shelter could utilize or may have a need for, such as grocery stores, clinics/ hospitals, churches, schools, public transportation, etc. The surrounding uses are retail and auto service orientated businesses, and not heavy industrial operations. Additionally, staff considered the surrounding uses for the potential of employment opportunities for those shelter occupants pursuing employment.

As previously described in this section, the projected need for the City of Pleasanton is 24 to 51 emergency shelter beds. Staff contacted local shelters to obtain information on the number of beds, facility size, and lot sizes. This information yielded a base assumption of an appropriate Bed to Lot Ratio (BLR). The BLR is assumed at 1 bed per 600 square feet of site area[4].

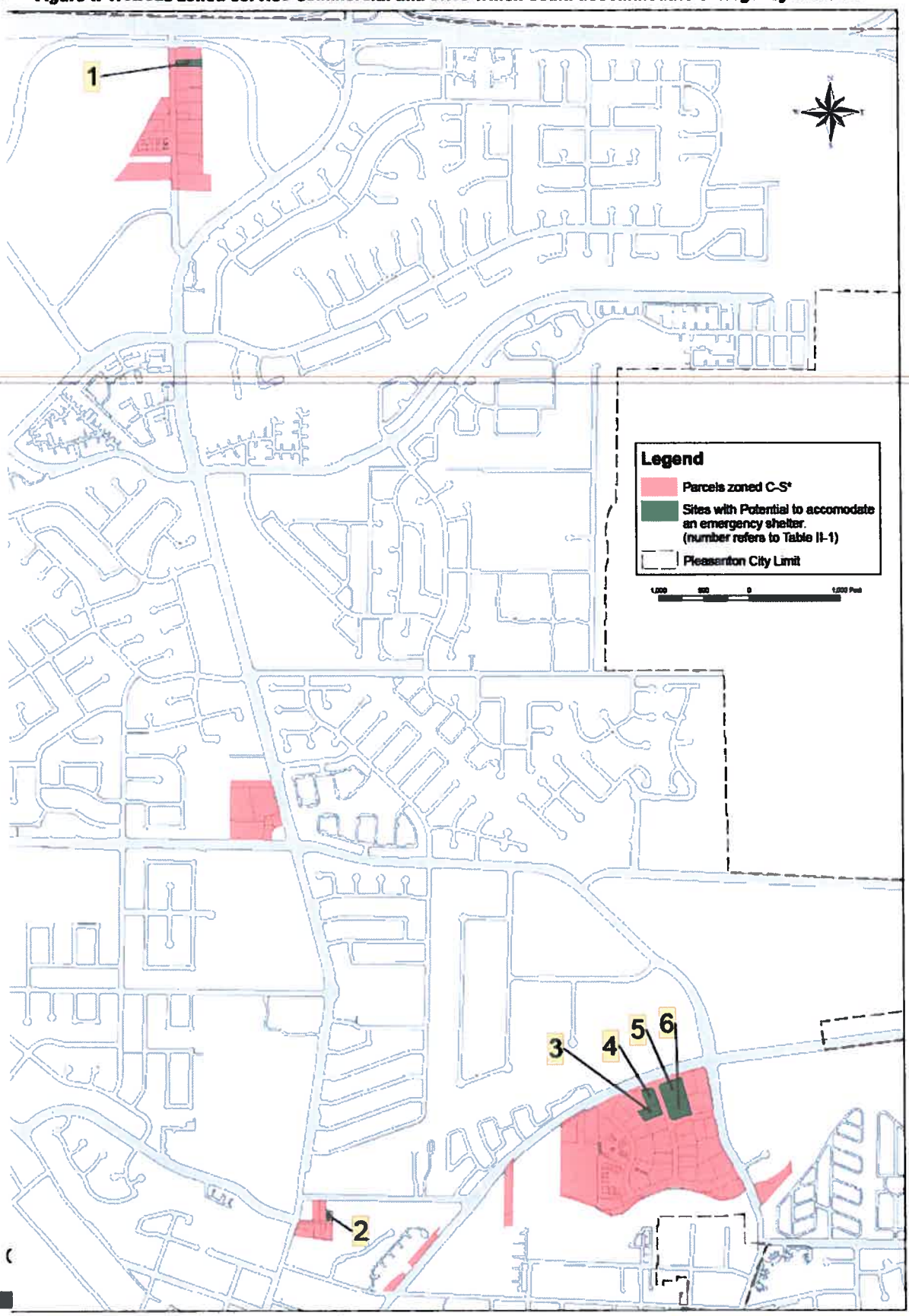
Based on the lot sizes of the parcels listed in Table II-1, staff estimates that five of the sites could be developed with sufficient capacity meet the City's needs individually (projected number of beds ranging from 37 to 93). Additionally, one site has an estimated capacity to off-set the need by approximately seven beds.

[4] The average BLR for the existing shelters was calculated at 350 square feet. However, the operator of the existing shelters commented that the sites needed to be bigger to better service the occupants. Therefore, staff adjusted the assumed BLR to 600 square feet to have a conservative base number.

Table II-1: Potential Emergency Housing Sites

MAP ID	Address	Street Name	APN	Zoning	Ord.	General Plan Land Use	Lot Size (AC)	Site Capacity (est. # of beds for the site @ 600 sq ft per bed)	Surrounding Uses	Current Use	Proximity Needed Services
1	3956	SANTA RITA RD	946 110000300	C-S	C-S uses	COMMERCIAL	0.51	37	Industrial, Auto services, Commercial/retail, Grocery store, Office, Freeway	Existing Houses	.5 miles to Wal-Mart shopping center
2		VERVAIS AVE	946 169100700	C-S	C-S uses	COMMERCIAL	0.10	7	car wash, park, bank, MH park, commercial, retail	vacant	0 miles
3	19	WYOMING ST	946 454200300	PUD-C	.1010-C-S uses	COMMERCIAL	0.66	48	Office, Vet, Auto service, auto part sales, auto paint shop, auto body repair, equip. rental, vacant lands, restaurants, gas station, retail, church	Vacant	.46 miles to Oakhills Shopping Center
4	3	WYOMING ST	946 454200200	PUD-C	.1010-C-S uses	COMMERCIAL	0.63	45	Office, Vet, Auto service, auto part sales, auto paint shop, auto body repair, equip. rental, vacant lands, restaurants, gas station, retail, church	Vacant	.46 miles to Oakhills Shopping Center
5		STANLEY BLVD	946 454204202	PUD-C	.1010-C-S uses	COMMERCIAL	1.28	93	Office, Vet, Auto service, auto part sales, auto paint shop, auto body repair, equip. rental, vacant lands, restaurants, gas station, retail, church	Vacant	.46 miles to Oakhills Shopping Center
6	3595	UTAH ST	946 454202201	PUD-C	.1010-C-S uses	COMMERCIAL	1.17	85	Office, Vet, Auto service, auto part sales, auto paint shop, auto body repair, equip. rental, vacant lands, restaurants, gas station, retail, church	Vacant	.46 miles to Oakhills Shopping Center

Figure II-1: Areas zoned service commercial and sites which could accommodate emergency shelters*



*** Land use sites zoned PUD which refer to the Service Commercial zoning district uses**

the-job training were recommended. Others recommended increasing adult education programming at the adult schools. Other suggestions included local employment requirements for city contracts.

Homelessness

> *"We don't have many shelters for men in the Tri-Valley area. [Most of] the shelters that we have only accept women or women with children; they deal with a lot of domestic violence. So for families, men would have to be separated from their families. Therefore, we have some families choosing to live in their cars, which is problematic." –Key Informant*

Key Findings

- Human service providers report an increase in Tri-Valley individuals and families seeking homeless and homeless prevention services.
- There are no year-round facilities that serve single men in Eastern Alameda County.
- Homeless families are disrupted due to a shortage of homeless family shelters that accept fathers and teenage sons.
- Recently homeless families and individuals have experienced stigma and lack of knowledge about available services and supports.
- The homeless and other indigent residents face long waiting lists for healthcare services and disproportionately use emergency medical services.

Community Issues

Homelessness and risk of homelessness is a growing concern in Eastern Alameda County. According to one provider, *"We have noticed a greater number of homeless people…We are getting complaints from our citizens about the increased number of homeless people that ask for money."* One Livermore service provider noted that the increase in homelessness is due to changing economic and social conditions, stating, *"The homeless person today has a different face. It is families who were foreclosed on or laid off, and it's happening more than people know. We need to make accommodations for them."* According to one homeless focus group participant, *"There are people who don't even know what's going on because they are new to being homeless. It's an epidemic, and cities are turning their heads."*

Housing security is impacted by a variety of factors, including market rents and access to living wages. Stakeholders emphasized the links between Tri-Valley homelessness and unemployment, particularly unemployment among those with lower educational attainment levels. They also emphasized the connection between homelessness and the shortage of affordable housing. Elaborating on the connection between these issues, one informant noted that, *"When you're under- or unemployed, housing is very difficult to maintain, and when you're homeless, it's difficult to find a job."*

Homelessness in the Tri-Valley, like many other areas, is highly stigmatized. One homeless resident described his experience with law enforcement: *"I got harassed by a cop, and was stereotyped for being a drug addict or mentally ill. That was such a terrible experience."* The focus group with homeless adults revealed the precarious position and lack of support for those who are most vulnerable. *"There was a*

homeless encampment [in Livermore] that got removed, but where are people going to go? Cops are giving tickets for sleeping in cars; if you're homeless how are you supposed to pay for it? You have no job. You get harassed, you get ticketed, you get a warrant, and you get thrown in jail."

Providers recognize not only the growing number of homeless individuals, often referred to as the "visible homeless", but also the growing number of homeless families. These families are described by informants as "invisible," doubling up in apartments, sleeping in vehicles or in family shelters. Many are recently homeless due to job loss, eviction or foreclosure; many are single women with children.

One recently homeless resident described her experience:

> *"I am married with three children. We are temporarily displaced, and homeless, and we've been doing everything to provide for our children, staying in hotels, making the most of the situation...We find ourselves choosing between food and hotel rooms. We can't rely on friends and family, I try to remain optimistic even though it's tough times. We now live out of our car."*

Homeless families described their fear of being forcibly separated. One family member noted, *"There are a lot of homeless families and they won't come out because they are afraid of having their children taken away from them."* Others fear separation due to the shortage of shelter beds for male family members. According to service providers, some transitional age youth in the Tri-Valley, including foster children, are at-risk of homelessness due to the lack of transitional support services. Others, according to one provider, are homeless because *"they get kicked out of their homes because they're too old, don't get along with families, etc."* Such observations are supported by demographic data that show a relative scarcity of transitional age youth in Dublin, Livermore and Pleasanton, which suggests that the Tri-Valley is not affordable to young people in transition.

Service Delivery Environment

There are several year-round homeless shelters in Eastern Alameda County. Shepard's Gate provides emergency shelter to women and their children. Tri-Valley Haven offers shelter to victims of domestic violence and other shelter services to families, including men and teenage boys, albeit to a limited degree. There are no year-round shelters for single men, although, Livermore Homeless Refuge, an organization consisting of volunteers from community and faith-based organizations provide emergency shelter when temperatures drop, as well as other critical services such as laundry and hot showers. Hot meals are also available, and described in greater detail in the section on Food Security and Nutrition.

The HOPE van is a mobile clinic-based medical service program that serves the homeless in Eastern Alameda County. According to one homeless resident, *"The HOPE Van is very strict about giving services to those that are only homeless. If you mention you stayed at someone's house they won't serve you. They provide dental care sometimes."*

Gaps and Barriers

The most widely recognized gap in homeless services has to do with the shortage of services for single men and men with families. One single homeless resident of the Tri-Valley stated, *"Many of us are law abiding citizens. We have nowhere to go in this area."* A service provider stated, *"Our major concern is*

shelters, because many will not take males over the age of five. We don't agree with this practice. We need more shelters that accept families."

Another recognized gap in homeless service provision is timely healthcare access. According to one provider, *"It can take up to two months for them to get an appointment at Axis Community Health to see a doctor. Homeless people tend to go to urgent care or emergency rooms, which is not very cost effective for the health system. This is the same for dental care."* Other basic needs service gaps include:

- Safe locations to sleep in vehicles: *"A lot of people used to park at Wal-Mart at night, but it's not allowed anymore"*;
- Drinking fountains, which one homeless resident reports are turned off at night; and
- Cooking facilities, laundry facilities, restrooms, and showers.

Repeatedly, Stakeholders brought up the issue of service coordination, community outreach and provider education, particularly in regards to the changing demographics of homelessness. One stakeholder suggested, in reference to the growing need for family shelters, that *"they are going to have to adjust some of the regulations or make shelters specific to these people that are not served or are underserved."* Another interviewee admitted that 211 is not sufficient to meet the needs of *"new middle class families who have never had to deal with social services."* Some social service providers, according to colleagues and the homeless, lack knowledge about homelessness and are influenced by the same social stigma as the community at large. One resident described her experience, saying, *"My experience with social workers was not positive; they asked me very personal and insensitive questions. My experience the first time I was in a shelter alone with my teenage girls, I was a bit scared. We were put in a room with a lot of unstable people."* The social stigma associated with homelessness creates a unique barrier to service provision. Several interviewees explained the community belief that homeless services attract more homeless people to the Tri-Valley. Such hypotheses, whether validated or not, challenge the willingness of public servants, policymakers and advocates to support increased services for this vulnerable population.

Suggestions for Improvement

Stakeholders recommended a variety of strategies for improving homeless services,[11] including:

- Increase the variety of housing options and services for homeless in the area;
- Supporting advocacy and legal aid for the homeless;
- Allowing fathers and teenage sons into homeless family shelters; and
- Increasing access to kitchens and showers.

During a Dublin community meeting, participants discussed providing a sanctioned space for the homeless to camp or park automobiles and RVs. Focus group participants stated that Dublin, Livermore and Pleasanton had sufficient vacant land for such purposes, and many homeless people would be willing to help with maintenance and coordination. One model is in Washington State. In 2010, the Washington Legislature passed a law authorizing religious organizations to host temporary homeless

[11] Preventing homelessness and housing security is addressed in the section on Affordable Housing.

encampments, specifically on property owned or controlled by a religious organization. Local jurisdictions may only intervene in ensuring public health.[12] One such tent city in Kings County provides space for up to 100 homeless residents. The space has a code of conduct and managers for the space.[13] A similar program – Pinellas Hope, a program of Catholic Charities Diocese of St. Petersburg, Florida – set up a tent encampment on church land in 2007. The space has since expanded and now includes a community center, kitchen, meeting rooms, a covered dining area and 80 apartments for transitional housing.[14]

Other Tri-Valley residents suggested that to address the root causes and long-term implications of homelessness, civic leaders, law enforcement, community and faith-based organizations, business leaders and service providers need to collaborate to address stigma. *"[The community] needs to understand that we do have homelessness in the Tri-Valley area and be open to working with other collaborators and building partnerships to help improve this issue."* Several models for this type of multi-organizational partnership exist. Using a public health model, the city of Concord, California, formed the Monument Corridor Partnership to address the needs of residents in one low income neighborhood. Police, neighbors, advocates, housing providers, healthcare providers and city officials met together on an ongoing basis to strategically address community needs. Such partnerships would need to include representation from homeless individuals and families, according to one homeless resident, *"so we can have representation in policy, votes, etc."*

In Los Angeles, The Skid Row Families Demonstration Project executed by the non-profit agency Beyond Shelter was facilitated through a partnership with the County Departments of Children and Family Services (DCFS), Public Social Services (DPSS), Mental Health (DMH), Health Services (DHS), and Public Health (DPH), and the Housing Authorities, city of Los Angeles (HACLA) and County of Los Angeles (HACoLA).Using a rapid re-housing model, the project succeeded in placing 82% of residents in permanent housing.[15]

In Miami-Dade County, The Miami-Dade County Community Homeless Plan has been identified as a national model. The Community Partnership for Homeless is a private-public partnership that is funded largely by the one percent sales tax on food and beverages. The partnership operates two homeless shelters, and has been successfully transitioning people out of homelessness for over ten years.[16]

One focus group participant suggested that raising awareness and working to reduce stigma could result in a citizens' initiative: *"Between the three cities, there should be a tax, like a $1 per household that goes toward a homeless fund. But my reservation is that if a government manages this it will go to waste."* There are examples of tax-based strategies; in Kalamazoo, Michigan, the County Legislature is currently reviewing a proposed property tax increase that is expected to generate $2.7 million annually over six years for a "Local Housing Assistance Fund." In the proposed bill, $1.49 million per year would be

[12] http://www.mrsc.org/Subjects/Housing/tentcity/tentcity.aspx#Leg
[13] http://seattletimes.nwsource.com/html/localnews/2003566787_homeless11m0.html
[14] http://home.catholicweb.com/pinellashope/
[15] http://www.beyondshelter.org/aaa_programs/demonstration_projects.shtml
[16] http://www.cphi.org/about_history.asp

allocated to providing rent subsidies for 222 residents at risk of homelessness. Other funds would be used for homeless prevention, renovation of homes to be converted into affordable units, and to help those with temporary, emergency housing payments.[17]

Transportation Services and Access

> *"If someone in Livermore has mental illness and they want to get involved, all of our meetings, even consumer meetings, are in Oakland. Everything is in Oakland." –Key Informant*

Key Findings

- Frequent, affordable, and reliable transit networks connecting commercial, government and residential centers are fundamental to effective service delivery in the Tri-Valley.
- Reductions in public transportation, including elimination of subsidies for low income and vulnerable populations, impede access to most other human services available to those in the Tri-Valley.
- Seniors and the disabled rely heavily on downtown bus services and subsidized taxi services.
- Transportation networks between Eastern Alameda County and other population centers is not well-coordinated, which results in extended trips for critical human services that are not available locally.

Community Issues

Survey, key informant and focus group data all reveal that transportation issues, including cost and trip duration, are major impediments to effective human service delivery in the Tri-Valley. One public official summarized the impact of transportation issues on low income residents:

> *"It is difficult for people to get to where the services are. Many of them don't have a car, they count on public transportation, which can be a long trip and expensive. It is expensive to go on BART to Oakland. So people who are already facing challenges are further challenged by this barrier. Anything that makes getting services more difficult is one less chance that someone will [get the help they need]."*

A variety of geographic factors contribute to the problem. Eastern Alameda County is a fairly large area; the population is less dense than other parts of the County; there are smaller pockets of low income residents spread out over greater distance; and many crucial services are located outside the Tri-Valley, and require not only transfers along multiple routes, but also across multiple agencies. Stakeholders reported that the following critical services used by Tri-Valley residents are located outside of Dublin, Livermore and Pleasanton: specialty medical care and affordable dentistry; emergency medical care; behavioral health in-patient services and medication management; homeless and family court; day laborer services; adult day care; and supportive housing. Transit access has perhaps the greatest impact on seniors and the disabled. According to one senior focus group participant, *"Transportation is*

[17] http://www.mlive.com/news/kalamazoo/index.ssf/2011/06/group_wants_voters_to_approve.html

RM Multi-Family Residential Zones

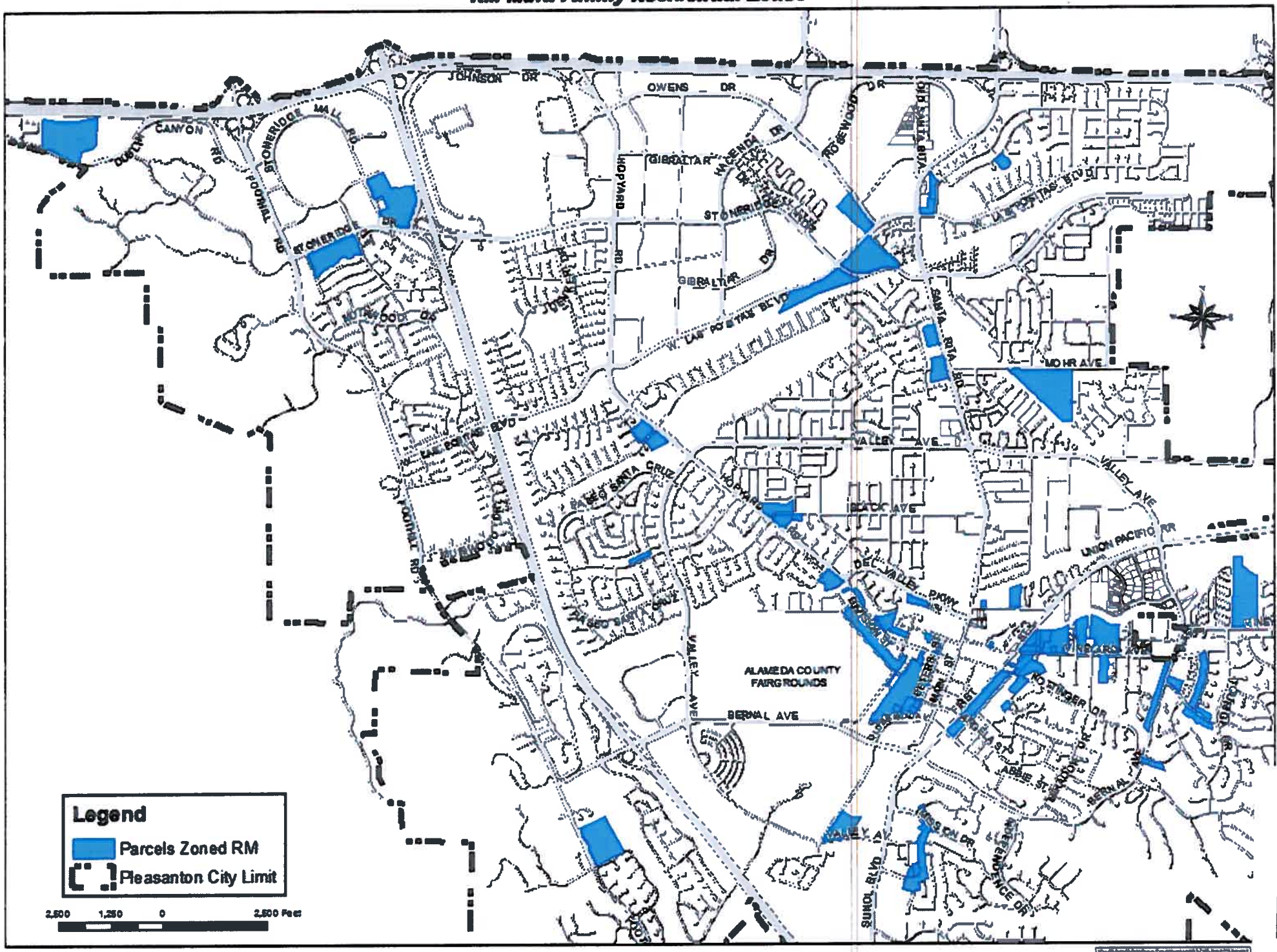


EXHIBIT E

C-S Service Commercial and C-C Central Commercial Zones

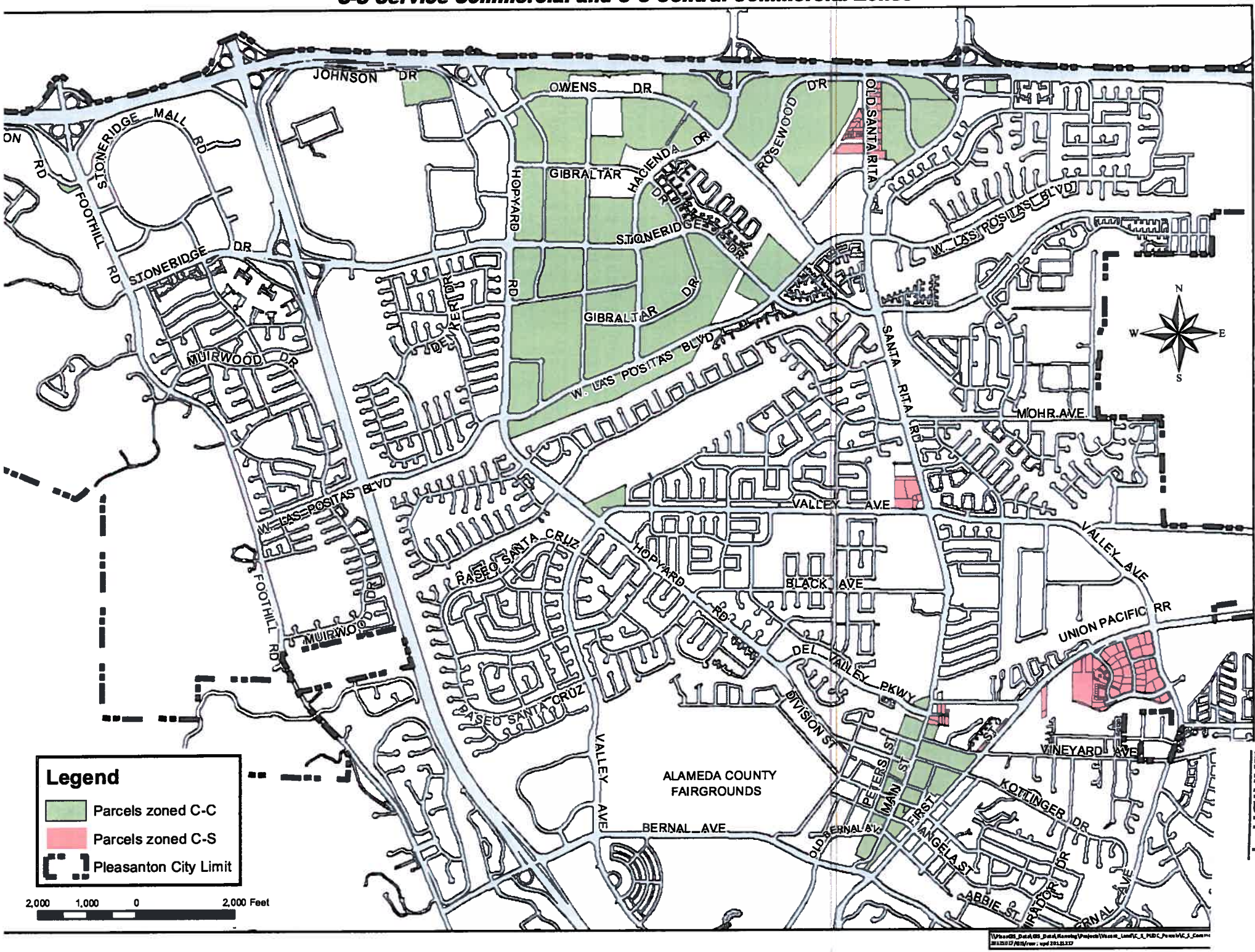


EXHIBIT F

Proposed SF Service Facilities Overlay District

EXHIBIT G

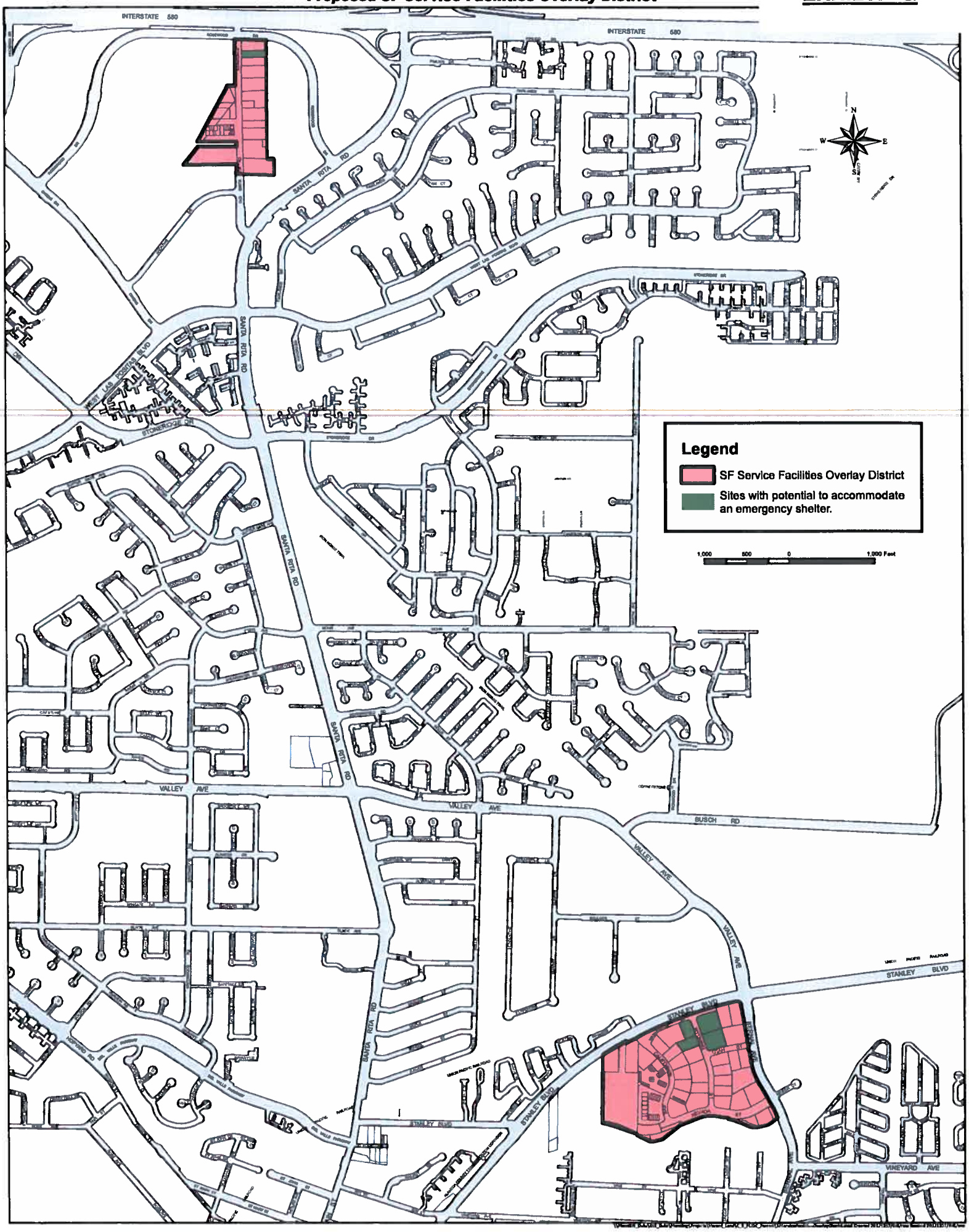


EXHIBIT H

January 10, 2013

NOTICE OF ZONING CHANGE

Dear Property Owner:

The City of Pleasanton is considering a change in the regulations that govern the zoning of property in the two areas shown on the attached map, Exhibit A. City records show that you or your organization own property within these areas. This letter is to inform you of the change being proposed and to offer you an opportunity to make comments or ask questions before the amendment to the zoning regulations is finalized. The proposed change will not obligate you to take any action, nor will it reduce your property rights.

Purpose of the zoning amendment

This zoning change is responding to a state law intended to address the broad need for shelters for homeless individuals and families. The state law requires that cities and counties in California that are affected by homelessness make it easier for homeless shelters to get zoning approval. This is to be done by identifying at least one zone in which homeless shelters may be developed without the need for a conditional use permit or other discretionary action by cities and counties.

To comply with the state law, the City is proposing that a new overlay zone (S-F Service Facilities Overlay District) be applied to the two areas shown on the map, currently zoned C-S Service Commercial District. The C-S zone will remain as the base zone. Within this proposed overlay zone, if any person or organization proposes to develop a homeless shelter, it is to be permitted by the City without the need for a conditional use permit provided certain standards are met. All of the current C-S zoning regulations will remain the same.

If you believe that your property is not located within the proposed overlay district shown on the map and you have received this notice in error, you may disregard this letter.

How the proposed amendment will affect your property

The change in zoning will make it easier to establish a homeless shelter on a property within the S-F overlay district. Unless you are considering developing a homeless shelter, the proposed amendment will not affect your property.

Currently for C-S-zoned properties there are dozens of types of businesses and other activities that may be

established without the need for the owner to obtain a conditional use permit from the City. There are also dozens of types of businesses or activities that, because of their nature or potential impacts on the surroundings, do require City review and approval of a conditional use permit. The change under consideration is that if a "homeless shelter" is proposed within the S-F overlay district, and if it meets the specific development standards, it will be permitted without a conditional use permit. The development standards for homeless shelters will address such things as the maximum number of people, how long they can stay, what facilities may be provided and how the facilities are managed.

If this zoning change is approved any proposal to establish a homeless shelter would still need zoning clearance from the City to verify that it is in compliance with zoning regulations and the new development standards. However, the application process would be simplified and less costly than a conditional use permit. The proposed change will not affect the requirements for building permits. All new buildings and construction projects require building permits.

As is now the case, any person or organization wishing to develop a homeless shelter or any other business or activity would first need to either own the property or have formal agreement with the property owner. Homeless shelters are typically owned and operated by non-profit agencies or charitable organizations.

Questions? Comments?

This matter is scheduled for a public hearing and review by Pleasanton's Planning Commission on Wednesday, January 23, 2013, at 7:00 p.m. in the City Council Chambers at 200 Old Bernal Avenue. You are welcome to attend and provide comments. Written comments may be mailed to me at the above address or emailed to **jstern@cityofpleasantonca.gov**. If you have questions you may contact me by phone at **(925) 931-5606.** After the Planning Commission completes their review the proposal will need review and approval by the City Council.

Sincerely,

Janice Stern
Planning Manager

Attachment:

Exhibit A: Map of proposed S-F Service Facilities Overlay District