



City of Los Banos

At the Crossroads of California

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AGENDA

PLANNING COMMISSION

CITY HALL COUNCIL CHAMBERS
520 J Street
Los Banos, California

WEDNESDAY, FEBRUARY 26, 2020

If you require special assistance to attend or participate in this meeting, please call the Planning Secretary @ (209) 827-7000 ext. 2431 at least 48 hours prior to the meeting.

The City of Los Banos complies with the Americans with Disabilities Act (ADA) of 1990.

Si requiere asistencia especial para atender o participar en esta junta por favor llame a la oficina de la Secretaria del Departamento de Planificación al (209) 827-7000 ext. 2431 a lo menos de 48 horas previas de la junta.

La Ciudad de Los Banos cumple con la Acta de Americanos con Deshabilidad (ADA) de 1990.

Any writings or documents provided to a majority of the Planning Commission regarding any item on this agenda will be made available for public inspection at the meeting and in the Community & Economic Development Department's office located at City Hall, 520 J Street, Los Banos, California during normal business hours.

In addition, such writings and documents may be posted on the City's website at www.losbanos.org.

Cualquier escritura o los documentos proporcionaron a una mayoría del Comisión de Planificación con respecto a cualquier artículo en este orden del día será hecho disponible para la inspección pública en la reunión y en la oficina del Departamento de Comunidad y Desarrollo Economico del City Hall, 520 J Street, Los Banos, California durante horas de oficina normales.

Además, tales escrituras y los documentos pueden ser anunciados en el website de la Ciudad en www.losbanos.org.

1. CALL TO ORDER **7:00 PM**
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL: (Planning Commission Members)
Cates __, Higby __, Robinson __, Toscano __, Uhley __

4. REORGANIZATION OF PLANNING COMMISSION – SELECTION OF NEW CHAIRPERSON AND VICE CHAIRPERSON

Recommendation: Selections made by the consensus of the Planning Commission.

5. APPROVAL OF AGENDA

Recommendation: Approve the agenda as submitted.

6. CONSIDERATION OF APPROVAL OF THE ACTION MINUTES FOR THE REGULAR PLANNING COMMISSION MEETING OF JANUARY 8, 2020

Recommendation: Approve the minutes as submitted.

7. PUBLIC FORUM: Members of the public may address the Commission on any item of public interest that is within the jurisdiction of the Commission, including agenda and non-agenda items. No action will be taken on non-agenda items. Speakers are limited to a five (5) minute presentation.

8. PUBLIC HEARINGS: If You Challenge the Proposed Action as Described herein in Court, You May Be Limited to Raising Only Those Issues You or Someone Else Raised at the Public Hearing Described herein, or in Written Correspondence, Delivered to the City at, or Prior to, the Public Hearing.

A. Public Hearing – To Consider a Categorical Exemption from the California Environmental Quality Act (CEQA) Pursuant to Section 15303 (New Construction or Conversion of Small Structures) and Approving Site Plan Review #2019-04 for the Development of an Unmanned Telecommunications Facility which Includes One (1) 70' Tall Disguised Monopole and Various Ground Equipment Including Perimeter Fencing of a 600 Square Foot Portion of Leased Private Property within the General Industrial Zoning District Located at 220 Willmott Avenue, More Specifically Identified as Assessor's Parcel Number: 081-110-055.

1) Planning Commission Resolution No. 2020-05 – Approving a Categorical Exemption from the California Environmental Quality Act (CEQA) Pursuant to Section 15303 (New Construction or Conversion of Small Structures) and Approving Site Plan Review #2019-04 for the Development of an Unmanned Telecommunications Facility which Includes One (1) 70' Tall Disguised Monopole and Various Ground Equipment to Be Fenced within a 600 Square Foot Portion of Leased Private Property within the General-Industrial Zoning District Located at 220 Willmott Avenue, More Specifically Identified as Assessor's Parcel Number: 081-110-055.

Recommendation: Receive staff report, open the public hearing, receive public comment, close the public hearing, and adopt the resolution as submitted.

B. Public Hearing – To Consider a Statutory Exemption from the California Environmental Quality Act (CEQA) Pursuant to Section 15061(b)(3) (General Rule) and to Consider a Recommendation to the Los Banos City Council to Add Article 46 to Chapter 3 of Title 9 of the Los Banos Municipal Code Relating to Reasonable Accommodation.

- 1) Planning Commission Resolution No. 2020-04 – Recommending to the City Council Adoption of an Ordinance of the City Council of the City of Los Banos Adding Article 46 to Chapter 3 of Title 9 of the Los Banos Municipal Code Relating to Reasonable Accommodation.

Recommendation: Receive staff report, open the public hearing, receive public comment, close the public hearing, and adopt the resolution as submitted.

C. Public Hearing – To Consider a Statutory Exemption from the California Environmental Quality Act (CEQA) Pursuant to Section 15061(b)(3) (General Rule) and to Consider a Recommendation to the Los Banos City Council to Amend Chapter 3 of Title 9 of the Municipal Code as it Relates to Removing Barriers for Development of Supportive and Transitional Housing, Emergency Shelters, and Single Room Occupancies in Accordance with State Housing Element Law.

- 1) Planning Commission Resolution No. 2020-06 – Recommending to the City Council Adoption of an Ordinance of the City Council of the City of Los Banos Amending Title 9 Chapter 3 of the Los Banos Municipal Code Regarding Emergency Shelters, Supportive and Transitional Housing, and Single Room Occupancy Units.

Recommendation: Receive staff report, open the public hearing, receive public comment, close the public hearing, and adopt the resolution as submitted.

9. DESIGN REVIEW STUDY SESSION – DEVELOPMENT OF TWO (2) COMMERCIAL STRUCTURES TOTALING 3,300 SQUARE FEET LOCATED WITHIN THE HIGHWAY-COMMERCIAL ZONING DISTRICT AT 1420 E. PACHECO BLVD., MORE SPECIFICALLY IDENTIFIED AS ASSESSOR'S PARCEL NUMBER: 428-140-030.

Recommendation: Receive staff analysis and provide initial feedback to the applicant.

10. CONSIDERATION OF APPOINTMENT OF A PLANNING COMMISSIONER AND AN ALTERNATE TO THE TRAFFIC SAFETY COMMITTEE

Recommendation: Select a Planning Commissioner and an alternate.

11. COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT REPORT

12. COMMISSIONER REPORTS

- A. Cates
- B. Higby
- C. Robinson
- D. Toscano
- E. Uhley

13. ADJOURNMENT.

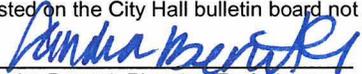
APPEAL RIGHTS AND FILING PROCEDURES

Any person dissatisfied with an act or determination of the Planning Commission may appeal such act or determination to the Planning Commission by filing written notice with the Planning Commission Secretary not later than five (5) business days (excluding holidays) after the day on which the act or determination was made. An appeal must state the act or determination which is being appealed, the identity of the applicant and his/her interest in the matter, and set forth in concise statement(s) the reasons which render the Commission's decision unjustified or inappropriate. (Los Banos Municipal Code Section 9-3.2326)

Concerning an action taken by the Planning Commission related to Chapter 2 Articles 1 through 17 of the Los Banos Municipal Code "Subdivisions", if a subdivider or other affected property owner is dissatisfied with any action of the Commission with respect to a tentative map or the nature and extent of improvements recommended or required he/she may within fifteen (15) days after such action appeal to the Planning Commission Secretary for a public hearing on the matter. An appeal must state the action being appealed, identify the agenda item by agency number or project title, and set forth in concise statement(s) the reasons for the appeal. (Los Banos Municipal Code Sections 9-2.807)

Appeals must be in writing and include the appellant's name and address and original signature. A filing fee of \$150.00 must accompany the notice of appeal.

I hereby certify under penalty of perjury under the laws of the State of California that the foregoing agenda was posted on the City Hall bulletin board not less than 72 hours prior to the meeting.


Sandra Benetti, Planning Technician

Dated this 21st day of February 2020

**CITY OF LOS BANOS
PLANNING COMMISSION MEETING MINUTES
JANUARY 8, 2020**

ACTION MINUTES – These minutes are prepared to depict action taken for agenda items presented to the Planning Commission. For greater detail of this meeting refer to the electronic media (CD and/or audio) kept as a permanent record.

CALL TO ORDER: Chairperson Cates called the Planning Commission Meeting to order at the hour of 7:00 p.m.

PLEDGE OF ALLEGIANCE: The pledge of allegiance was led by Commissioner Higby.

ROLL CALL – MEMBERS OF THE PLANNING COMMISSION PRESENT: Planning Commission Members John Cates, Thomas Higby III, Susan Toscano, and Katherine Uhley.

STAFF MEMBERS PRESENT: Community & Economic Development Director Stacy Elms, Associate Planner Rudy Luquin, and Planning Technician Sandra Benetti.

CONSIDERATION OF APPROVAL OF AGENDA. Motion by Higby, seconded by Uhley to approve the agenda with the removal of Item 7A Public Hearing – To Consider a Categorical Exemption from the California Environmental Quality Act (CEQA) and Mobile Food Vendor Permit #2019-08 to Allow the Operation of a Mobile Food Vending Vehicle on Private Property for Kenneth Lambert DBA Biggins Texas BBQ Located within the Highway-Commercial Zoning District at 1155 East Pacheco Boulevard, More Specifically Identified as Assessor's Parcel Number: 026-280-007. The motion carried by the affirmative action of all Planning Commission Members present.

CONSIDERATION OF APPROVAL OF THE ACTION MINUTES FOR THE REGULAR PLANNING COMMISSION MEETING OF DECEMBER 11, 2019. Motion by Toscano, seconded by Uhley to approve the minutes as submitted. The motion carried by the affirmative action of all Planning Commission Members present.

PUBLIC FORUM: MEMBERS OF THE PUBLIC MAY ADDRESS THE PLANNING COMMISSION MEMBERS ON ANY ITEM OF PUBLIC INTEREST THAT IS WITHIN THE JURISDICTION OF THE CITY; INCLUDES AGENDA AND NON-AGENDA ITEMS. NO ACTION WILL BE TAKEN ON NON-AGENDA ITEMS. SPEAKERS ARE LIMITED TO A FIVE (5) MINUTE PRESENTATION. DETAILED GUIDELINES ARE POSTED ON THE COUNCIL CHAMBER INFORMATIONAL TABLE.

Chairperson Cates opened the public forum. KENNETH LAMBERT, Biggins Texas BBQ, spoke regarding his decision to withdraw his application for the Mobile Food Vendor Permit for this particular location based on comments he received from concerned neighbors.

No one else came forward to speak and the public forum was closed.

PUBLIC HEARING – TO CONSIDER A CATEGORICAL EXEMPTION FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) AND MOBILE FOOD VENDOR PERMIT #2019-08 TO ALLOW THE OPERATION OF A MOBILE FOOD VENDING VEHICLE ON PRIVATE PROPERTY FOR KENNETH LAMBERT DBA BIGGINS TEXAS BBQ LOCATED WITHIN THE HIGHWAY-COMMERCIAL ZONING DISTRICT AT 1155 EAST PACHECO BOULEVARD, MORE SPECIFICALLY IDENTIFIED AS ASSESSOR’S PARCEL NUMBER: 026-280-007.

PUBLIC HEARING – TO CONSIDER A CATEGORICAL EXEMPTION FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) AND MOBILE FOOD VENDOR PERMIT #2019-09 TO ALLOW THE OPERATION OF A MOBILE FOOD VENDING VEHICLE ON PRIVATE PROPERTY FOR JAIDEL PEREZ DBA EL GRULLENSE JAL #6 LOCATED WITHIN THE HIGHWAY-COMMERCIAL ZONING DISTRICT AT 923 WEST PACHECO BOULEVARD, MORE SPECIFICALLY IDENTIFIED AS ASSESSOR’S PARCEL NUMBER: 431-020-002. Associate Planner Luquin presented the staff report, which included a PowerPoint presentation.

Commissioner Uhley stated that this is her first time dealing with this type of permit, usually these units are mobile and moving, and inquired if this is something we will see regularly.

Associate Planner Luquin responded that the City’s code allows two types of mobile vending, stated that in order to operate by moving continually, the vendor is limited to how long they can stay in one place and how far they need to move as well as how many times they can visit the same location in one day, and the City allows vendors to operate stationary at an existing commercial use on private property at a fixed location.

Community & Economic Development Director Elms stated that the mobile food vendor ordinance was revised a couple years ago due to new state legislation and the City had to remove certain prohibitions to be in compliance with state law.

Chairperson Cates opened the public hearing. KATHY BALLARD, Los Banos, spoke of her concern regarding competition for brick and mortar businesses, her concern regarding La Esperanza’s lunch counter being affected by this mobile food vendor business located nearby, how this will hurt the brick and mortar business, and how she had let staff at La Esperanza know that this was coming forward.

Chairperson Cates inquired if La Esperanza was notified of the public hearing.

Community & Economic Development Director Elms responded that this operation is located on the same parcel and the property owner is sent the public hearing notice so it’s something he would have to consider, the focus of Planning Commission isn’t a

finding, there has to be findings with the conditions, and the state doesn't allow you to consider this when approving or denying the permit.

No one else came forward to speak and the public hearing was closed.

Motion by Higby, seconded by Cates to adopt Planning Commission Resolution No. 2020-03 – Approving the Project to be Categorically Exempt from the California Environmental Quality Act Pursuant to Section 15311, Accessory Structures, and Approving Mobile Food Vendor Permit #2019-09 for the Operation of a Mobile Food Vending Unit to Vend on Private Commercial Property Located at 923 West Pacheco Boulevard, Assessor's Parcel Number: 431-020-002. The motion carried by the affirmative action of all Planning Commission Members present.

PUBLIC HEARING – TO CONSIDER A CATEGORICAL EXEMPTION FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO SECTION 15301, EXISTING FACILITIES, AND COTTAGE FOOD OPERATION PERMIT #2019-01 FOR JENNY BRANNON AT 169 CHARDONNAY STREET, MORE SPECIFICALLY IDENTIFIED AS ASSESSOR'S PARCEL NUMBER: 082-581-013. Associate Planner Luquin presented the staff report, which included a PowerPoint presentation.

Commissioner Higby inquired if the applicant will be selling from this property.

Associate Planner Luquin responded that the applicant is allowed to sell from the property but has proposed to make deliveries.

Chairperson Cates opened the public hearing. CHARLENE BOHANAN, Los Banos, stated that she is a resident on this same street, spoke of her concern regarding parking and cooking times, works late nights, doesn't want to smell certain fragrances at night, concerned about times when customers will be visiting the property, and stated that she spoke with Associate Planner Luquin regarding her concerns last week.

Community & Economic Development Director Elms stated that the code restricts when deliveries can be done, how this is state legislated as well, the state prohibits cities from denying the use but cities can add conditions.

Associate Planner Luquin stated that customers cannot visit the home after 7:00 p.m. and cook times will be based on number of orders taken.

Jenny Brannon, Los Banos, stated that she will be delivering from 8:00 a.m. to 5:00 p.m.

No one else came forward to speak and the public hearing was closed.

Motion by Uhley, seconded by Higby to adopt Planning Commission Resolution No. 2020-01 – Approving Cottage Food Operation Permit #2019-01 for 169 Chardonnay

Street, More Specifically Identified as Assessor's Parcel Number: 082-581-013. The motion carried by the affirmative action of all Planning Commission Members present.

DESIGN REVIEW STUDY SESSION – DEVELOPMENT OF AN UNMANNED TELECOMMUNICATIONS FACILITY CONSISTING OF A 70' TALL MONOPOLE WITH ANTENNA EQUIPMENT LOCATED WITHIN THE GENERAL INDUSTRIAL ZONING DISTRICT AT 220 WILLMOTT AVENUE, MORE SPECIFICALLY IDENTIFIED AS ASSESSOR'S PARCEL NUMBER: 081-110-055. Associate Planner Luquin presented the staff report, which included a PowerPoint presentation.

BEN HACKSTEDDE, Sequoia Planning Services, stated he is a representative of Verizon Wireless and spoke of how they originally proposed this as a straight monopole and staff recommended a monopine instead.

Chairperson Cates commented that he likes the monopine look better, how it looks less like industrial, and his concern about security.

Mr. Hackstedde stated that someone will always be at this storage facility, this is locked from Verizon's standpoint, they are proposing a screened fence and can do a CMU wall if the Commission prefers.

Commissioner Uhley commented that she likes the monopine look as well and inquired about the type of coverage.

Mr. Hackstedde stated that it would provide similar to a 4G service.

Commissioner Toscano left her seat at the dais at 7:43 p.m.

Feedback given to applicant only, no action taken.

COMMUNITY & ECONOMIC DEVELOPMENT DIRECTOR REPORT.

Community & Economic Development Director Elms reported that staff will be reaching out to the Planning Commission regarding upcoming Planning Commissioner Academy which will be in Sacramento in March, Merced County and the cities within Merced County are working together to create a Planning Commission Institute that would meet quarterly for four hours, hopefully will have more information in the next couple months, and we will have a new Planning Commissioner appointed in District 2 on January 15, 2020.

Toscano returned to her seat at the dais at 7:48 p.m.

PLANNING COMMISSION MEMBER REPORTS.

CATES: Wished everyone a happy New Year and thanked staff and the public for their input and involvement.

HIGBY: Wished everyone a happy New Year.

TOSCANO: No Report.

UHLEY: No report.

ADJOURNMENT: The meeting was adjourned at the hour of 7:49 p.m.

APPROVED:

John Cates, Chairperson

ATTEST:

Sandra Benetti, Planning Technician



City of
Los Banos
At the Crossroads of California

PLANNING COMMISSION STAFF REPORT

TO: CHAIRMAN CATES AND PLANNING COMMISSIONERS

FROM: RUDY LUQUIN, ASSOCIATE PLANNER 

FOR: FEBRUARY 26, 2020

SUBJECT: SITE PLAN REVIEW #2019-04 – VERIZON WIRELESS- SEQUOIA DEPLOYMENT SERVICES

RECOMMENDATIONS:

Staff requests that the Planning Commission open the public hearing, receive public comment, and consider the following actions:

1. Approve Resolution No. 2020-05, approving a Categorical Exemption from the California Environmental Quality Act (CEQA) pursuant to Section 15303 (New Construction or Conversion of Small Structures) for Site Plan Review #2019-04 for the development of an unmanned telecommunications facility which includes one (1) 70' tall disguised monopole and various ground equipment to be fenced within a 600 square foot portion of leased private property within the General Industrial Zoning District located at 220 Willmott Avenue; more specifically identified as Assessor's Parcel Number 081-110-055.

PROJECT DESCRIPTION:

The City of Los Banos Community and Economic Development Department is in receipt of an application request for a Site Plan Review entitlement. The applicant, Verizon Wireless/ Sequoia Deployment Services are proposing the development of an unmanned telecommunications facility within the General Industrial Zoning District. The proposed project consists of telecommunications equipment such as two (2) HVAC units, a generator, transformers, teleco cabinets, and a seventy foot (70') tall monopole disguised as a tree with antenna equipment located at the top of the pole to be developed on a six hundred (600) square foot leased portion of improved private property located at 220 Willmott Avenue.

PROJECT LOCATION:

The project site is a 600 square foot portion of developed private property located within the General Industrial Zoning District located at 220 Willmott Avenue.



LAND USE:

Property	Land Use	Zone	General Plan
Project site	Industrial	I	I
North	Vacant	N/A	N/A
South	Industrial	I	I
East	Low Density Residential	R-1	LDR
West	Industrial	I	I

I = General Industrial
 R-1 = Low Density Residential

I = Industrial
 LDR= Low Density Residential

ENVIRONMENTAL ASSESSMENT:

Pursuant to the California Environmental Quality Act (CEQA) and the City of Los Banos

Environmental Quality Guidelines, an Initial Study was prepared to identify and assess potential environmental impacts as a result of this project. Through the Initial Study, staff determined that the project would not result in any significant adverse effects and the project can be categorically exempt pursuant to Section 15303, New Construction or Conversion of Small Structures in which the project and the projects components qualify as new construction of a small facility or structure.

PROJECT ANALYSIS:

Existing Setting

The proposed project site is a six hundred (600) square foot portion located at the north west corner of a developed and improved 5.5 acre parcel located at 220 Willmott Avenue. The project sites existing use is a Mini Storage facility with availability for recreational vehicle parking. The proposed project will utilize some of the existing recreational vehicle parking area. The project site is surrounded by existing urban development consisting of residential development on the east, industrial development to the west and south. The north is vacant and is presently out of the City of Los Banos City limits and within the jurisdiction of Merced County. As fore mentioned the project site is developed with existing improvements and pavement.

SITE PLAN REVIEW ANALYSIS:

Code Requirements

Pursuant to Section 9-3.2316(a) of the Los Banos Municipal Code, the Planning Commission shall review and evaluate a site plan for conformance with the applicable sections of the Code. Upon completion of the review and evaluation of a site plan review application, the Planning Commission shall either deny the site plan or shall grant or modify the site plan subject to reasonable conditions as may be imposed.

Project Design

The proposed project is for the development of an unmanned telecommunications facility on an improved and developed parcel. The specific project will be located on the north west corner of the parcel consisting of six hundred (600) square feet. The proposed project will consist of one (1) seventy foot (70') monopole with nine (9) six foot (6') panel antennas three (3) per sector with four (4) DC surge protectors, two (2) hybrid trunks, and nine (9) RRU's three (3) per sector all mounted behind the antennas. In addition at ground there will be one (1) GPS antenna, one (1) pad-mounted step down transformer, one (1) pad-mounted step-up transformer, one (1) pad-mounted 30KW backup generator, one (1) telco cabinet mounted to shelter, one (1) shelter mounted ILC panel, and (1) pad-mounted meter pedestal. As stated the project area will be located within the six hundred (600) square foot leased area and will be surrounded with an eight foot (8') tall chain link fence in which most of the ground equipment will be located within the specified equipment shelter. The pad-mounted 30KW backup generator, telco cabinet and transformer will be located on the outside of the shelter, yet within the suggested leased area with the chain link fencing perimeter.

The architecture includes detailed site plans and elevations. The proposed seventy foot (70') monopole will be disguised as a tree to maintain the existing residential character to the east.

Land Use

The land use designation for the project site is Industrial (I) accordance to the Los Banos 2030 General Plan and is zoned General Industrial (I) in consistency with the Los Banos Municipal Code. The proposed use is a permitted use within the General Industrial Zoning District. The proposed unmanned telecommunications facility is consistent with the Los Banos 2030 General Plan and Los Banos Municipal Code.

Landscape and Lighting

There is no landscaping proposed for the project.

Circulation

The proposed project will not have an impact on the existing circulation.

Infrastructure/Services

The proposed project will not have a necessity for the City provided utilities, although there are existing utilities for the existing Mini Storage Facility at the site.

Signage

No signs are being proposed as part of the project.

DESIGN REVIEW

Pursuant to Section 9-3.2818(a) of the Los Banos Municipal Code, the Los Banos Planning Commission held a study session on Wednesday, January 8, 2020, to provide the applicant with feedback early on in the design process. The Commission evaluated architectural elements, landscape and site treatment, and lighting elements as described in Section 9-3.2818(c) of the Los Banos Municipal Code.

The Planning Commission provided positive feedback on the proposed design submittal.

PROJECT REVIEW BOARD

The Project Review Board (PRB) reviewed the project proposal on February 4, 2020, for these aspects

- Building layout;
- Location;

- Orientation of all new and existing structures and the relationship to one another and surrounding properties
- Methods of landscape irrigation;
- Location and design of facilities for physically disabled persons;
- Location of fencing and other screening;
- Location and screening of refuse facilities;
- Traffic circulation on-site and off-site;
- Pedestrian and bicycle circulation and safety;
- Arrangement of off-street parking and loading facilities;
- Location and intensity of all onsite lighting; and
- Provision of municipal and public services.

The PRB has provided a positive recommendation for the development of the proposed project with conditions of approval incorporated into the project.

FINDINGS FOR APPROVAL:

The Planning Commission shall approve a Site Plan if it makes all of the following findings specified in the Municipal Code. The Planning Commission shall consider and evaluate those aspects of the project described in Section 9-3.2317(b) and 9-3.2318(c). In approving a site plan, the Planning Commission shall make the following findings before approving a site plan:

1. That the proposed development is consistent with the general plan, any specific plans, and any design standards adopted by the City Council.
 - a. *The General Plan land use designation for the project site is Industrial, which allows primary manufacturing, R&D, wholesale and warehouse distribution, agricultural sales and services, and similar activities including those with outdoor facilities. It also accommodates warehousing and distribution, with support commercial services and ancillary office space. No large-scale retail uses are allowed to minimize land-use conflicts and provide support for commercial areas.*

The following specific General Plan Goals, Objectives, and Policies are applicable to the proposed project:

LAND USE POLICY LU-G-1:

Promote a sustainable, balanced land use pattern that satisfies existing needs and safeguards future needs of the City.

LAND USE POLICY LU-G-13:

Foster high quality design and allow secondary uses in Employment Park and industrial areas if they can complement or enhance the primary use.

Evidence/Analysis: *The project is consistent with the General Plan Industrial land use designation. The proposed unmanned telecommunications facility would create a balanced land use pattern and fosters a use that complements the existing mini storage facility at the project site.*

- b. The zoning designation for the project site is General Industrial (I). The purpose of the General Industrial Zoning District is to provide a district exclusively for industrial development wherein manufacturing and other industries can locate and operate away from the restricting influences on nonindustrial uses while maintaining an environment free of offensive or objectionable noise, dust, odor, or other nuisances. The proposed development will be consistent with the zoning.*

Evidence/Analysis: *The proposed project is consistent with the General Industrial Zoning District permitted uses.*

2. That the design and location of the proposed development and its relationship to existing or proposed developments and traffic in the vicinity thereof is such that it will not impair the desirability of investment or occupation in the neighborhood; and that it will not unreasonably interfere with the use and enjoyment of existing or proposed developments in the vicinity thereof, and that it will not create traffic hazards or congestion.

Evidence/Analysis: *The proposed unmanned telecommunications facility will not increase traffic in the project area as visits to the site will be occasionally for maintenance and such.*

3. That the design of the proposed development is in keeping with the character of the surrounding neighborhood and is not detrimental to the harmonious, orderly, and attractive development contemplated by this ordinance and the general plan of the City.

Evidence/Analysis: *The proposed design of the development will not be visible from the public right of way, however the seventy foot (70') monopole will be visible yet it will be disguised as a tree to be aesthetically pleasing and in efforts to maintaining the existing character of the surrounding area and not to be detrimental to the harmonious, orderly, and attractive existing developments in the area.*

4. That the design of the proposed development would provide a desirable environment for its occupants, as well as for its neighbors, and that it is aesthetically of good composition, materials, textures, and colors.

Evidence/Analysis: The design of the proposed unmanned telecommunications facility will not take away from the surrounding areas character as the facility will be located within an existing development out of the view of the public right of way, yet the monopole will be visible. As stated the monopole will be disguised as a tree to make the project aesthetically pleasing.

5. That the proposed use complies with all applicable requirements of the zoning district in which it is located and all other applicable requirements.

Evidence/Analysis: The proposed project and uses of the project are consistent with the Los Banos Municipal Code Title 9 Article 15 General Industrial Zoning District, and the Los Banos 2030 General Plan Industrial land use designation.

6. That the overall development of the subject property is designed to ensure the protection of the public health, safety, and general welfare.

Evidence/Analysis: The comprehensive design of the proposed unmanned storage facility conforms to good planning in that the physical design elements and will not exacerbate the surrounding areas current character.

PUBLIC COMMENT:

A public hearing notice was published in the Los Banos Enterprise and notices were mailed out to property owners within a 300' radius of the Project site on Friday, February 14, 2020. As of the date of this report no comments have been received.

RECOMMENDATION:

1. Approve Resolution No. 2020-05, approving a Categorical Exemption from the California Environmental Quality Act (CEQA) pursuant to Section 15303 (New Construction or Conversion of Small Structures) for Site Plan Review #2019-04 for the development of an unmanned telecommunications facility which includes one (1) 70' tall disguised monopole and various ground equipment to be fenced within a 600 square foot portion of leased private property within the General Industrial Zoning District located at 220 Willmott Avenue; more specifically identified as Assessor's Parcel Number 081-110-055.

ATTACHMENTS:

1. Resolution 2020-05
 - Exhibit A: CEQA Findings
 - Exhibit B: Findings for Approval
 - Exhibit C: Conditions of Approval

2. Site Photos
3. Site Plan/ Elevations
4. Notice of Exemption
5. Public Hearing Notice – February 14, 2020

RESOLUTION #2020-05

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS BANOS APPROVING A CATEGORICAL EXEMPTION FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO SECTION 15303 (NEW CONSTRUCTION OR CONVERSION OF SMALL STRUCTURES) AND APPROVING SITE PLAN REVIEW #2019-04 FOR THE DEVELOPMENT OF AN UNMANNED TELECOMMUNICATIONS FACILITY WHICH INCLUDES ONE (1) 70' TALL DISGUISED MONOPOLE AND VARIOUS GROUND EQUIPMENT TO BE FENCED WITHIN A 600 SQUARE FOOT PORTION OF LEASED PRIVATE PROPERTY WITHIN THE GENERAL INDUSTRIAL ZONING DISTRICT LOCATED AT 220 WILLMOTT AVENUE; MORE SPECIFICALLY IDENTIFIED AS ASSESSOR'S PARCEL NUMBER 081-110-055.

WHEREAS, the Los Banos General Plan was adopted in July 2009, and is the guiding document for land use in the City of Los Banos; and

WHEREAS, the subject property has a land use designation of Industrial pursuant to the 2030 Los Banos General Plan and is zoned General Industrial by the Los Banos Zoning Map; and

WHEREAS, pursuant to the California Environmental Quality Act (CEQA) and the City of Los Banos Environmental Quality Guidelines, project was considered and adequately reviewed and evaluated in the initial study and was deemed to be categorically exempt pursuant to Section 15303, New Construction or Conversion of Small Structures; and

WHEREAS, a public hearing was duly noticed for February 26, 2020, in accordance with California Government Code Section 65091 by advertisement in the Los Banos Enterprise and by mail to property owners within 300 feet of the project boundaries on February 14, 2020 to consider and take testimony regarding Site Plan Review #2019-04; and

WHEREAS, at the February 26, 2020 Planning Commission meeting the Los Banos Planning Commission heard and considered testimony, if any, of all persons desiring to be heard; reviewed the Project Site Plan and staff report; studied the compatibility of the applicant's request with adjacent land uses; has considered the applicant's request in accordance with the Site Plan criteria established in Section 9-

3.2320 of the Los Banos Municipal Code; and

BASED UPON THE EVIDENCE PRESENTED AT THE PUBLIC HEARING, the Planning Commission of the City of Los Banos does hereby make the findings set forth in Exhibit A (CEQA Findings), and Exhibit B (Findings of Approval), attached hereto and incorporated herein by this reference.

NOW, THEREFORE BE IT RESOLVED that the Planning Commission of the City of Los Banos does hereby approve a Categorical Exemption from the California Environmental Quality Act (CEQA) pursuant to Section 15303 (New Construction or Conversion of Small Structures) for Site Plan Review #2019-04 for the development of an unmanned telecommunications facility which includes one (1) 70' tall disguised monopole and various ground equipment to be perimeter off within a 600 square foot portion of leased private property within the General Industrial Zoning District located at 220 Willmott Avenue; more specifically identified as Assessor's Parcel Number: 081-110-055, subject to the Conditions of Approval set forth in Exhibit C attached hereto and incorporated herein by this reference.

The foregoing resolution was introduced at a regular meeting of the Planning Commission of the City of Los Banos held on the 26th day of February 2020, by Commissioner _____, who moved its adoption, which motion was duly seconded by Commissioner _____, and the Resolution is hereby adopted by the following vote:

AYES:

NOES:

ABSENT:

APPROVED:

John Cates, Planning Commission Chair

ATTEST:

Sandra Benetti, Planning Commission Secretary

EXHIBIT A

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS FOR SITE PLAN REVIEW #2019-04 – VERIZON WIRELESS/ SEQUOIA DEPLOYMENT SERVICES

Pursuant to the requirements of California Public Resources Code Section 21000 et seq. ("CEQA") and Title 14, California Code of Regulations Section 15000 et seq. (the "CEQA Guidelines"), the City as Lead Agency under CEQA adopts the following findings required by CEQA, along with the facts and evidence upon which each finding is based.

The City of Los Banos Planning Commission hereby finds as follows:

1. Pursuant to CEQA, the CEQA Guidelines, and the City of Los Banos Environmental Quality Guidelines, Site Plan Review #2019-04 was evaluated and determined to be categorically exempt pursuant to Article 19, Class 3, Section 15303, New Construction or Conversion of Small Structures as the comprehensive project qualifies as new construction and location of a small facility or structure, as determined in the Initial Study and further elaborated in the Notice of Exemption.
2. Site Plan Review #2019-04 was adequately noticed on February 14, 2020, for consideration at a public meeting on February 26, 2020.
3. No further environmental documentation is required as the Site Plan Review was contemplated and adequately analyzed in the initial review.
4. Prior to considering the proposed Project, the Planning Commission considered the Categorical Exemption.

EXHIBIT B

FINDINGS FOR APPROVAL OF SITE PLAN #2019-04 – VERIZON WIRELESS-SEQUOIA DEPLOYMENT SERVICES

The City of Los Banos Planning Commission hereby finds as follows:

1. That the proposed development is consistent with the general plan, any specific plans, and any design standards adopted by the City Council.
 - a. *The General Plan land use designation for the project site is Industrial, which allows primary manufacturing, R&D, wholesale and warehouse distribution, agricultural sales and services, and similar activities including those with outdoor facilities. It also accommodates warehousing and distribution, with support commercial services and ancillary office space. No large-scale retail uses are allowed to minimize land-use conflicts and provide support for commercial areas.*

The following specific General Plan Goals, Objectives, and Policies are applicable to the proposed project:

LAND USE POLICY LU-G-1:

Promote a sustainable, balanced land use pattern that satisfies existing needs and safeguards future needs of the City.

LAND USE POLICY LU-G-13:

Foster high quality design and allow secondary uses in Employment Park and industrial areas if they can complement or enhance the primary use.

Evidence/Analysis: *The project is consistent with the General Plan Industrial land use designation. The proposed unmanned telecommunications facility would create a balanced land use pattern and fosters a use that complements the existing mini storage facility at the project site.*

- b. *The zoning designation for the project site is General Industrial (I). The purpose of the General Industrial Zoning District is to provide a district exclusively for industrial development wherein manufacturing and other industries can locate and operate away from the restricting influences on nonindustrial uses while maintaining an environment free of offensive or objectionable noise, dust, odor, or other nuisances.. The proposed development will be consistent with the zoning.*

Evidence/Analysis: *The proposed project is located within the General Industrial Zoning District and is consistent with the General Industrial Zoning District permitted uses.*

2. That the design and location of the proposed development and its relationship to existing or proposed developments and traffic in the vicinity thereof is such that it will not impair the desirability of investment or occupation in the neighborhood; and that it will not unreasonably interfere with the use and enjoyment of existing or proposed developments in the vicinity thereof, and that it will not create traffic hazards or congestion.

Evidence/Analysis: *The proposed unmanned telecommunications facility will not increase traffic in the project area.*

3. That the design of the proposed development is in keeping with the character of the surrounding neighborhood and is not detrimental to the harmonious, orderly, and attractive development contemplated by this ordinance and the general plan of the City.

Evidence/Analysis: *The proposed design of the development is delicate to the surrounding area and the monopole will be disguised as a tree.*

4. That the design of the proposed development would provide a desirable environment for its occupants, as well as for its neighbors, and that it is aesthetically of good composition, materials, textures, and colors.

Evidence/Analysis: *The design of the proposed unmanned telecommunications facility will not take away from the surrounding areas character and as stated the monopole will be disguised as a tree to make the project aesthetically pleasing.*

5. That the proposed use complies with all applicable requirements of the zoning district in which it is located and all other applicable requirements.

Evidence/Analysis: *The proposed project and uses of the project are consistent with the Los Banos Municipal Code Title 9 Article 15 General Industrial Zoning District, and the Los Banos 2030 General Plan Industrial land use designation.*

6. That the overall development of the subject property is designed to ensure the protection of the public health, safety, and general welfare.

Evidence/Analysis: *The comprehensive design of the proposed unmanned storage facility conforms to good planning in that the physical design elements and will not exacerbate the surrounding areas current character.*

EXHIBIT C

CONDITIONS OF APPROVAL FOR SITE PLAN #2019-04 – VERIZON WIRELESS-SEQUOIA DEPLOYMENT SERVICES

Planning:

1. The followings Conditions of Approval shall apply to and be applicable to the applicant, property owner, and/or developer. Reference to applicant, property owner, and/or developer shall be interpreted to include all including the holder of a building permit or other permit issued by the city in connection with this project. These conditions shall run with the land and shall survive the issuance of an occupancy permit.
2. This Site Plan shall expire if an application for a building permit is not applied for within 24 months from date of approval. One six-month extension may be allowed by written request submitted to and approved by the Community and Economic Development Director.
3. Subject to and in addition to the conditions of approval set forth herein the development and construction of all improvements for the Project shall substantially conform to the conditionally approved Site Plan approved by the Planning Commission consisting of the site plan layout, exterior elevations, landscape plan, floor plan, and color renderings (herein after “site plan”). The applicant shall submit a revised Site Plan to the Community and Economic Development Department reflecting any modifications, additions, and conditions of approval approved by the Planning Commission within 30 days from Planning Commission approval. Said revised Site Plan shall be reviewed by the Community and Economic Development Department and stamped “conditionally approved” for purposes of providing a clear record of the approved Site Plan.
4. Full compliance with all conditions of approval shall be satisfied prior to issuance of any certificate of occupancy. Any proposed modifications to the approved Site Plan during construction and after issuance of occupancy permit shall require approval by the Community and Economic Development Director or Planning Commission as appropriate.
5. Any application for a building permit shall be reviewed by the Community and Economic Development Department for a determination as to whether such application conforms to the prior design and site development review approval by the Planning Commission.
6. The applicant agrees to indemnify, hold harmless, and defend the City of Los Banos, its officers, agents and employees from any and all liability or claims that may be brought against the City of Los Banos arising out of its approval of this site plan, or the environmental determination rendered in connection with the site

plan approval, or arising out of the operation of the use or uses allowed under the site plan, save and except that caused solely by the City's active negligence.

7. Construction shall be limited to those hours specified in Section 9-3.2706 of the Los Banos Municipal Code: Monday through Friday from 7:00 am to 9:00 pm; Saturday and Sunday from 8:00 am to 5:00 pm.
8. The applicant shall comply with all requirements of other appropriate governmental agencies.
9. The applicant shall meet all requirements of the currently adopted edition of the California Building, Fire, and City of Los Banos Municipal Codes in effect at time of the building permit application.
10. The applicant shall comply with the Americans with Disabilities Act (ADA) requirements in the design, construction and maintenance of this project.
11. The applicant shall provide a copy of the conditions of approval to all contractors and subcontractors prior to commencement of construction.
12. During construction, and for safety purposes, the public right-of-way shall be kept clear of obstructions and shall be cleaned on a daily basis.
13. The applicant shall require and all contractors and subcontractors shall obtain a City of Los Banos Business License, prior to start of work on the project. All work performed on the project shall comply with the requirements of the California Business and Professions Code.
14. The applicant shall obtain any necessary encroachment permits from the City prior to performing any work within that jurisdiction's right-of-way.
15. The applicant shall incorporate perimeter fencing along the proposed retention basins if the retention basin exceeds two feet (2') of depth.
16. All structures, foundations, and footings for buildings on the project site shall be designed and constructed to conform to the current California Building Code, including amendments adopted by the City.
17. An engineering soils report shall be prepared in order to identify soil characteristics requiring special structural design. On-site and off-site structural design shall conform to the findings and recommendation of the engineering soils report. The report shall be prepared prior to issuance of a grading permit, subject to review and written approval by the City Engineer.
18. A minimum 200-foot separation shall be maintained between the public right-of-way and material stockpiles, debris piles, or containers and equipment storage during the construction process. If such storage must be located within 200 feet of the public right-of-way, a six-foot high opaque fence shall shield the storage area from view when the storage area is inactive for more than eight hours. This

requirement shall be incorporated into the specifications for all construction plans, subject to review and written approval by the Community and Economic Development Department.

19. During construction activities, all food-related trash items shall be enclosed in sealed containers and regularly removed from the project site to avoid attracting wildlife to the project site. Pets shall not be allowed on the construction site. The proper location of the trash containers shall be subject to the review and written approval of the Community and Economic Development Department.
20. Prior to placement of combustible materials on the site, two points of all-weather access, at least one paved, shall be provided, to the satisfaction and written approval of the Fire Chief.
21. Temporary construction trailers shall be permitted only in areas immediately adjacent to or within that portion of the Site Plan where active construction is taking place. Placement of said construction trailer is subject to the written approval of the Community and Economic Development Director and shall be removed in accordance with Title 9, Chapter 3, Article 39 Temporary Use Ordinance of the Los Banos Municipal Code. The Project site shall be controlled of weeds and free of debris and litter. The applicant shall provide protection against wind and water soil erosion.
22. The development site shall be controlled of weeds and free of debris and litter. The applicant shall provide protection against wind and water soil erosion.
23. Due to the possibility that significant buried cultural resources might be found during construction, the following language shall be included in any permits issued for the project site, including, but not limited to building permits for future development, subject to the review and approval of the Los Banos Community Development Department:

“If archaeological resources or human remains are discovered during construction, work shall be halted from the find and the area shall be staked off. The project developer shall notify a qualified professional archaeologist. If the find is determined to be significant, appropriate mitigation measures shall be formulated and implemented.”

24. In the event of an accidental discovery or recognition of any human remains in any location other than a dedicated cemetery, the City shall ensure that this language is included in all permits in accordance with CEQA Guidelines section 15064.5(e):

“If human remains are found during construction there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until the Los Banos Police Department contacts the coroner of Merced County to determine that no investigation of the cause of death is required. If the coroner determines the remains to be Native American, the coroner shall contact the Native

American Heritage Commission within 24 hours. The Native American Heritage Commission shall identify the person or persons it believes to be the most likely descendent from the deceased Native American. The most likely descendent may then make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and associated grave goods as provided in Public Resources Code Section 5097.98. The landowner or his authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further disturbance if: a) the Native American Heritage Commission is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation within 24 hours after being notified by the commission; b) the descendent identified fails to make a recommendation; or c) the landowner or his authorized representative rejects the recommendation of the descendent, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner.”

25. The Project site shall be kept in a dust-free condition during construction of the project in. Prior to issuance of a building permit, dust control requirements shall be included in all construction contract specifications to reduce significant levels of construction-related hazardous air emissions.

- a. All disturbed areas, including storage piles, which are not being actively utilized for construction purposes, shall be effectively stabilized of dust emissions using water, chemical stabilizer/suppressant, or vegetative ground cover.
- b. All on-site unpaved roads and off-site unpaved access roads shall be effectively stabilized of dust emissions using water or chemical stabilizer/suppressant.
- c. All land clearing, grubbing, scraping, excavation, land leveling, grading, and cut and fill activities shall be effectively controlled of fugitive dust emissions utilizing application of water or by presoaking.
- d. When materials are transported off-site, all material shall be covered, effectively wetted to limit visible dust emissions, or at least six inches of freeboard space from the top of the container shall be maintained.
- e. All operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at least once every 24 hours when operations are occurring. (The use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions. The use of blower devices is expressly forbidden.)

- f. Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, said piles shall be effectively stabilized of fugitive dust emissions utilizing sufficient water or chemical stabilizer/suppressant.
26. Prior to issuance of building permits, the developer/applicant shall include the following requirements in all construction bids and documents including contracts (and implemented during construction activities) for the purpose of reducing diesel particulate and acrolein emissions during construction of the project:
- a. All pre-1994 model year and older diesel equipment shall be retrofitted with EPA-certified diesel oxidation catalyst filters;
 - b. Contractor shall maintain records of all purchases of diesel oxidation catalyst filters or biodiesel fuel until construction is complete; and
 - c. The SJVAPCD shall have the right to inspect all construction and demolition equipment, as well as the contractor's records at any time during demolition and construction.
27. The Applicant will take reasonable steps to preserve all survey monuments. The Applicant is responsible for the preservation of survey monuments within the work area under this permit at Applicant's sole expense. If any monuments are disturbed, the Applicant is responsible for re-establishing the monuments upon completion of the permitted work. Re-establishing of monuments shall be performed by a duly licensed land surveyor and a corner record shall be filed in accordance with State law at Applicant's sole expense.
28. All Community and Economic Development processing and application fees shall be paid in full prior to the issuance of a building permit.

Design/Aesthetics

29. The design of the improvements shall be conforming to the approved site plan. Any significant changes in color or architecture (i.e. paint, texture, material) shall require prior written approval by the Community and Economic Development Director or Planning Commission approval. The applicant shall maintain the color as presented in the site plan for the life of the project. Any changes to the site plan as to color or architecture shall require prior written approval by the Community and Economic Development Director or Planning Commission. This condition shall run with the land and be binding on successors in interest and shall be applicable beyond the issuance of an occupancy permit.

Fire Department

30. Emergency access to equipment must be maintained clear at all times.

31. There shall be a main electrical disconnect located near the equipment or on the shelter for Fire Department use only.
32. Commercial grade Knox Boxes with Click 2 Enter access shall be required on the perimeter fencing in the area of all gate entrances. Applications can be obtained through the Fire Department. The Knox Boxes shall have FDC locking caps.
33. A permit is required for the installation of generator above ground fuel tank. Plans must be submitted to the Fire Department as defers submittals and permit.
- 34. This approval is conditioned upon and shall be effective upon payment in full of all outstanding invoices pursuant to the Cost Recovery Contract.**





NANTES & OVERLAND

220 WILLMOTT RD.,
LOS BANOS, CA 93635

LOCATION CODE: 390781
PROJECT TYPE: NEW SITE BUILD



SITE INFORMATION

PROPERTY OWNER:
ADDRESS: WILLMOTT SS LLC
PO BOX 1195
SLOUGHOUSE, CA 95683
CONTACT: JOHN PATTERSON
PH: (916) 919-1027
EMAIL: jpatterson_24@yahoo.com

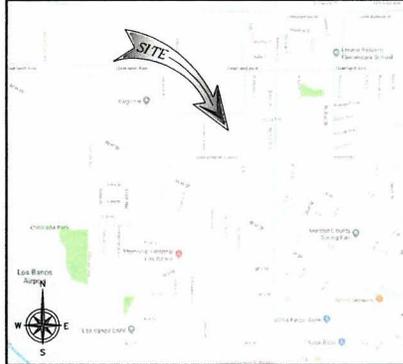
APPLICANT:
ADDRESS: VERIZON WIRELESS
2785 MITCHELL DRIVE, BLDG. 9
WALNUT CREEK, CA 94598

LATITUDE (NAD 83): 37° 04' 17.11" N
LONGITUDE (NAD 83): 120° 51' 26.39" W
GROUND ELEVATION: 111.69' AMSL
ASSESSOR'S PARCEL NO.: 081-110-055
ZONING JURISDICTION: CITY OF LOS BANOS
ZONING CLASSIFICATION: I-INDUSTRIAL
OCCUPANCY GROUP: U
TYPE OF CONSTRUCTION: I-B
PROPOSED USE: UNMANNED TELECOMMUNICATIONS FACILITY
LEASE SPACE: 600 SQ.FT.

ZONING DRAWING

IF USING 11"x17" PLOT, DRAWINGS WILL BE HALF SCALE

VICINITY MAP



PROJECT DESCRIPTION

THE PROJECT CONSISTS OF THE CONSTRUCTION OF A PROPOSED EQUIPMENT ENCLOSURE FOR THE LOCATION OF THE PROPOSED VERIZON WIRELESS TELECOMMUNICATIONS EQUIPMENT.

- INSTALL (1) PROPOSED VERIZON WIRELESS EQUIPMENT SHELTER
- INSTALL (1) PROPOSED VERIZON WIRELESS 8'-0" HIGH CHAIN-LINK FENCE
- INSTALL (1) PROPOSED VERIZON WIRELESS 70'-0" HIGH MONOPOLE
- INSTALL (9) PROPOSED VERIZON WIRELESS 6'-0" HIGH PANEL ANTENNAS
- INSTALL (9) PROPOSED VERIZON WIRELESS RRUS
- INSTALL (2) PROPOSED VERIZON WIRELESS HYBRID TRUNKS (6x12)
- INSTALL (4) PROPOSED VERIZON WIRELESS DC SURGES
- INSTALL (1) PROPOSED VERIZON WIRELESS PAD-MOUNTED STEP UP TRANSFORMER
- INSTALL (1) PROPOSED VERIZON WIRELESS PAD-MOUNTED STEP DOWN TRANSFORMER
- INSTALL (1) PROPOSED VERIZON WIRELESS TELCO CABINET MOUNTED ON SHELTER
- INSTALL (1) PROPOSED VERIZON WIRELESS I/C PANEL INSIDE SHELTER
- INSTALL (1) PROPOSED VERIZON WIRELESS PAD-MOUNTED METER PEDESTAL
- INSTALL (1) PROPOSED VERIZON WIRELESS OPS ANTENNA
- INSTALL (1) PROPOSED VERIZON WIRELESS PAD-MOUNTED 30KW GENERATOR

ACCESSIBILITY NOTE

THE TELECOMMUNICATIONS EQUIPMENT SPACE SHOWN ON THESE PLANS IS NOT CUSTOMARILY OCCUPIED. WORK TO BE PERFORMED IN THIS FACILITY CANNOT REASONABLY BE PERFORMED BY PERSONS WITH A SEVERE IMPAIRMENT: MOBILITY, SIGHT, AND/OR HEARING. THEREFORE, PER 2016 CALIFORNIA BUILDING CODE SECTION 1105B.3.4, AND/OR 11B-203.5 OF 2016 CALIFORNIA BUILDING CODE, EXCEPTION 1, THIS FACILITY SHALL BE EXEMPTED FROM ALL TITLE 24 ACCESS REQUIREMENTS.

GENERAL NOTES

THE FACILITY IS UNMANNED AND NOT FOR HUMAN HABITATION. HANDICAPPED ACCESS REQUIREMENTS ARE NOT REQUIRED IN ACCORDANCE WITH THE 2016 CALIFORNIA BUILDING CODE. A TECHNICIAN WILL VISIT THE SITE AS REQUIRED FOR ROUTINE MAINTENANCE. THE PROJECT WILL NOT RESULT IN ANY SIGNIFICANT DISTURBANCE OR EFFECT ON DRAINAGE, NO SANITARY SEWER SERVICE, POTABLE WATER, OR TRASH DISPOSAL IS REQUIRED AND NO COMMERCIAL SIGNAGE IS NEW.

APPLICABLE CODES

ALL WORK AND MATERIALS SHALL BE PERFORMED AND INSTALLED IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE FOLLOWING CODES AS ADOPTED BY THE LOCAL GOVERNING AUTHORITIES:

- CALIFORNIA ADMINISTRATIVE CODE (INCL TITLE 24 & 25)
- 2016 CALIFORNIA BUILDING CODE
- CITY/COUNTY ORDINANCES
- BUILDING OFFICIALS & CODE ADMINISTRATORS (BOCA)
- 2016 CALIFORNIA MECHANICAL CODE
- ANS/ISA-222-C LIFE SAFETY CODE NFPA-101
- 2016 CALIFORNIA PLUMBING CODE
- 2016 CALIFORNIA ELECTRICAL CODE
- 2016 LOCAL BUILDING CODE

DO NOT SCALE DRAWINGS

SUBCONTRACTOR SHALL VERIFY ALL PLANS, EXISTING DIMENSIONS & FIELD CONDITIONS ON THE JOB SITE & SHALL IMMEDIATELY NOTIFY THE ENGINEER IN WRITING OF ANY DISCREPANCIES BEFORE PROCEEDING WITH THE WORK OR BE RESPONSIBLE FOR SAME.



DRAWING INDEX

SHEET NO:	SHEET TITLE
T-1	TITLE SHEET
LS-1	TOPOGRAPHIC SURVEY
LS-2	TOPOGRAPHIC SURVEY
A-1	SITE PLAN AND ENLARGED SITE PLAN
A-2	EQUIPMENT AND ANTENNA LAYOUTS
A-3	ARCHITECTURAL ELEVATIONS
A-4	ARCHITECTURAL ELEVATIONS

APPROVALS

THE FOLLOWING PARTIES HEREBY APPROVE AND ACCEPT THESE DOCUMENTS & AUTHORIZE THE SUBCONTRACTOR TO PROCEED WITH THE CONSTRUCTION DESCRIBED HEREON. ALL DOCUMENTS ARE SUBJECT TO REVIEW BY THE LOCAL BUILDING DEPARTMENT & MAY IMPOSE CHANGES OR MODIFICATIONS.

VERIZON WIRELESS RF ENGINEER: _____
 VERIZON WIRELESS EQUIPMENT ENGINEER: _____
 SITE ACQUISITION MANAGER: _____
 PROJECT MANAGER: _____
 ZONING VENDOR: _____
 LEASING VENDOR: _____
 CONSTRUCTION MANAGER: _____
 A/E MANAGER: _____
 PROPERTY OWNER: _____

PROJECT TEAM

APPLICANT:
VERIZON WIRELESS
2785 MITCHELL DRIVE, BLDG. 9
WALNUT CREEK, CA 94598
CONTACT: STEVEN CHRISTENSON
PHONE: (530) 368-0730
EMAIL: steven.christenson@verizonwireless.com

ARCHITECT/ENGINEERING:
CELLSITE CONCEPTS
10650 SCRIPPS RANCH BLVD., SUITE 224
SAN DIEGO, CA 92131
CONTACT: REGGIE CARRIEL
PHONE: (619) 200-7190
EMAIL: reggie.gobriel@csite.net

RF ENGINEER:
VERIZON WIRELESS
2785 MITCHELL DRIVE, BLDG. 9
WALNUT CREEK, CA 94598
CONTACT: WALT KOHLIS
PHONE: (949) 574-7012
EMAIL: walt.kohlis@verizonwireless.com

CONSTRUCTION:
SEQUOIA DEPLOYMENT SERVICES, INC.
22471 ASPAN, SUITE #290
LAKE FOREST, CA 92650
CONTACT: DAVE ROGERS
PHONE: (949) 445-0671
EMAIL: dave.rogers@sequoia-ds.com

DRIVING DIRECTIONS

DIRECTIONS FROM VERIZON OFFICE:

1. HEAD SOUTHWEST ON MITCHELL DR
2. TURN LEFT ONTO W WHEAT LN
3. TURN RIGHT ONTO YONICHO VALLEY RD
4. USE THE LEFT 2 LANES TO TURN LEFT ONTO THE INTERSTATE 680 S RAMP TO SAN JOSE
5. MERGE ONTO I-680 S
6. USE THE RIGHT 2 LANES TO TAKE THE INTERSTATE 580 EXIT TOWARD INTERSTATE 5 S
7. TAKE EXIT 407 FOR CA-33 TOWARD SANTA NELLA/OLROY
8. TURN LEFT ONTO W HENRY MILLER AVE
9. CONTINUE ONTO INCOMAR GRADE
10. CONTINUE ONTO W H ST
11. TURN LEFT ONTO JOHNSON RD
12. TURN RIGHT ONTO W WELMOTT AVE
13. TURN LEFT ONTO COMMERCE WAY
14. 220 WILLMOTT RD IS ON THE LEFT

REV	DATE	DESCRIPTION
2	08/20/2019	100% ZD'S
1	06/13/2019	80% ZD'S
0	06/11/2019	DESIGN DEVELOPMENT

ISSUED DATE:
AUGUST 20, 2019

ISSUED FOR:
100% ZD SET

PROJECT INFORMATION:
NANTES & OVERLAND
LOCATION CODE: 390781
220 WILLMOTT RD.,
LOS BANOS, CA 93635

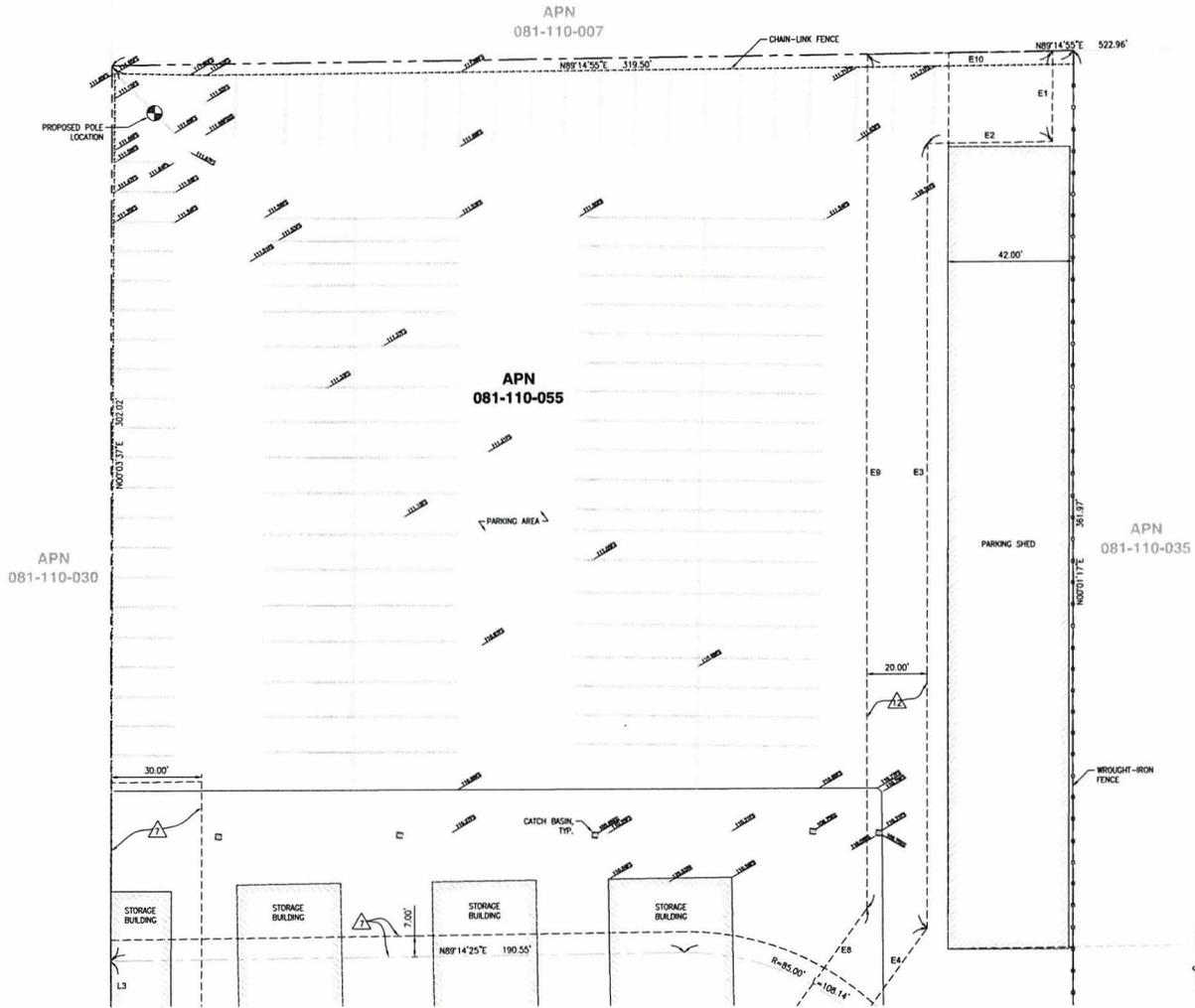
DRAWN BY: MAM
CHECKED BY: RGG
SHEET TITLE:
TITLE SHEET

SHEET NUMBER:
T-1

- NOTES:**
1. THIS IS NOT A BOUNDARY SURVEY. THIS IS A SPECIALIZED TOPOGRAPHIC MAP. THE PROPERTY LINES AND EASEMENTS SHOWN HEREON ARE FROM RECORD INFORMATION AS NOTED HEREON. CELLSITE CONCEPTS TRANSLATED THE TOPOGRAPHIC SURVEY TO RECORD INFORMATION USING FOUND MONUMENTS SHOWN HEREON. THE LOCATION OF PROPERTY LINES SHOWN HEREON ARE APPROXIMATE AND FOR INFORMATIONAL PURPOSES ONLY. THEY ARE NOT TO BE RELIED UPON AS THE ACTUAL BOUNDARY LINES.
 2. ANY CHANGES MADE TO THE INFORMATION ON THIS PLAN, WITHOUT THE WRITTEN CONSENT OF CELLSITE CONCEPTS, RELIEVES CELLSITE CONCEPTS OF ANY AND ALL LIABILITY.
 3. THE HEIGHTS AND ELEVATIONS FOR THE TREES, BUSHES AND OTHER LIVING PLANTS SHOWN HEREON, SHOULD BE CONSIDERED APPROXIMATE (+/-) AND ONLY FOR THE DATE OF THIS SURVEY. THEY ARE PROVIDED AS A GENERAL REFERENCE AND SHOULD NOT BE USED FOR DESIGN PURPOSES.
 4. WRITTEN DIMENSIONS SHALL TAKE PREFERENCE OVER SCALED & SHALL BE VERIFIED ON THE JOB SITE. ANY DISCREPANCY SHALL BE BROUGHT TO THE NOTICE OF THE SURVEYOR PRIOR TO COMMENCEMENT OF ANY WORK.
 5. FIELD SURVEY COMPLETED ON JUNE 06, 2019

LEGEND

- CENTER LINE
 - - - PROPERTY LINE
 - · - · CHAIN-LINK FENCE
 - ○ - ○ WROUGHT IRON FENCE
 - - - EASEMENT LINE
 - EW BACK OF WALK
 - EP EDGE OF PAVEMENT
 - EG EXISTING GRADE
 - FS FINISH SURFACE
 - FL FLOW LINE
 - TC TOP OF CURB
 - BC BACK OF CURB
 - TP TOP OF POLE
 - TR TOP OF ROOF
 - TT TOP OF TREE
 - △ EXISTING STREET LIGHT
 - △ EXISTING SIGNAGE
 - CLY WIRE
 - CATCH BASIN
 - POWER POLE
 - FIRE HYDRANT
 - ★ PALM TREE
 - TREE
 - BUSH
- MONUMENTS**
- MONUMENT FD.
- COORDINATES**
- LATITUDE: 37°04'17.11"N (37.071419)
 - LONGITUDE: 120°51'26.39"W (-120.857331)



REV	DATE	DESCRIPTION
2	08/06/2019	FINAL SURVEY
1	06/10/2019	PRELIMINARY SURVEY

ISSUED DATE: **AUGUST 07, 2019**

ISSUED FOR: **FINAL SURVEY**

LICENSURE:

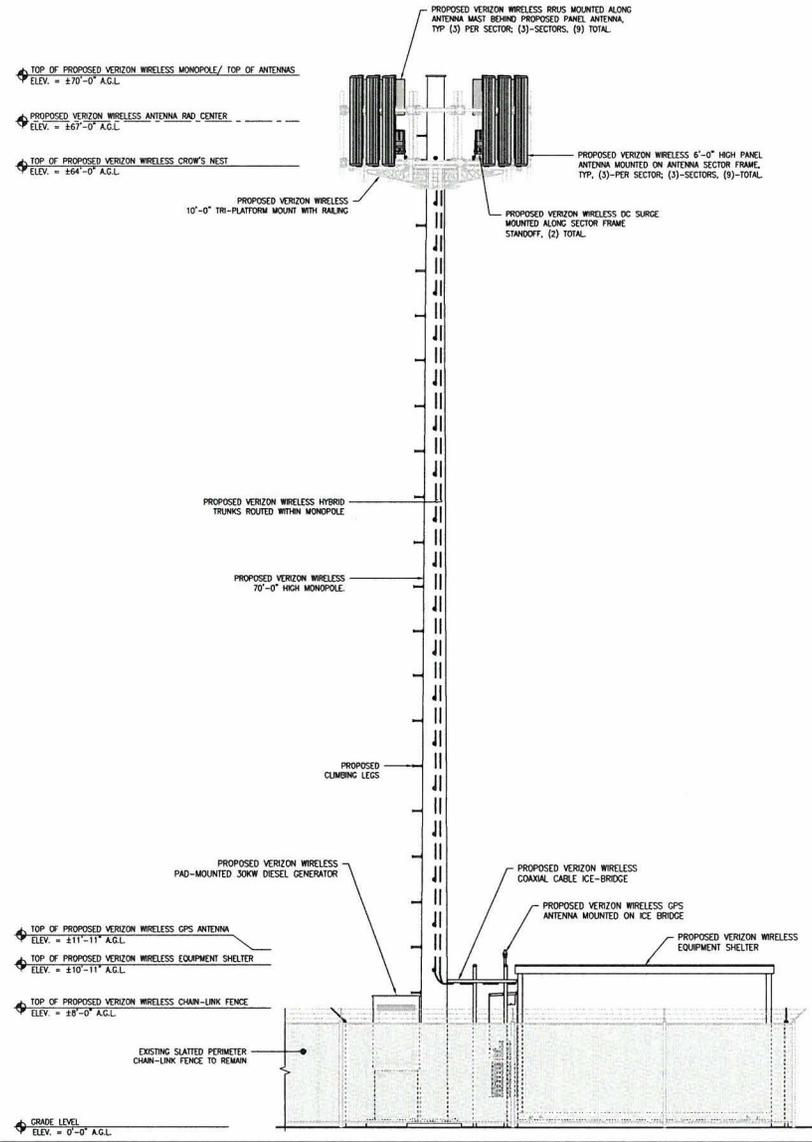
PROJECT INFORMATION:
NANTES & OVERLAND
 LOCATION CODE: TBD
 220 WILLMOTT RD.,
 LOS BANOS, CA 93635

DRAWN BY: ABR
 CHECKED BY: RH

SHEET TITLE:
TOPOGRAPHIC SURVEY

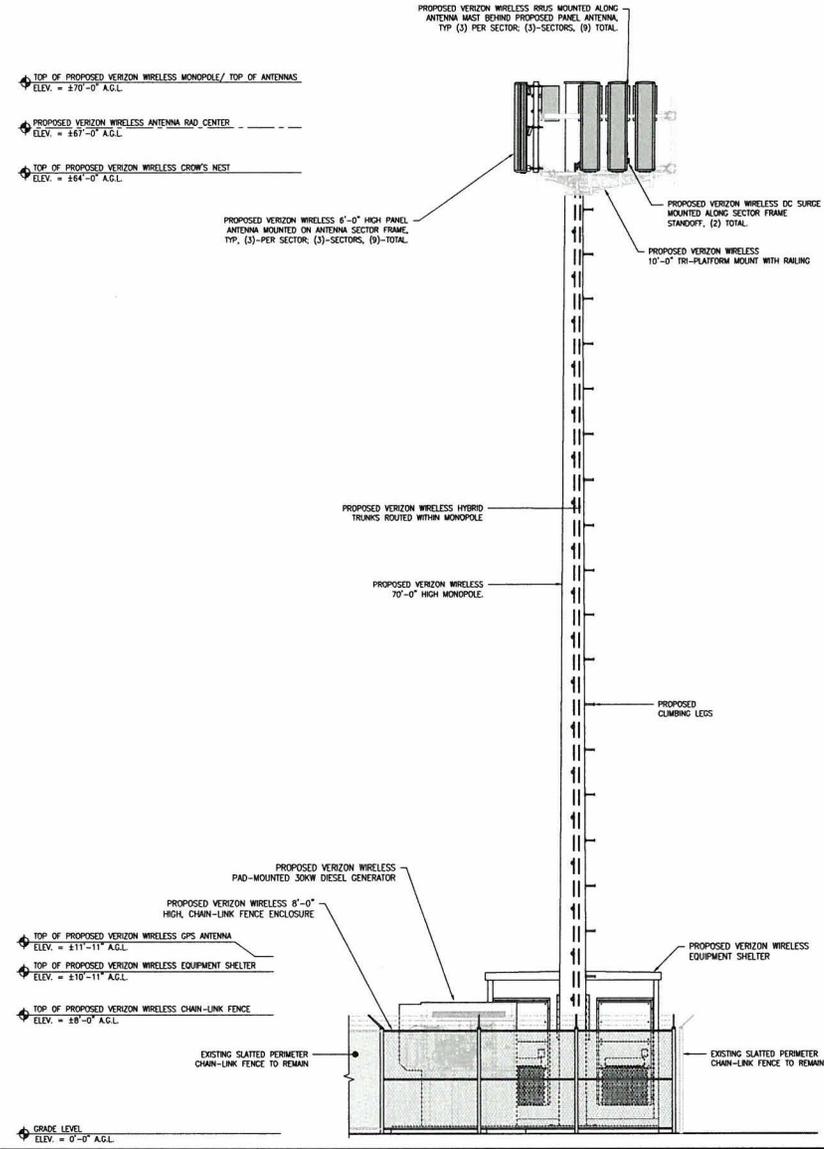
SHEET NUMBER:
LS-2

NOTE:
THE PROPOSED LAYOUT IS PRELIMINARY AND SUBJECT TO CHANGE
PENDING FULL STRUCTURAL AND GEOTECHNICAL ANALYSIS.



NORTH ELEVATION

NOTE:
THE PROPOSED LAYOUT IS PRELIMINARY AND SUBJECT TO CHANGE
PENDING FULL STRUCTURAL AND GEOTECHNICAL ANALYSIS.



EAST ELEVATION

verizon
2785 MITCHELL DRIVE, BLDG. 9
WALNUT CREEK, CA 94598

SEQUOIA
DEPLOYMENT SERVICES, INC.
22471 ASPAN STREET, STE 290
LAKE FOREST, CA 92650

e site
CONCEPTS
10650 SCRIPPS RANCH BLVD., SUITE 224
SAN DIEGO, CA 92131
tel: (858) 433-7173 / (858) 433-7176

REV	DATE	DESCRIPTION
2	08/20/2019	100% ZD'S
1	06/13/2019	90% ZD'S
0	06/11/2019	DESIGN DEVELOPMENT

ISSUED DATE:
AUGUST 20, 2019

ISSUED FOR:
100% ZD SET

LICENSURE:

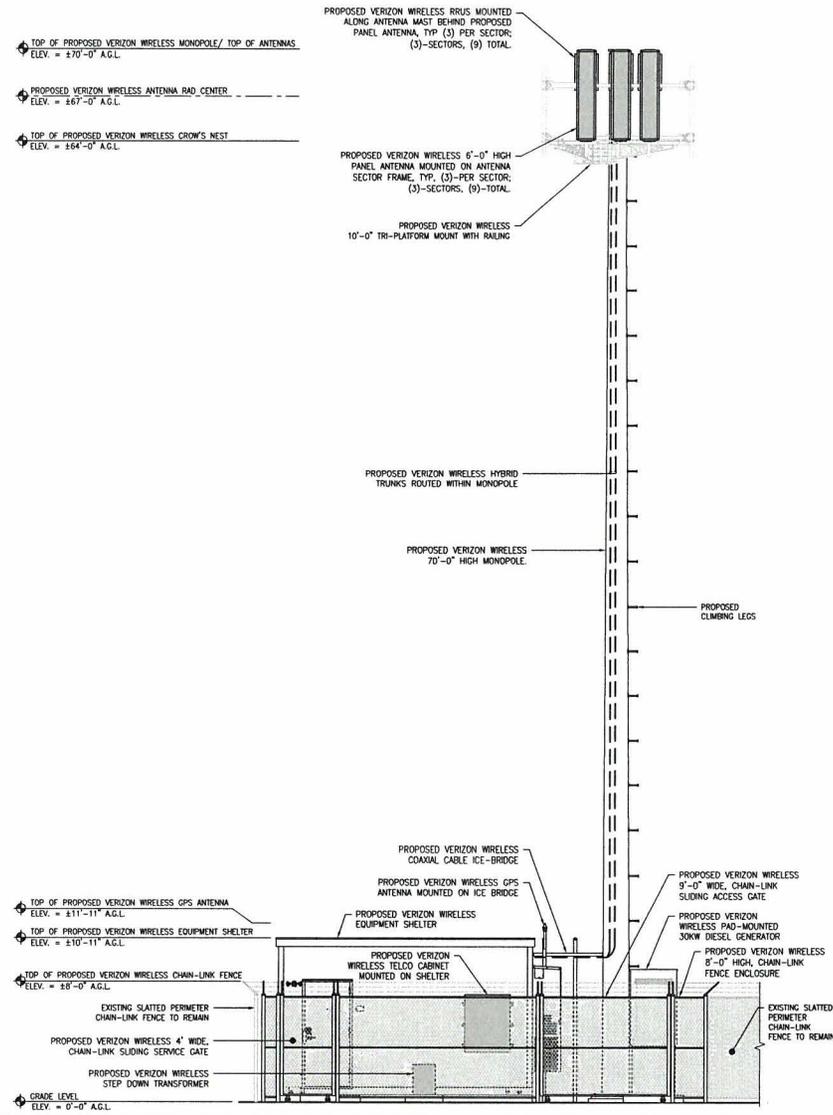
PROJECT INFORMATION:
NANTES & OVERLAND
LOCATION CODE: 390781
220 WILLMOTT RD.,
LOS BANOS, CA 93635

DRAWN BY: MAM
CHECKED BY: RGG

SHEET TITLE:
ARCHITECTURAL ELEVATIONS

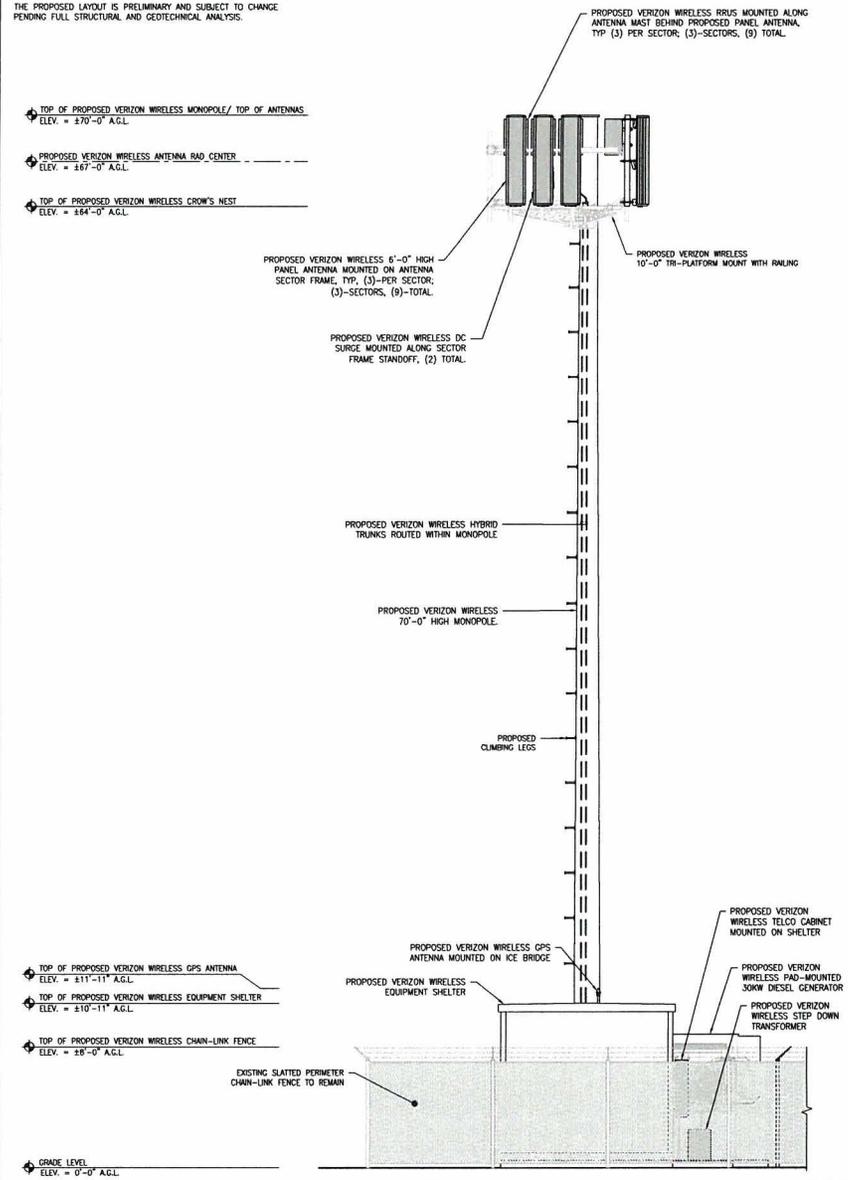
SHEET NUMBER:
A-3

NOTE:
THE PROPOSED LAYOUT IS PRELIMINARY AND SUBJECT TO CHANGE
PENDING FULL STRUCTURAL AND GEOTECHNICAL ANALYSIS.



SOUTH ELEVATION

NOTE:
THE PROPOSED LAYOUT IS PRELIMINARY AND SUBJECT TO CHANGE
PENDING FULL STRUCTURAL AND GEOTECHNICAL ANALYSIS.



WEST ELEVATION



REV	DATE	DESCRIPTION
2	08/20/2019	100% ZD'S
1	06/13/2019	90% ZD'S
0	06/11/2019	DESIGN DEVELOPMENT

ISSUED DATE:
AUGUST 20, 2019

ISSUED FOR:
100% ZD SET

LICENSURE:

PROJECT INFORMATION:
NANTES & OVERLAND
LOCATION CODE: 390781
220 WILLMOTT RD.,
LOS BANOS, CA 93635

DRAWN BY: MAM
CHECKED BY: RGG

SHEET TITLE:
**ARCHITECTURAL
ELEVATIONS**

SHEET NUMBER:
A-4

Notice of Exemption

Form D

To Office of Planning and Research
P.O. Box 3044, Room 212
Sacramento, CA 95812-3044

From: *(Public Agency)* City of Los Banos
520 J Street
Los Banos, CA 93635

County Clerk
County of Merced
2222 M Street
Merced, CA 95340

Project Title Verizon Wireless- Sequoia Deployment Services 220 Willmott Avenue, Site Plan Review #2019-04

Project Location - Specific 220 Willmott Avenue., APN 081-110-055

Project Location - City Los Banos **Project Location - County** Merced

Description of Nature, Purpose, and Beneficiaries of Project Site Plan Review #2019-04 for the development of an unmanned telecommunication facility

Name of Public Agency Approving Project City of Los Banos

Name of Person or Agency Carrying Out Project Verizon Wireless/ Sequoia Deployment Services

Exempt Status (check one)

- Ministerial (Sec. 21080 (b) (1); 15268);
- Declared Emergency (sec. 21080(b)(3); 15269(a);
- Emergency Project (Sec. 21080(b) (4); 15269(b) (c)).
- Categorical Exemption – Sec. 15303 New Construction or Conversion of Small Structures
- Statutory Exemption – State code number:

Reasons why project is exempt CEQA provides several “categorical exemptions” which are applicable categories of projects and activities that the Lead Agency has determined generally do not pose a risk of significant impacts on the Environment. The proposed project is for the development of an unmanned telecommunications facility which includes; one (1) seventy foot (70’) tall disguised monopole and various ground equipment to be perimeter off within a six hundred (600) square foot leased portion of private property located within the General Industrial Zoning District of the City of Los Banos. The Project is exempt under Section 15303 of the State CEQA Guidelines (Class 3- New Construction or Conversion of Small Structures). Section 15303 categorically exempts projects that involve construction and location of new small facilities or structures such as the project.

The City has further considered whether the project is subject to any of the exceptions to the use of a categorical exemption found at CEQA Guidelines Section 15300.2. This section prohibits the use of categorical exemptions under the following circumstances:

- (a) for certain classes of projects (Classes 3,4,5,6 and 11) due to location where the project may impact an environmental resource or hazardous or critical concern;
- (b) when the cumulative impact of successive projects of the same type in the same place, over time, is significant;
- (c) where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances;

(d) where the project may result in damage to scenic resources, including but not limited to, trees, historic buildings rock
croppings , or similar resources within a highway officially designated as a state scenic highway;

(e) where the project is located on a state designated hazardous waste site; and

(f) where the project may cause a substantial averse change in the significance of a historical resource.

Section 15300.2(a), the project site is not located in an area of sensitive or critical concern.

With regard to Section 15300.2(b) there is no evidence of a potential significant cumulative impact because successive
projects of the same type in the same place have not been approved and are not currently proposed. The project will be
within a 600 square foot leased portion of improved and developed private property. Therefore, the project will not result
significant cumulative impacts.

Regarding Section 15300.2(c), the project would not result in any significant effects on the environment due to unusual
circumstances. The project site is surrounded by urban development and not located within a sensitive resource area.

Section 15300.2(d) does not apply to the project site as the site is not located adjacent to or visible from a designated
scenic highway.

Section 15300.2(e) does not apply because the site is not a state-designated hazardous waste site. The project site is
located in a mapped non-hazardous area as is all of the surrounding area.

Section 15300.2(f) does not apply because there are no historic resources or structures located within or around the project
site.

For the reasons cited above, the project will not result in a significant environmental impact and qualifies for a
Categorical Exemption pursuant to Section 15303 of the California Environmental Quality Act (CEQA) Guidelines.

Lead Agency Contact Person Rudy Luquin,
Associate Planner **Area Code/Telephone/Extension** (209) 827-2432

If filed by applicant:

1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? Yes No

Signature

Date

Title

- Signed by Lead Agency
 Signed by Applicant

Date received for filing at OPR: _____



City of
Los Banos
At the Crossroads of California

COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT

Date: February 14, 2020
Re: Notice of Public Hearing
Proposal: Site Plan Review #2019-04

NOTICE IS HEREBY GIVEN THAT a Public Hearing will be held by the Los Banos Planning Commission to consider a Categorical Exemption from the California Environmental Quality Act (CEQA) pursuant to Section 15303 (New Construction or Conversion of Small Structures) for Site Plan Review #2019-04 for the development of an unmanned telecommunications facility which includes one (1) 70' tall disguised monopole and various ground equipment including perimeter fencing of a 600 square foot portion of leased private property within the General Industrial Zoning District located at 220 Willmott Avenue; more specifically identified as Assessor's Parcel Number 081-110-055.

A PUBLIC HEARING on this matter will be held at the next scheduled meeting of the Planning Commission on Wednesday, February 26, 2020 at 7:00 p.m. in the Council Chambers of Los Banos City Hall located at 520 "J" Street. Questions regarding the above-referenced item may be directed to Rudy Luquin, Associate Planner at City Hall or at (209) 827-2432.

All persons are invited to be present at the public hearing. Written and oral testimony is invited. Notice is hereby further given that if you challenge the above described Project in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this Notice, or in written correspondence delivered to the Planning Commission at, or prior to, the public hearing.

Additional information may be obtained from the Community & Economic Development Department at 520 J Street, Los Banos, California. In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Office of the City Clerk at (209) 827-7000. Notification at least 72 hours prior to the public hearing will enable the City to make reasonable arrangements to allow participation at this hearing

THE CITY OF LOS BANOS

Rudy Luquin
Associate Planner



City of
Los Banos
At the Crossroads of California

PLANNING COMMISSION STAFF REPORT

TO: CHAIRMAN CATES & PLANNING COMMISSIONERS

FROM: STACY SOUZA ELMS, COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR

A handwritten signature in blue ink, appearing to read 'SSE', is located to the right of the 'FROM' line.

DATE: FEBRUARY 26, 2020

SUBJECT: PROPOSED REASONABLE ACCOMMODATION ORDINANCE

RECOMMENDATIONS:

1. That the Planning Commission adopt Resolution No. 2020-04 recommending adoption to the City Council to add Article 46 to Chapter 3 of Title 9 of the Los Banos Municipal Code relating to reasonable accommodation.

BACKGROUND:

Both Federal and State Fair Housing laws prohibit discrimination in housing against individuals with disabilities. These laws require that cities take affirmative action to eliminate regulations and practices that deny housing opportunities to disabled individuals. This includes requiring flexibility in the application of land use and zoning regulations.

Furthermore, California's Fair Employment and Housing Act, the State's Housing Element law, and HUD require that cities utilizing Community Development Block Grant (CDBG) funds prepare an "Analysis of Impediments to Fair Housing Choice." Taken together, these pieces of legislation require that Cities and Counties take affirmative action to eliminate regulations and practices that deny housing opportunities to individuals with disabilities, and more specifically, require that Cities and Counties provide individuals with disabilities, or developers of housing for people with disabilities, flexibility in the application of land use and zoning regulations, practices and procedures.

The law also recognizes that individuals with disabilities may need extra tools to achieve equality. Providing reasonable accommodation is one way for the City of Los Banos to provide relief from land use and zoning and building regulations and procedures that have

the effect of discriminating against the development, siting, and use of housing for individuals with disabilities. Furthermore, California Government Code Section 65583(c)(3) states:

Address and, where appropriate and legally possible, remove governmental and nongovernmental 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.

DISCUSSION:

The 2014-2023 Housing Element of the City of Los Banos General Plan sets forth Policy 5B, which requires the establishment and implementation of a Reasonable Accommodation Ordinance. With this program implemented, the City will be demonstrating to the California Department of Housing and Community Development (HCD) implementation of the goals, policies, and programs of the Housing Element, which is necessary for compliance. It is important for the City to be in compliance with its Housing Element as it a necessary requirement to access any State and some Federal funds.

The intent of the proposed Ordinance is to establish a formal procedure for persons with disabilities seeking equal access to housing to request reasonable accommodation in the application of the City's land use regulations and to establish criteria to be used which considering such requests. The proposed Reasonable Accommodation Ordinance provides the City with procedures and criteria to provide persons with disabilities the relief in zoning, permit procedures, and building laws that may prohibit opportunities for housing.

An applicant requesting an accommodation must have a disability that is defined and protected under Federal and State Housing Law. According to the State's Fair Employment and Housing Act (FEHA), there are two categories of disabilities: physical and mental. The applicant is not required to identify the nature or severity of the disability and it is unlawful for the City to make such an inquiry of a person with a disability or one associated with him or her (24 C.F.R. § 100.202; Cal. Gov't Code § 12955(b)). In most instances, the establishment of a protected disability can be met by describing generally the use of the dwelling, such as licensed residential care facility, home for transitional age youth with disabilities, or sober living home for those in recovery.

Furthermore, the application and procedures are approved by the Community and Economic Development Director, reducing the timing of the review process, resulting in a more streamlined process. This is consistent with the intent of the Ordinance of reducing constraints and barriers to housing for persons with disabilities.

PROPOSED ORDINANCE:

The proposed Ordinance establishes the Reasonable Accommodation Ordinance in the City's Zoning Code. In summary, the proposed Ordinance implements the following:

- Establishes criteria and procedures for the request for Reasonable Accommodation that will be used by an individual with a disability protected under fair housing laws;
- Establishes submittal requirements that are applicable to reasonable accommodation, such as documentation of disability, specific exception or modification to the Zoning Code, other information that the Community and Economic Development Director requires to make a determination;
- Appeal procedures for Reasonable Accommodation decisions; and
- Establishes certain findings that the Community and Economic Development Director must make to make a determination whether to grant or deny requested accommodations. These findings are consistent with the Fair Housing Laws.

Examples of the types of request that may be made are provided below:

- **Relief from Setback Requirements:** Wheelchair ramps are required to comply with applicable setback requirements. Under the proposed regulations, an applicant may seek changes related to yard setback requirements to accommodate the installation of ramps to meet the needs of persons with disabilities who use wheelchairs.
- **Fence Height Restrictions:** A housing provider or developer seeks exception to fence height restrictions when greater privacy is necessary for a person with a disability to use and enjoy the outdoors at a residence.
- **Parking:** An applicant may seek special parking exceptions for the use of a vehicle where the height of the vehicle is prohibiting them from using the garage or space at the home.

ENVIRONMENTAL DETERMINATION:

The proposed Ordinance is not a project for CEQA purposes and is exempt under State CEQA Guidelines Section 15061(b)(3), General Rule, because it can be seen with certainty that there is not a possibility that the proposal would result in a significant effect on the environment. The proposal is implementing existing State Law and is considered an administrative activity and would not, itself, allow any construction or propose any projects. CEQA will be applied on a project-by-project basis if and when such projects are proposed.

ATTACHMENTS

1. Resolution 2020-04
2. Proposed Ordinance
3. Public Hearing Notice – February 14, 2020

RESOLUTION NO. 2020-04

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS BANOS RECOMMENDING TO THE CITY COUNCIL ADOPTION OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS BANOS ADDING ARTICLE 46 TO CHAPTER 3 OF TITLE 9 OF THE LOS BANOS MUNICIPAL CODE RELATING TO REASONABLE ACCOMMODATION

WHEREAS, the State legislature has found and declared that, among other things, Cities and Counties shall make reasonable accommodation in their land use and zoning regulations and practices when such accommodation may be necessary to afford individuals with disabilities and equal opportunity to housing;

WHEREAS, the City of Los Banos ("City") seeks to ensure that the City's zoning laws are consistent with the goals, policies and standards set forth in the City's General Plan, federal law, and state law as it relates to the reasonable accommodation to individuals with disabilities within the City;

WHEREAS, the Los Banos 2030 General Plan, and 2014-2023 Housing Element policy 5B requires the City of Los Banos to establish and implement a Reasonable Accommodation Ordinance;

WHEREAS, the proposed ordinance is attached hereto and incorporated herein by this reference as Attachment A;

WHEREAS, the proposed ordinance does not propose any changes to City policies or regulations that would result in a direct or indirect physical environmental impact; therefore it has been determined that the proposed ordinance is covered by the general rule that the California Environmental Quality Act applies only to projects which have the potential for causing a significant effect on the environment pursuant to CEQA guidelines Section 15061 (b)(3) and is not subject to environmental review;

WHEREAS, the Planning Commission held a public hearing on February 26, 2020 and recommended approval of the proposed Ordinance with findings of General Plan consistency, and

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Los Banos does hereby recommend that the City Council of the City of Los Banos consider and approve the attached Ordinance of the City Council of the City of Los Banos adding Article 46 to Chapter 3 of Title 9 of the Los Banos Municipal Code Relating to Reasonable Accommodation.

The foregoing Resolution was introduced at a regular meeting of the Planning Commission of the City of Los Banos held on the 26th day of February 2020, by Planning Commissioner _____ who moved its adoption, which motion was duly seconded by Planning Commissioner _____ and the Resolution adopted by the following vote:

AYES:
NOES:
ABSENT:

APPROVED:

John Cates, Planning Commission Chairman

ATTEST:

Sandra Benetti, Planning Commission Secretary

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS BANOS
ADDING ARTICLE 46 TO CHAPTER 3 OF TITLE 9 OF THE LOS BANOS
MUNICIPAL CODE RELATING TO REASONABLE ACCOMMODATION**

WHEREAS, the State legislature has found and declared that, among other things, Cities and Counties shall make reasonable accommodation in their land use and zoning regulations and practices when such accommodation may be necessary to afford individuals with disabilities and equal opportunity to housing;

WHEREAS, the City of Los Banos ("City") seeks to ensure that the City's zoning laws are consistent with the goals, policies and standards set forth in the City's General Plan, federal law, and state law as it relates to the reasonable accommodation to individuals with disabilities within the City;

WHEREAS, the Los Banos 2030 General Plan, and 2014-2023 Housing Element policy 5B requires the City of Los Banos to establish and implement a Reasonable Accommodation Ordinance;

WHEREAS, the proposed ordinance is attached hereto and incorporated herein by this reference as Attachment A;

WHEREAS, the proposed ordinance does not propose any changes to City policies or regulations that would result in a direct or indirect physical environmental impact; therefore it has been determined that the proposed ordinance is covered by the general rule that the California Environmental Quality Act applies only to projects which have the potential for causing a significant effect on the environment pursuant to CEQA guidelines Section 15061 (b)(3) and is not subject to environmental review;

WHEREAS, the Planning Commission held a public hearing on February 26, 2020 and recommended approval of the proposed Ordinance with findings of General Plan consistency, and

WHEREAS, the City Council conducted a duly noticed public hearing on March 18, 2020 and April 1, 2020 at which time all individuals desiring to comment on the proposed Ordinance were heard; and

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF LOS BANOS DOES
ORDAIN AS FOLLOWS:**

Section 1: Article 46 of Chapter 3 of Title 9 of the Los Banos Municipal Code shall be added to read as follows:

**TITLE 9 PLANNING AND ZONING
CHAPTER 3 ZONING**

ARTICLE 46. REASONABLE ACCOMMODATION

Sec. 9-3.4601 Purpose and Intent.

It is the policy of the City of Los Banos, pursuant to the Federal Fair Housing Amendments Act of 1988 and the California Fair Employment and Housing Act, to provide individuals with disabilities reasonable accommodation in rules, policies, practices and procedures to ensure equal access to housing and facilitate the development of housing for individuals with disabilities. This ordinance establishes a procedure for making request for reasonable accommodation in land use, zoning and building regulations, policies, practices and procedures of the jurisdiction to comply fully with the intent and purpose of fair housing laws.

Sec. 9-3.4602 Applicability.

Reasonable accommodation in the land use and zoning context means providing individuals with disabilities or developers of housing for people with disabilities, flexibility in the application of land use and zoning and building regulations, policies, practices and procedures, or even waiving certain requirements, when it is necessary to eliminate barriers to housing opportunities.

An individual with a disability is someone who has a physical or mental impairment that limits one or more major life activities; anyone who is regarded as having such impairment; or anyone with a record of such impairment.

A request for reasonable accommodation may be made by any individual with a disability, his or her representative, or a developer or provider of housing for individuals with disabilities, when the application of a land use, zoning or building regulation, policy, practice or procedure acts as barrier to fair housing opportunities.

Sec. 9-3.4603 Notice to the Public of Availability of Accommodation Process.

Notice of the availability of reasonable accommodation shall be prominently displayed at the public information counter in the Community and Economic Development Department, advising the public of the availability of the procedure for eligible individuals. Forms for requesting reasonable accommodation shall be available to the public in the Community and Economic Development Department.

Sec. 9-3.4604 Requesting Reasonable Accommodation.

- (a) In order to make housing available to an individual with a disability, any eligible person as defined in Section 9-3.4602 may request a reasonable accommodation in land use, zoning and building regulations, policies, practices and procedures.

- (b) Requests for reasonable accommodation shall be in writing and provide the following information:
- 1) Name and address of the individual(s) requesting reasonable accommodation;
 - 2) Name and address of the property owner(s);
 - 3) Address of the property for which accommodation is requested;
 - 4) Description of the requested accommodation and the regulation(s), policy or procedure for which accommodation is sought; and
 - 5) Reason that the requested accommodation may be necessary for the individual(s) with the disability to use and enjoy the dwelling.
- (c) Any information identified by an applicant as confidential shall be retained in a manner so as to respect the privacy rights of the applicant and shall not be made available for public inspection.
- (d) A request for reasonable accommodation in regulations, policies, practices and procedures may be filed at any time that the accommodation may be necessary to ensure equal access to housing. A reasonable accommodation does not affect an individual's obligation to comply with other applicable regulations not at issue in the requested accommodation.
- (e) If an individual needs assistance in making the request for reasonable accommodation, the jurisdiction will provide assistance to ensure that the process is accessible.

Sec. 9-3.4605 Reviewing Authority.

- (a) Requests for reasonable accommodation shall be reviewed by the "reviewing authority," using the criteria set forth in Section 9-3.4606.
- (b) The reviewing authority shall issue a written decision on a request for reasonable accommodation within thirty (30) days of the date of the application and may either grant, grant modifications, or deny a request for reasonable accommodation in accordance with the required findings set for in Section 9-3.4606.
- (c) If necessary to reach a determination on the request for reasonable accommodation, the Community and Economic Development Director may request further information from the applicant consistent with fair housing laws, specifying in detail the information that is required. In the event that a request

for additional information is made, the thirty (30) day period to issue a decision is stayed until the applicant responds to the request.

Sec 9-3.4606 Required Findings.

The written decision to grant, grant modifications, or deny a request for reasonable accommodation shall be consistent with fair housing laws and based on the following factors:

- (a) Whether the housing, which is the subject of the request for reasonable accommodation, will be used by an individual with disabilities protected under fair housing laws;
- (b) Whether the requested accommodation is necessary to make housing available to an individual with disabilities protected under the fair housing laws;
- (c) Whether the requested accommodation would impose an undue financial or administrative burden on the jurisdiction; and
- (d) Whether the requested accommodation would require a fundamental alteration in the nature of the jurisdiction's land use and zoning or building program.

Sec 9-3.4607 Written Decision on the Request for Reasonable Accommodation.

- (a) The written decision on the request for reasonable accommodation shall explain in detail the basis of the decision, including the reviewing authority's findings on the criteria set forth in Section 9-3.4606. All written decisions shall give notice of the applicant's right to appeal and to request reasonable accommodation in the appeals process as set forth below. The notice of decision shall be sent to the applicant by certified mail.
- (b) The written decision of the Community and Economic Development Director shall be final unless an applicant appeals it to the Planning Commission.
- (c) If the reviewing authority fails to render a written decision on the request for reasonable accommodation with the thirty (30) day time period allotted by Section 9-3.4606 the request shall be deemed granted.
- (d) While a request for reasonable accommodation is pending, all laws and regulations otherwise applicable to the property that is the subject of the request shall remain the full force and effect.

Sec. 9-3.4608 Appeals.

The decision of the Community and Economic Development Director may be appealed as provided by the appeal procedure provided in Part 6 of Article 23 of this Chapter.

Section 2. To the extent that the terms and provisions of this Ordinance may be inconsistent or in conflict with the terms or conditions of any prior City ordinance, motion, resolution, rule or regulation governing the same subject, the terms of this Ordinance shall prevail with respect to the subject matter thereof and such inconsistent or conflicting provisions of prior ordinances, motions, resolutions, rules or regulations are hereby repealed.

Section 3. If any section, subsection, subdivision, paragraph, sentence, clause or phrase added by this Ordinance, or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more subsections, subdivisions, paragraphs, sentences, clauses or phrases are declared unconstitutional, invalid or ineffective.

Section 4. The proposed amendments to the Los Banos Municipal Code do not propose any changes to City policies or regulations that would result in a direct or indirect physical environmental impact; therefore it has been determined that this ordinance amendment is covered by the general rule that the California Environmental Quality Act applies only to projects which have the potential for causing a significant effect on the environment pursuant to CEQA guidelines section 15601(b)(3) and is not subject to environmental review.

Section 5. This Ordinance shall go into effect and be in full force and operation thirty (30) days after its final passage and adoption. The City Clerk shall certify to the adoption of this Ordinance and cause the same to be posted and published once within fifteen days after passage and adoption as may be required by law; or, in the alternative the City Clerk may cause to be published a summary of this Ordinance and a certified copy of the text of this Ordinance shall be posted in the Office of the City Clerk five days prior to the date of adoption of this Ordinance; and, within fifteen days after adoption, the City Clerk shall cause to be published, the aforementioned summary and shall post a certified copy of this Ordinance, together with the vote for and against the same, in the Office of the City Clerk.

Introduced by Council Member _____ and seconded by Council Member _____ on the ____ day of _____, 2020.

Passed on the ____ day of _____, 2020 by the following vote:

AYES: Council Members

NOES:
ABSENT:

APPROVED:

Michael Villalta, Mayor

ATTEST:

Lucille L. Mallonee, City Clerk



City of
Los Banos
At the Crossroads of California

**COMMUNITY AND ECONOMIC DEVELOPMENT
DEPARTMENT**

Date: February 14, 2020

Regarding: Notice of Public Hearing

Proposal: Proposed Ordinance – Reasonable Accommodation

NOTICE IS HEREBY GIVEN THAT a Public Hearing will be held by the Los Banos Planning Commission to consider a Statutory Exemption from CEQA pursuant to Section 15061(b)(3) (General Rule) and to consider a recommendation to the Los Banos City Council to add Article 46 to Chapter 3 of Title 9 of the Los Banos Municipal Code relating to reasonable accommodation.

A PUBLIC HEARING on this matter will be held at the next scheduled meeting of the Los Banos Planning Commission on Wednesday, February 26, 2020 at 7:00 p.m. in the Council Chambers of Los Banos City Hall located at 520 "J" Street. Questions regarding the above-referenced item may be directed to Stacy Souza Elms, Community and Economic Development Director, at City Hall or at (209) 827-2433.

All persons are invited to be present at the public hearing. Written and oral testimony is invited. Notice is hereby further given that if you challenge the above described Ordinance in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this Notice, or in written correspondence delivered to the Planning Commission at, or prior to, the public hearing per Government Code Section 65009.

Additional information may be obtained from Community & Economic Development Department at 520 J Street, Los Banos, California. In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Office of the City Clerk at (209) 827-7000. Notification at least 72 hours prior to the public hearing will enable the City to make reasonable arrangements to allow participation at this hearing

THE CITY OF LOS BANOS

Stacy Souza Elms
Community and Economic Development Director



City of
Los Banos
At the Crossroads of California

PLANNING COMMISSION STAFF REPORT

TO: CHAIRMAN CATES AND COMMISSIONERS

**FROM: STACY SOUZA ELMS,
COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR** 

FOR: FEBRUARY 26, 2020

SUBJECT: SB2/HOUSING ELEMENT COMPLIANCE

RECOMMENDATION:

Staff recommends that the Planning Commission adopt Resolution 2020-__.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS BANOS RECOMMENDING TO THE CITY COUNCIL ADOPTION OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS BANOS AMENDING TITLE 9 CHAPTER 3 OF THE LOS BANOS MUNICIPAL CODE REGARDING EMERGENCY SHELTERS, SUPPORTIVE AND TRANSITIONAL HOUSING AND SINGLE ROOM OCCUPANCY UNITS

BACKGROUND:

On January 1, 2008, the Governor of the State of California signed into law Senate Bill 2 (SB2), a bill amending Sections 65583 and 65589.5 of the Government Code mandating certain approaches to local regulation of emergency shelters and transitional and supportive housing. Namely, Senate Bill 2 requires that cities:

- 1) Permit transitional and supportive housing as a residential use which is subject to only those restrictions that apply to other dwellings of the same type in the same zone, and

2) Identify at least one zone, with sufficient capacity, to permit emergency shelters without a conditional use permit or other discretionary action.

In addition to SB 2 the Governor of the State of California signed into law AB 2634 requiring local jurisdictions to make provisions for Single Room Occupancy (SRO) Facilities.

In addition to the foregoing, on January 1, 2014, SB 745 went into effect, modifying the definitions of supportive housing, target populations, and transitional housing as defined in SB 2. SB 745 generally amends Section 65582 of the Government Code to replace prior Health and Safety Code definitions for these uses with definitions that specifically relate to housing element law.

Since 1969, Housing Elements have been mandatory portions of local general plans in California because providing housing for all Californians is considered by the state legislature to be of vital statewide importance. A Housing Element provides an analysis of a community's housing needs for all income levels, and strategies to respond to provide for those housing needs. It is a key part of the City's overall General Plan. State Law establishes that each city accommodate its fair share of affordable housing as an approach to distributing housing needs throughout the state. State Housing Element law also recognizes that in order for the private sector to address housing needs and demand, local governments must adopt land-use plans and implementing regulations that provide opportunities for, and do not unduly constrain, housing development by the private sector.

Rules regarding Housing Elements are found in the California Government Code Sections 65580-65589. Unlike the other mandatory general plan elements, the housing element is required to be updated every five years. It is also subject to detailed statutory requirements and mandatory review and approval by the Department of Housing and Community Development.

As evidenced by the multitude of legislation passed starting with and since SB 2 a primary housing goal for the State is ensuring every resident has a decent home and suitable living environment. This includes requirements for municipalities to amend their zoning code to define, permit, and provide accommodations for a variety of housing types including supportive housing, transitional housing, single room occupancy units and address and remove constraints to the maintenance, improvement, and development of housing for the homeless.

On July 25, 2016 the City Council approved the 2014-2023 Housing Element which was subsequently certified by the State Department of Housing and Community Development (HCD).

Accordingly, the Housing Element 2014-2023 outlined several necessary implementation steps to address State and Federal requirements and to improve access to various housing types throughout the City of Los Banos.

Below are excerpts of the language from Housing Element 2014-2023 Program 8F and 8H which discuss the need for updates:

“8F. The City will amend Title 9, Chapter 3 to allow for the location of Single Room Occupancy (SRO) uses as a conditional use in the High Density Residential District (R-3) and adopt development standards that allow and accommodate the inclusion of new SRO’s.”

“8H. The City will review and amend if necessary, Title 9, Chapter 3 to ensure that Transitional and Supportive Housing complies with Senate Bill 2. If necessary, the City shall amend the Zoning Ordinance to permit Transitional and Supportive Housing as a residential use in all zones allowing residential uses and only subject to those restrictions that apply to other residential dwellings of the same type in the same zone. In addition, the City shall amend Article 2: Definitions to include Transitional and Supportive Housing and Target Population, per Senate Bill 745.”

ANALYSIS:

Emergency Shelters

Senate Bill 2, passed in 2007, amended State housing law (California Government Code Sections 65582, 65583, and 65589.5) regarding shelter for homeless persons. This legislation required local jurisdictions to strengthen provisions for addressing the housing needs of homeless persons, including the identification of a zone or zones where emergency shelters are allowed as a permitted use without a conditional use permit.

Currently, emergency shelters are permitted by right in the Medium Density Residential (R-2) and High Density Residential (R-3) Districts and by conditional use permit in the Low Density Residential District (R-1). The City has approximately 54.18 acres of vacant land within its R-2 zone district. This amount of vacant land should be sufficient enough to accommodate the existing and anticipated homeless in the City of Los Banos. The parcels within the R- 2 zone district range in size from less than one (1) acre to as large as thirteen (13) acres, and are suitable for the development of an emergency shelter based on size needed for structures, parking, etc. Staff believes that the Industrial District (I) might actually be a more suitable location for emergency shelters as a conditional use. The Industrial District is generally located at both ends of the rail trail.

The City has not established development criteria for emergency shelters. SB2 allows for the establishment of emergency shelter development criteria with certain parameters established by the State. The regulations for emergency shelters are being incorporated as Article 47 of Chapter 9, Title 3 of the Municipal Code. The regulations include:

(1) No individual shall be denied emergency shelter because of an inability to pay.

(2) Emergency shelters shall be operated under the authority of a governing agency or private organization that provides, or that contracts to provide, emergency shelters and which, when required by law, is properly registered and licensed.

(3) Emergency shelters shall comply with applicable California Health and Safety Codes.

(4) Emergency shelters shall comply with all property development standards of the zone in which they are located, and in addition, no emergency shelter shall be located within three hundred feet of another such facility, said measurement being defined as the shortest distance between the outside walls of the structures housing such facilities.

(5) Parking shall be as required by Title 9, Article 3, Chapter 20 "Off-Street Parking" unless the applicant provides substantial evidence demonstrating that the actual parking need is lower, subject to the approval of the Community and Economic Development Director or designee.

(6) Each emergency shelter shall include, at a minimum, the following:

a. Interior and exterior lighting necessary for security, safety, and operational purposes shall conform to the California Code of Regulations Title 24, Parts 2, 2.5 and 6 or any successor provisions as applicable in effect at the time the application is deemed complete. Exterior lighting shall be stationary, directed away from adjacent properties and public right-of-ways;

b. If client intake is to occur on-site, there shall be an indoor client intake/waiting area equal to a minimum of ten square feet per bed provided at the facility. If an exterior waiting area is also provided, it shall be enclosed or screened from public view and adequate to prevent obstructing of the public right-of-way and required parking and access;

c. Clean, sanitary beds and sanitation facilities, including showers and toiletries; and

d. Segregated sleeping, lavatory and bathing areas if the emergency shelter accommodates both men and women in the same building. Reasonable accommodation shall be made to provide segregated sleeping, lavatory and bathing areas for families.

(7) At least one facility manager shall be on-site at all hours the facility is open and one hour prior to and after facility operating hours. At least one full-time equivalent

employee shall be required to be on-site during facility operating hours for every 20 beds in the facility.

(8) Emergency shelters may provide one or more of the following types of supportive facilities or services for the exclusive use or benefit of the shelter clients:

- a. Central cooking and dining room(s);
- b. Recreation areas, indoor and/or outdoors;
- c. Laundry facilities for clients to wash their clothes;
- d. Intake and administrative offices;
- e. Counseling and other supportive services; or
- f. Secure storage areas for bicycles and other personal possessions.

(9) The agency or organization operating the shelter shall have a written Facility Management Plan consisting of, as applicable, provisions for staff training; neighborhood outreach; security; screening of residents to ensure compatibility with services provided at the facility; training, counseling, and treatment programs for residents, and facility information, including the number of persons who can be served nightly, the location of onsite waiting and intake areas, the provision of onsite management, and onsite security during hours of operation, as established in Government Code Section 65583 (a)(4)(A).

The City has not received an application for development of an emergency shelter since the adoption of the Housing Element.

The proposed Ordinance does the following: adds emergency shelters as an allowed use in the Industrial District (I) subject to a conditional use permit; establishes development criteria for emergency shelters; and adds a definition for “emergency shelters” and eliminates the definition of “homeless shelters”.

Supportive and Transitional Housing

Supportive housing combines non-time-limited affordable housing assistance with wrap-around supportive services for people experiencing homelessness, as well as other people with disabilities. Supportive housing is permanent housing with a lease where the tenant pays affordable rent. Health and social services (medical care, mental health and addiction therapy, employment training, and case management) are offered on-site or in close proximity to supportive housing. Housing affordability is ensured either through a rent subsidy or by setting rents at affordable levels.

Transitional housing serves as a short-term stay when an individual or household is either waiting to secure permanent housing, or has secured permanent housing that is not immediately available. Transitional housing is also known as “bridge” or “interim housing.” Services are typically provided to prepare residents to transition to permanent housing. The stay is usually limited for a limited time period. Stays can be from two

weeks to twenty four months. Transitional housing provides people with help after a crisis such as homelessness or domestic violence.

Government Code § 65583(c)(3) states that supportive and transitional 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 types in the same zone.

To implement the State law and Housing Element Program 8H, the proposed Ordinance includes proposed amendments to the Zoning Code to allow supportive and transitional housing throughout the City where other residential uses of the same type (single family or multifamily) are permitted. Specifically allowed in Low Density Residential (R-1); Medium Density Residential (R-2); High Density Residential (R-3); Mixed Use District (M-X); and Rail Corridor District (R-C).

The proposed Ordinance also includes new definitions for supportive and transitional housing, consistent with state law definitions in California Government Code Sections 65582(g) and 65582(i), respectively. The existing definition for transitional and supportive housing would be replaced with a definition based on State law.

Single Room Occupancy Housing

The Governor of the State of California signed into law AB2634 requiring local jurisdictions to make provisions for Single Room Occupancy (SRO) Facilities.

Single Room Occupancy Housing (SRO) is identified in Housing Element Program 8F as a specialized housing type to be accommodated. State law requires that the City accommodate this housing type, to provide smaller, less expensive housing units in order to meet our regional housing needs for lower incomes. To implement the State law and Housing Element Program 8F, the proposed Ordinance includes amendments to the Zoning Code to include a new definition for single residential occupancy housing consistent with state law and to include the use as a conditional use in the High Density Residential District (R-3).

The proposed Ordinance also provides regulations for single room occupancy housing units and facilities that would be applied in addition to the regulations of the underlying zoning district where SRO development would be permitted.

The regulations for SRO Housing are being incorporated as Article 48 of Chapter 9, Title 3 of the Municipal Code. The regulations include:

(1) Tenancy of each SRO unit shall not be for less than 30 days. No transient occupancy is allowed; SRO units shall be occupied as the primary residence of the tenant.

(2) Excluding the bathroom area and closet(s), the SRO unit must be a minimum of two hundred fifty (250) square feet in floor area and the maximum size

shall be not more than three hundred (300) square feet. Each SRO unit shall be designed to accommodate a maximum of two people.

(3) Each SRO unit must include a closet.

(4) An SRO unit is not required to but may contain partial or full kitchen facilities. A full kitchen includes a sink, a refrigerator and a stove, range top or oven. A partial kitchen is missing at least one of these appliances. If a full kitchen is not provided, common kitchen facilities shall be provided with at least one full kitchen for every twenty (20) SRO units or portion thereof that do not have full kitchens, or have one kitchen on any floor where SRO units without kitchens are located.

(5) An SRO unit is not required to but may contain partial or full bathroom facilities. A partial bathroom facility shall have at least a toilet and sink; a full facility shall have a toilet, sink and bathtub, shower or bathtub/shower combination. Common bathrooms must be located on any floor with any unit that does not have a full bathroom. Common bathrooms shall be either single occupant use with provisions for privacy or multi-occupant use with separate provisions for men and women. Common bathrooms shall have shower or bathtub facilities at a ratio of one for every seven units or fraction thereof. Each shared shower or bathtub facility shall be provided with an interior lockable door.

(6) Each SRO facility shall have at least ten (10) square feet of common usable area per unit; however no SRO facility shall provide less than two hundred (200) square feet of common outdoor area and two hundred (200) square feet of common indoor area. Maintenance areas, laundry facilities, storage (including bicycle storage), and common hallways shall not be included as usable indoor common space. Landscape areas that are less than eight (8) feet wide shall not be included as outdoor common space.

(7) A SRO facility with eight (8) or more units shall provide twenty-four (24) hour on-site management, and include a dwelling unit designated for the manager. All SRO facilities must have a management plan approved prior to occupation by the Los Banos Community and Economic Development Director or designee. The management plan shall contain management policies, maintenance plans, rental procedures, tenant rules, and security procedures.

(8) Laundry facilities must be provided in a separate room at the ratio of one washer and one dryer for every ten (10) SRO units or fractional number thereof, with at least one (1) washer and dryer per floor.

(9) A cleaning supply storeroom and/or utility closet with at least one laundry tub with hot and cold running water must be provided on each floor of the SRO facility.

(10) Parking ratio of one space per unit and bicycle rack storage of one rack per 5 units.

(11) SRO facilities and SRO units shall comply with all requirements of the California Building Code and all other codes. All units shall comply with all applicable accessibility and adaptability requirements. All common areas shall be fully accessible. An existing structure may be converted to an SRO facility, consistent with the provisions of this section. Any such conversion must bring the entire structure up to current building code standards, including accessibility and adaptability standards, unless otherwise exempted by the Building Official.

(12) Interior and exterior lighting necessary for security, safety, and operational purposes shall conform to the California Code of Regulations Title 24, Parts 2, 2.5 and 6 or any successor provisions as applicable in effect at the time the application is deemed complete. Exterior lighting shall be stationary, directed away from adjacent properties and public right-of-ways.

ENVIRONMENTAL REVIEW:

The adoption of the proposed ordinance is covered by the “general rule” that the California Environmental Quality Act (CEQA) applies only to projects which have the potential for causing a significant effect on the environment. Staff’s determination is that it can be seen with certainty that there is no possibility that the proposed regulations contained in the ordinance will have a significant effect on the environment. Therefore, the adoption of the ordinance is not subject to CEQA.

Attachments:

Proposed Resolution
Proposed Draft Ordinance
Text of SB2

RESOLUTION NO. 2020-__

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS BANOS RECOMMENDING TO THE CITY COUNCIL ADOPTION OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS BANOS AMENDING TITLE 9 CHAPTER 3 OF THE LOS BANOS MUNICIPAL CODE REGARDING EMERGENCY SHELTERS, SUPPORTIVE AND TRANSITIONAL HOUSING AND SINGLE ROOM OCCUPANCY UNITS

WHEREAS, Government Code Section 65583 (Senate Bill 2 (SB2)) obligates cities and counties to establish a zoning district that allows emergency shelters as a land use which does not require a conditional use permit or other discretionary approval, and allows for the opportunity to create written standards for the development and operation of emergency shelters;

WHEREAS, SB2 stipulates that supportive housing and transitional housing shall be considered residential uses, only subject to those restrictions that apply to other residential uses of the same type in the same zone;

WHEREAS, Housing Element Objectives and Policies adopted by the City Council on July 25, 2016 calls for amending the Zoning Code regarding emergency shelters and supportive and transitional housing to be in compliance with SB2;

“Implementation Program 8H. The City will review and amend if necessary, Title 9, Chapter 3 to ensure that Transitional and Supportive Housing complies with Senate Bill 2. If necessary, the City shall amend the Zoning Ordinance to permit Transitional and Supportive Housing as a residential use in all zones allowing residential uses and only subject to those restrictions that apply to other residential dwellings of the same type in the same zone. In addition, the City shall amend Article 2: Definitions to include Transitional and Supportive Housing and Target Population, per Senate Bill 745.”

WHEREAS, the currently Emergency Shelters are permitted by right only in the Medium Density Residential (R-2) and High Density Residential (R-3) Districts and by conditional use permit in the Low Density Residential (R-1);

WHEREAS, AB 2634 local jurisdictions are now required to make provisions for Single Room Occupancy (SRO) Facilities;

WHEREAS, Housing Element Objectives and Policies adopted by the City Council on July 25, 2016 calls for amending the Zoning Code regarding single room occupancy units to be in compliance with AB 2634:

“Implementation Program 8F. The City will amend Title 9, Chapter 3 to allow for the location of Single Room Occupancy (SRO) uses as a conditional use in the High Density Residential District (R-3) and adopt development standards that allow and accommodate the inclusion of new SRO’s.”

WHEREAS, the proposed amendments to the Los Banos Municipal Code are intended to ensure the City's procedural and substantive requirements for regarding emergency shelters, supportive and transitional housing and single room occupancy units are consistent with State law and the adopted Objectives and Policies of the 2014-2023 Housing Element;

WHEREAS, the proposed Ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2), 15060(c)(3) and 15061(b)(3). The activity is not subject to CEQA because it will not result in a direct or reasonably foreseeable indirect physical change in the environment; the activity is not a project as defined in Section 15378, and the activity is covered by the general rule that CEQA applies only to projects, which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment, the activity is not subject to CEQA;

WHEREAS, on February 26, 2020, the Planning Commission conducted a duly noticed public hearing to consider the proposed amendment to Title 9 Chapter 3 of the Los Banos Municipal Code regarding emergency shelters, supportive and transitional housing and single room occupancy units.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. The Planning Commission finds that the proposed Ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2), 15060(c)(3) and 15061(b)(3). The activity is not subject to CEQA because it will not result in a direct or reasonably foreseeable indirect physical change in the environment; the activity is not a project as defined in Section 15378, and the activity is covered by the general rule that CEQA applies only to projects, which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment, the activity is not subject to CEQA.

2. The Planning Commission finds that the proposed ordinance is consistent with the City’s General Plan.

3. The Planning Commission recommends that the City Council of the City of Los Banos consider and approve the attached Ordinance of the City Council of the City of Los Banos Amending Title 9 Chapter 3 of the Los Banos Municipal Code regarding

emergency shelters, supportive and transitional housing and single room occupancy units.

The foregoing Resolution was introduced at a regular meeting of the Planning Commission of the City of Los Banos held on the 26th day of February 2020, by Planning Commissioner _____ who moved its adoption, which motion was duly seconded by Planning Commissioner _____ and the Resolution adopted by the following vote:

AYES:
NOES:
ABSENT:

APPROVED:

John Cates, Planning Commission Chairman

ATTEST:

Sandra Benetti, Planning Commission Secretary

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS BANOS AMENDING TITLE 9 CHAPTER 3 OF THE LOS BANOS MUNICIPAL CODE REGARDING EMERGENCY SHELTERS, SUPPORTIVE AND TRANSITIONAL HOUSING AND SINGLE ROOM OCCUPANCY UNITS

WHEREAS, Government Code Section 65583 (Senate Bill 2 (SB2)) obligates cities and counties to establish a zoning district that allows emergency shelters as a land use which does not require a conditional use permit or other discretionary approval, and allows for the opportunity to create written standards for the development and operation of emergency shelters;

WHEREAS, the currently Emergency Shelters are permitted by right only in the Medium Density Residential (R-2) and High Density Residential (R-3) Districts and by conditional use permit in the Low Density Residential (R-1);

WHEREAS, SB2 stipulates that supportive housing and transitional housing shall be considered residential uses, only subject to those restrictions that apply to other residential uses of the same type in the same zone;

WHEREAS, AB 2634 local jurisdictions are now required to make provisions for Single Room Occupancy (SRO) Facilities;

WHEREAS, Housing Element Objectives and Policies adopted by the City Council on July 25, 2016 calls for amending the Zoning Code regarding emergency shelters and supportive and transitional housing to be in compliance with SB2;

“Implementation Program 8H. The City will review and amend if necessary, Title 9, Chapter 3 to ensure that Transitional and Supportive Housing complies with Senate Bill 2. If necessary, the City shall amend the Zoning Ordinance to permit Transitional and Supportive Housing as a residential use in all zones allowing residential uses and only subject to those restrictions that apply to other residential dwellings of the same type in the same zone. In addition, the City shall amend Article 2: Definitions to include Transitional and Supportive Housing and Target Population, per Senate Bill 745.”

WHEREAS, Housing Element Objectives and Policies adopted by the City Council on July 25, 2016 calls for amending the Zoning Code regarding single room occupancy units to be in compliance with AB 2634:

“Implementation Program 8F. The City will amend Title 9, Chapter 3 to allow for the location of Single Room Occupancy (SRO) uses as a conditional use in the High Density Residential District (R-3) and adopt

development standards that allow and accommodate the inclusion of new SRO's."

WHEREAS, the proposed amendments to the Los Banos Municipal Code are intended to ensure the City's procedural and substantive requirements for regarding emergency shelters, supportive and transitional housing and single room occupancy units are consistent with State law and the adopted Objectives and Policies of the 2014-2023 Housing Element;

WHEREAS, the subject Ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2), 15060(c)(3) and 15061(b)(3). The activity is not subject to CEQA because it will not result in a direct or reasonably foreseeable indirect physical change in the environment; the activity is not a project as defined in Section 15378, and the activity is covered by the general rule that CEQA applies only to projects, which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment, the activity is not subject to CEQA;

WHEREAS, the Planning Commission held a public hearing on February 26, 2020 and recommended approval of the proposed Ordinance with a finding of General Plan consistency; and

WHEREAS, the City Council conducted a duly noticed public hearing on the on March __, 2020 and April __, 2020 at which time all individuals desiring to comment on the proposed amendments were heard.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF LOS BANOS DOES ORDAIN AS FOLLOWS:

Section 1: The above recitals and findings are true and correct and incorporated herein by this reference.

Section 2: The following definitions are hereby deleted from Section 9-3.201 of the Los Banos Municipal Code:

~~"Homeless shelter" means any structure designed, constructed, intended, or occupied for temporary occupancy by homeless persons for dwelling, lodging, or sleeping purposes. Medical assistance, training, counseling, and personal services essential to enable homeless persons to make the transition to permanent shelter may be provided, with or without meals, as part of the operation of a homeless shelter.~~

~~Transitional and/or supportive housing" means housing with supportive services that is limited to occupancy of up to twenty four (24) months that is exclusively designated and targeted for recently homeless persons. Transitional housing includes self-sufficiency development services, with the ultimate goal of moving recently~~

~~homeless persons to permanent housing as quickly as possible, and limits rents and service fees to an ability to pay formula reasonably consistent with the United States Department of Housing and Urban Development's requirements for subsidized housing for low income persons.~~

Section 3: The following definitions are hereby added to Section 9-3.201 of the Los Banos Municipal Code to read as follows:

"Emergency shelter" means housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay (as defined by California Health and Safety Code Section 50801(e)).

"Single-Room Occupancy (SRO) Facility" means any building containing five or more guest rooms or units intended or designed to be used, or which are used, rented, or hired out, to be occupied, or which are occupied, for sleeping purposes by residents, which is also the primary residence of those residents. The individual units shall lack either kitchen facilities or individual bathrooms, or both. If full kitchen and bathroom facilities are provided in any living unit, then that unit shall not be considered a Single-Room Occupancy (SRO) unit for purposes of this section; it shall be considered a single family or multi-family residential unit, as the case may be. A Single-Room Occupancy Facility does not include residential care homes, senior housing projects, rooming and boarding houses, hotels and motels, bed and breakfast lodging, extended care facilities, hospitals, or similar use or other transient lodging facilities.

"Supportive housing" means housing with no limit on length of stay, that is occupied by the target population, and that is linked to onsite or offsite service that assists the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community (as defined by Government Code Section 65582). 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.

"Target population" means persons with low incomes who have one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health condition, or individuals eligible for services provided pursuant to the Lanterman Developmental Disabilities Services Act (Division 4.5 (commencing with Section 4500) of the Welfare and Institutions Code) and may include, among other populations, adults, emancipated minors, families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, and homeless people (as defined by Government Code Section 65582).

"Transitional housing" means a building or buildings configured as rental housing developments, but operated under program requirements that require the termination of assistance and recirculation of the assisted unit to another eligible

program recipient at a predetermined future point in time that shall be no less than six months from the beginning of the assistance (as defined by Section 50675.2 of the Health and Safety Code). Transitional 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. Transitional housing does not include state licensed residential care facilities.

Section 4: Section 9-3.502 of the Los Banos Municipal Code is hereby amended to read as follows:

Sec. 9-3.502 Uses permitted (R-C).

The following uses shall be permitted in the Rail Corridor District:

- (a) Mixed use development;
- (b) Commercial;
- (c) Live-work facilities;
- (d) Stacked flats;
- (e) Courtyard flats;
- (f) Townhouses;
- (g) Public/civic buildings and public spaces;
- (h) Cottage houses;
- (i) Accessory buildings;
- (j) Supportive housing; and
- (k) Transitional housing.

Section 5: Section 9-3.602 of the Los Banos Municipal Code is hereby amended to read as follows:

Sec. 9-3.602 Uses permitted (R-1).

The following uses shall be permitted in the Low Density Residential District:

- (a) Single-family dwellings;
- (b) Public schools;
- (c) Public parks and playgrounds;
- (d) One secondary dwelling unit subject to the provisions of this chapter;
- (e) Employee needs housing for up to six (6) unrelated persons;
- (f) Group home;
- (g) Residential care facility for up to six (6) unrelated persons;
- (h) Special needs housing for up to six (6) unrelated persons;
- (i) Accessory buildings if secondary to primary use;
- (j) Home occupations;
- (k) Small family daycare;
- (l) Public utility distribution and transmission line towers and poles and underground facilities for the distribution of gas, water, communications, and electricity;

- (m) Supportive housing; and
- (n) Transitional housing.

Section 6: Section 9-3.603 of the Los Banos Municipal Code is hereby amended to read as follows:

Sec. 9-3.603 Uses permitted subject to securing use permits (R-1).

The following uses shall be permitted in the Low Density Residential District subject to securing a use permit:

- (a) Parochial schools;
- (b) Private academic schools when teaching an approved academic curriculum;
- (c) Churches and public uses;
- (d) Home occupations involving an employee or employees, advertising of the residence and/or customers on site;
- (e) Crop and tree farming;
- (f) Public utility uses, but not including storage or corporation yards;
- (g) Ducks, pigeons, geese, and chickens serving as household pets or 4H or FFA animal projects, in a number deemed appropriate;
- (h) Large family day care homes and day care centers;
- (i) Employee needs housing for more than six (6) unrelated persons;
- (j) Residential care facility for more than six (6) unrelated persons;
- (k) Special needs housing for more than six (6) unrelated persons; and
- (l) Emergency shelter.

Section 7: Section 9-3.702 of the Los Banos Municipal Code is hereby amended to read as follows:

Sec. 9-3.702 Uses permitted (R-2).

The following uses shall be permitted in the Medium Density Residential District:

- (a) Triplexes, duplexes, attached or detached single-family dwellings;
- (b) Public schools;
- (c) Public parks and playgrounds;
- (d) Employee needs housing for up to six (6) unrelated persons;
- (e) Group home;
- (f) Residential care facility for up to six (6) unrelated persons;
- (g) Special needs housing for up to six (6) unrelated persons;
- (h) Accessory buildings if secondary to primary use;
- (i) Home occupations;
- (j) Small family daycare;

- (k) Public utility distribution and transmission line towers and poles and underground facilities for the distribution of gas, water, communications, and electricity;
- (l) Emergency shelter;
- (l) Supportive housing; and
- (m) Transitional housing.

Section 8: Section 9-3.703 of the Los Banos Municipal Code is hereby amended to read as follows:

Sec. 9-3.703 Uses permitted subject to securing use permits (R-2).

The following uses shall be permitted in the Medium Density Residential District subject to securing a use permit:

- (a) Parochial schools;
- (b) Private academic schools when teaching an approved academic curriculum;
- (c) Home occupations involving an employee or employees, advertising of the residence and/or customers on site;
- (d) Churches and public uses;
- (e) Public utility uses, but not including storage or corporation yards;
- (f) Ducks, pigeons, geese, and chickens serving as household pets or 4H or FFA animal projects, in a number deemed appropriate;
- (g) Large family day care homes and day care centers;
- (h) Employee needs housing for more than six (6) unrelated persons;
- (i) Residential care facility for more than six (6) unrelated persons;
- (j) Special needs housing for more than six (6) unrelated persons; and
- (k) Mobile home parks (subject to requirements of Article 17 of this chapter).

Section 9: Section 9-3.802 of the Los Banos Municipal Code is hereby amended to read as follows:

Sec. 9-3.802 Uses permitted (R-3).

The following uses shall be permitted in the High Density Residential District:

- (a) Multifamily uses;
- (b) Apartments;
- (c) Triplexes;
- (d) Group dwellings with more than six (6) residents;
- (e) Public schools;
- (f) Public parks and playgrounds;
- (g) Employee needs housing for more than six (6) unrelated persons;
- (h) Residential care facility for more than six (6) unrelated persons;
- (i) Special needs housing for more than six (6) unrelated persons;

- (j) Accessory buildings;
- (k) Small family daycare;
- (l) Home occupations;
- (m) Public utility distribution and transmission line towers and poles and underground facilities for the distribution of gas, water, communications, and electricity;
- (n) Emergency housing;
- (o) Supportive housing; and
- (p) Transitional housing.

Section 10: Section 9-3.803 of the Los Banos Municipal Code is hereby amended to read as follows:

Sec. 9-3.803 Uses permitted subject to securing use permits (R-3).

The following uses shall be permitted in the High Density Residential District subject to securing a use permit:

- (a) Parochial schools;
- (b) Private academic schools when teaching an approved academic curriculum;
- (c) Churches and public uses;
- (d) Public utility uses;
- (e) Mobile home parks (subject to requirements of Article 17 of this chapter);
- (f) Ducks, pigeons, geese, and chickens serving as household pets or 4H or FFA animal projects, in a number deemed appropriate;
- (g) Large family day care homes and day care centers;
- (h) Home occupations involving an employee or employees, advertising of the residence and/or customers on site;
- (i) A not for profit membership or charitable organization provided the chief activity is not customarily carried on as a business; and
- (j) Single Room Occupancy Facility.

Section 11: Section 9-3.902 of the Los Banos Municipal Code is hereby amended to read as follows:

Sec. 9-3.902 Uses permitted (M-X).

The following uses shall be permitted in the Mixed Use District:

- (a) Art, craft and photography galleries/studios;
- (b) Music and dance studios;
- (c) Banks, savings and loan facilities;
- (d) Eating and/or drinking establishments;
- (e) Communication facilities;
- (f) Food service;

- (g) Specialty food or drink shops;
- (h) Health clubs or exercise studios;
- (i) Maintenance and repair service, small equipment;
- (j) Offices, business, professional or medical;
- (k) Personal services;
- (l) Recreation and entertainment;
- (m) Bed and breakfast inn, hotel or motel;
- (n) Cultural and/or historical institutions;
- (o) Government offices;
- (p) Public parking facilities;
- (q) Retail sales;
- (r) Residential
- (s) Public utility distribution and transmission line towers and poles and underground facilities for the distribution of gas, water, communications, and electricity; and
- (t) Churches.
- (u) Supportive housing; and
- (v) Transitional housing.

Section 12: Section 9-3.1503 of the Los Banos Municipal Code is hereby amended to read as follows:

Sec. 9-3.1503 Uses permitted subject to obtaining use permits (I).

The following uses shall be permitted in the General Industrial District subject to securing a use permit:

- (a) Material storage yards (auto wrecking and salvage yards) when conducted within a solid fence at least seven (7') feet in height and when all material is stacked below the top of the fence;
- (b) Meat packing, stockyards, and the slaughter of animals and fowl;
- (c) Storage and handling of explosive materials;
- (d) Outdoor advertising structures not appurtenant to any permitted use;
- (e) Adult entertainment businesses subject to the provisions starting in Section 11-15.1.01;
- (f) Emergency shelters; and
- (g) Other uses as deemed appropriate by the Planning Commission.

Section 13: Article 47 of Chapter 3 of Title 9 is hereby added to the Los Banos Municipal Code to read as follows:

Article 47. Emergency Shelters.

Sec. 9-3.4701

(a) Consistent with Government Code Sections 65582, 65583(a), and 65589.5, all California cities are required to identify a minimum of one zone that permits emergency shelters by right. The purpose of this Article is to establish standards to ensure that the development of emergency shelters does not adversely impact adjacent parcels or the surrounding neighborhood, and that they are developed in a manner that protects the health, safety, and general welfare of the nearby residents and businesses, and the character of the City of Los Banos.

(b) Emergency shelters may be allowed in the Medium Density Residential District; High Density Residential District; and General Industrial District, as a permitted use, subject to a non-discretionary Zoning Clearance issued by the Community and Economic Development Director pursuant to Government Code Section 65583 (a)(4).

(c) Emergency shelters are subject to the following standards.

(1) No individual shall be denied emergency shelter because of an inability to pay.

(2) Emergency shelters shall be operated under the authority of a governing agency or private organization that provides, or that contracts to provide, emergency shelters and which, when required by law, is properly registered and licensed.

(3) Emergency shelters shall comply with applicable California Health and Safety Codes.

(4) Emergency shelters shall comply with all property development standards of the zone in which they are located, and in addition, no emergency shelter shall be located within three hundred feet of another such facility, said measurement being defined as the shortest distance between the outside walls of the structures housing such facilities.

(5) Parking shall be as required by Title 9, Article 3, Chapter 20 "Off-Street Parking" unless the applicant provides substantial evidence demonstrating that the actual parking need is lower, subject to the approval of the Community and Economic Development Director or designee.

(6) Each emergency shelter shall include, at a minimum, the following:

a. Interior and exterior lighting necessary for security, safety, and operational purposes shall conform to the California Code of Regulations Title 24, Parts 2, 2.5 and 6 or any successor provisions as applicable in effect at the time the application is deemed complete. Exterior lighting shall be stationary, directed away from adjacent properties and public right-of-ways;

b. If client intake is to occur on-site, there shall be an indoor client intake/waiting area equal to a minimum of ten square feet per bed provided at the facility. If an exterior

waiting area is also provided, it shall be enclosed or screened from public view and adequate to prevent obstructing of the public right-of-way and required parking and access;

c. Clean, sanitary beds and sanitation facilities, including showers and toiletries; and

d. Segregated sleeping, lavatory and bathing areas if the emergency shelter accommodates both men and women in the same building. Reasonable accommodation shall be made to provide segregated sleeping, lavatory and bathing areas for families.

(7) At least one facility manager shall be on-site at all hours the facility is open and one hour prior to and after facility operating hours. At least one full-time equivalent employee shall be required to be on-site during facility operating hours for every 20 beds in the facility.

(8) Emergency shelters may provide one or more of the following types of supportive facilities or services for the exclusive use or benefit of the shelter clients:

- a. Central cooking and dining room(s);
- b. Recreation areas, indoor and/or outdoors;
- c. Laundry facilities for clients to wash their clothes;
- d. Intake and administrative offices;
- e. Counseling and other supportive services; or
- f. Secure storage areas for bicycles and other personal possessions.

(9) The agency or organization operating the shelter shall have a written Facility Management Plan consisting of, as applicable, provisions for staff training; neighborhood outreach; security; screening of residents to ensure compatibility with services provided at the facility; training, counseling, and treatment programs for residents, and facility information, including the number of persons who can be served nightly, the location of onsite waiting and intake areas, the provision of onsite management, and onsite security during hours of operation, as established in Government Code Section 65583 (a)(4)(A).

Section 14: Article 48 of Chapter 3 of Title 9 is hereby added to the Los Banos Municipal Code to read as follows:

Article 48. Single Room Occupancy (SRO) Facilities.

Sec. 9-3.4801

(a) The purpose of this Article is to establish standards to ensure that the development of single room occupancy (SRO) facilities does not adversely impact adjacent parcels or the surrounding neighborhood, and that they are developed in a

manner that protects the health, safety, and general welfare of the nearby residents and businesses, and the character of the City of Los Banos.

(b) Single Room Occupancy (SRO) Facilities may be allowed in the (R-3) High Density Residential zone, subject to design review and a conditional use permit. An SRO facility is not required to conform to the density standards of the General Plan or the Zoning Code. Except as set forth herein, SRO facilities shall comply with all property development standards of the zone in which they are located

(c) Single Room Occupancy (SRO) facilities are subject to the following standards:

(1) Tenancy of each SRO unit shall not be for less than 30 days. No transient occupancy is allowed; SRO units shall be occupied as the primary residence of the tenant.

(2) Excluding the bathroom area and closet(s), the SRO unit must be a minimum of two hundred fifty (250) square feet in floor area and the maximum size shall be not more than three hundred (300) square feet. Each SRO unit shall be designed to accommodate a maximum of two people.

(3) Each SRO unit must include a closet.

(4) An SRO unit is not required to but may contain partial or full kitchen facilities. A full kitchen includes a sink, a refrigerator and a stove, range top or oven. A partial kitchen is missing at least one of these appliances. If a full kitchen is not provided, common kitchen facilities shall be provided with at least one full kitchen for every twenty (20) SRO units or portion thereof that do not have full kitchens, or have one kitchen on any floor where SRO units without kitchens are located.

(5) An SRO unit is not required to but may contain partial or full bathroom facilities. A partial bathroom facility shall have at least a toilet and sink; a full facility shall have a toilet, sink and bathtub, shower or bathtub/shower combination. Common bathrooms must be located on any floor with any unit that does not have a full bathroom. Common bathrooms shall be either single occupant use with provisions for privacy or multi-occupant use with separate provisions for men and women. Common bathrooms shall have shower or bathtub facilities at a ratio of one for every seven units or fraction thereof. Each shared shower or bathtub facility shall be provided with an interior lockable door.

(6) Each SRO facility shall have at least ten (10) square feet of common usable area per unit; however no SRO facility shall provide less than two hundred (200) square feet of common outdoor area and two hundred (200) square feet of common indoor area. Maintenance areas, laundry facilities, storage (including bicycle storage), and common hallways shall not be included as usable indoor common space.

Landscape areas that are less than eight (8) feet wide shall not be included as outdoor common space.

(7) A SRO facility with eight (8) or more units shall provide twenty-four (24) hour on-site management, and include a dwelling unit designated for the manager. All SRO facilities must have a management plan approved prior to occupation by the Los Banos Community and Economic Development Director or designee. The management plan shall contain management policies, maintenance plans, rental procedures, tenant rules, and security procedures.

(8) Laundry facilities must be provided in a separate room at the ratio of one washer and one dryer for every ten (10) SRO units or fractional number thereof, with at least one (1) washer and dryer per floor.

(9) A cleaning supply storeroom and/or utility closet with at least one laundry tub with hot and cold running water must be provided on each floor of the SRO facility.

(10) Parking ratio of one space per unit and bicycle rack storage of one rack per 5 units.

(11) SRO facilities and SRO units shall comply with all requirements of the California Building Code and all other codes. All units shall comply with all applicable accessibility and adaptability requirements. All common areas shall be fully accessible. An existing structure may be converted to an SRO facility, consistent with the provisions of this section. Any such conversion must bring the entire structure up to current building code standards, including accessibility and adaptability standards, unless otherwise exempted by the Building Official.

(12) Interior and exterior lighting necessary for security, safety, and operational purposes shall conform to the California Code of Regulations Title 24, Parts 2, 2.5 and 6 or any successor provisions as applicable in effect at the time the application is deemed complete. Exterior lighting shall be stationary, directed away from adjacent properties and public right-of-ways.

Section 15. To the extent that the terms and provisions of this Ordinance may be inconsistent or in conflict with the terms or conditions of any prior City ordinance, motion, resolution, rule or regulation governing the same subject, the terms of this Ordinance shall prevail with respect to the subject matter thereof and such inconsistent or conflicting provisions of prior ordinances, motions, resolutions, rules or regulations are hereby repealed.

Section 16. If any section, subsection, subdivision, paragraph, sentence, clause or phrase added by this Ordinance, or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance or any part thereof. The City Council hereby declares that it would have

passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more subsections, subdivisions, paragraphs, sentences, clauses or phrases are declared unconstitutional, invalid or ineffective.

Section 17. The proposed amendments to the Los Banos Municipal Code do not propose any changes to City policies or regulations that would result in a direct or indirect physical environmental impact; therefore it has been determined that this ordinance amendment is covered by the general rule that the California Environmental Quality Act applies only to projects which have the potential for causing a significant effect on the environment pursuant to CEQA guidelines section 15601(b)(3) and is not subject to environmental review.

Section 18. This Ordinance shall go into effect and be in full force and operation thirty (30) days after its final passage and adoption. The City Clerk shall certify to the adoption of this Ordinance and cause the same to be posted and published once within fifteen days after passage and adoption as may be required by law; or, in the alternative the City Clerk may cause to be published a summary of this Ordinance and a certified copy of the text of this Ordinance shall be posted in the Office of the City Clerk five days prior to the date of adoption of this Ordinance; and, within fifteen days after adoption, the City Clerk shall cause to be published, the aforementioned summary and shall post a certified copy of this Ordinance, together with the vote for and against the same, in the Office of the City Clerk.

Introduced by Council Member _____ and seconded by Council Member _____ on the ____ day of _____, 2020.

Passed on the ____ day of _____, 2020 by the following vote:

AYES: Council Members
NOES:
ABSENT:

APPROVED:

Michael Villalta, Mayor

ATTEST:

Lucille L. Mallonee, City Clerk

Senate Bill No. 2
CHAPTER 633

An act to amend Sections 65582, 65583, and 65589.5 of the Government Code, relating to local planning.

[Approved by Governor October 13, 2007. Filed with Secretary of State October 13, 2007.]

LEGISLATIVE COUNSEL'S DIGEST

SB 2, Cedillo. Local planning.

(1) The Planning and Zoning Law requires the housing element of the general plan of a city, county, or city and county to contain, among other things, an assessment of housing needs, including an inventory of land suitable for residential development, and a program with a 5-year schedule of actions that the local government is undertaking or intends to undertake to implement the goals and objectives of the housing element. This program is also required to identify adequate sites with zoning that permits owner-occupied and multifamily residential use by right, including the development of farmworker housing for low- and very low income households.

This bill would add emergency shelters to these provisions, as specified, and would add provisions to the housing element that would require a local government to identify a zone or zones where emergency shelters are allowed as a permitted use without a conditional use or other discretionary permit. The bill would also authorize a local government to satisfy all or part of this requirement by adopting and implementing a multijurisdictional agreement, as specified, and would delete multifamily residential use from these provisions. By increasing the duties of local public officials, the bill would create a state-mandated local program.

(2) The Planning and Zoning Law requires that a local agency not disapprove a housing development project, including farmworker housing, for very low, low-, or moderate-income households or condition its approval, including through the use of design review standards, in a manner that renders the project infeasible for development for those households unless it makes written findings, based upon substantial evidence in the record, as to one of a number of specified conditions.

This bill would add supportive housing, transitional housing, and emergency shelters to these provisions and would revise the conditions upon which a disapproval or a conditional approval of an emergency shelter is based. The bill would define supportive housing and transitional housing. By increasing the duties of local public officials, the bill would impose a state-mandated local program.

(3) The bill would also make other technical and conforming changes to these provisions.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

DIGEST KEY

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

BILL TEXT

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1.

The Legislature finds and declares all of the following:

(a) Homelessness is a statewide problem that affects many cities and counties. There are an estimated 360,000 homeless individuals and families in California. In some counties, like Los Angeles, an estimated 254,000 men, women, and children experience homelessness over the course of each year. Some of the causes of homelessness are mental illness, substance abuse, prison release, and lack of affordable housing.

(b) Because homelessness affects people of all races, gender, age, and geographic location there is a growing need for every city and county to plan for the location of adequate emergency shelters. Many people experiencing homelessness, primarily youth and single individuals, need shelter but also have a need for residential substance abuse and mental health services.

(c) The lack or shortage of emergency shelters for homeless individuals and families in cities and counties across the state leads to the concentration of services in inner cities and poor communities, like the skid row area in downtown Los Angeles.

(d) In order to ensure access to services in every city and county for homeless individuals and families, it is important that cities and counties plan for these services to address the special needs and circumstances of this threatened population.

(e) It is the responsibility of cities and counties to plan and identify areas for emergency shelters. Cities and counties should include this as part of their planning process and locate emergency shelters where most appropriate in their community. The state should not dictate where these emergency shelters should be located.

(f) It is the responsibility of the Legislature to promote strong communities and ensure that housing and residential services are available in all communities.

SEC. 2.

Section 65582 of the Government Code is amended to read:

65582.

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.

SEC. 3.

Section 65583 of the Government Code is amended to read:

65583.

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 (6), 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 (6). 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, 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.

(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 five-year schedule of actions 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, and 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 of the general plan 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, the program shall identify sites that can be developed for housing within the planning period pursuant to subdivision (h) of Section 65583.2.

(B) 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) The program shall 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. The local government shall make a diligent effort 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.

SEC. 4.

Section 65589.5 of the Government Code is amended to read:

65589.5.

(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 subparagraph (B) of paragraph (1) of 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.

SEC. 5.

No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.

Local Zoning Best Practices

for Shelter and Transitional and Supportive Housing

An SB 2 (2007) Primer



Community Development Project
October 2017

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Introduction

On February 9, 2016, the Los Angeles County Board of Supervisors unanimously approved a landmark plan representing the most comprehensive effort ever undertaken by the County to combat homelessness. The Homeless Initiative includes 47 strategies. The same day, the City of Los Angeles adopted its plan to address the homelessness crisis. Together, the City and County strategies aim for strategic and historic levels of collaboration to attack root causes of homelessness. The County and City plan to spend hundreds of millions of dollars in the next several years on fighting homelessness in the region.¹

This SB 2 Best Practices Guide helps implement Strategy F1 (“Promote Regional SB 2 Compliance and Implementation”) of the County’s recommendations to increase affordable/homeless housing. Its purpose is to educate cities in Los Angeles County on zoning and land use actions they can take to increase housing opportunities for people experiencing homelessness in our communities. It recognizes the need for all jurisdictions to do their fair share in zoning to address homelessness and encourages compliance with California Senate Bill 2 (SB 2), which amended State Housing Element Law and the State Housing Accountability Act (effective in 2008) to require removal of specific zoning barriers to development of supportive and transitional housing and emergency shelters.

At its core, SB 2 uses land use policy to maximize the availability of affordable/homeless housing. As funding for homeless housing means little without the availability of land appropriately zoned to build that housing, local SB 2 compliance is a necessary complement to the housing and services funding strategies set forth in the county and city plans.

What does this guide do?

This guide provides local governments and advocates in Los Angeles County with an understanding of what SB 2 is, and how to implement its provisions in zoning codes in a manner that affirmatively advances solutions to homelessness. It addresses common misinterpretations of SB 2, and consequences for non-compliance, as well as how fair housing and anti-discrimination laws factor in. This guide then reviews implementation of SB 2 in cities across Los Angeles County. Finally, it concludes with examples of best practices in SB 2 implementation and suggestions for further actions jurisdictions can take beyond SB 2 to advance the provision of emergency shelter and transitional and supportive housing.

What is SB 2?

SB 2, effective January 2008, amended California’s housing element law (State Housing Element Law) and California’s Housing Accountability Act (HAA) to require local governments to take specific zoning actions to encourage the development of emergency shelters and transitional and supportive housing. It also clarifies that under the HAA, a jurisdiction cannot deny applications for such types of housing and shelter without making specific evidence-based findings.

State Housing Element Law mandates that all local governments adopt a housing element as part of the local general plan, which “make[s] adequate provision for the housing needs of all economic segments of the

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community.”² The HAA prohibits a local government from denying affordable housing developments without making certain findings.³ State Housing Element Law and the HAA, along with other federal and state fair housing and anti-discrimination laws, work collectively to ensure jurisdictions advance inclusive land use and zoning policies that address housing needs for all – but particularly for people with lower incomes, special needs, seniors, persons with disabilities, veterans, and other target populations.⁴

SB 2’s amendments to State Housing Element Law and the HAA describe four major requirements:

- **Assess need for emergency shelter:** Each jurisdiction’s housing element must assess the need for housing and services for homeless persons and families, and specifically assess the unmet need for emergency shelters.
- **Demonstrate by-right zoning for shelters:** Each jurisdiction must identify a zone or zones where shelters are permitted without discretionary approval (by-right) with sufficient capacity to meet the unmet need. The jurisdiction must also demonstrate that existing or proposed permitting processes are objective and encourage the development of shelters.
- **Treat transitional and supportive housing the same as other residential uses:** Each jurisdiction must treat transitional and supportive housing as residential uses of property in its zoning code, subject only to restrictions that apply to other similar residential dwellings.
- **Include shelters and transitional and supportive housing as protected uses under the HAA:** Emergency shelters and transitional and supportive housing are now specifically included within the categories of uses that are protected by the HAA (and therefore included within the types of projects that jurisdictions have limited bases to deny).

Consistent with State Housing Element Law, SB 2 does not require jurisdictions to build or fund shelters or housing – it simply requires the local jurisdiction’s zoning code to affirmatively advance these uses. Importantly, SB 2 also does not restrict *how* local governments allocate resources to address local priorities and needs.

Why should we care about implementing SB 2 in our jurisdiction?

Compliance with SB 2 is a key step in developing a comprehensive strategy to house individuals and families who are homeless. SB 2 takes a fair share approach – requiring all jurisdictions across the State to update zoning ordinances to help house people in the jurisdiction who are homeless – so that the task does not fall on any single locality or region alone. It protects occupants of the shelter or housing from discrimination by clearly focusing on the impacts of the proposed use, rather than the occupants. Lastly, it helps remove barriers to siting the types of shelter and housing that would be most beneficial to people who are experiencing homelessness.

In addition, implementing SB 2 will help ensure that local jurisdictions are eligible for certain state and federal funds. Housing element compliance is a requirement of many funding programs, and a finding of compliance is unlikely if a jurisdiction has not implemented SB 2. For example, the State’s Affordable Housing and Sustainable Communities Grant and Housing Related Parks program include housing element compliance either as a requirement or as a factor for consideration.⁵ Implementation of SB 2 may also make local jurisdictions more competitive in applications for federal funds, such as those available from the Home Investments Partnerships (HOME) program.

Finally, an SB 2 compliant zoning code helps local jurisdictions shield themselves from costly litigation. Recent SB 2-focused litigation included consequences ranging from orders compelling compliance, moratoriums on building permits, and payment of tens of thousands in attorneys’ fees.⁶

Uses protected by SB 2: emergency shelters, transitional housing, and supportive housing

SB 2 protects emergency shelters, transitional housing, and supportive housing. The technical definitions of these uses are defined in the statute and discussed later in this Guide. The following is an explanation of the common usages of the terms, and how these uses fit into a comprehensive homeless strategy.

What is an emergency shelter?

Emergency shelters are temporary housing available to individuals and families experiencing homelessness. Shelters provide the least intensive programs, generally providing meals, a cot and minimum case management services. They often operate from late afternoon to early morning. Individuals and families can typically stay in shelters for up to six months.

What is transitional housing?

Transitional housing serves as a short-term stay when an individual or household is either waiting to secure permanent housing, or has secured permanent housing that is not immediately available. In the homeless services field, the current model for this type of intermediary housing is called 'bridge housing' or 'interim housing.' Most 'bridge housing' and 'interim housing' falls under SB2's definition of 'transitional housing.' The target population for transitional housing may be those with special needs, including people with substance abuse problems, people with mental health issues, domestic violence survivors, veterans, or people with AIDS/HIV.⁷ Transitional housing programs typically provide residents with services (often geared toward fostering independent living) through a housing provider directly and/or through coordination with local nonprofit and government agencies. Because the intent is to prepare residents to transition to permanent housing, residential stay is limited to two years (24 months). Living in transitional housing is not a prerequisite to obtaining permanent housing or permanent supportive housing. Transitional housing is typically in multi-family residences, but can also be single-family residences, and may be provided at no cost to residents, or at an affordable cost.

What is supportive housing?

Supportive housing offers deeply affordable rents where the tenant pays no more than 30 to 40 percent of his/her household income on housing costs and the tenant has easy access to a comprehensive array of individualized and flexible services, either on-site or in proximity to the housing site. Tenants have a lease offering an indefinite length of stay as long as the tenant complies with lease requirements. Supportive housing provides access to health and social services, such as mental health and addiction therapy, medical care, and case management to assist tenants achieve stability and lead productive lives in the community.⁸ Supportive housing can include apartments and single-family homes. The term "single-site" housing refers to people living together in a building or complex of buildings, while "scattered-site" housing refers to residents living in apartments or houses located throughout the community.⁹

Why are these uses critical to ending homelessness?

Housing is the key to ending a person's homelessness. Often people experiencing homelessness are facing multiple barriers to employment and housing stability, including mental illness, substance use, and/or other disabling or chronic health conditions. Supportive housing provides a combination of affordable housing and supportive services designed to help vulnerable individuals and families use stable housing as a platform for health, recovery and personal growth.

While ending homelessness requires a focus on permanent housing solutions, temporary housing is still necessary to support a full system. Shelters and transitional housing should not only provide a place to stay, but also serve as a place to triage and assess clients' short- and long-term housing and service needs.

Why do these uses need special treatment in the zoning code?

These uses tend to face vocal opposition, often based on misperceptions about the population served. Opposition can also stem from an overall community resistance to change, increased density or traffic associated with the project, and any other host of concerns (some legitimate, some not). Unfortunately, local prejudices often result in policies and practices that inhibit the development of these uses, thereby exacerbating patterns of racial and economic segregation.¹⁰ SB 2 limits the influence of this prejudice, thereby paving the way for a smoother approval process for these uses.

How do SB2's amendments to State Housing Element Law protect siting of emergency shelters?

Immediate shelter is a critical and necessary resource for people experiencing homelessness. Yet the process for approval of emergency shelters in local jurisdictions has a history of uncertainty and barriers. SB 2 was enacted to address the State's concern that shelter providers "encounter tremendous resistance at the local level" and that despite the need for shelter, "some communities offer no zones in which shelters are allowed."¹¹

In March 2017, Corporation for Supportive Housing ("CSH") and Public Counsel conducted an online survey (the "survey") of nonprofit organizations developing and siting supportive housing, transitional housing and emergency shelters throughout Los Angeles County in order to determine the extent to which cities are affirmatively advancing these uses in their zoning codes. According to that survey, emergency shelter providers identified overly burdensome local conditions for approval - including low bed limits, required monthly community meetings, neighborhood patrols, and limits on the number of people that could be served daily at the shelter. Providers also described expensive, time-consuming discretionary approvals processes, the outcomes of which were unlawful denials. For example, shelters have been denied because the population served and location were too close to schools or daycare centers. In one case, a shelter provider proposed 12 sites to a local jurisdiction. All were denied, and during the 3-year legal challenge of this decision, the provider lost its funding to build.

Shelters have been **denied or unpermitted** for unlawful reasons – for example – because the population served and location were "too close" to schools or daycare centers. **SB 2 prohibits such reasons for denial.**

The by-right zone (or zones) for shelter must be large enough to meet the jurisdiction's "**unmet need**" for shelter.

To address these types of barriers, the basic requirement in SB 2 related to shelters is that cities and counties must have at least one zone that permits emergency shelters without discretionary approval, or "by right."¹² The by-right zone (or zones) must be identified in the housing element, and must be large enough to meet the jurisdiction's need for shelter. By-right projects that meet the community's zoning and

development standards are subject to approval at the staff level, rather than a discretionary approval at a public hearing.

With SB 2, shelter developers will know where they are permitted to build and operate shelters by-right in the jurisdiction, and will not spend valuable time and resources acquiring parcels that have no realistic potential for approval for use as a shelter. Since zoning ordinances require legislative body approval through a public hearing process, the community still has the opportunity to weigh in on where shelters should be permitted in the zoning code amendment process, rather than at a more controversial point where an individual shelter is seeking approvals from the jurisdiction.

SB 2 does not require a jurisdiction to build any shelter, nor does it require a locality to permit shelters by-right on every site. Once a jurisdiction has identified sufficient by-right zoning to meet its unmet need for shelters, it may designate other zones that require a conditional use or other discretionary permit for shelter use.¹³

What types of emergency shelters are protected by SB 2?

SB 2 defines emergency shelter as “housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay.”¹⁴

Given the broad scope of the SB 2 definition, most emergency shelters that commonly operate to house people experiencing homelessness and that do not charge for such service are likely to fall within the scope of the statute’s protection. Thus, as a jurisdiction looks to ensure its zoning code complies with SB 2, it is important to ensure that the zoning code definition of emergency shelter is consistent with the statutory definition. A more narrow definition may conflict with the statute. For example, some jurisdictions define emergency shelters to include only shelters operated by nonprofits or religious organizations. Others require the emergency shelter developer to provide more than minimal services. Others fail to include the required language ensuring shelters do not deny anyone based on inability to pay. Insofar as these definitions limit the types of shelter that would be permitted by-right under SB 2, they do not comply with SB 2.

How can my jurisdiction assess unmet need for shelter beds?

The by-right zones must demonstrate “sufficient capacity” to accommodate “unmet need.”¹⁵ How does a jurisdiction assess whether its zoning meets this requirement? To start, the jurisdiction needs to understand its unmet need for emergency shelter. While SB 2 does not provide a specific formula to determine this number, Department of Housing and Community Development (HCD) guidance is instructive and explained below:¹⁶

- **Determine unsheltered homeless count:** Determine the total daily average number of unsheltered persons, including, if possible, a breakdown of the number of single males, single females, and families with children. Datasets are available for the 2016 Greater LA Homeless Count that break down the number of unsheltered homeless persons by jurisdiction and by census tract.¹⁷ The number of unsheltered homeless persons take into account seasonal and year-round need.¹⁸
- **Subtract existing beds and units that are vacant and available to homeless population:** Determine the number of available and existing resources available to persons experiencing homelessness in the community, including shelter beds, transitional housing and supportive housing units. **Count only vacant and available beds or units in the community.** Also, take into consideration whether available beds/units match the needs of your jurisdiction’s homeless population. For example, if your jurisdiction has only one shelter, and the shelter does not accept families, any available beds in that shelter should not be counted as an available resource for the family portion of the homeless population.
- **Subtract qualifying pipeline beds and units:** The unmet need for shelter beds can be further reduced by taking into account certain beds or units that are in the pipeline for production during the housing element planning period. There are two ways to do this. First, jurisdictions that have adopted a 10-year plan to end chronic homelessness (a separate document from the housing element) may subtract the number of supportive housing units identified in that 10-year plan that are in the pipeline for production during the housing element planning period. Second, local governments can agree to work with up to two other adjacent communities using a multijurisdictional agreement requiring parties to develop at least one year-round emergency shelter within two years of the beginning of the housing element planning period. A qualifying agreement (as detailed in a housing element approved by HCD) will allow the jurisdiction to reduce its unmet need further, in proportion to the number of beds in the pipeline allocated to it in the agreement.

- **Calculate the unmet need:** The result of the preceding steps is the unmet need for shelter for persons experiencing homelessness in the jurisdiction, both seasonally and year-round. The steps are illustrated in the following table.

Calculating Unmet Need for Shelter Beds			
Number of Unsheltered Homeless People	Number of Available, Vacant Beds and Units	Deductions for Pipeline SH Units ¹⁹ or Pipeline Beds in a Multijurisdictional Agreement ²⁰	Unmet Need for Shelter Beds
X	Y	Z	X-Y-Z

How does my jurisdiction demonstrate sufficient by-right capacity to accommodate unmet need?

Once the unmet need for shelter beds is determined, the jurisdiction must identify a zone or zones with **sufficient by-right capacity** to accommodate the need.

What does “by-right” mean?

In the SB 2 context, “by-right” means that emergency shelter is a permitted use that does not require a conditional use permit or other discretionary permit.²¹ Only administrative approval may be required – meaning that the decision-maker determines only whether there is conformity with objective standards, and is not authorized to exercise independent, subjective judgment. Requiring conditional use permits, variances, or other procedures requiring discretionary decision-making for the chosen zone or zones would violate the statute. Design review is permissible, but this process must be ministerial, rather than discretionary.²² And unless the jurisdiction requires public notice of other non-discretionary actions, it should not require public notice of applications for emergency shelters.

Some jurisdictions create “overlay zones” as a mechanism to permit shelters by-right. An overlay zone is superimposed on the existing zoning map, and modifies the underlying zoning classification within its boundaries. Consistent with the general requirements of SB 2, if a jurisdiction chooses to do an overlay zone, it should ensure that there is sufficient capacity in the overlay zone to address the entire unmet need for emergency shelter, after subtracting any sites that are not suitable, have limited realistic potential for development, or are otherwise inconsistent with SB 2.²³

What does “sufficient capacity” mean?

Sufficient capacity means that the identified by-right zone or zones have enough space to physically accommodate the unmet need for shelter beds identified in the jurisdiction’s housing element. To understand if there is sufficient capacity within the identified zone or zones, a jurisdiction may take the following steps:

- **Determine total by-right acreage:** Calculate the total acreage of sites in the by-right zone or zones.
- **Subtract sites within the by-right zone or zones that do not have realistic potential for development or are not suitable for shelter development:** Sites within the by-right zone or zones must have **realistic potential** for development or reuse in the housing element period, and must be **suitable** for shelters, accounting for safety hazards such as flooding, contamination, and other environmental constraints, and accounting for location, including proximity to transit, job centers and public and community services.²⁴ More details on determining realistic potential and suitability are discussed later in this section. The result of this step is the **realistic and suitable by-right acreage**.

- **Determine an average or ideal beds per acre:** The jurisdiction should determine an average or ideal “beds per acre” for a shelter by looking at existing shelters. This can vary between jurisdictions, so there is no one-size-fits-all number.
- **Multiply the realistic and suitable by-right acreage by the beds per acre:** The result of this calculation is the jurisdiction’s shelter bed capacity. In other words, the number of shelter beds that could be developed within the identified zone or zones in the jurisdiction.
- **Compare the capacity to the unmet need:** If the jurisdiction’s shelter bed capacity is more than the unmet need, the jurisdiction has demonstrated sufficient capacity. If the jurisdiction’s shelter bed capacity is less than the unmet need, then the jurisdiction must identify additional by-right zone or zones.

Realistic and Suitable By-Right Acreage Times Average Beds Per Acre = Capacity		
Realistic and Suitable By-Right Acreage	Average Beds Per Acre	Capacity
Acreage of sites in the by-right zone or zones that have realistic potential for development and are suitable for shelter development	Determine based on previous shelter developments, or ideal for shelters based on input from providers	Once calculated, compare the capacity number to the unmet need for shelter to determine if sufficient.

The sufficient capacity analysis must appear in the jurisdiction’s housing element. This capacity analysis may include only the zones designated by-right for shelter – any additional zones where shelters are permitted as a conditional use or subject to other discretionary approval cannot be considered. Regardless of the extent of need identified in the housing element, the jurisdiction is required to have at least one by-right zone able to accommodate at least one year-round emergency shelter.²⁵ The only exceptions to this requirement are if the jurisdiction is able to demonstrate that the need is fully accommodated with existing, available shelter beds or through a multi-jurisdictional agreement.²⁶

How can my jurisdiction demonstrate sites have “realistic potential” for development?

The housing element should include the vacant or underutilized acreage of the by-right zone(s), and the realistic capacity for shelters in the zone(s).²⁷ This may include addressing the potential for conversion of existing, underutilized property uses to shelters.

Realistic potential means that emergency shelter development is actually feasible. For example, if a jurisdiction where the unmet need is significant identifies a single by-right zone with limited lots or sites available for development or conversion, it will be difficult to demonstrate sufficient capacity. Identifying multiple zones that demonstrate, in the aggregate, significant square footage is a better approach allowing potential shelter developers flexibility in the site acquisition process. While not all lots will be realistic for development, there is a greater chance that enough may be to satisfy the unmet need.

In the same way, sites occupied exclusively by existing, thriving uses are unlikely to have realistic potential for emergency shelter development unless the jurisdiction can show a likelihood of redevelopment. Examples may include sites substantially occupied by uses such as stadiums, shopping complexes, and newly constructed apartments, etc. It would be difficult to demonstrate potential for redevelopment of such sites.

How can my jurisdiction demonstrate a zone is “suitable” for emergency shelters?

Suitability of a zone for emergency shelter uses is determined by examining what other uses are permitted in that zone, and whether those uses are generally compatible with residential and shelter use. Industrial zones are likely not suitable for residential uses due to potential environmental impacts. However, areas within the zone that are in the process of being redeveloped to include residential uses and where industrial uses are being phased out may be compatible.²⁸ A commercial zone that permits residential or residential compatible services (i.e., social services, offices) may be suitable for shelters. Underutilized civic buildings that have the potential for conversion may also be suitable for shelters if compatible with residential uses. In establishing a by-right zone or zones, the local government should consider proximity to transit, job centers and public and community services.²⁹ Like any other residential uses, emergency shelters require zones where day-to-day living is appropriate.

Unsuitable or unrealistic sites may include:

- Industrial sites
- City- or county-owned water reservoirs
- Beach parking lots
- Actively utilized civic buildings
- Sewage treatment plants
- Fire stations
- City- or county-owned utility lots

What are the minimum, objective standards for shelters in by-right zones?

Communities may express concern that “by-right” means that they are not able to ensure health and safety standards. However, “by-right” in this context does not mean “anything goes.” SB 2 permits local governments to apply objective zoning standards to shelters in by-right zones, as long as the jurisdiction uses a non-discretionary process to ensure those objective standards are met. One way to do this would be through a site plan review application that clearly denotes the objective standards.

Generally, there are two categories of permissible standards for emergency shelters under SB 2. First, a jurisdiction may only apply development and management standards that apply to residential or commercial use within the same zone.

Second, a jurisdiction may apply written, objective standards related to:³⁰

1. maximum bed limits,
2. off-street parking,
3. size and location of waiting and client intake areas,
4. provision of on-site management,
5. up to 300 feet separation requirements from other shelters,
6. length of stay,
7. lighting, and
8. security.

Even if permitted by SB 2 (either because it is listed in the statute in the category of an acceptable standard, or because it may otherwise be applicable to residential or commercial development), emergency shelter standards must be objective, encourage and facilitate the approval of shelters, and may not be applied in a manner that renders shelter development infeasible.³¹ For example, a restrictive bed limit might make shelter development impractical.

Common standards/amenity requirements for emergency shelters that go beyond what SB 2 likely allows:

- Proximity restrictions to public parks, schools, colleges, universities and childcare facilities
- Compatibility with neighborhood character requirements
- Unreasonably low bed limits for by-right sites
- Commercial kitchen and dining room
- Counseling centers
- Laundry, personal storage, and lockers
- Pet kennels
- Expensive landscaping
- Neighborhood reports
- Community relations plans
- Outdoor gathering space
- Play areas

Standards must focus on the use as an emergency shelter, and not on the perceived characteristics of potential occupants.³²

Why are permissible standards limited to eight categories?

Zoning standards on shelters that are not required of other development may be unnecessarily burdensome. Shelter providers report needing flexibility to ensure successful operations. For example, requiring particular amenities could raise construction and/or operation costs. And some standards may be implemented in a subjective manner, leaving room for decision-makers to deny the shelter for unlawful, arbitrary reasons.

It is important to remember that shelters are still subject to standards generally applicable to residential or commercial development within the same zone, and that emergency shelter funders often require additional standards. There is no need to duplicate these standards in the zoning code.

Can the zoning code require standards to ensure resident safety?

Yes. As the list of permissible standards under SB 2 includes on-site management, lighting and security, jurisdictions are free to regulate in these areas, and to rely on building codes and other safety standards that apply equally to residential or commercial development within the same zone. However, the imposed standards cannot be unreasonably difficult to meet or implemented in a subjective way. For example, a jurisdiction can require a site management plan, but should not maintain discretionary approval power over the contents of the plan.

Can the zoning code limit the number of beds per shelter?

Yes. But while SB 2 allows jurisdictions to impose a cap on the number of persons “served nightly” by a shelter, any limit imposed must not discourage development of shelters. Low maximum bed limits may make it difficult to obtain adequate funding to maintain and administer the shelter. Generally, a higher number (or no limit) is preferable to encourage and facilitate development. For example, the City of Oakland has a 100-bed limit per shelter in its by-right zones.³³

What about design review standards?

A jurisdiction may impose design review standards, but these standards should be comparable to what is required of residential or commercial developments in the same zones, and applied in a manner that does not render shelter development infeasible. Some specific design guidelines might include screened refuse areas or wheelchair accessibility.

Can the zoning code require particular amenities?

Amenities, such as laundry facilities and kitchens, cannot be required of shelters in by-right zones, unless such amenities are also required of other residential or commercial uses in that zone. And even if required of residential or commercial uses in the zone, an amenity requirement could be problematic if it would make shelter development infeasible. Jurisdictions can still choose to encourage desired amenities with permissive language in their zoning codes. A jurisdiction can also consider providing additional funding for amenities – such as accommodations for service or emotional support animals, exercise facilities, and community gardens.³⁴

Can the zoning code require minimum onsite parking spaces?

A jurisdiction may require off-street parking based upon demonstrated need, but cannot require more parking for emergency shelters than it requires of other residential or commercial uses within the same zone. The burden is on the jurisdiction both to demonstrate that the parking requirement is based on demonstrated need, and that it does not exceed parking requirements for other residential and commercial uses in the same zone. It would therefore be important for the jurisdiction to document (through a study of local shelters) the need for parking for shelters, factoring in specific population types. For example, shelters that serve people experiencing chronic homelessness will likely have lower parking needs.

Also, the jurisdiction should analyze its parking requirement for shelters and compare it to the parking required of other residential and commercial uses in the zone. Where this is not directly possible because parking requirements for shelters are based on number of beds, the jurisdiction may consider translating its shelter parking requirement into a square footage requirement (or other measure that is more easily comparable to nearby commercial or residential requirements). This will allow the jurisdiction to compare its shelter parking requirement against parking required for any other residential or commercial uses. Alternatively, the jurisdiction might simply also allow a developer to choose one of two parking options: either the designated parking standard for shelters, or the comparable parking standard for commercial or residential uses in the zone, whichever is lower.

Case study: City of Los Angeles response to shelter crisis

The City of Los Angeles has the largest population of unsheltered homeless residents in the nation.³⁵ Los Angeles recently amended its municipal code to allow shelters streamlined processing if the city council declares a shelter crisis.³⁶ These regulations apply in residential (R3, RAS3, R4, RAS4, R5), commercial (C2, C4, C5, CM), and industrial (M1, M2, M3) zones on land owned by and operated by a church or non-profit organization, and on all city-owned properties regardless of zone.³⁷ The amendment includes several provisions that facilitate new homeless shelters during a shelter crisis, including provisions that:



- Allow shelters on land owned and operated by religious organizations, nonprofits or the city to be built by-right, with no limitation on occupancy³⁸ ;
- Dispense with parking requirements for shelters if there is insufficient space; and
- Dispense with any separation requirements for shelters.

Shelters established by religious organizations and churches under the relaxed restrictions above must comply with operating requirements established by the fire department and notify neighboring properties and nearby schools before opening the shelter.³⁹ Under the City's rules, it may declare a shelter crisis for up to one year and renew such declaration on an annual basis.⁴⁰ On April 19, 2017, the Los Angeles City Council declared a shelter crisis, activating the relaxed restrictions.⁴¹ For cities, a benefit of declaring a shelter crisis is that state law limits the liability of government agencies permitting homeless shelters during a shelter crisis. Specifically, during a declared shelter crisis, state law provides immunity from liability for ordinary negligence, and suspends "the provisions of any state or local regulatory statute, regulation, or ordinance prescribing standards of housing, health, or safety" to the extent that strict compliance would hinder crisis mitigation efforts.⁴²

Understanding the Law: Do's and Don'ts for Emergency Shelter Zoning

<p><u>DO</u> properly define “emergency shelter.”⁴³</p>	<p>State law defines emergency shelter broadly. A local definition that is more limiting may result in fewer providers being able to benefit from the by-right zoning in that community, resulting in fewer resources for people experiencing homelessness.</p>
<p><u>DO</u> identify the unmet need for emergency shelters.</p>	<p>The jurisdiction cannot demonstrate sufficient zoning capacity to meet the need without this number.⁴⁴</p>
<p><u>DO</u> ensure that your zoning code explicitly permits emergency shelters by-right (without discretionary approval) in at least one zone.</p>	<p>All jurisdictions, regardless of need, must designate at least one by-right zone for shelters.</p>
<p><u>DO</u> identify suitable and realistic sites.</p>	<p>Sites must be suitable and have realistic potential for residential development, and have sufficient capacity to meet the emergency shelter need.⁴⁵</p>
<p><u>DON'T</u> apply standards to shelters that require more than what is required of residential or commercial development within the same zone, unless expressly permitted by SB 2.</p>	<p>Jurisdictions may apply written, objective standards on eight (8) enumerated concerns.⁴⁶</p>
<p><u>DON'T</u> implement unnecessary operational standards, and don't impose requirements that shelters be located a certain distance from parks, schools, etc.</p>	<p>The <u>only</u> distance limitation allowed by law is to require that emergency shelters be up to 300 feet apart.⁴⁷</p>
<p><u>DON'T</u> require, but <u>DO</u> encourage amenities.</p>	<p>Requiring amenities through the zoning code is beyond what SB 2 allows.</p>
<p><u>DO</u> use permissive language when drafting (“can” or “may” rather than “shall” or “must”) in connection with amenities.</p>	<p>Permissive language allows shelters the needed flexibility while also identifying jurisdictional priorities for shelters.</p>
<p><u>DON'T</u> limit the maximum number of beds or persons to be served nightly.</p>	<p>Bed limits are permissible, but such limitations would not be allowed if they discourage or prohibit development.⁴⁸</p>
<p><u>Optional: DO</u> designate zones on a map clearly such that members of the public can determine what properties are designated “by right” in a clearly marked and easily identifiable fashion.</p>	<p>This will encourage community participation at the time zoning code amendments are considered, rather than during the shelter approval process, and will help providers easily identify where they can build and operate shelters.</p>

How do SB2's amendments to State Housing Element Law protect siting of transitional and supportive housing?

SB 2 mandates that local governments treat supportive and transitional housing as residential uses in local zoning codes, "subject only to those restrictions that apply to other residential dwellings of the same type in the same zone." Implemented properly, this ensures equality of treatment for all residential uses regardless of the occupant.

By ensuring such equality of treatment, SB 2 addresses community opposition to transitional and supportive housing due to misperceptions about occupants and any other host of fears. Indeed, one issue that often arises with transitional and supportive housing is the description in public notices or in public meetings of such uses as "facilities," as opposed to "housing." As a result, opposition to the proposed housing may form because of the perception that the use is not residential. Likewise, jurisdictions have attempted to put unreasonable or inappropriate conditions on such developments, or have treated such developments as either uses requiring conditional use permits or uses prohibited in residential zones. In our survey, 12 out of 14 developers reported that supportive housing was not defined in the zoning code, and 2 out of 4 developers reported that transitional housing was not defined. Over half of the developers of supportive housing reported that their projects were subject to greater restrictions than what was required of other residential housing. Examples include increased parking, increased fees, and requests to host community meetings not required by the zoning code.

Under SB 2, transitional and supportive housing are residential uses intended for certain "target populations," including individuals and families experiencing homelessness. These uses, and the populations they are designed to serve, are defined in the state housing element law:⁴⁹

(g) "Supportive housing" means housing with no limit on length of stay, that is occupied by the target population, and that is linked to an onsite or offsite service that assists the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community.

(i) "Target population" means persons with low incomes who have one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health condition, or individuals eligible for services provided pursuant to the Lanterman Developmental Disabilities Services Act (Division 4.5 (commencing with Section 4500) of the Welfare and Institutions Code) and may include, among other populations, adults, emancipated minors, families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, and homeless people.

(j) "Transitional housing" means buildings configured as rental housing developments, but operated under program requirements that require the termination of assistance and recirculating of the assisted unit to another eligible program recipient at a predetermined future point in time that shall be no less than six months from the beginning of the assistance.

Our zoning code doesn't mention transitional and supportive housing. Does our zoning code need to be amended?

More than likely, yes. For clarity, and to comply with state law, jurisdictions should specifically adopt the SB 2 definitions of transitional and supportive housing into their zoning codes. They should also include an affirmative statement following each definition that such use "may be subject only to those restrictions that apply to other residential dwellings of the same type in the same zone."

In addition, jurisdictions should explicitly include supportive and transitional housing as permitted uses in all residential zones, subject only to the development standards applicable to residential uses of the

same type in the same zone. To avoid any internal conflicts with the zoning code, the jurisdiction should also update any applicable tables of permitted uses to mark supportive and transitional housing as permitted uses.

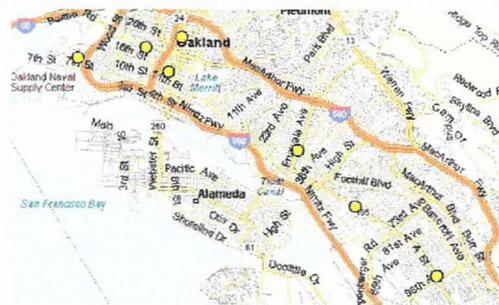
Jurisdictions should also review their zoning codes carefully to remove any other barriers to transitional and supportive housing. For example, the zoning code may contain definitions of uses that could be confused with transitional or supportive housing, such as community care facilities⁵⁰ or boarding houses.⁵¹ The jurisdiction should clarify that these other uses are in fact distinct from transitional or supportive housing. One way is to remove potentially overlapping definitions, or clarify within any such definitions that they do not include supportive and transitional housing.

There may be other barriers to transitional and supportive housing that are specific to a jurisdiction's zoning code. An individualized analysis of the zoning code for SB 2 compliance is recommended.

City of Oakland's SB 2 zoning code revisions in response to homelessness crisis

The City of Oakland, along with the entire Bay Area region, is facing growing levels of displacement. With more people unable to afford housing, the proliferation of high levels of homelessness, tent encampments, and people losing their homes are on the rise.⁵² A January 2015 homeless count reported approximately 1,400 homeless individuals on the streets of Oakland,⁵³ and 4,040 homeless individuals in Alameda County generally.⁵⁴ In 2014, the City of Oakland implemented a number of changes to its zoning code (to address SB 2's requirements), including clearly depicting and zoning areas across the city where emergency shelters are allowed by-right, and revising the characterization of transitional and supportive housing in the zoning code.

The amended zoning code uses a visual map to identify permitted areas where emergency shelters can be built by-right across the city – including in residential, mixed use, urban residential, neighborhood center, community commercial, retail, medical, business and industrial zones, totaling approximately 544 acres. Shelters are permitted to have a maximum of 100 beds and allow residents to stay for up to 180 days – both relatively permissive standards compared to other cities. The amended code also explicitly treats transitional and supportive housing the same as other residential dwellings as required by Government Code Section 65583(a)(5).



Is my jurisdiction required to do anything beyond amend the zoning code?

Yes. Jurisdictions must still ensure that in practice, supportive and transitional housing developments are not subject to greater restrictions when compared to other residential uses of the same type in the same zone during the approvals process.

For example, if a provider uses an existing duplex for transitional or supportive housing, then that project is subject only to development standards applied to any other duplex in that zone, and would not need separate approval for a change in use. Likewise, if a developer chooses to build transitional or supportive housing apartments, then standards for multi-family apartment buildings in that zone will apply. And while transitional and supportive housing are typically multi-family housing, they can also be single-family residences. To comply with SB 2, jurisdictions must not prohibit transitional and supportive housing in single-family zones.

Some jurisdictions require staff to review a management plan for transitional housing approval, but do not apply the same or similar requirements to other types of residential development. Others require

planning review of House Rules and specific service provider referrals and quotas, which might be appropriate as funding criteria or requirements, but would not be appropriate or permitted by SB 2 unless also required of other residential developments.

A zoning code cannot require of transitional or supportive housing any standard not also required of another residential use in that zone, such as:

- Management plan
- Review of house rules
- Local resident quotas or preferences
- Service provider referral requirements

Can specific plans, mixed-use zones, overlay zones, or other zoning tools prohibit transitional and supportive housing?

No. If residential development is permitted in mixed-use zones, etc., the jurisdiction should make explicit that transitional and supportive housing are permitted in those zones, and that such uses will be processed and treated equally to applications for other permitted residential development.

Can we do more to promote transitional and supportive housing?

Yes. SB 2 sets forth baseline requirements to ensure transitional and supportive housing are treated equally to other residential uses. Many jurisdictions now recognize the benefits of transitional and supportive housing in addressing homelessness and have begun to take action to encourage development. Nothing in SB 2 or State Housing Element Law restricts the ability of a jurisdiction to use zoning to encourage these housing types. For example, a jurisdiction may decide to expand commercial zones to allow residential uses by-right, to affirmatively permit transitional and supportive housing in all residential zones regardless of the treatment of other residential uses, or to remove conditional use permit requirements for multi-family housing to ensure that supportive and transitional housing are not subject to conditional use permits. A jurisdiction could also exempt fees for transitional and supportive housing (and/or 100% affordable housing developments) and provide streamlined processing.

Nothing in SB 2 or State Housing Element Law restricts the ability of a jurisdiction to zone to encourage transitional and supportive housing.

Finally, if the jurisdiction directs funding towards developing affordable and transitional and supportive housing, the jurisdiction should assess the degree to which any funding requirements imposed may act as a barrier, and weigh such requirements from a cost-benefit perspective.⁵⁵

Understanding the Law: Do's and Don'ts for Transitional and Supportive Housing

<p><u>DO</u> define “transitional housing” and “supportive housing” in zoning code in a manner consistent with SB 2.</p>	<p>Local definitions that are more limiting than the state law definitions may result in fewer providers being able to benefit from the protections for supportive and transitional housing.</p>
<p><u>DO</u> include an affirmative provision stating that transitional housing and supportive housing shall be considered a residential use of property.</p>	<p>Zoning codes that are silent on this matter leave room for ambiguity.</p>
<p><u>DON'T</u> require additional approvals, or put conditions on, transitional and supportive housing that do not apply to similar residential developments.</p>	<p>Some cities require review of a housing project's management plan, local preferences, quotas, screening and security procedures. This is not permissible to do through zoning unless also required of other residential uses.⁵⁶</p>
<p><u>DO</u> review the zoning code for definitions that might be confused with transitional and supportive housing, and remove or clarify such provisions.</p>	<p>Avoid confusion and ensure treatment of supportive and transitional housing as a residential use by removing or clarifying such definitions.</p>
<p><u>DON'T</u> prohibit transitional housing and supportive housing in areas zoned for single-family housing.</p>	<p>While transitional housing and supportive housing uses are typically multifamily residences, they can also be single-family residences.</p>
<p><u>DON'T</u> prohibit or restrict transitional or supportive housing in “mixed-use” zones that allow residential dwellings.</p>	<p>Allowing transitional and supportive housing on the same terms as other residential uses is required across all zones, including mixed-use zones.</p>

How do SB 2's amendments to the Housing Accountability Act protect shelters and transitional and supportive housing?

Enacted in 1982 and commonly referred to as the "Anti-Nimby Act," California's Housing Accountability Act (HAA) addresses uncertainties in local governments' approval processes by limiting the reasons for denial of certain projects. SB 2 amended the HAA in 2008 to explicitly include emergency shelters and transitional and supportive housing within the scope of its protection.⁵⁷ As amended, the purpose of the HAA is to ensure that "a local government not reject or make infeasible housing developments, including emergency shelters" that contribute to meeting the regional housing need.⁵⁸

Government Code Section 65589.5(d) provides that a local agency cannot deny a housing development project (including transitional and supportive housing) for very low, low-or moderate-income households,⁵⁹ or an emergency shelter, or condition approval in a manner that renders the project infeasible⁶⁰, unless it makes written findings based on substantial evidence as to one of the following:

- (1) Jurisdiction is in compliance with its housing element and has met its share of the regional housing need for the income category proposed to be built, or for emergency shelter, as the case may be;
- (2) Development project or emergency shelter as proposed would have a specific, adverse impact upon the public health or safety with no feasible method to mitigate (inconsistency with zoning ordinance or general plan land use designation is not a specific, adverse impact);
- (3) Denial of project is required to comply with state or federal law;
- (4) Development is proposed in agricultural area or area with insufficient water or wastewater facilities;
- (5) Development is inconsistent with both the jurisdiction's zoning ordinance and general plan land use designation, and jurisdiction has a compliant housing element.⁶¹

Examples of potential violations of HAA:

- Approval of a shelter with conditions that make the development of the shelter infeasible.
- Unnecessarily delaying hearings on a supportive housing project.
- Denying a supportive housing project without making required findings.
- Approval of supportive housing project with conditions beyond what is required of other residential uses.
- Requiring a developer of a shelter or supportive housing with site control to find different sites to build on.

Another provision of the HAA is helpful for supportive and transitional housing developers and relates to jurisdictional attempts to reduce the size of the project. Government Code Section 65589.5(j) applies to housing development projects (defined to include transitional and supportive housing) that comply with applicable, objective general plan and zoning standards and criteria, and restricts the ability of local agencies to disapprove such projects, or to approve them at lower densities.

Under section 65589.5(j), agencies must find that the 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."⁶² These findings are similar to those described in Government Code Section 65589.5(d)(2), but "the focus is on the necessity of requiring reduced density in the development."⁶³

Because sections 65589(d) and (j) require specific written findings supported by evidence, they limit improper consideration of who will reside in an affordable housing development – essentially, pretextual objections that have no basis in fact. Under the HAA, therefore, jurisdictions ultimately have limited bases upon which to disapprove or condition shelters and transitional and supportive housing. Also, note that if the locality failed to identify adequate sites for housing or by-right zoning for shelter required by SB 2 and State

If a developer of transitional or supportive housing is required to reduce the proposed number of units for the site, such condition could be a violation of the HAA.

Housing Element Law, then there would be even fewer permitted reasons to disapprove a project.

If a qualifying project is denied, or the jurisdiction either imposes conditions that have a substantial adverse impact on the viability of the project, and/or approves the project at a lower density than proposed, the applicant, persons eligible for the housing or shelter, or a “housing organization” may file suit to challenge the action. Denial of a project includes both an affirmative vote to deny the project by a local agency, and the mere passage of a specified time period following certification of an environmental document without action on the application.⁶⁴ In any HAA suit, the jurisdiction has the burden of proof to demonstrate that its action was consistent with the findings required by the HAA. Non-compliance could result in a court order requiring the jurisdiction to comply with the HAA, approve the project, and pay the plaintiff’s counsel’s attorneys’ fees.⁶⁵

Staff and decision-maker familiarity with the Housing Accountability Act and education on its provisions may help prevent illegal denials of projects and is an appropriate strategy to help advance development of shelters and transitional and supportive housing.

Understanding the Law: Housing Accountability Act Do’s and Don’ts	
<u>DO</u> educate planning staff and decision-makers on the types of projects protected by the HAA and the consequences for non-compliance.	May result in fewer actions to deny or unreasonably condition projects.
<u>DO</u> draft and submit a compliant housing element to HCD identifying adequate sites to accommodate both the regional housing need and the need for emergency shelter.	Having adequate sites gives flexibility to make decisions based on the merits of a project rather than based on the penalties associated with not having adequate sites.
<u>DO</u> maintain objective, quantifiable, written development standards for approval of projects.	Nothing in the HAA stops a jurisdiction from regulating projects for health and safety and other permissible reasons through objective standards.
<u>DO</u> ensure standards placed on qualifying projects actually facilitate development.	Standards that in practice make a project infeasible could subject the jurisdiction to a claim under the HAA.
<u>DON’T</u> place unreasonable conditions on shelters and transitional and supportive housing.	Such conditions could make the project infeasible, and subject the jurisdiction to a claim under the HAA.
<u>DON’T</u> react to community opposition by delaying or denying a qualifying project, or reducing its density.	Such actions could violate the HAA and other anti-discrimination and fair housing and land use laws if based on perceptions about the occupants of the housing, or the fact that the housing is affordable.

How do fair housing and anti-discrimination laws protect the siting, development and funding of emergency shelters, supportive and transitional housing?

SB 2’s planning and zoning requirements are intertwined with the goals of fair housing and anti-discrimination efforts: to combat segregation and policies that exclude (either intentionally or effectively) certain populations and to ensure access to housing opportunity within communities. Below is a summary of relevant laws in this area.

Fair Housing & Anti-Discrimination Laws that Prohibit Discrimination in Land Use Actions	
Fair Housing Act, as amended (FHA), 42 U.S.C. § 3601 et seq. and implementing regulations, 24 CFR Part 100 et seq.	Prohibits discriminatory activities, including “otherwise making unavailable” or denying housing on the basis of race, color, national origin, religion, sex, familial status and disability.
Title II of the Americans with Disabilities Act (ADA), 42 U.S.C.A. § 12132 and implementing regulations, 28 CFR Part 35 et seq.	Prohibits land use discrimination against persons with disabilities by state or local governments; imposes affirmative obligation on state and local governments to grant reasonable accommodations.
Section 504 of the Rehabilitation Act of 1973 (Section 504), and implementing regulations, 24 CFR 8 et seq.	Prohibits land use discrimination against persons with disabilities involving the receipt of federal funds.
California Government Code Section 11135 (Section 11135)	Prohibits discrimination on the basis of sex, race, color, religion, ancestry, national origin, ethnic group identification, age, mental disability, physical disability, medical condition, genetic information, marital status, or sexual orientation by the state government and entities receiving state funding.
California Fair Employment and Housing Act (FEHA), Cal. Gov. Code § 12955 et seq.⁶⁶	12955 (l) prohibits land use discrimination on basis of race, color, religion, national origin, sex, familial status, disability, gender, gender identity, gender expression, sexual orientation, marital status, ancestry, source of income, and genetic information.
California Government Code § 65008	Prohibits local government discrimination against emergency shelter, subsidized housing and any housing intended for occupancy by low- and moderate-income persons (generally same categories under FEHA plus age and lawful occupation).

In general: how can a jurisdiction avoid discriminatory intent and discriminatory effect in land use decisions?

Land use practices and decisions violate federal and state fair housing laws if they either intentionally or effectively deny equal housing opportunities to a protected class. A land use practice or decision effectively denies equal housing opportunity where it creates a disparate impact. Disparate impact refers to zoning or land use requirements and practices that adversely affect one group of people of a protected characteristic more than another, even if those practices are facially neutral. The federal Fair Housing Act, as amended (“FHA”) and the California Fair Employment and Housing Act (FEHA) explicitly prohibit discriminatory practices that make housing unavailable to protected classes, including to individuals based on disability.⁶⁷

Under California law, local governments are required to consider and attempt to avoid any land use actions that would have a potential disparate impact, including increased segregation or disproportionate displacement, unless there is a sufficiently compelling purpose and no feasible alternatives.⁶⁸ California law unequivocally prohibits any local government from “impos[ing] different requirements on a residential development or emergency shelter that is subsidized, financed, insured, or otherwise assisted by the federal or state government or by a local public entity... than those imposed on non-assisted developments.”⁶⁹ The law not only prohibits discrimination against affordable housing and emergency shelters, it allows for the preferential treatment for such housing and shelters. Because “residential development” includes supportive housing and transitional housing, these uses also come under the cover of Section 65008.⁷⁰

Understanding the Law: Fair Housing Do’s and Don’ts	
<u>DO</u> make decisions that have an identifiable relationship to legitimate, nondiscriminatory zoning policies.	For example, a community group opposes an emergency shelter in your jurisdiction, citing concerns about traffic congestion. Your jurisdiction’s homeless population is growing. An environmental study establishes that the traffic congestion can be effectively mitigated. The planning commission approves the development’s requested entitlement based on the environmental study.
<u>DON’T</u> rely on “fake facts”: assumptions and speculation about particular uses and the persons these uses will serve.	A planning commission denies a conditional use permit for a supportive housing development, citing community concerns regarding a perceived increase in crime and impact on property values. As those concerns are speculative, the planning commission’s decision is vulnerable to a fair housing challenge.
<u>DO</u> reject community concerns based on discriminatory attitudes about who will reside in the development.	A group of local residents opposes a supportive housing development, commenting that they are “really against welfare recipients next door to our homes,” and that the development will attract “gangs.” Citing “community concerns,” planning staff requires the developer to enter into an agreement that includes a provision that the developer agrees not to rent to individuals with criminal convictions. Here, the planning staff allows discriminatory attitudes to guide decision-making and the jurisdiction is vulnerable to a fair housing challenge.

What is a reasonable accommodation?

Federal and state law place an affirmative duty on local governments to provide persons with disabilities reasonable accommodations to zoning and land use rules, policies or practices when such accommodations may be necessary to afford such persons equal opportunity to housing.⁷¹ Housing element law further requires local governments to provide reasonable accommodations for housing for persons with disabilities.⁷²

A “reasonable accommodation” is a change to, or flexible application of, land use or zoning policies and procedures where the requested accommodation may be **necessary** to afford a person or groups of persons with disabilities an equal opportunity to use and enjoy housing.

Federal law defines a person with a disability as “any person who has a physical or mental impairment that substantially limits one or more major life activities; has a record of such impairment; or is regarded as having such impairment.”⁷³ California law applies a broader definition of disability that would include any physical or mental impairment that limits one or more major life activities.⁷⁴ Both the Fair Housing Act (FHA) and Fair Employment and Housing Act (FEHA) prohibit discrimination through land use decisions that make housing opportunities for such individuals unavailable.⁷⁵

A reasonable accommodation may be requested by a person or persons with disabilities, or a developer whose project will provide housing opportunities to persons with disabilities. Who requests the accommodation matters less than the assessment of whether the accommodation is reasonable, and therefore necessary, to facilitate equal housing opportunities for persons with disabilities. For example, a homeowner may need a wheelchair ramp in order to access his or her home. The homeowner may request a modification from the city’s setback requirement as a reasonable accommodation. An accommodation is presumed to be reasonable unless granting the accommodation would constitute a fundamental alteration of the nature of the zoning scheme or create an undue financial or administrative burden on the jurisdiction. Note that financial or administrative burden is qualified by “undue” – a jurisdiction cannot cite any financial or administrative burden to justify denial of a reasonable accommodation. Even where a jurisdiction makes a supported finding that a requested accommodation is not reasonable, it is required to engage in an “interactive process” with the requesting party to determine if there is any accommodation that will facilitate access but not result in an undue financial or administrative burden, or fundamentally alter the zoning scheme. The question of whether an accommodation is reasonable must be determined on a case-by-case basis. Jurisdictions should therefore be wary of creating or applying blanket rules that could serve to limit access to accommodations.

What are best practices in reasonable accommodations?

In crafting or reviewing reasonable accommodation policies, jurisdictions should consider the following:⁷⁶

- Start with the broader definition of disability under state law.
- It is unlawful to charge a fee for a reasonable accommodation application.⁷⁷
- Include confidentiality provisions and exclude any public notice requirements. Specifically, Disability Rights California recommends handling reasonable accommodation requests “in a confidential manner on a separate, but coordinated, track with other related land use approvals,” and an appeals process for the applicant that is decided by an administrator and not a public body.⁷⁸
- Narrowly tailor any application form or information sought to determine the reasonableness of the accommodation, make it user-friendly, and assist applicants who cannot make a written request on their own.

What is affirmatively furthering fair housing?

The FHA requires that the United States Department of Housing and Urban Development (HUD) administer programs and activities relating to housing and urban development in a manner that affirmatively furthers the policies of the Act. This duty extends to recipients of federal funds administered

by HUD, including local governments and public housing authorities. The failure to affirmatively further fair housing can result in HUD suspending or withdrawing federal funding from subject jurisdictions.⁷⁹

HUD published a final rule on Affirmatively Furthering Fair Housing (AFFH Rule) in July 2015. The AFFH Rule created a standardized process for fair housing planning, required of recipients of Community Development Block Grant (CDBG), HOME Investments Partnership (HOME), Housing Opportunities for Persons with AIDS (HOPWA) and Emergency Solutions Grant (ESG) funding. In addition to certifying that they will take affirmative steps to address discrimination and further integration, local governments and public housing authorities must engage in the Assessment of Fair Housing (AFH) planning process.⁸⁰ Using HUD data, jurisdictions must assess patterns of integration and segregation; racially or ethnically concentrated areas of poverty; disparities in access to opportunity; and disproportionate housing needs. The process is required to engage meaningful community participation to set fair housing goals to increase choice and provide access to opportunity.

The AFFH rule does not require jurisdictions to make particular land use decisions or zoning changes. It does require them to assess current land use policies and zoning to evaluate their impacts on fair housing choice. “The purpose of this assessment is to enable [jurisdictions] to better fulfill their existing legal obligation to affirmatively further fair housing, in accordance with the Fair Housing Act and other civil rights laws.”⁸¹

The City of Los Angeles, County of Los Angeles, (in addition to 47 participating cities), and their public housing authorities are undergoing the AFH process and are currently required to complete this process in 2017.⁸² These assessments will necessarily include the racial and ethnic make-up of persons experiencing homelessness and those at risk of homelessness, as well as the intersection between disability and homelessness. The AFH is an opportunity to meaningfully engage in a discussion about how land use and zoning are barriers to housing opportunities for these populations and how to break down these barriers.

For example, a jurisdiction may find that because the separation between homes and stores, public transportation, and medical facilities is great, people with fixed incomes generally have fewer realistic housing choices in this community. This disproportionately affects people with physical disabilities. To respond to this barrier, the jurisdiction includes a program in its AFH to review its land use policies, particularly its investment in equitable transit-oriented development, including along commercial corridors.

The same jurisdiction finds that in several neighborhoods, gentrification pressures are causing displacement and an increase in homelessness of existing low-income immigrant communities of color. The AFH therefore includes several programs in response, including a requirement that new residential projects that receive subsidy, zoning benefits, or benefits from the use of public land provide affordable housing and replace any demolished units, with a right of first refusal to displaced low-income tenants.

Interaction of law with practice - how is Los Angeles County doing in zoning for homeless populations?

Many jurisdictions have yet to implement SB 2 in their zoning codes properly, despite the fact that SB 2 went into effect in 2008. Even jurisdictions with a strong history of funding shelter and transitional and supportive housing have demonstrated some level of technical non-compliance with SB 2. In some cases, the jurisdiction had yet to update its zoning code as required by SB 2. In other cases, interaction between different code provisions when read together resulted in ambiguity and/or technical non-compliance. Finally, some jurisdictions were entirely silent on treatment of supportive and transitional housing, again, resulting in ambiguity.⁸³

35% of jurisdictions that imposed proximity restrictions did so illegally. For amenities, 58% of jurisdictions that regulated on this basis imposed illegal amenity requirements.

In a March 2017 review of publicly available zoning codes of 88 cities in Los Angeles County, jurisdictions demonstrated mixed results and an overall substantial lack of compliance.⁸⁴ For emergency shelters, jurisdictions often placed conditions on shelters beyond what SB 2 allows, or designated inappropriate or unsuitable zones for shelters. Jurisdictions tended to have restrictive maximum bed requirements and parking requirements. Zoning codes retained illegal proximity restrictions (e.g., requiring shelters to be at least 300 feet from a park or school). 35% of jurisdictions that imposed proximity restrictions did so illegally. For amenities, 58% of those that regulated on this basis imposed illegal amenity requirements. With respect to transitional and supportive housing, 72% of localities surveyed did not clearly and affirmatively treat transitional and supportive housing equally to other residential uses in their zoning codes.

What are Jurisdictions in Los Angeles County Doing With Respect to SB 2?					
	Max Number of Beds	Off-Street Parking Required	300 Feet Proximity	Length of Stay	Amenities
SB 2's Requirement	The maximum number of beds or persons permitted to be served nightly by the facility must encourage and facilitate emergency shelter development.	Off-street parking, if any, must be based on 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.	Emergency shelters cannot be required to be more than 300 feet apart. No other reparation requirements are allowed.	The length of stay is limited to 6 months or less.	Amenities cannot be required.
Ranges for Cities in LA County	<u>Median</u> : 30 <u>Highest</u> : 150 <u>Lowest</u> : 5	<u>Median</u> : 1 space per 5 beds <u>Highest</u> : 1 space per 3 beds <u>Lowest</u> : 1 space per 50 beds	-	14 days to 6 months	-
Cities in LA County Regulating On This Basis	45 cities allow 15 or more beds; 42 cities allow 20 or more beds.	10 cities require no more than 1 space per 7 beds; 15 cities require no more than 1 space per 6 beds.	72%	-	67%
Examples	<u>Burbank</u> : 150 beds per establishment; <u>Hawthorne</u> : 150 beds per facility; <u>Inglewood</u> : 100 beds per shelter.	<u>Inglewood</u> : 1 space per 50 beds plus 2 additional spaces; <u>Monterey Park</u> : 1 space per 10 beds plus 1 space for each staff member; <u>Santa Monica</u> : 1 space per 10 beds.	-	-	-
Recommended Best Practice	No limit on number of beds per emergency shelter.	No off-street parking requirement for emergency shelters.	-	-	-

	Define Transitional and Supportive Housing	Zoning Code Clearly States That Transitional and Supportive Housing is Treated as a Residential Use
SB 2 Requirement	Define transitional and supportive housing consistent with Cal Gov't. Code § 65582, subs. (g), (i), (j).	Treat transitional and supportive housing as residential uses subject only to those restrictions that apply to other residential dwellings of the same type in the same zone.
Estimated Percentage of Cities Meeting This SB 2 Requirement	66%	28%

The following table illustrates several examples of zoning code provisions that technically did not comply with SB 2 based on an informal review of zoning codes in Los Angeles County jurisdictions:

Example Zoning Code Provision	Compliance with SB 2?
Limiting By-Right Sites to M-1: Zoning code allows development of shelters by right in the Manufacturing Light (M-1) zone for shelters with less than 10 beds. The City has an unmet homeless need of 80. There are only 6 sites in the M-1 zone, and the 6 sites are each only permitted 9 beds by right.	Not compliant. M-1 zone may not be suitable or appropriate. Also, jurisdiction cannot demonstrate capacity to meet the need of 80 beds, with only 6 sites that permit 9 beds by right per site.
Burdensome Parking: Zoning code requires that shelters provide street parking at a rate of 1 space per 4 beds, 1.5 spaces per bedroom intended for families with children, 1 space per employee, and 2 additional guest parking spots. The number of parking spaces may be reduced by 25 percent if the shelter is located within one thousand feet (1,000') of a public transit stop.	Likely not compliant without documentation demonstrating need, especially if this is more than what is required of other residential or commercial developments.
Supportive Housing for Six or Fewer People: Zoning code provides that supportive housing is permitted in all zones if it serves six or fewer residents. The same limitation does not apply to single or multi-family housing. (This "six or fewer" resident standard is similar to the required treatment of licensed residential facilities pursuant to Health and Safety Code Section 15666.2, which states that licensed residential facilities serving six or fewer residents must be treated as a residential use).	Not compliant. Conflates supportive housing with a licensed residential facility. Supportive housing cannot be treated differently than other residential housing, regardless of the number of residents.
Confusion with SRO Use: Zoning code includes a definition of "single room occupancy (SRO) facility" that overlaps with the definitions for transitional housing and supportive housing. SROs are only permitted in a special overlay zone, require a conditional use permit, and are subject to other placement restrictions.	It depends on how clear the definitions of supportive and transitional housing are, and the extent of overlap with the definition of SRO. The jurisdiction should remove the code provisions referring to SROs or redefine SRO to exclude projects that meet the state law definitions of transitional or supportive housing.
Defining Family to Exclude Supportive and Transitional: Zoning code defines "family" in connection with permitted uses in single-family zones by referring to relations by blood, marriage, or adoption.	Not compliant. By requiring occupants to be related in the traditional sense of "family", this definition may be interpreted to prohibit transitional or supportive housing in single-family zones.
Prohibiting Use in Single-Family Zones: Zoning code states that transitional housing and supportive housing are residential uses subject only to the restrictions that apply to other residential dwellings of the same type in the same zone. However, the zoning code also includes a table of permitted uses indicating that transitional housing and supportive housing is prohibited in R1 zones (single-family).	Not compliant. Supportive and transitional housing can be found in single-family homes and must be treated no differently than other single-family homes in that zone.

Looking beyond SB 2 – exploring zoning issues associated with other modes of shelter and supportive housing

Beyond the requirements of SB 2, which explicitly protects shelters and transitional and supportive housing, a number of jurisdictions have taken the initiative to explore additional modes of shelter, or methods of streamlining of shelter. Some initiatives are described below.

Encouraging the provision of shelter through accessory or ancillary uses

With 58,000 people that are homeless in Los Angeles County, zoning for shelters in compliance with SB 2 is a good start, but not nearly enough.⁸⁵ A number of jurisdictions have been exploring allowing shelters as ancillary or accessory uses to existing uses. This recognizes the important role that nonprofits and faith-based organizations play in providing shelter to those in need. Jurisdictions vary in how they manage shelter as an accessory use.

Some jurisdictions manage accessory uses by requiring a conditional use permit or an amendment to the facility's conditional use permit. For example, City of Burlingame requires religious and non-profit institutions to apply for a conditional use permit to provide temporary shelter for homeless individuals or families, if the facility is located within a transportation corridor and the use does not occur continuously at any one location for more than six (6) months of any twelve (12) month period. The process involves applying to the planning commission, which then determines through a public hearing process whether the proposed use is consistent with the general plan. CUPs in Burlingame were granted for the Home and Hope program at numerous local churches, and the program operates in these churches on a rotating basis.

Other jurisdictions allow religious institutions to provide shelters through a non-discretionary process with certain limitations. For example, the City of San Diego allows religious institutions to provide emergency shelters as an accessory use (without subjecting them to common regulations for shelters). However, religious institutions are restricted to operating accessory shelter for 30 days or less in any 365-day period. No approvals are necessary as long as this restriction is not exceeded.

County of Santa Clara permits County-authorized non-profits and religious institutions⁸⁶ to operate small-scale emergency shelters (serving 7 – 14 people) by-right. These small-scale shelters are not subject to most of the County's emergency shelter operation standards.⁸⁷ "By-right" here means that County-authorized non-profits and churches are able to provide shelter for 7 to 14 people *without* going through a public approval process, regardless of any underlying zoning restrictions.

San Jose's City Council recently voted to amend its zoning code to make it easier for religious institutions and assembly use buildings to provide shelter as an incidental (i.e. ancillary) use.⁸⁸ The amended ordinance will eliminate the need for a CUP or special permit⁸⁹ and will apply to any assembly use building (a building that is used primarily for the gathering of persons to participate in a group or common activity or to observe a presentation, performance, or exhibition).⁹⁰ Incidental shelters will also be subject to several requirements such as a maximum occupancy of 50 persons (or as set forth by the city's Fire Code); a minimum lot size of 3,000 square feet; registration with the Housing Department; and must be located within the city's Urban Service Area.⁹¹ The sites envisioned for incidental shelter include religious assemblies, gymnasiums, libraries, theaters, schools, and community centers.

Sanctioned Urban Communities and Villages

The urgency of the homelessness crisis in some jurisdictions has spurred efforts to utilize available property to house people quickly, adopting innovative approaches to regulation of these temporary and permanent structures.

Los Angeles - Temporary Trailers on Private Property

The City of Los Angeles, under Los Angeles Municipal Code 14.00 A.9, allows governments, non-profits and religious institutions to place up to six temporary trailers on their property to use for temporary accommodations for homeless persons. These sites must be located at least 300 feet from any nearby homeless shelters and at least 500 feet from any residential zone or use.⁹²

San Jose - Unconventional Housing Structures

Assembly Bill 2176, authored by Assemblywoman Nora Campos, D-San Jose, and signed by Gov. Jerry Brown on Sept. 27, 2016, allows the City of San Jose to temporarily suspend state building, safety and health codes for the purpose of building “unconventional” housing structures to house its homeless population. Under the law, if the City of San Jose declares a “shelter crisis,” which it did in December 2015, it may use city-owned or city-leased land for unconventional housing structures.⁹³ Minimum standards for these structures include the presence of a vacant or minimally developed (i.e., paving only) site of at least 0.50 to 0.75 acres; a 10,000 square-foot building plus parking for 16 vehicles and a dumpster enclosure; access to transit; ready access to utilities (electricity, water and sanitary sewer); and city ownership or leasing of sites. Sites meeting these minimum standards would allow for a community of up to twenty-five individuals living in either a converted existing structure or an emergency housing cabin.⁹⁴

The housing structures must be insulated, have weather-proof roofing, lighting and electrical outlets.⁹⁵ They may consist of accommodations such as emergency sleeping cabins.⁹⁶ Furthermore, “reasonable local standards” for emergency bridge housing communities may be adopted in lieu of compliance with state and local building, housing, health, habitability, or safety standards and laws.⁹⁷ Currently a research team working with local council members is gathering data on proposed sites deemed eligible to house homeless communities. The City of San Jose has proposed 300 potential sites, and each district in San Jose would house one “microvillage” of emergency homeless housing.⁹⁸

Seattle - Tents and Tiny Homes

The city council of Seattle, Washington approved the construction of tents and tiny homes on privately owned and city-owned properties for people in need.⁹⁹ Each tiny home, built by volunteers, costs about \$2,200 to produce.¹⁰⁰ Othello Village, one of Seattle’s tiny home villages, opened in March 2015 and hosts eight 100-square-foot tiny houses as short-term housing for up to 100 people.¹⁰¹ The city pays about \$160,000 each year to supply the village with water, garbage services, and on-site counseling. Othello Village moved 68 individuals into either permanent or two-year housing; gave bus tickets to fourteen individuals to rejoin family members in other states, and moved thirteen individuals into transitional shelter.¹⁰²

Finding additional sites to build tiny houses in Seattle is difficult due to community opposition.¹⁰³ The city’s ordinance requires each site to close after two years and not return to the same location for another year.¹⁰⁴ Some commentators argue that moving homeless people into tiny houses is an alarming shift in urban planning that could pave the way for the creation of shantytowns, advising against funding tiny house encampments and arguing the money is better spent constructing permanent affordable housing.¹⁰⁵

Safe Parking Programs

To serve residents that use their vehicles as dwellings, several cities have adopted, or are exploring, “safe parking” programs that allow these residents to park their cars in designated lots overnight. Santa Barbara, in collaboration with a nonprofit organization, has operated a safe parking program for the last 12 years.¹⁰⁶ The program provides safe overnight parking to individuals and families living in their vehicles. The city provides 115 confidential, daily-monitored parking places¹⁰⁷ in 20 city, county, church, nonprofit agency and industrial lots for homeless individuals living in their vehicles.¹⁰⁸ Individuals are allowed to stay overnight, but must leave by morning.¹⁰⁹ New Beginnings Counseling Center, which runs the \$270,000 program on a city contract, furnishes bathrooms and spot monitoring, and works to connect those individuals using the Safe Parking Program to more stabilized shelter and services.¹¹⁰

In the City of San Diego, under the Dreams for Change Safe Parking Program, a non-profit organization manages the parking lot overnight, while a church provides the space to park.

The City of Los Angeles included a safe parking program as one component of its “Comprehensive Homeless Strategy.”¹¹¹ In the City of Los Angeles, there were over 4,700 vehicles identified as being used as shelter by homeless residents during the 2017 homeless count.¹¹² As of June 20, 2017, the City’s recently initiated safe parking program was operating in a single parking lot with capacity to serve up to 10 households living in their vehicles. The program rules allow participants to park overnight in the designated lot with onsite case management, showers, and trash receptacles. Under the program rules, cars must be registered and operational, and participants must have a valid driver’s license.¹¹⁵ The pilot program will expire in July 2018, unless renewed.

Safe Parking is not a cure-all

Despite the interest in “safe parking” programs, jurisdictions that have such programs may unlawfully prohibit homeless residents from living in their cars on public streets. For over 30 years, the City of Los Angeles restricted the use of vehicles as living quarters on any city street or city-owned parking lot. In 2014, the 9th Circuit Court of Appeals struck down this law as unconstitutionally vague, finding that it “provide[d] inadequate notice of the unlawful conduct it proscribe[d], and open[ed] the door to discriminatory enforcement against the homeless and the poor.”¹¹³ In response, Los Angeles recently adopted an ordinance prohibiting the use of vehicles as dwellings on most city streets, except for a small portion of streets in commercial and industrial zones. Among the issues with the new ordinance, advocates have asserted that it may be applied in a discriminatory manner to target homeless residents.¹¹⁴

Recommendations for implementing a successful SB 2 program

Jurisdictions in Los Angeles County may have different approaches to implementing SB 2 in their zoning codes, but certain broad principles apply across the board. The following recommendations derive from our analysis of zoning codes across Los Angeles County, and are intended to be a starting point for jurisdictions working to implement SB 2 appropriately and meaningfully in both code and practice. In addition to the below recommendations, jurisdictions should be sure to conduct an individualized analysis of their zoning codes to evaluate compliance with SB 2 and other state-wide planning and zoning requirements.

Recommendations for advancing emergency shelters:

- **Identify unmet need and propose realistic and suitable sites for shelter:** To comply with SB 2, a jurisdiction should include in its housing element an identification and analysis of unmet need for emergency shelters and propose realistic and suitable sites zoned “by-right,” with sufficient capacity to meet the unmet need.
- **Define emergency shelter consistent with SB 2, and ensure standards applicable to shelters facilitate development of shelter:** In the zoning code, properly define emergency

shelters, incorporate only management standards that are consistent with SB 2 or otherwise equally applicable to residential or commercial development within the zone, and ensure that any standards encourage and facilitate the development of shelters.

- **Develop a site plan application specific to emergency shelters:** There needs to be some mechanism to ensure that the objective standards required of shelters for by-right treatment under SB 2 are met. A specific site plan application for emergency shelters listing these standards can be a useful tool to streamline the process and to enable zoning enforcement.

Recommendations for advancing supportive and transitional housing:

- **Define transitional and supportive housing in the zoning code consistent with SB 2, and include an affirmative provision treating supportive and transitional housing as residential uses:** Explicit language in the zoning code should be present to ensure that supportive and transitional housing are treated like any other residential use. In zoning code and in practice, do not require additional approvals for, or put conditions on, transitional and supportive housing that do not also apply to residential developments of the same type in the same zone.
- **Remove constraints to multi-family housing in the zoning code:** Supportive and transitional housing are often configured as multifamily apartments, and even if treated as a residential use, may not be advanced if unreasonable constraints to multifamily housing appear in the zoning code. Examples of unreasonable constraints might be: the requirement of a conditional use permit on any housing over two units; excessive landscaping requirements; failing to streamline affordable housing developments, either generally, or as they interact with CEQA; buildable lot area limitations and density limitations.
- **Review the zoning code for definitions that might overlap with, or be confused with, transitional and supportive housing:** Consider amending definitions that indirectly impact siting of supportive and transitional housing. For example, the definitions of residential care facility and boarding house in the code may need to be defined or updated to ensure no overlap or confusion with the definitions of transitional and supportive housing.
- **Allow transitional and supportive housing by-right in all zones that allow residential uses:** Affirmatively permit transitional and supportive housing in all zones that allow residential uses as long as it complies with requirements of the zone (regardless of how residential is treated within that zone), and consider permitting transitional and supportive housing in other zones.
- **Do not define “family” to exclude common transitional and supportive housing arrangements:** Some jurisdictions use overly restrictive definitions of “family” in connection with permitted uses in single-family zones that refer to relations by blood, marriage, or adoption, or are otherwise inconsistent with common transitional and supportive housing arrangements. Jurisdictions should remove outdated definitions of “family” that restrict occupants of single-family homes.

General recommendations:

- **Do not use the word “facilities” to describe housing or shelter:** Referring to shelters and transitional and supportive housing¹¹⁶ as “facilities” implies a clinical approach requiring licensing, as opposed to simply a dwelling or shelter. Developers have advised us that staff coining a project as a “facility” increased public opposition to the project.¹¹⁷
- **Do not incorporate funding requirements as a proxy for zoning standards:** Many jurisdictions incorporate Title 25 or local shelter funding requirements into the zoning code. This

is not permitted for sites that the jurisdiction is relying on to meet SB 2 “by-right” requirements, as discussed earlier, and there would be no reason to duplicate such requirements in the zoning code as any such program requirements are monitored by the funding agency. In addition, funding requirements for shelters and transitional and supportive housing may overlap or conflict with the zoning code, causing ambiguity and delay in processing. Finally, jurisdictions should ensure that funding requirements do not themselves act as an unnecessary barrier and carefully weigh the costs and benefits.

- **Create fee waivers for nonprofits:** Many jurisdictions already reduce or waive fees for nonprofits for certain uses, e.g., large childcare facilities, and waive fees for development of affordable housing. Nonprofits are subject to a myriad of other regulations required by funding sources, so fee waivers and other ways to reduce requirements on nonprofits could help speed up the process of developing adequate shelter and housing.
- **Educate staff and decision-makers on compliance with the Housing Accountability Act (HAA):** Educate planning staff and decision-makers on the HAA’s mandates and consequences; maintain objective, quantifiable, written development standards for project approvals; do not place unreasonable conditions on protected housing developments.
- **Educate staff and decision-makers on compliance with fair housing laws:** Educate planning staff and decision-makers on the intersection of fair housing and land use. Among other things, a local jurisdiction must not base its land use and zoning decisions, in total or in part, on animus towards, or stereotypes about, people based on characteristics against which it is unlawful to discriminate.
- **Reasonable accommodations:** Develop a reasonable accommodation policy that allows changes to, or flexible application of, land use policies necessary to afford a person or groups of persons with disabilities an equal opportunity to use and enjoy housing.
- **Accessory uses:** Minimizing restrictions on accessory/ancillary uses for religious and non-profit organizations as a means of increasing a community’s capacity to meet its shelter needs offers an efficient, cost-effective approach.

¹ <http://www.scpr.org/news/2017/04/24/71120/la-to-spend-some-737-million-to-combat-homelessness/>

² Cal. Gov’t Code §65583 et seq.

³ Cal. Gov’t Code §65589.5—the Housing Accountability Act.

⁴ Cal. Gov’t. Code § 65582 (i) defines “target population”; this definition is discussed in detail in section “How does SB 2 protect siting of transitional and supportive housing?” of this guide.

⁵ A complete list of state funds that require housing element compliance is published by the State Department of Housing and Community Development (HCD), available at http://www.hcd.ca.gov/community-development/housing-element/docs/loan_grant_hecompl011708.pdf

⁶ Consequences for non-compliance with state laws can be stiff. In addition to being ineligible for certain funding streams, as discussed in Section “Why should we care about implementing SB 2 in our jurisdiction”?, *infra*, jurisdictions can be challenged in court for failure to comply with State Housing

Element Law, SB 2, and associated land use and fair housing laws. For more information on the types of suits that could be brought, a good resource is Public Interest Law Project's Housing Element Manual. There have been several notable lawsuits addressing SB 2 compliance filed recently. In *Gamble v. Fullerton* (Orange County Superior Court Case No. 30-2013-00675291), individuals experiencing homelessness sued the City of Fullerton for rejecting a year-round shelter that had been proposed by the Fullerton Task Force on Homelessness and Mental Health Services and unanimously recommended by the Fullerton Planning Commission. The case was based on allegations that Fullerton, motivated by discriminatory reasons, failed to establish proper by-right zones, required excessive development standards, and selected a zone that did not provide a suitable living environment. The claims included violations of SB 2, inconsistency with the housing element, unlawful land use discrimination, unlawful housing discrimination, and disability discrimination. In *Emergency Shelter Coalition v. San Clemente* (Orange County Superior Court Case No. 30-2014-00758880), a group of advocates for homeless persons sued the City of San Clemente for failing to adopt a zoning ordinance that complies with SB 2, which had rejected its planning commission's proposed ordinance to zone 162 commercial and industrial lots as possible sites for emergency shelters. San Clemente allegedly designated city-owned water towers, beach parking lots, civic buildings, and other public facilities to serve as shelter sites. The city also allegedly waited well past a year after adopting a housing element to adopt an SB 2 compliant zoning ordinance; set forth improper development standards such as a minimum floor area for each bed; and required shelter operators to provide onsite kennels, install surveillance equipment, and excessive amounts of landscaping. In addition to agreeing to provide zoning for by-right emergency shelter development, Fullerton also agreed to dedicate \$1 million to the development of rapid rehousing and extremely low income housing. San Clemente's non-compliance resulted in a court order prohibiting the city from issuing building permits or zoning entitlements in key commercial areas until it complied with state law.

⁷ California Housing and Community Development- Building Blocks, People Experiencing Homelessness, found at: <http://www.hcd.ca.gov/community-development/building-blocks/housing-needs/people-experiencing-homelessness.shtml>

⁸ *Outcome From Housing High Cost Homeless Hospital Patients*, found at: <https://economicrt.org/publication/getting-home/>

⁹ Disability Rights California. *Each Mind Matters: California's Mental Health Movement (2014)* at 8.

¹⁰ See, e.g., *Everyone's Neighborhood: Addressing "Not in My Backyard" Opposition to Supportive Housing for People with Mental Health Disabilities*, found at:

<http://www.disabilityrightsca.org/pubs/CM5301.pdf>, and *Anti-Nimby Tools*, found at: <http://www.housingadvocates.org/docs/antinimbytools.pdf>.

¹¹ Williams, Brad. *Assembly Committee on Appropriations* (August 22, 2007).

¹² Cal. Gov't. Code 65583(a)(4)(A).

¹³ HCD Technical Assistance Paper at 9.

¹⁴ Cal. Gov't. Code § 65582(d); Cal. Health & Safety Code § 50801(e).

¹⁵ Cal. Gov't. Code § 65583(a)(4)(A).

¹⁶ HCD Technical Assistance Memo.

¹⁷ Los Angeles Homeless Services Authority 2016 Data and Reports, found at:

https://documents.lahsa.org/Planning/homelesscount/2016/dataSets/HC2016_Total_Counts_by_Census_Tract_LA_CoC_07132016.xlsx

¹⁸ Cal. Gov't. Code § 65583, subd. (a)(7).

¹⁹ If the jurisdiction has adopted a 10-year plan to end chronic homelessness, it may further reduce its unmet need for emergency shelter beds by the number of supportive housing units identified in the 10-year plan *and* that are either vacant, or in the pipeline for development in the housing element planning period (i.e., funding has been identified for construction). Cal. Gov't. Code § 65583, subd. (a)(7); HCD Technical Assistance Paper at 7.

²⁰ Cal. Gov't. Code § 65583, subs. (a)(4)(C), (d)(1).

²¹ Cal. Gov't. Code § 65583 (a)(4)(A).

²² Cal. Gov't. Code § 65583.2(i); HCD Technical Assistance Memo at 10.

²³ An overlay zone is a zoning district which is applied over one or more previously established zoning districts, establishing additional or stricter standards and criteria for covered properties in addition to those of the underlying zoning district. Communities often use overlay zones to protect special features such as historic buildings, wetlands, steep slopes, and waterfronts. Overlay zones can also be used to promote specific development projects, such as mixed-used developments, waterfront developments,

housing along transit corridors, or affordable housing. See American Planning Association, Property Topics and Concepts, found at <https://www.planning.org/divisions/planningandlaw/propertytopics.htm#Overlay>.

²⁴ HCD Technical Assistance Memo at 9.

²⁵ Cal. Gov't. Code § 65583(a)(4)(A)

²⁶ Cal. Gov't. Code § 65583(a)(4)(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.”) See also HCD Technical Assistance Memo at 9 (“The only exceptions permitted to the non-discretionary zoning requirement are where a jurisdiction demonstrates their homeless needs can be accommodated in existing shelters; or where the jurisdiction meets all of its need through a multi-jurisdictional agreement...”)

²⁷ *Id.*

²⁸ HCD Technical Assistance Memo at 9.

²⁹ *Id.*

³⁰ Cal. Gov't. Code § 65583(a)(4)(A)(i)-(viii).

³¹ The identified zone or zones must 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.” Cal. Gov't Code 65583(a)(4)(A).

³² HCD Technical Assistance Memo at 10.

³³ For example, the City of Oakland sets a maximum bed limit of 100 beds per shelter in by-right shelter zones. Oakland Mun. Code, § 17.103.015, subd. (B)(2) (“A maximum of number of one hundred (100) beds or persons are permitted to be served nightly by the facility.”)

³⁴ See <http://nationswell.com/star-apartments-los-angeles-housing-amenities-homeless/as> as an example.

³⁵ <https://www.hudexchange.info/resources/documents/2016-AHAR-Part-1.pdf>

³⁶ Los Angeles Ordinance No. 184836

³⁷ Los Angeles Mun. Code § 91.8605.

³⁸ Shelters must still comply with Los Angeles Fire Department requirements. Under current such requirements, shelters with more than 49 beds require additional permits from Los Angeles Department of Building and Safety, found at: <http://elninoshelter.lacity.org/PDFDocuments/LAFDDIRECTIVE.pdf>

³⁹ *Id.*

⁴⁰ Los Angeles Ordinance No. 184836.

⁴¹ See Council File No.: 15-1138-S24 available at <http://cityclerk.lacity.org/lacityclerkconnect/index.cfm?fa=ccfi.viewrecord&cfnumber=15-1138-S24>

⁴² Cal. Gov't. Code § 8698.1(b).

⁴³ Cal. Health & Safety Code § 50801(e) (““Emergency shelter” means housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay.”)

⁴⁴ Cal. Gov't. Code § 65583(a)(7).

⁴⁵ Cal. Gov't. Code § 65583(a)(3) and (4)(A).

⁴⁶ Cal. Gov't. Code § 65583(a)(4)(A)(i)-(viii).

⁴⁷ Cal. Gov't. Code § 65583(a)(4)(A)(v).

⁴⁸ Cal. Gov't. Code § 65583(a)(4)(A)(i). See, HCD Technical Assistance Memo at 11. (“A standard establishing the maximum number of beds should act to encourage the development of emergency shelter.”)

⁴⁹ Cal Gov't. Code § 65582, subs. (g), (i), (j). As described in the HCD SB 745 memo, in 2014, the legislature amended section 65582 of the Government Code to replace prior Health and Safety Code definitions of “supportive housing,” “target population,” and “transitional housing” with definitions within the Government Code (in housing element law). Section 65582 was subsequently amended to add other definitions; while there are no substantive changes to the definitions used herein, the citations were changed. (Assem. Bill No. 1403 (2015-2016 Reg. Sess.)).

⁵⁰ State law defines “community care facility” as “any facility, place, or building that is maintained and operated to provide nonmedical residential care, day treatment, adult day care, or foster family agency services for children, adults, or children and adults, including, but not limited to, the physically

handicapped, mentally impaired, incompetent persons, and abused or neglected children.” (Cal. Health & Saf. Code § 1502. Community care facilities are licensed by the Community Care Licensing Division of the State Department of Social Services, and include residential care facilities and group homes, among other uses. (*Id.*) The California Community Care Facilities Act explicitly exempts supportive housing from state licensing requirements. (Cal. Health & Saf. Code § 1504.5.)

⁵¹ Definitions of boarding, or rooming, houses are often found in municipal codes. For example, Los Angeles County’s Planning and Zoning Code defines “boarding house” as “a lodging house or other facility maintained, advertised or held out to the public as a place where sleeping or rooming accommodations are available, with or without meals,” may also be confused with transitional or supportive housing. (LA Co. Zoning Code § 22.08.180.)

⁵² <http://www2.oaklandnet.com/government/o/CityCouncil/o/AtLarge/Issues/responding-to-homelessness/index.htm>

⁵³ <http://www.sfgate.com/bayarea/article/Instead-of-clearing-homeless-camps-Oakland-is-9981956.php>

⁵⁴ http://everyonehome.org/wp-content/uploads/2016/02/EOC_Full2.pdf

⁵⁵ It is outside the scope of this Guide to assess the legal implications of funding requirements.

⁵⁶ Cal. Gov’t. Code § 65583(a)(5).

⁵⁷ Sen. Bill No. 2 (Chapter 633, Statutes of 2007). Approved by Governor, Oct. 13, 2007 (2006-2007 Reg. Sess.).

⁵⁸ Cal. Gov’t. Code § 65589.5, subd. (b).

⁵⁹ Under the Act, qualifying projects are emergency shelters and transitional and supportive housing, and residential or mixed-use projects containing at least 20% of total units sold or rented to lower income households or 100% of units sold or rented to moderate income households. Housing units targeted for lower income households must be made available at a cost that does not exceed 30% of 60% of the area median income, and housing units targeted for moderate-income households must be made available at a cost that does not exceed 30% of 100% of the area median income. Cal. Gov’t. Code § 65589.5(h).

⁶⁰ Conditions that could have a substantial impact on the viability of the project include design changes, buildable lot size reductions, or a reduction of allowable densities. Lindgren and Mattas, California Land Use Practice (1st ed. 2016 update), §6:16.

⁶¹ A jurisdiction cannot rely on this finding to deny a qualifying project if (i) the development is proposed on a site identified in housing element as suitable for affordable housing; or (ii) the jurisdiction failed to identify adequate sites for housing development or adequate zones for emergency shelter as required by state housing element law and SB 2. Cal. Gov’t. Code § 65589.5, subd. (d).

⁶² Cal. Gov’t. Code § 65589.5(j).

⁶³ Lindgren and Mattas, California Land Use Practice (1st ed. 2016 update), §6:16.

⁶⁴ Cal. Gov’t. Code § 65589.5(h)(5).

⁶⁵ Cal. Gov’t. Code § 65589.5(k).

⁶⁶ The Fair Employment and Housing Council of the Department of Fair Employment and Housing has proposed regulations regarding discriminatory effect, discriminatory land use practices, and use of criminal history information. See <https://www.dfeh.ca.gov/fehccouncil/>.

⁶⁷ In California, local governments must not deny equal housing opportunities on the basis of race, color, religion, national origin, sex, familial status, disability (both physical and mental), gender, gender identity, gender expression, sexual orientation, marital status, ancestry, source of income, and genetic information. (42 U.S.C. §3604; Cal Gov’t. Code §12955.)

⁶⁸ See, e.g., Cal. Gov’t. Code § 12955.8(b).

⁶⁹ Cal. Gov’t. Code § 65008(d)(1).

⁷⁰ Cal. Gov’t. Code § 65008(d)(2).

⁷¹ 42 U.S.C. §3604(f)(3); 28 C.F.R. § 35.130(b)(7), implementing Title II of the Americans with Disabilities Act (ADA), 42 U.S.C.A. § 12132 and implementing regulations (see e.g., *Pierce v. County of Orange*, 526 F.3d 1190, 1215 (9th Cir.2008).) Cal. Gov’t. Code, §§ 12927(c)(1), 12955(i). In 2001, the California Attorney General urged California Mayors to amend their zoning codes to include reasonable accommodation procedure, found at: http://ag.ca.gov/civilrights/pdf/reasonab_1.pdf.

⁷² Cal. Gov’t Code §65583(c)(3).

⁷³ 42 U.S.C. § 3602(h).

⁷⁴ Cal. Gov’t. Code §§ 12926(j), 12926(m); see also § 12926.1(c).

- ⁷⁵ 42 U.S.C. § 3604(a); *City of Edmonds v. Oxford House, Inc.*, 514 U.S. 725, 729 (1995); *Project Life v. Glendening*, 139 F. Supp. 703, 710 (D. Md. 2001), *aff'd* 2002 WL 2012545 (4th Cir. 2002); Cal. Gov't Code § 12955(l).
- ⁷⁶ <http://www.disabilityrightsca.org/news/2015NewsAboutUs/20150810ReasonableAccommodationsClearingHouse.htm>
- ⁷⁷ Title II of the ADA, Section 504 of the Rehabilitation Act of 1973, as well as the California Unruh Civil Rights Act.
- ⁷⁸ Nisen, Fred, Schur, Dara L., and Cole, Tomasine. "Creating a reasonable accommodation ordinance that protects people with disabilities." Disability Rights California, August 10, 2015, <http://www.disabilityrightsca.org/news/2015NewsAboutUs/20150810ReasonableAccommodationsClearingHouse.htm>.
- ⁷⁹ See, e.g., *US ex rel. Anti-Discrimination Center of Metro New York, Inc. v. Westchester County, NY*, 668 F. Supp. 2d 548, 569 (2009).
- ⁸⁰ 42 U.S.C. 3608(e)(5); 24 CFR § 5.154 (b); 42 U.S.C. §§ 5304(b)(2), 5306(d)(7)(B), 12705(b)(15), 1437C-1(d)(16)
- ⁸¹ 80 Fed. Reg. 42,272, 42,309 (preamble).
- ⁸² <https://www.lacdc.org/programs/community-development-block-grant/plans-and-reports/assessment-of-fair-housing/community-meetings>; <http://hcidla.lacity.org/public-policy-development>
- ⁸³ Trends identified by a review by Public Counsel attorneys of publicly available zoning codes and Housing Elements in 88 cities in Los Angeles County in March 2017.
- ⁸⁴ Compliance estimates are estimates only and based upon analysis of publicly available information as of March 2017.
- ⁸⁵ Los Angeles Homeless Services Authority, 2017 Homeless Count Results - Los Angeles County, found at <https://www.lahsa.org/documents?id=1353-homeless-count-2017-countywide-results.pdf>.
- ⁸⁶ Santa Clara County Code of Ordinances § 4.10.115. "County-authorized" means that the facility is operating under a valid CUP.
- ⁸⁷ Santa Clara County Code of Ordinances § 4.10.115. These accessory use small scale shelters have a limited duration of stay, require on-site staffing and written notice of operation to the Planning Office.
- ⁸⁸ Incidental shelter is defined as providing shelter inside an assembly building as an incidental use to an existing primary assembly use, which occupies less than 50% of the usable square footage of the assembly building. See the draft ordinance at: http://sanjose.granicus.com/MetaViewer.php?view_id=&event_id=2690&meta_id=643038
- ⁸⁹ http://sanjose.granicus.com/MetaViewer.php?view_id=&event_id=2690&meta_id=643038, p. 6.
- ⁹⁰ *Id.* at 3.
- ⁹¹ *Id.* at 6-7.
- ⁹² Los Angeles Mun. Code § 14.00, subd. (A)(9).
- ⁹³ <http://americantinyhouseassociation.org/san-jose-assembly-bill-2176-waives-state-building-code-for-tiny-houses-for-the-homeless/>
- ⁹⁴ Memorandum from Jacky Morales-Ferrand, Director, San Jose Housing Department to Mayor and City Council of San Jose, October 4, 2016, Workplan for AB2176: Emergency Bridge Housing Communities, available at <http://www.sanjoseca.gov/DocumentCenter/View/68905>.
- ⁹⁵ <http://americantinyhouseassociation.org/san-jose-assembly-bill-2176-waives-state-building-code-for-tiny-houses-for-the-homeless/>
- ⁹⁶ Cal. Gov't Code § 8698.
- ⁹⁷ <http://americantinyhouseassociation.org/san-jose-assembly-bill-2176-waives-state-building-code-for-tiny-houses-for-the-homeless/>
- ⁹⁸ http://www.sjsunews.com/spartan_daily/news/article_cc3a2556-10c0-11e7-bdf8-ef4b8ebbd420.html
- ⁹⁹ City of Seattle Encampment Ordinance, found at http://www.seattle.gov/dpd/vault/cs/groups/pan/@pan/documents/web_informational/s020628.pdf.
- ¹⁰⁰ <http://crosscut.com/2017/05/seattle-homeless-build-more-tiny-homes/>.
- ¹⁰¹ <https://www.curbed.com/maps/tiny-houses-for-the-homeless>.
- ¹⁰² <http://www.seattletimes.com/seattle-news/politics/seattles-teeny-response-to-tiny-houses-for-the-homeless/>.
- ¹⁰³ <http://crosscut.com/2017/05/seattle-homeless-build-more-tiny-homes/>.
- ¹⁰⁴ <http://crosscut.com/2017/05/seattle-homeless-build-more-tiny-homes/>.

- ¹⁰⁵ <https://www.theguardian.com/us-news/2017/mar/23/tiny-houses-solution-homelessness-seattle>
- ¹⁰⁶ <http://www.latimes.com/local/california/la-me-homeless-safe-parking-20160504-story.html>;
<http://sbnbcc.org/safe-parking/>
- ¹⁰⁷ <http://sbnbcc.org/safe-parking/>
- ¹⁰⁸ <http://www.latimes.com/local/california/la-me-homeless-safe-parking-20160504-story.html>
http://services.santabarbaraca.gov/CAP/MG133648/AS133652/AS133659/AS133660/AL137320/DO137377/DO_137377.pdf
- ¹⁰⁹ <http://www.citylab.com/housing/2016/05/can-parking-lots-become-a-safe-haven-for-las-homeless-santa-barbara/481623/>
- ¹¹⁰ <http://www.latimes.com/local/california/la-me-homeless-safe-parking-20160504-story.html>
- ¹¹¹ http://clkrep.lacity.org/onlinedocs/2015/15-1138-s1_misc_03-21-2016.pdf
- ¹¹² <https://www.lahsa.org/documents?id=1403-2017-homeless-count-results-vehicles-and-encampments-by-geographic-area.pdf>
- ¹¹³ *Desertrain v. City of Los Angeles*, 754 F.3d 1147, 1157 (9th Cir. 2014).
- ¹¹⁴ <http://www.latimes.com/local/lanow/la-me-ln-vehicle-sleeping-ban-20161109-story.html>
- ¹¹⁵ http://clkrep.lacity.org/onlinedocs/2015/15-1138-S15_rpt_LAHSA_6-20-17.pdf
- ¹¹⁶ The California Community Care Facilities Act exempts supportive housing meeting certain characteristics from state licensing requirements, including being affordable, offering independent living, offering its own lease to each resident, and there are no limits on length of stay. Health & Safety Code §1504.5.
- ¹¹⁷ In March 2017, Corporation for Supportive Housing (“CSH”) and Public Counsel conducted an online survey of nonprofit organizations developing and siting supportive housing, transitional housing and emergency shelters throughout Los Angeles County in order to determine the extent to which cities are affirmatively advancing these uses in their zoning codes. There were 28 responses.

This guide was produced by the Community Development Project at Public Counsel. Public Counsel is the nation's largest not-for-profit law firm of its kind with a 40-year track record of fighting for the rights of children and youth, persecuted immigrants, military veterans, nonprofit organizations, and small businesses. Its Community Development Project builds foundations for healthy, vibrant, economically

stable communities by providing legal and capacity building services to community-based organizations in the Los Angeles area and supporting the development and preservation of affordable and supportive homes throughout Southern California.

www.publiccounsel.org/practice_areas/community_development

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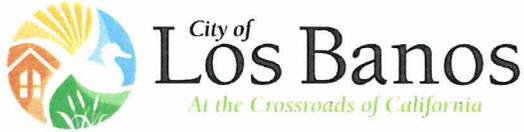
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Disclaimer

This guide was prepared by Public Counsel's Community Development Project in October 2017 and is meant to provide general information. This document is not all-inclusive and is not intended to provide any individual or entity with specific legal advice. For more detailed information, readers are encouraged to obtain legal advice from their own legal counsel or contact Public Counsel's Community Development Project intake line at (213) 385-2977 ext. 200.



Community & Economic
Development Department
520 J Street
Los Banos, CA 93635

Phone: (209) 827-7000
www.losbanos.org

DESIGN REVIEW STUDY SESSION

TO: Chairman Cates and Planning Commissioners

FROM: Rudy Luquin, Associate Planner 

DATE: February 26, 2020

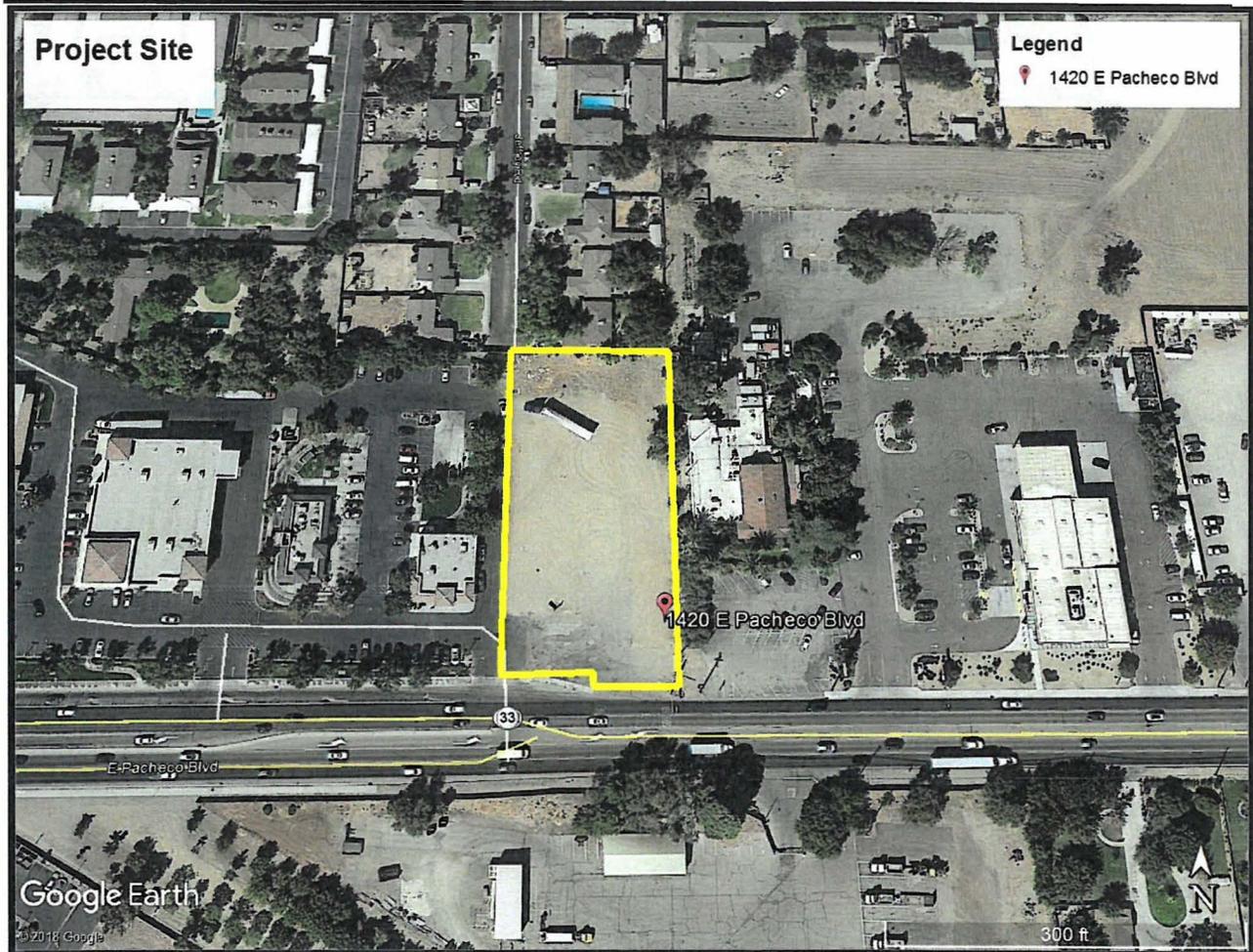
SUBJECT: Project Study Session Review – 1420 E. Pacheco Blvd., APN: 428-140-030

Project Description

The City of Los Banos Community and Economic Development Department is in receipt of an application requesting a Site Plan Review entitlement. The applicants, MMCG DBR Los Banos, LLC and OA Holdings No. 1 LLC, is proposing to develop two (2) commercial structures that will be utilized as quick serve restaurants totaling to 3,300 square feet. The Project site is located on a previously developed 1.22 acre parcel at 1420 E. Pacheco Blvd. Despite being previously developed, the proposed project site is presently vacant with ability to connect to utilities. The project site is surrounded by various commercial uses to the east and west, legal non-conforming public facilities use directly south, and residential uses to the north. The proposed commercial development is a permitted use by right within the Highway Commercial Zoning District.

The applicants have also applied for a Tentative Parcel Map for the minor subdivision of the 1.22 acre parcel into two (2) parcels, (Parcel A 0.69 acres and Parcel B 0.53 acres) and a Conditional Use Permit for the allowance of alcohol sales and on-site consumption and another Conditional Use Permit to request a proposed freestanding sign to exceed the maximum height permitted within the Highway Commercial Zoning District, twenty (20') feet, to twenty-five (25') feet.

As fore mentioned, the proposed development will consist of two (2) commercial buildings. Building A will be a 2,500 square foot commercial structure with a drive through to be utilized as a quick serve restaurant and Building B will be an 800 square foot building with a drive through and walk up ordering window for a quick serve restaurant. The project proposal further includes various improvements to the project site such as grading, paving, landscaping, and lighting.



Planning Commission Project Study Session Review

The Community and Economic Development Department has referred the proposed project for a Design Review Study Session with the Planning Commission, in regards to the design of the proposed project in accordance with Los Banos Municipal Code, Section 9-3.2318(a), Planning Commission project study session review. Nonetheless, the proposed project will require final site plan approval by the Planning Commission through a public hearing at a later date.

The objective of the study session is to provide the applicants with analytical commentary from the Planning Commission in the forefront of the design process, prior to the applicants(s) becoming overly invested in a design that is inconsistent with the City of Los Banos Design Guidelines, in conformity with Los Banos Municipal Code Section 9-3.2318(a), Planning Commission project study sessions review. The design review study session is virtually a discussion between the Planning Commission and the applicants concerning the aesthetics of the proposed project, and does not constitute a final decision by the Planning Commission concerning the proposed development project.

In accordance with Los Banos Municipal Code Section 9-3.2318(b) ,Planning Commission project study session review, the Planning Commission’s purview of the

design review study session is to review, consider, and provide commentary on the following design aspects of the proposed project in light of the City's General Plan and applicable policies:

- Architecture
- Landscaping
- Lighting

Architecture

According to Los Banos Municipal Code Section 9-3.2318(c), Planning Commission project study session review, the Planning Commission shall evaluate and provide commentary on the following architectural elements:

- Architectural style and consistency
- Height
- Bulk
- Area
- Color of buildings
- Types of construction materials
- Physical and architectural relationships with existing and proposed structures
- Materials and variations of boundary walls
- Fences
- Exterior elevations of all sides of the buildings or structures
- Methods used to screen mechanical equipment from public view

The Los Banos Community Design Standards does contain specific design guidelines for commercial buildings on Pacheco Boulevard which the preference is a Spanish/ Mission theme. The applicants have proposed designs that include some elements of the preferred Spanish/ Mission theme. The proposed designs of the commercial structures are mainly of a contemporary style. However, the proposed designs have incorporated some elements of the Spanish/ Mission architectural characteristics directly from the Design Standards such as thick walls, stucco walls, towers, tile accents at the base proposed commercial Building B, parapet roofs, and awnings.

The applicants are proposing to have a color patterns consisting of three (3) colors for Building A and two (2) colors for Building B. Building A's color pattern will consist of a light grey, a dark charcoal grey and red. The color pattern for Building B will consist of blue and grey. The proposed color patterns are not compatible or consistent with the City of Los Banos preferred color palate and are also not compatible to the existing commercial structures to the east and west. Please take note that the designs and color patterns being proposed are the corporate standard design and color pattern for each respective business entity.

The complete design of Building A will consist of; parapet roof, two (2) awnings; one at the entrance and the other at the drive through area of the building. The body of the structure will compose of: stucco walls, tall (tower) vertical steel siding wall at drive through, and a mullion window screening accent near the drive-thru. The complete design for Building B will consist of: parapet roof, stone veneer ledgestone at the base

of the structure, various awnings at the drive-thru, walk up, and window locations, stucco walls with indentation markings to break up the monotony of the walls, and a tower at the drive through window.

Landscaping

In consistency with Los Banos Municipal Code, Section 9-3.2318(c), Planning Commission project study review, the Planning Commission shall evaluate and provide commentary on the following landscaping and site treatment elements:

- Types of planting and vegetation;
- Rock groupings; and
- Topography and location of landscaping areas.

The applicants are proposing landscaping throughout the development, mainly along the street frontages, proposed parcel lines, and parking lot. The landscape plan consists of three (3) tree species totaling to 15 planted trees, seven (7) totaling to 176 combined shrubs planted, and four (4) ground cover species two (2) grasses and two (2) plant species totaling sixty-seven (67) ground cover plants to be planted throughout the project site.

Lighting

In reference to Los Banos Municipal Code, Section 9-3.2318(c), Planning Commission project study review, the Planning Commission shall evaluate and provide commentary on the following lighting elements:

- Aesthetics of exterior lighting

The proposed exterior lightening for the project will consist of eight (8) LED exterior parking lot light fixtures to be placed throughout the project site. The applicants have supplied a photometric plan within the proposed plan set. The applicants is also proposing nine (9) illuminated wall signs, and one (1) illuminated free standing sign. The free standing sign proposed height of twenty-five (25') feet which exceeds the maximum allowed height of twenty (20') feet pursuant to the Los Banos Municipal Code Title 9, Chapter 3, Article 18, Part 3; Sign Standards. The excessive height of the proposed sign will be presented as part of the requested Conditional Use Permit as stated earlier. The applicants have submitted signs for the tenant in Building B which consists of six wall signs and one portion of a free standing sign. Staff will review the signs as more detail is received regarding the proposed signs for the remainder of the project.

Project Review Board

The proposed project will be reviewed by the Project Review Board (PRB) in regards to the following elements:

- Building layout;
- Location;
- Orientation of all new and existing structures and the relationship to one another and surrounding properties
- Methods of landscape irrigation;
- Location and design of facilities for physically disabled persons;
- Location of fencing and other screening;

- Location and screening of refuse facilities;
- Traffic circulation on-site and off-site;
- Pedestrian and bicycle circulation and safety;
- Arrangement of off-street parking and loading facilities;
- Location and intensity of all onsite lighting; and
- Provision of municipal and public services.

The PRB will be providing a formal recommendation to the Planning Commission concerning the scope of their review during the Site Plan Review process.

Recommendation

Staff is recommending that the Planning Commission evaluate the proposed projects architectural considerations, landscaping, site improvements and exterior lighting elements as described above and provide initial commentary to the applicants regarding the proposed design. No formal action will be taken at this juncture.

Attachments:

- Plan Set
- Site Photos

LEGAL DESCRIPTION

PARCEL ONE:

THE LAND REFERRED TO HEREIN BELOW IS SITUATED LOS BANOS, COUNTY OF MERCED, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:

THAT PORTION OF THE SOUTHWEST QUARTER OF SECTION 13, TOWNSHIP 10 SOUTH, RANGE 10 EAST, M.D.B.&M., ACCORDING TO THE OFFICIAL PLAT THEREOF, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT WHICH BEARS NORTH 40.00 FEET AND NORTH 88 DEG. 34' EAST, 578.21 FEET FROM THE SOUTHWEST CORNER OF SECTION 13, TOWNSHIP 10 SOUTH, RANGE 10 EAST, M.D.B.&M.; THENCE NORTH 0 DEG. 48 1/2' WEST 340.47 FEET, THENCE EAST 160.20 FEET; THENCE SOUTH 1 DEG. 07 1/2' EAST 336.43 FEET; THENCE ALONG THE NORTH LINE OF STATE HIGHWAY, SOUTH 88 DEG. 34' WEST, 161.94 FEET TO THE POINT OF BEGINNING.

EXCEPT THEREFROM THAT PORTION DESCRIBED IN THE GRANT DEED FROM EDWARD W. HOSTETLER AND MERRY BELLE HOSTETLER AS CO-TRUSTEES OF THE HOSTETLER LIVING TRUST DATED JANUARY 20, 1978 TO THE STATE OF CALIFORNIA, RECORDED JULY 5, 2001, IN BOOK 4218, PAGE 500, SERIES NO. 28152, OFFICIAL RECORDS.

PARCEL TWO:

A NON-EXCLUSIVE EASEMENT FOR VEHICULAR INGRESS AND EGRESS, APPURTENANT TO PARCEL ONE HEREINABOVE DESCRIBED, AS SAID EASEMENT IS FURTHER DESCRIBED IN THAT CERTAIN INSTRUMENT ENTITLED "SHARED ACCESS AGREEMENT", EXECUTED BY EDWARD W. AND MERRY BELLE HOSTETLER AND LOS BANOS MARKETPLACE, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY, RECORDED MARCH 1, 2001, IN BOOK 4137, PAGE 192, SERIES NO. 8022, OFFICIAL RECORDS AND RE-RECORDED OCTOBER 17, 2002, AS SERIES NO. 2002-051499, OFFICIAL RECORDS.

PARCEL THREE:

A NON-EXCLUSIVE PERPETUAL EASEMENT FOR VEHICULAR PARKING AND PEDESTRIAN INGRESS AND EGRESS OVER AND ACROSS THAT PORTION OF SAID LAND DESCRIBED AS "AMABLE TRACT", IN THAT CERTAIN "PARKING EASEMENT AND RECIPROCAL ACCESS EASEMENT AGREEMENT" RECORDED SEPTEMBER 30, 2015 AS INSTRUMENT NO. 2015-034270, OF OFFICIAL RECORDS.

APN: 428-140-030

FLOOD ZONE INFORMATION:

This property lies in Zone "X" unshaded as shown on Federal Emergency Management Agency (FEMA) Map of the City of Los Banos and Incorporated Areas, California, Map No. 05047C0850G.

Effective date: December 2, 2008

Flood Zone "X" or "Other Flood Areas" is described as areas of 0.2% annual chance flood; areas of 1% annual chance flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 1% annual chance flood.

⑥ N: 202972.489 CCS27
E: 1904437.256 CCS27
N: 1843375.239 CCS83
E: 6465806.913 CCS83

THE SOUTHWEST CORNER OF SEC. 13 T10 S, R10 E, M.D.B.&M.

BENCHMARK:

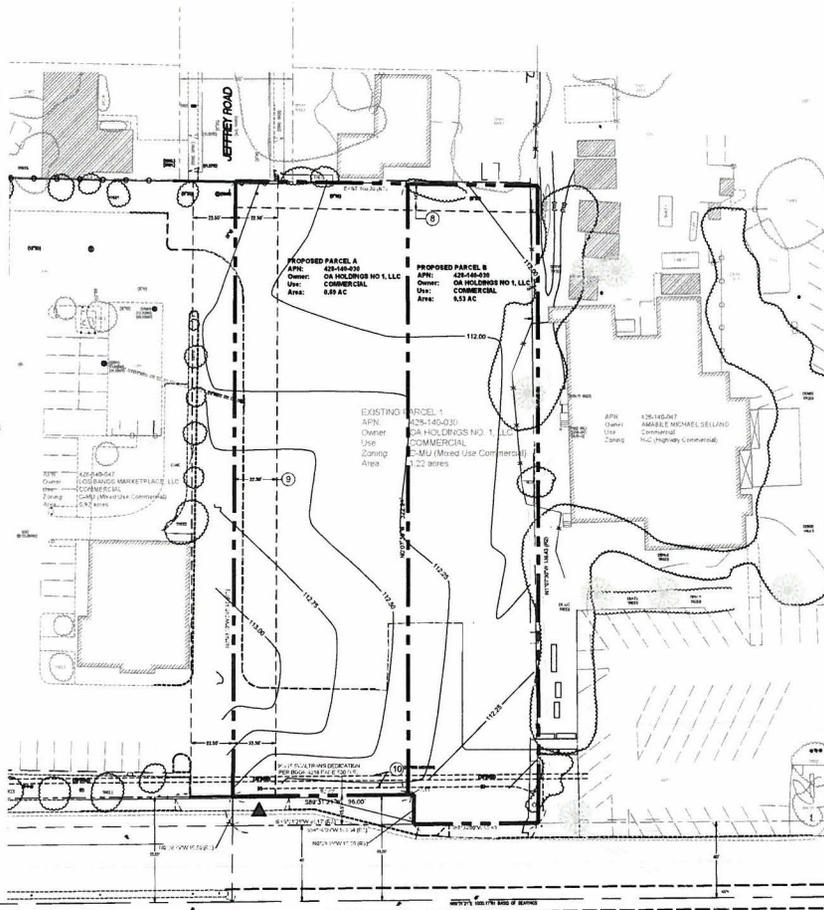
US COAST & GEODETIC SURVEY BRASS CAP CONCRETE MONUMENT ON THE SOUTH SIDE OF PACHECO BOULEVARD SR-152, SHOWN HEREON OBTAINED FROM PLANS FOR LOS BANOS MARKET PLACE.

ELEVATION = 112.56 NGVD 1929



0' 40' 80'
SCALE 1" = 40'

TENTATIVE PARCEL MAP NO. 2020-



⑥ STATE PLANE COORDINATE CONTROL FOR CITY ORDINANCE IS CALCULATED FROM CCS27 AS SHOWN BY 19 RS 22-29 UTILIZING CORPSCON CONVERSION PROGRAM TO CCS83 FOR SOUTHWEST CORNER SECTION 13 AND DIVISION OF HIGHWAYS MONUMENT.

APPLICANT/SUBDIVIDER:

OA Holdings No. 1, LLC, a California limited liability company
10 Harris Court, Suite 9-1 Monterey, CA 93940



N: 202989.173 CCS27
E: 1904437.256 CCS27
N: 1843391.913 CCS83
E: 6465807.665 CCS83



NOTES:

- There are no buildings on the property.
- The property is adjacent to the public right of way.
- The property abuts the following public street: Pacheco Boulevard
- The site address is formally known as 1420 Pacheco Boulevard, Los Banos, CA 93277
- Zoning: H-C (Highway Commercial)
Existing Landuse: Vacant Land
- The City of Los Banos is the provider and source of sewerage and storm. All City Utilities will be installed per City Standard.
- The property privately maintains all onsite sewer, water, and storm drain lines.

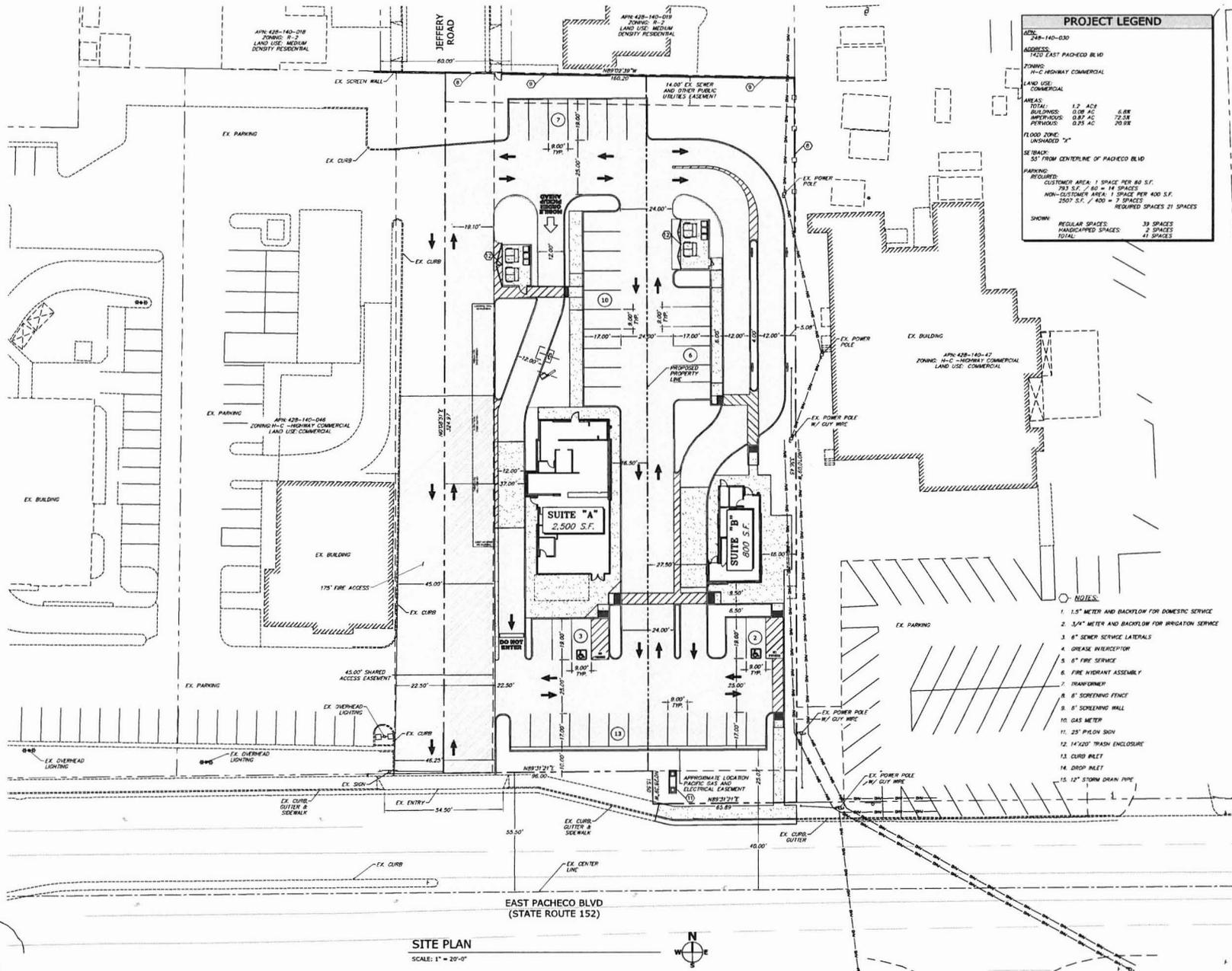
LEGEND

- Limits of this subdivision
- - - Easement line
- ⊕ Schedule B Exceptions
- (JR1) Record data per Parcel Map No. 2001-06, Recorded in Vol.89, Page 32, Recorded in Official Records of Merced County.
- (JR2) Record data per Title Report Provided by Old Republic Title Company, Order No. 0724019546-HT, Dated September 13, 2019.
- (JR3) Record data per Grant Deed to the State of California recorded July 05, 2001 in Book 4218, Page 500, Series No. 28152 O.R.
- ▲ Conveyed to the State of California in Deed recorded July 05, 2001 in Book 4218, Page 500, Series No. 28152 O.R.

SCHEDULE B EXCEPTIONS:

- A blanket easement for Roads and Public Utilities, granted to Miller and Lux Inc. recorded on April 6, 1940 in Book 647 of Official Records, Page 3.
- An easement for Sewer and Other Public Utilities, granted to the City of Los Banos. Recorded December 2, 1960 in book 1506 of Official Records, Page 317.
- Shared Access Agreement. Recorded March 1, 2001 in Book 4137 of Official Records, Page, Serial No. 8022.
- An easement for Utility Distribution, granted to PG&E Recorded October 3, 2001 in Book 4284 of Official Records, Page 46, Serial No. 44539.
- A blanket easement for Vehicular and Pedestrian Ingress and Egress, granted to Esther Amanile, et. al. Recorded September 30, 2015 in Official Records, Serial No. 201-034270

LARS ANDERSEN & ASSOCIATES, INC.
CIVIL ENGINEERS - LAND SURVEYORS - PLANNERS
4694 WEST JACQUELYN AVENUE FRESNO CALIFORNIA 93722
TEL: 559 276-2790 FAX: 559 276-0850 WWW.LARSANDERSEN.COM
JOB NO. 19004.00 DATE: APRIL 5, 2019 SHEET 1 OF 1



PROJECT LEGEND	
APN: 248-140-030	
ADDRESS: 1420 EAST PACHECO BLVD	
ZONING: M-C - HIGHWAY COMMERCIAL	
LAND USE: COMMERCIAL	
AREAS:	
TOTAL: 1.7 AC	6.8K
BUILDINGS: 0.08 AC	72.0K
IMPROVEMENTS: 0.81 AC	70.0K
PERKIOS: 0.25 AC	20.0K
FLOOD ZONE: UNIMPAVED "X"	
SETBACK: 55' FROM CENTERLINE OF PACHECO BLVD	
PARKING REQUIRED:	
CUSTOMER AREA: 1 SPACE PER 60 S.F.	
793 S.F. / 60 = 14 SPACES	
NON-CUSTOMER AREA: 1 SPACE PER 400 S.F.	
2007 S.F. / 400 = 5 SPACES	
REQUIRED SPACES: 21 SPACES	
SHOWN:	
REGULAR SPACES: 33 SPACES	
HANDICAPPED SPACES: 2 SPACES	
TOTAL: 41 SPACES	

- NOTES:**
1. 1.5" METER AND BACKFLOW FOR DOMESTIC SERVICE
 2. 3/4" METER AND BACKFLOW FOR IRRIGATION SERVICE
 3. 8" SEWER SERVICE LATERALS
 4. GREASE INTERCEPTOR
 5. 6" FIRE SERVICE
 6. FIRE HYDRANT ASSEMBLY
 7. TRANSFORMER
 8. 6" SCREENING FENCE
 9. 6" SCREENING WALL
 10. GAS METER
 11. 25' PIVOT SIGN
 12. 14"x20" TRASH ENCLOSURE
 13. CURB INLET
 14. DROP INLET
 15. 12" STORM DRAIN PIPE

SITE PLAN
SCALE: 1" = 20'-0"

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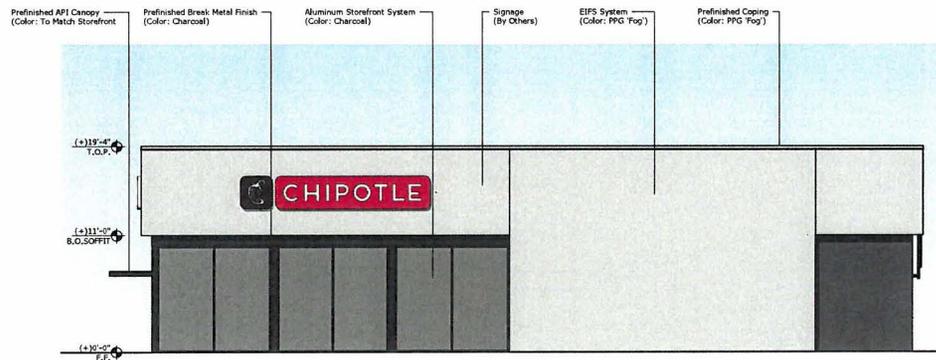
TECTONICS DESIGN GROUP
 733 SAKINBL BLVD., #1525, IRVING, TEXAS 75038
 TEL: 972-241-9988
 FAX: 972-241-9986
 WWW.TECTONICSGROUP.COM

CONDITIONAL USE PERMIT
 1420 EAST PACHECO BLVD, LOS ANGELES, CA
MAIN & MAIN
 5750 Genesis Court, Suite 103, Ft. Worth, TX 75034

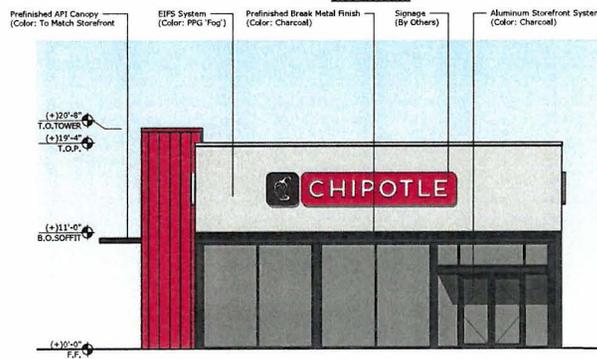
DRAWN: W.T.G.
 DESIGNED: J.P.R.
 CHECKED/STAMPED: MATT K. RASMUSSEN, P.E.

PROJECT/CLIENT: 47-20010
 DATE: 01/30/2020
 SUBMITTAL RECORD: SUBMITTAL RECORD:
 SHEET TITLE: SITE PLAN

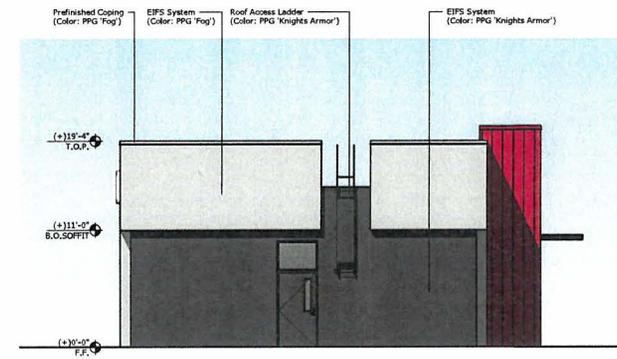
EX1



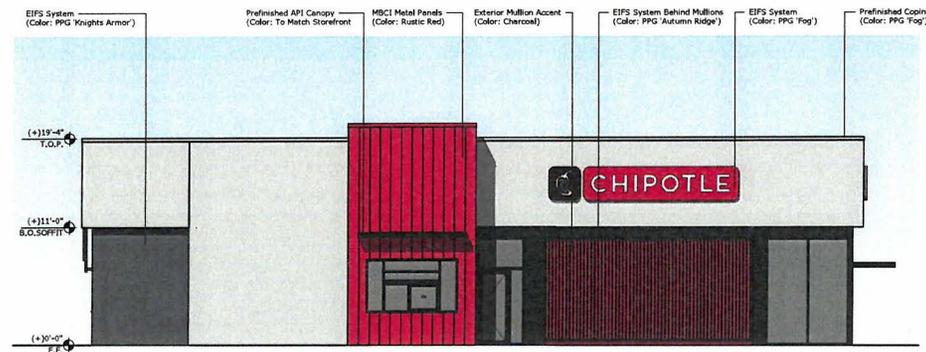
Side Elevation



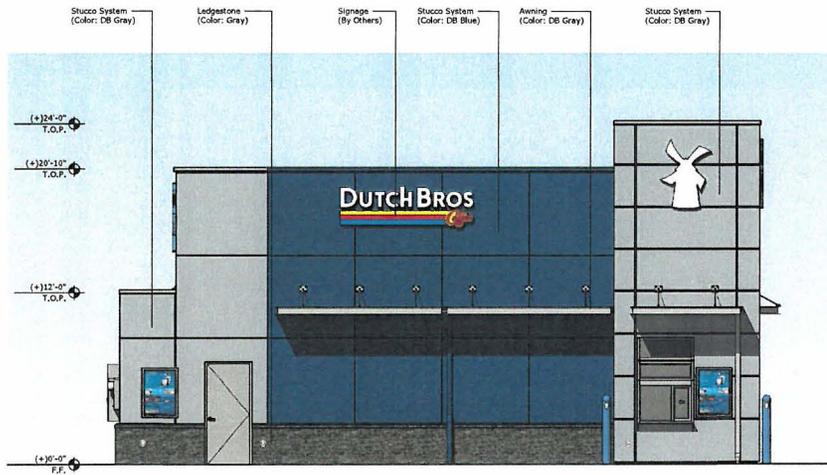
Entry Elevation



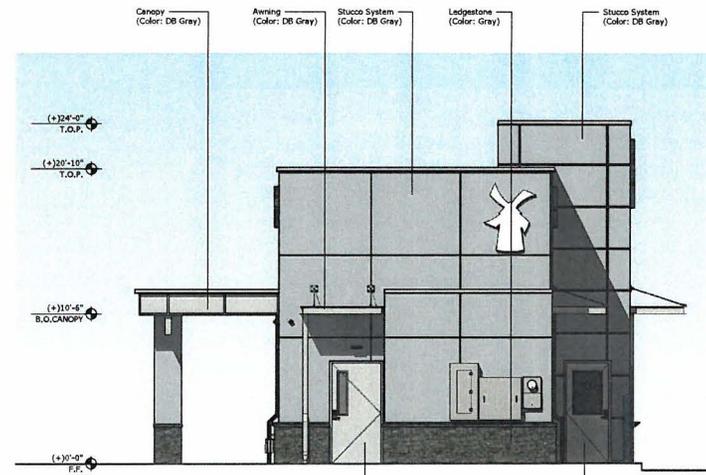
Rear Elevation



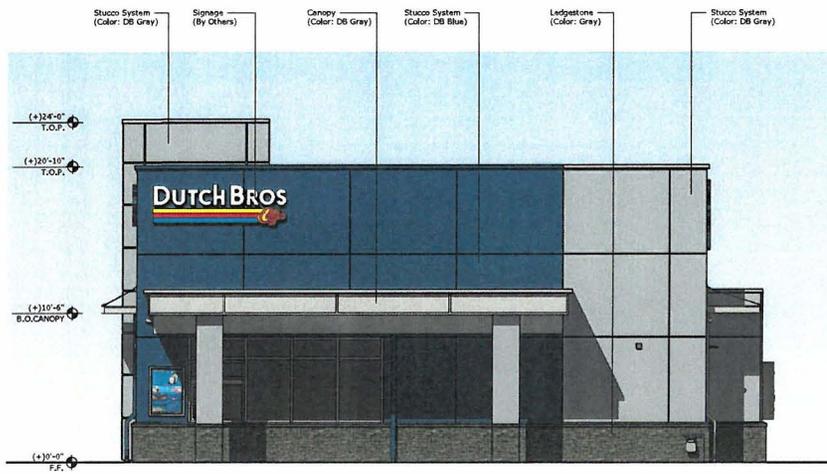
Drive-Thru Elevation



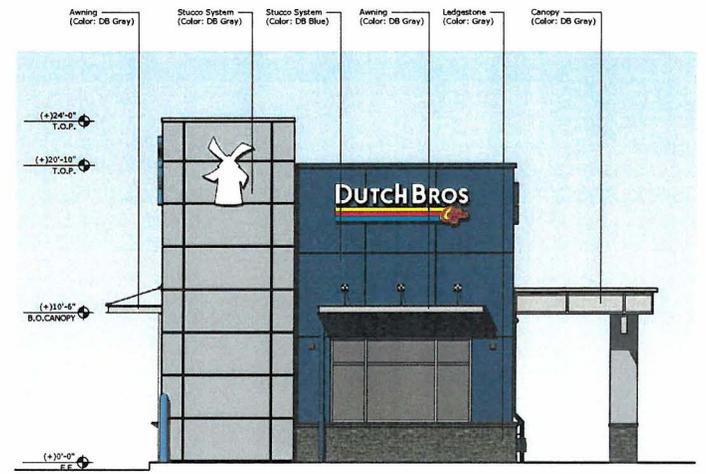
Drive-Up Elevation



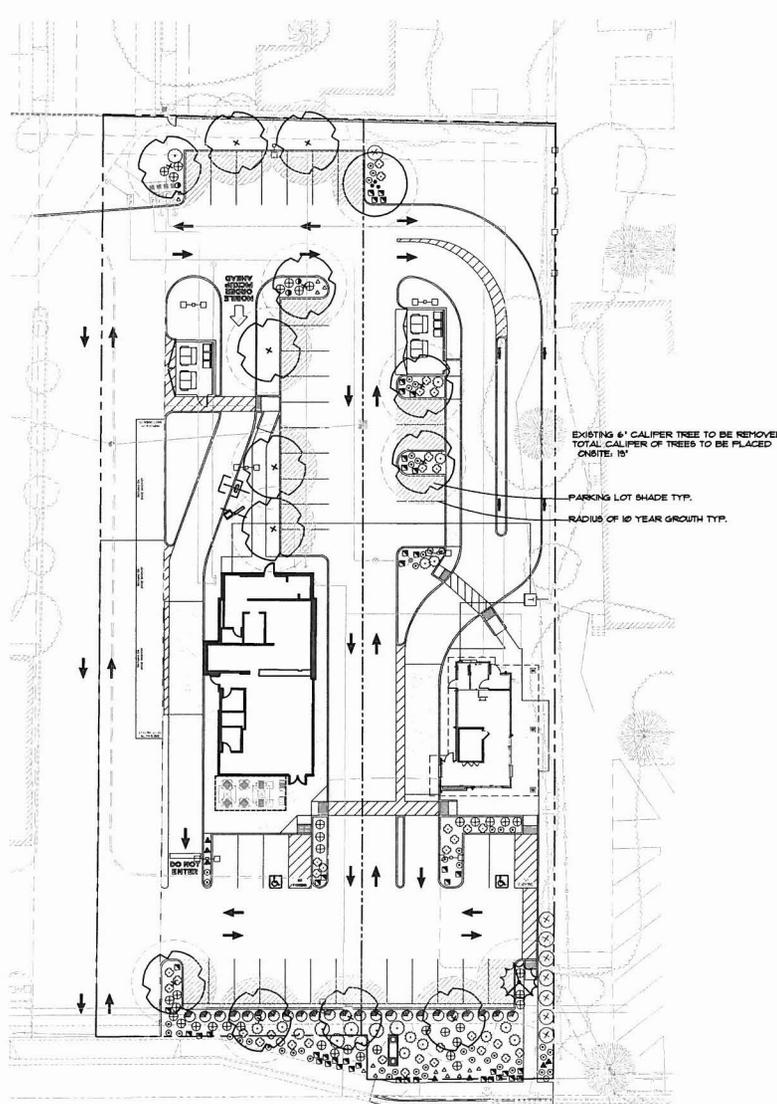
Rear Elevation



Walk-Up Elevation



Front Elevation



PLANT LEGEND:

SYM. NO.	BOTANICAL NAME	COMMON NAME	SIZE	WATER REGIME	HYDROZONE	MATURE HABIT
TREES						
1	ULMUS FRONTIER	FRONTIER ELM	15 GAL. 15' CAL.	L	L	40' X 30'
13	PISTACIA CHINENSIS	CHINESE PISTACHE	15 GAL. 125' CAL.	L	L	50' X 40'
1	LAGERSTRÖMIA I. TONTO	GRAPE MYRTLE	15 GAL. 125' CAL.	L	L	10' X 10'
SHRUBS						
23	RAPHIOLEPIS I. 'CLARA'	INDIA HANTHORNE	5 GAL.	L	L	4' X 4'
35	NANDINA D. 'SULF STREAM'	HEAVENLY BAMBOO	5 GAL.	L	L	5' X 5'
38	DIETES V. 'TRICOLOR'	FORTNIGHT LILY	5 GAL.	L	L	5' X 5'
13	PHORMIUM T. 'MONROVIA RED'	NZ FLAX	5 GAL.	L	L	4' X 4'
52	HELIANTHEM 'SHELLEY PINK'	SUNROSE	1 GAL.	L	L	6' X 2'
7	CEANOTHUS 'VICTORIA'	CALIF. LILAC	5 GAL.	L	L	4' X 5'
8	NERIUM O. 'PETITE PINK'	CLEANDER	5 GAL.	L	L	5' X 5'
GRASSES						
43	MULLEBERGIA R. 'NASHVILLE'	PURPLE MILLY	1 GAL.	L	L	2' X 2'
3	CALAMAGROSTIS ACUTIFLORA	FEATHERREED	1 GAL.	L	L	2' X 2'
PERENNIALS						
14	ACHILLEA 'MOONSHINE'	YARROW	1 GAL.	L	L	2' X 9'
7	TULBAGHIA V. 'TRICOLOR'	SOCIETY GARLIC	1 GAL.	L	L	1' X 15'

LANDSCAPE REQUIREMENTS

TOTAL SITE AREA 12 AC
 TOTAL PARKING LOT AREA 8,829 SF. (INCLUDES PAVEMENT + LANDSCAPE)
 PAVED PARKING AREA 6,450 SF
 PARKING AREA LANDSCAPE REQ. (45% 347 SF)
 PARKING AREA LANDSCAPE PROVIDED (50%) 1745 SF
 PARKING AREA SHADE REQ. (80% OF PAVED AREA) 3225 SF.
 PARKING AREA SHADE PROVIDED (50%) 3216 SF.
 SITE AREA LANDSCAPE:
 FRONTAGE REQUIRED TO BE LANDSCAPED (PROVIDED)
 TREE 130 LF. (PROVIDED)

WATER EFFICIENT LANDSCAPE REQUIREMENTS

AUTOMATIC CONTROLLER, IV ET DATA, REPEAT CYCLING
 IRRIGATION ZONES PER PLANT WATER REQUIREMENTS
 RAIN SENSOR SENSOR TO BE SPECIFIED
 SOIL AMENDMENTS TO BE INCORPORATED
 PLANTER SURFACE AREAS TO BE MULCHED
 WATER USAGE TO MEET STATE WATER EFFICIENT LANDSCAPE STANDARD

LANDSCAPE NOTES:

- THE CONTRACTOR SHALL COORDINATE ALL WORK WITH OTHER TRADES (IE/PAVING, PLUMBING, ELECTRICAL, ETC)
- ALL GRASSES SHALL BE APPROVED BY THE OWNER'S REPRESENTATIVE AFTER IRRIGATION TRAINS AND FINAL GRADING IS COMPLETE PRIOR TO PLANTING.
- SOIL IN THE PLANTER AREAS SHALL BE AMENDED PER A SOIL ANALYSIS REPORT AND RECOMMENDATIONS PREPARED BY AN AGRICULTURAL SUITABILITY SOIL TESTING SERVICE. THE CONTRACTOR IS RESPONSIBLE FOR NOTIFYING THE OWNER A MIN. OF 48 HOURS IN ADVANCE FOR THE FOLLOWING SITE OBSERVATIONS AND/OR MEETINGS.
 A. PRE-CONSTRUCTION MEETING WITH ALL PARTIES.
 B. PLANT MATERIAL ON SITE, PRIOR TO INSTALLATION.
 C. PLANT LOCATIONS STAKED, PRIOR TO PLANTING.
 D. FINAL PROJECT WALK-THROUGH
 E. ADDITIONAL SITE OBSERVATIONS DETERMINED BY THE CONTRACTOR.
 THE CONTRACTOR SHALL GUARANTEE ALL PLANT MATERIALS FOR ONE FULL YEAR UPON FINAL ACCEPTANCE OF THE PROJECT. THE CONTRACTOR SHALL MAINTAIN THE SITE INCLUDING WATER SCHEDULING FOR THE ONE YEAR GUARANTEE PERIOD. ANY PLANTS REPLACED UNDER THIS GUARANTEE SHALL BE GUARANTEED FOR ONE FULL YEAR FROM THE DATE OF REPLACEMENT.
 9. REMOVE ALL WEEDS AND DEBRIS IN AND AROUND NEWLY INSTALLED PLANT MATERIAL AND EXISTING PLANT MATERIAL.
 10. THE LANDSCAPE CONTRACTOR SHALL INHIBE POSITIVE DRAINAGE IN ALL PLANTER AREAS PER CIVIL ENGINEER'S GRADING PLAN AFTER LANDSCAPE IMPROVEMENTS ARE COMPLETE.
 11. MULCH ALL PLANTING SAUCERS WITH THREE INCHES (3") MINIMUM DEPTH OF CHIPPED OR SHREDDED MULCH REFER TO LEGEND THIS SHEET.
 12. ALL SHRUBS WILL BE ON A TIMER CONTROLLED DRIP IRRIGATION SYSTEM PER THE IRRIG. PLAN. ALL PLANT MATERIAL WATER REQUIREMENTS ARE SHOWN IN THE LEGEND THIS SHEET AND GENERALLY SPECIFIED FOR WATER CONSERVATION.
- THE CONTRACTOR IS RESPONSIBLE FOR PROVIDING PLANT MATERIAL PER SYMBOLS AND QUANTITIES INDICATED ON THE PLAN. SYMBOLS PREVAIL OVER QUANTITIES LISTED IN THE PLANT LEGEND.
 B. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO LOCATE AND PROVIDE PLANT MATERIAL AS SPECIFIED ON THIS PLAN. THE CONTRACTOR MAY SUBMIT A REQUEST TO PROVIDE SUBSTITUTIONS FOR THE SPECIFIED PLANT MATERIAL UNDER THE FOLLOWING CONDITIONS:
 A. ANY SUBSTITUTIONS PROPOSED SHALL BE SUBMITTED TO THE OWNER'S REPRESENTATIVE WITHIN TWO WEEKS OF THE AWARD OF CONTRACT. SUBSTITUTIONS SHALL BE IDENTICAL DESIGN AND FUNCTIONAL GOALS OF THE ORIGINAL PLANT MATERIAL AS DETERMINED BY THE LANDSCAPE ARCHITECT.
 B. THE REQUEST MUST BE ACCOMPANIED BY AT LEAST THREE NOTICES FROM PLANT SUPPLIERS THAT THE PLANT MATERIAL SPECIFIED IS NOT AVAILABLE PRIOR TO THE CONSTRUCTION PHASE.
- ALL PLANTS NOT MEETING OR EXCEEDING REQUIREMENTS AND RECOMMENDATIONS OF ANSI 2600 'AMERICAN STANDARD FOR NURSERY STOCK' SHALL BE REJECTED. THE CONTRACTOR SHALL RECEIVE ON-SITE APPROVAL OF PLANT MATERIAL BY THE OWNER'S REPRESENTATIVE PRIOR TO PLANTING. FAILURE TO RECEIVE APPROVAL PRIOR TO PLANTING MAY RESULT IN REJECTION AND THE CONTRACTOR SHALL REPLACE ALL REJECTED PLANT MATERIAL AT HIS EXPENSE. THE OWNER RESERVES THE RIGHT TO INSPECT AND EVALUATE PLANT MATERIAL THROUGHOUT THE CONSTRUCTION AND MAINTENANCE PERIOD.

LEGEND

- 2"-4" DIA. BOULDERS FRACTURED ROCK
COLOR GRAY TO TAN REFER TO DETAIL SHEET L-300
- PLANTER MULCH- 3" MIN. DEPTH OF FRACTURED ROCK
1 1/2" DIA. COLOR LIGHT TAN TO BROWN AS AVAILABLE FROM A LOCAL SOURCE. ALL PLANTER AREAS AND ALL AREAS NOT DESIGNATED FOR PLANTING SHALL BE COVERED WITH 3" OR EQUAL WEED BARRIER FABRIC. INSTALL WEED BARRIER FABRIC PER THE DIRECTION OF THE SAMPLES OF MULCH SHALL BE SUBMITTED TO THE OWNER FOR APPROVAL PRIOR TO DELIVERY TO THE SITE. ROCK MULCHES SHALL BE WASHED AND CLEAN OF DIRT AND DEBRIS PRIOR TO DELIVERY TO THE SITE.
- NOT SHOWN

E. PACHECO BLVD.

LANDSCAPE PLAN

SCALE: 1" = 20'-0"



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DRAWN: SM
 DESIGNED: BH
 CHECKED/STAMPED: BARBARA HATCH ELA ASLA

NOT FOR CONSTRUCTION

TECTONICS DESIGN GROUP
 750 Seabell Rd., #150, Reno, Nevada 89511
 Tel: 775-824-9988
 Fax: 775-824-9986
 www.tectonicsdesigngroup.com

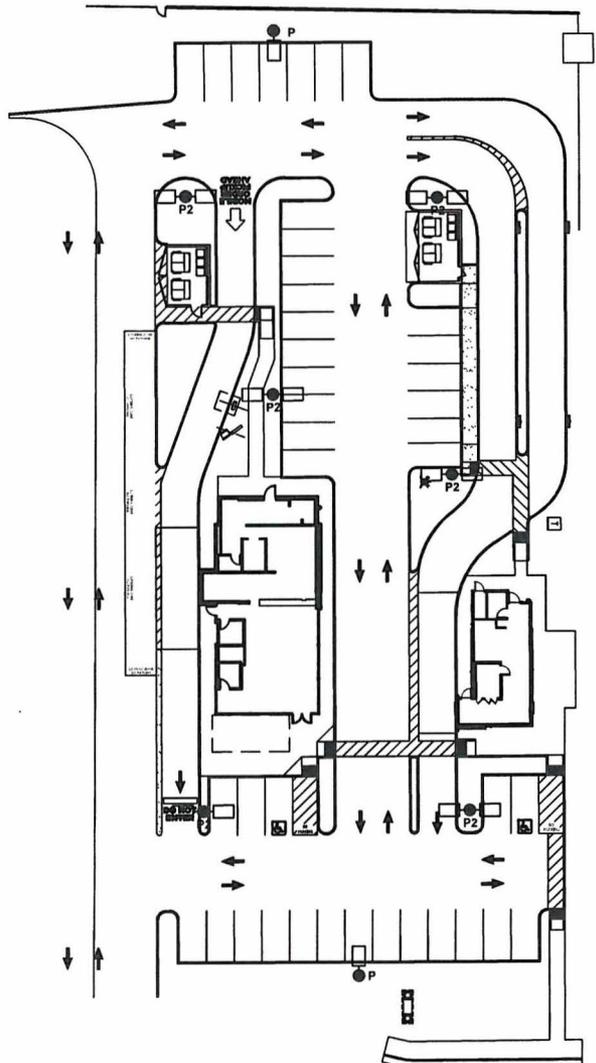
CONDITIONAL USE PERMIT
 1420 EAST PACHECO BLVD., LOS BANOS, CA
MAIN & MAIN
 5750 Genesis Court, Suite 103, Frisco, TX 75044

DATE: 02/14/2020
 SUBMITTAL: CLIP SUBMITTAL

GreenDesign Landscape Architects, Inc.
 Barbara M. Hatch ASLA
 Washington License No. 1494
 Reno, Nevada
 89509 1464 Popinjay Drive
 phone 775.929.1364
 fax 775.829.1364

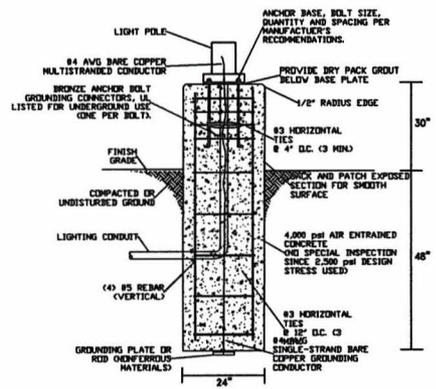
LANDSCAPE PLAN

L1.1

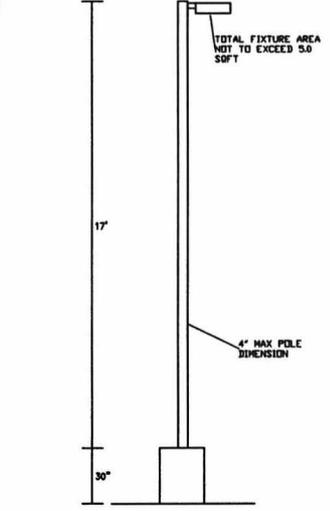


1 ELECTRICAL SITE PLAN
Scale: 1" = 20'

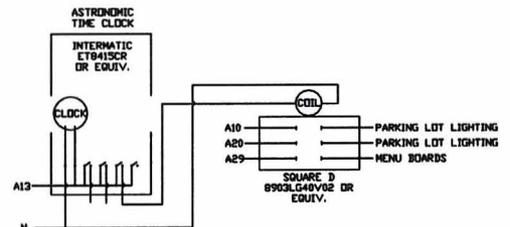
PRELIMINARY - NOT FOR CONSTRUCTION



2 PARKING LOT LIGHT POLE BASE
Scale: NA



3 PARKING LOT LIGHT ELEVATION
Scale: NA

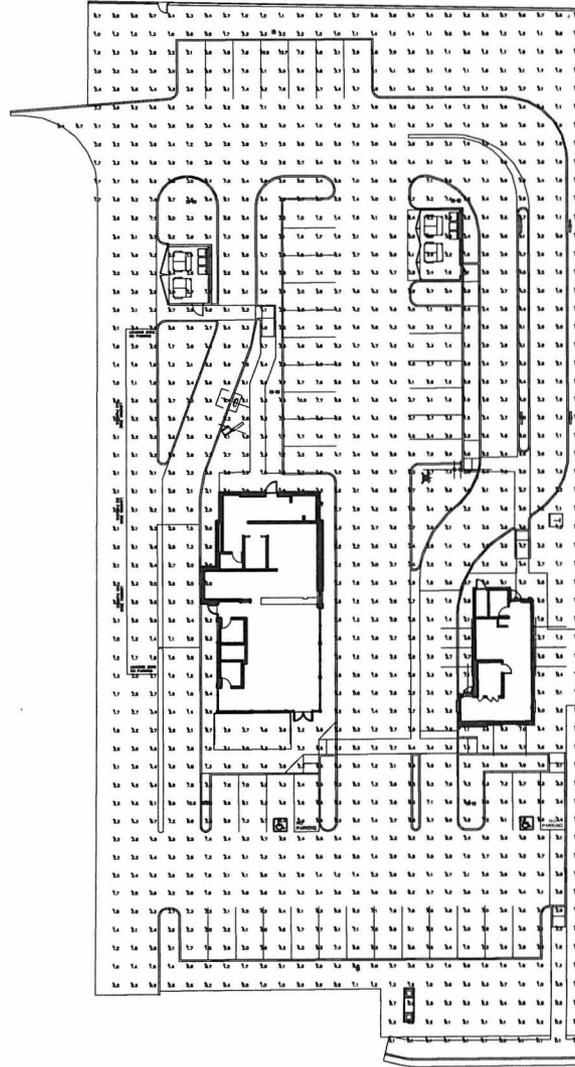


4 LIGHTING CONTROL DIAGRAM
Scale: NOT TO SCALE

LIGHTING SCHEDULE						
ID	MANUFACTURER	MODEL#	LAMP TYPE	VOLTAGE	WATTAGE	DESCRIPTION
P	IMPERIAL LIGHTING	ES300/VTRC-300-C5-748-U-17-175 RUBELL SS325-40-11V-28-VPO IF MAX IS ALLOWED FROM VTRC-245-C5-748-U-17-TC-2Z/ VTRC-245-1V	LED	120/277	200W	IMPERIAL PART #SAL15L52520WV50 - SITE POLE HEAD, LED BODY, #2000LM,4000K, DARK BRONZE, TYPE II DISTRIBUTION, WITH 17 POLE, VERIFY PER LOCAL REQUIREMENTS PRIOR TO ORDERING - WATTS/LUMENS, KELVIN LIGHT TEMPERATURE, TYPE, BST, HEATING CONFIG, SINGLE OR DOUBLE, COLOR AND HEIGHT, DRILL HOLES IN POLES FOR HEADS IF REQUIRED IN FIELD. VERIFY COLOR/HEIGHT BEFORE ORDERING.
P2	IMPERIAL LIGHTING	SAME AS TYPE P WITH (2) HEADS MOUNTED AT 180"	LED	120/277	200W	IMPERIAL PART #SAL15L52520WV50 - SITE POLE HEAD, LED BODY, #2000LM,4000K, DARK BRONZE, TYPE II DISTRIBUTION, WITH 17 POLE, VERIFY PER LOCAL REQUIREMENTS PRIOR TO ORDERING - WATTS/LUMENS, KELVIN LIGHT TEMPERATURE, TYPE, BST, HEATING CONFIG, SINGLE OR DOUBLE, COLOR AND HEIGHT, DRILL HOLES IN POLES FOR HEADS IF REQUIRED IN FIELD. VERIFY COLOR/HEIGHT BEFORE ORDERING.

A. INSTALLATION OF LIGHT FIXTURES SHALL BE ACCORDING TO MANUFACTURER'S RECOMMENDATIONS AND APPLICABLE CODE REQUIREMENTS.
 B. VERIFY THE EXACT MOUNTING HEIGHT AND FINISH OF ALL LIGHTING FIXTURES WITH ARCHITECT PRIOR TO PLACING ORDER OR COMMENCING WORK.
 C. LIGHT FIXTURES SHALL BE PROVIDED BY THE ELECTRICAL CONTRACTOR.
 D. PURCHASING THE ABOVE LIGHTING MATERIAL IS TO BE PURCHASED AS A "LIGHTING PACKAGE" FROM DUTCH BROTHERS COFFEE'S NATIONAL ACCOUNT THE REQUIRED LIGHTING VENDOR - IMPERIAL LIGHTING, MAKE AVAILABLE TO FRANCHISEES AND THEIR CONTRACTORS AT ESTABLISHED DISCOUNTED PRICING, USED FROM REGISTERED STOCK INVENTORIED PRODUCT COMMITTED TO, AND DATED FOR USE BY BSC CONTACT BOB ROGERS, 800WIMPERIAL-LIGHTING@BSC, 764-435-4752, FOR QUOTATION, ORDER PLACEMENT AND DELIVERY. IF ANYTHING OTHER THAN ABOVE IS INSTALLED WITHOUT EXPRESSED WRITTEN CONSENT BY BSC CORPORATE OFFICE AND THE FRANCHISEE, CONTRACTOR WILL BE REQUIRED TO REMOVE IT AND REPLACE IT WITH THE ABOVE.

COMPLAINT: _____
 DRAWN: SCOTT GARRISON
 DESIGNED: SCOTT GARRISON
 STAMPED: SCOTT GARRISON
 PERMIT SET
TECTONICS DESIGN GROUP
 735 Sandhill Road, Suite 250, Reno, NV 89521
 Tel: 775-824-9988
 www.itectonicsdesigngroup.com
 DESIGNER:
 PROJECT/CLIENT:
 E: 1044
 DATE: 2/7/2020
 SUBMITTAL: PERMIT SET
 SHEET TITLE: LIGHTING SITE PLAN
 ES-1.0

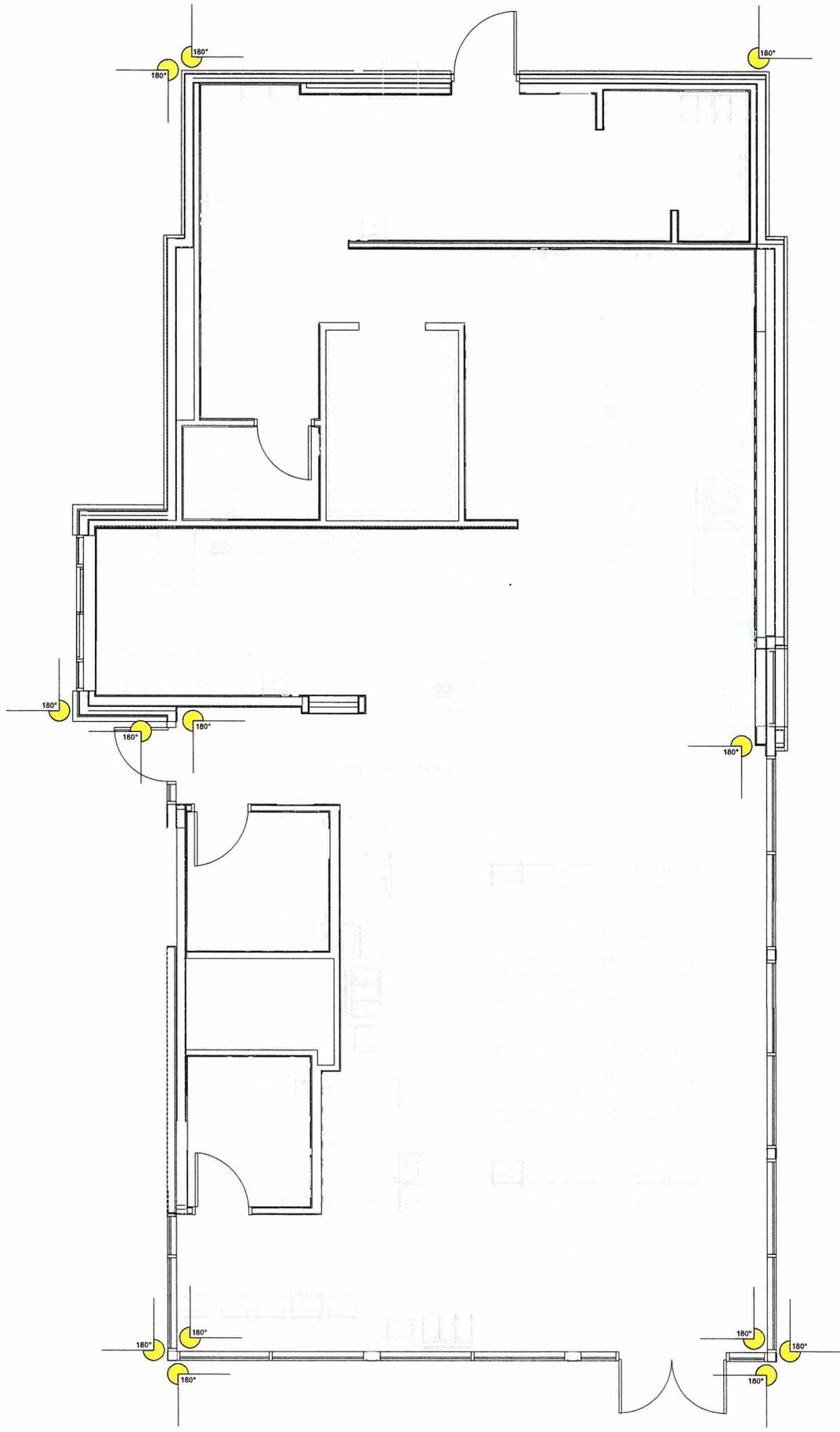


PRELIMINARY - NOT FOR CONSTRUCTION

Photometric Statistics
 Los Banos DB Total Site
 Site
 Illuminance (Fc)
 Average=3.10 Maximum=13.5 Minimum=0.0 Avg/Min=N/A Max/Min=N/A

1 ELECTRICAL PHOTOMETRIC PLAN
 Scale: NOT TO SCALE

SHEET TITLE:	PHOTOMETRIC SITE PLAN
	ES-2.0
SHEET RECORD:	
DATE:	2/7/2020
	PERMIT SET
PROJECT/CLIENT:	# 19047
	CONDITIONAL USE PERMIT
DESIGNER:	TECTONICS DESIGN GROUP
	730 South Hill Road, Suite 250, Reno, NV 89521 www.tectonicsdesigngroup.com Tel: 775-824-9988 Fax: 775-824-9986
STAMP:	PERMIT SET
COPYRIGHT:	DESIGNED: SCOTT GARRISON STAMPED: SCOTT GARRISON



SUMMARY DRAWING

DRAWING #:

30409

CLIENT:

DUTCH BROS - CA1205
1420 E PACHECO BLVD.
LOS BANOS, CA 93635

DATE OF SHOP DRAWING:

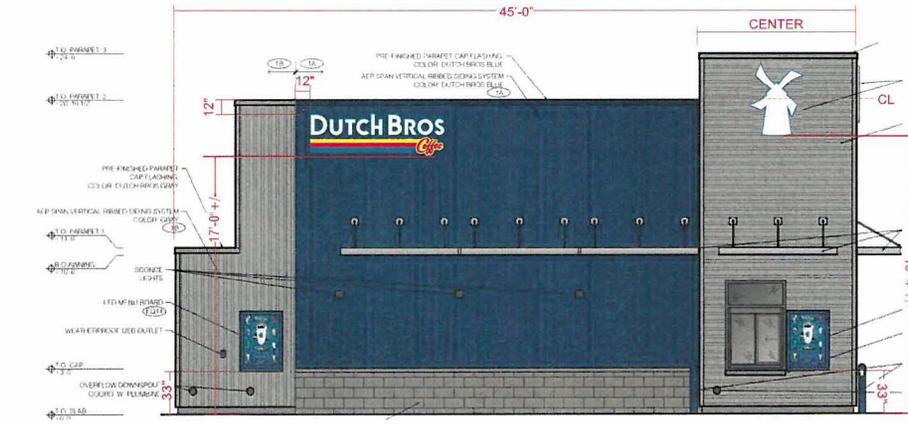
1/13/20

SHOP REVISIONS:

SALES:	CONCEPT DESIGN:	PROD. DESIGN:	PAGE NO.:
NJ	CH	CH	1 of 2

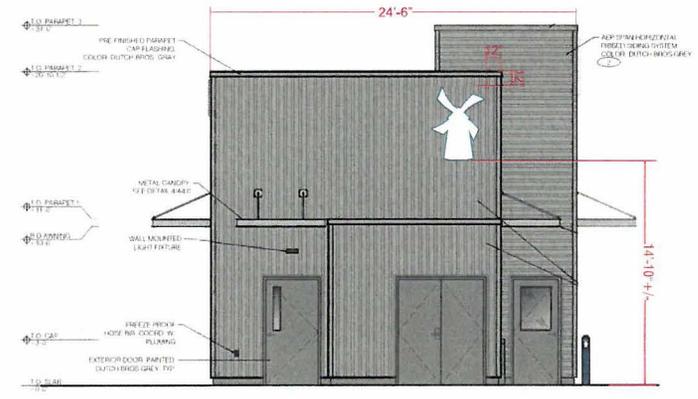
ES&A SIGN & AWNING
89975 PRAIRIE RD. | ENGINE, OR. 97402
P 541.485.5546 | F 541.485.5813

SUMMARY - BUILDING SIGNS



WEST ELEVATION
SCALE: 1/8"=1'-0" 25.5 SF

18.4 SF

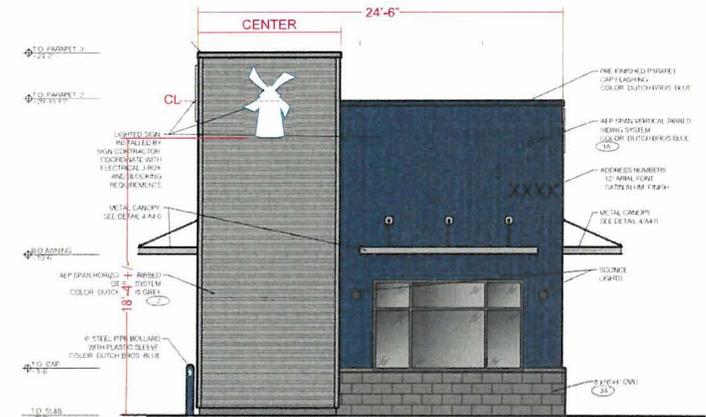


NORTH ELEVATION
SCALE: 1/8"=1'-0" 18.4 SF

18.4 SF



EAST ELEVATION
SCALE: 1/8"=1'-0" 25.5 SF



SOUTH ELEVATION
SCALE: 1/8"=1'-0" 18.4 SF

18.4 SF

SUMMARY DRAWING

SUMMARY - FREESTANDING SIGNS

DRAWING #:
30409

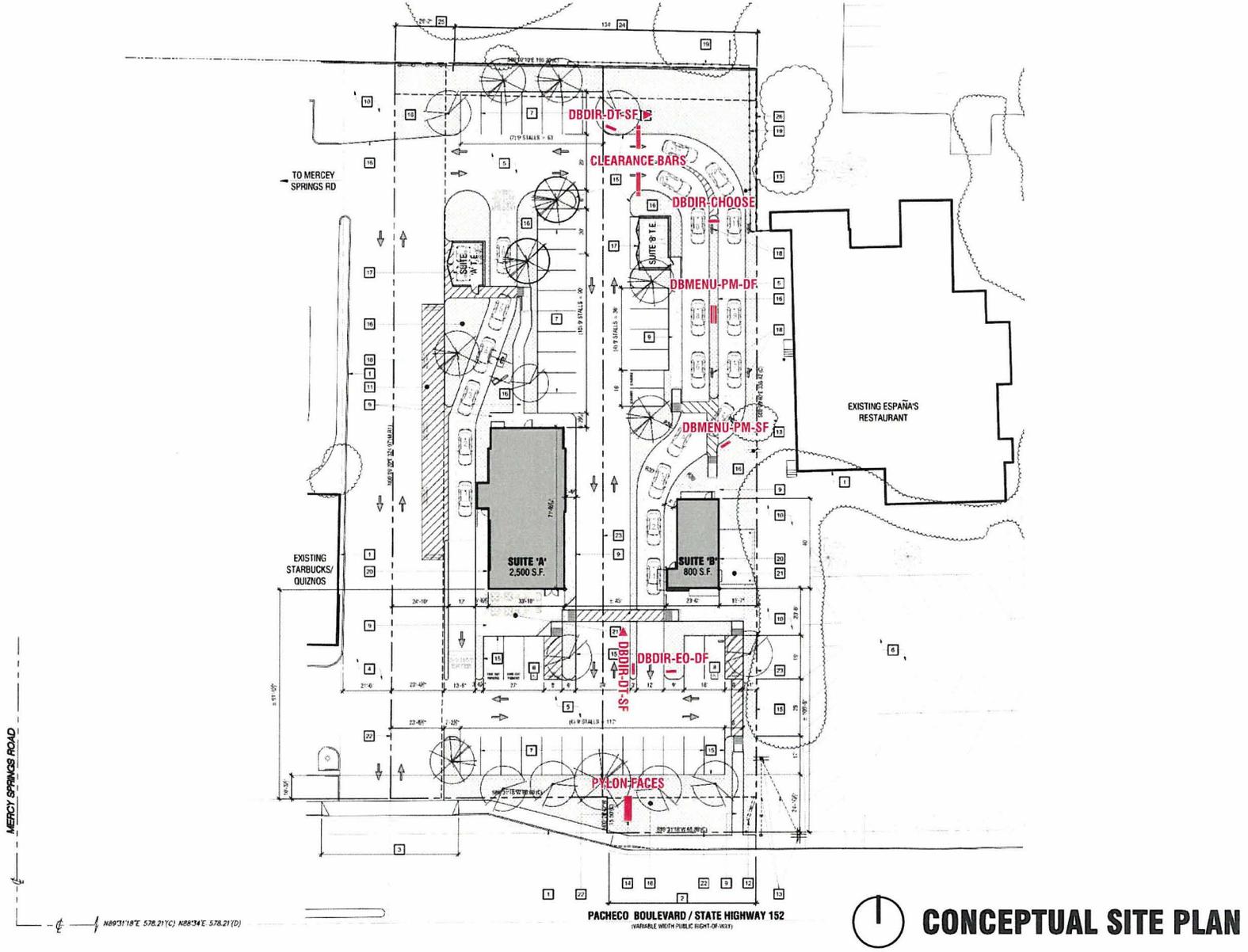
CLIENT:
DUTCH BROS - CA1205
1420 E PACHECO BLVD.
LOS BANOS, CA 93635

DATE OF SHOP DRAWING:
1/13/20

SHOP REVISIONS:

SALES:	CONCEPT DESIGN:	PROD. DESIGN:	PAGE NO:
NJ	CH	CH	2 of 2

ES&A SIGN & AWNING
69975 PRINCE RD. | ENGINE, OR 97402
P 541.485.5546 | F 541.485.5813



FACTORY DRAWING

SCOPE OF WORK: MANUFACTURE & INSTALL (2) SETS OF ILLUMINATED CHANNEL LETTERS WITH REMOTE RACEWAYS



SHOP DRAWING #:
30409A

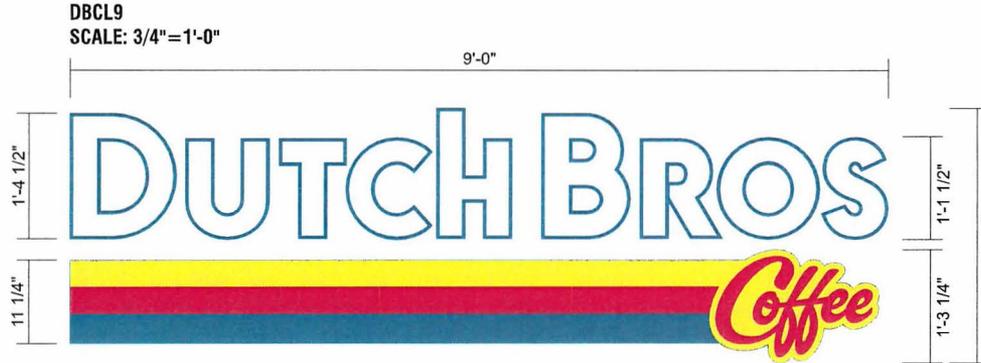
CLIENT:
DUTCH BROS - CA1205
1420 E PACHECO BLVD.
LOS BANOS, CA 93635

DATE OF SHOP DRAWING:
1/13/20

SHOP REVISIONS:

SALES:	CONCEPT DESIGN:	PROD. DESIGN:	PAGE NO.:
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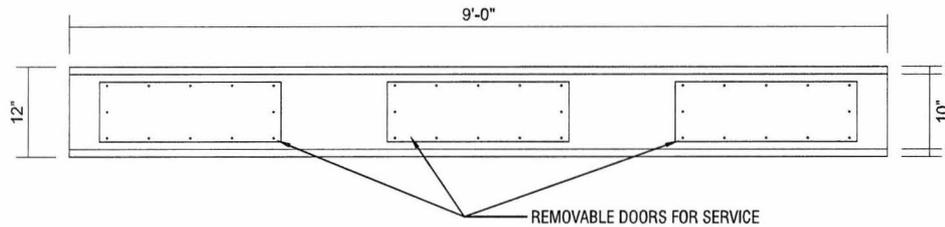
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P 541.485.5546 | F 541.485.5813



SIDE VIEW



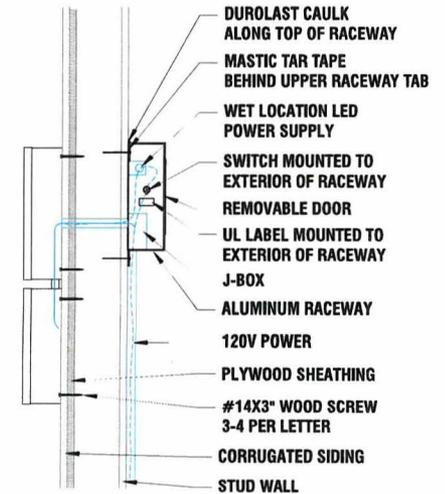
FABRICATED REMOTE RACEWAY
.040 PRE-COAT WHITE ALUMINUM



ATTACHMENT DETAIL

SCALE: 3/4"=1'-0"

CHANNEL LETTERS WITH REMOTE RACEWAY



COLOR CODE

	230-015 YELLOW PSV
	230-33 RED PSV
	230-127 INTENSE BLUE PSV
	WHITE

INTERNALLY ILLUMINATED FACE-LIT FLUSH MOUNTED CHANNEL LETTERS
5" DEEP CHANNEL LETTERS.
RETURNS & TRIM CAP TO MATCH PANTONE 7691 C "INTENSE BLUE".
WHITE ACRYLIC FACES.
230-127 INTENSE BLUE PSV, 230-015 YELLOW PSV, 230-33 RED PSV.
LED ILLUMINATION.
FLUSH MOUNTED WITH REMOTE RACEWAY BEHIND PARAPET WALL.

FACTORY DRAWING

SCOPE OF WORK: MANUFACTURE & INSTALL (3) ILLUMINATED WINDMILL LOGOS



SHOP DRAWING #:
30409B

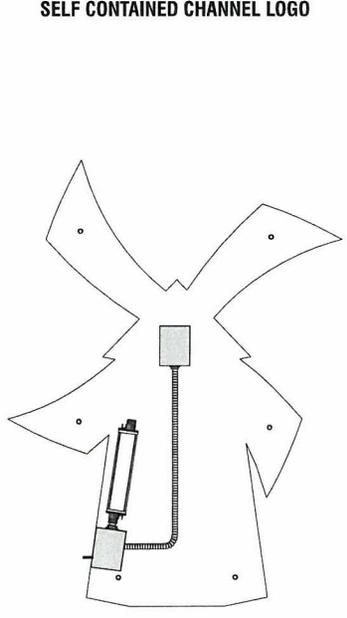
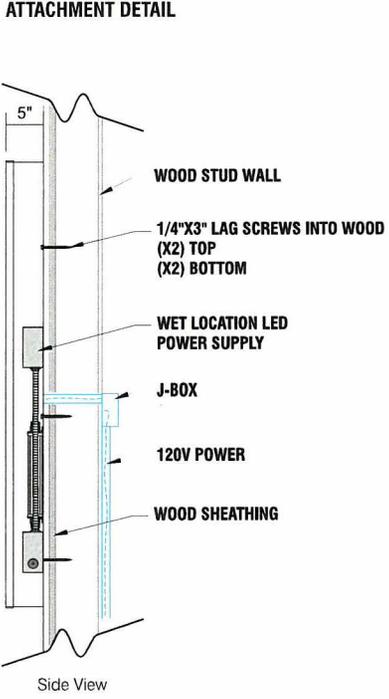
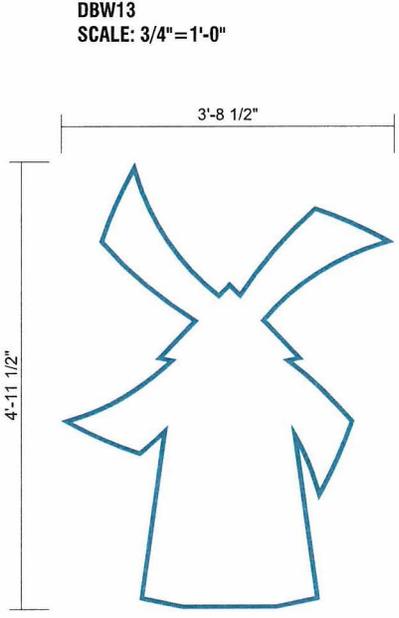
CLIENT:
DUTCH BROS - CA1205
1420 E PACHECO BLVD.
LOS BANOS, CA 93635

DATE OF SHOP DRAWING:
1/13/20

SHOP REVISIONS:

SALES:	CONCEPT DESIGN:	PROD. DESIGN:	PAGE NO.:
NJ	CH	CH	1 of 1

ES&A SIGN & AWNING
89975 PRAMIE RD. | EUGENE, OR 97402
P 541.485.5546 | F 541.485.5813



INTERNALLY ILLUMINATED FACE-LIT FLUSH MOUNTED CHANNEL WRAP LOGO
5" DEEP CHANNEL WRAP.
RETURNS & TRIM CAP PAINTED TO MATCH PANTONE 7691 C "INTENSE BLUE".
WHITE ACRYLIC FACE.
230-127 INTENSE BLUE PSV OUTLINE.
LED ILLUMINATION.
FLUSH MOUNTED SELF CONTAINED INSTALLATION.

COLOR CODE

	230-127 INTENSE BLUE PSV
	WHITE

FACTORY DRAWING

SHOP DRAWING #:
30409C

CLIENT:
DUTCH BROS - CA1205
1420 E PACHECO BLVD.
LOS BANOS, CA 93635

DATE OF SHOP DRAWING:
1/13/20

SHOP REVISIONS:

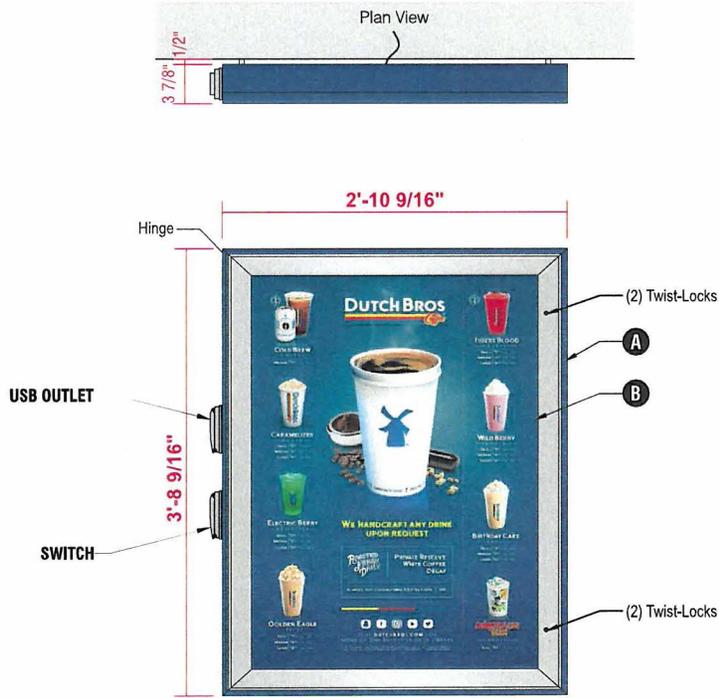
SALES:	CONCEPT DESIGN:	PROD. DESIGN:	PAGE NO.:
NJ	BL	CH	1 of 1

ES&A SIGN & AWNING
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P 541.485.5546 | F 541.485.5813

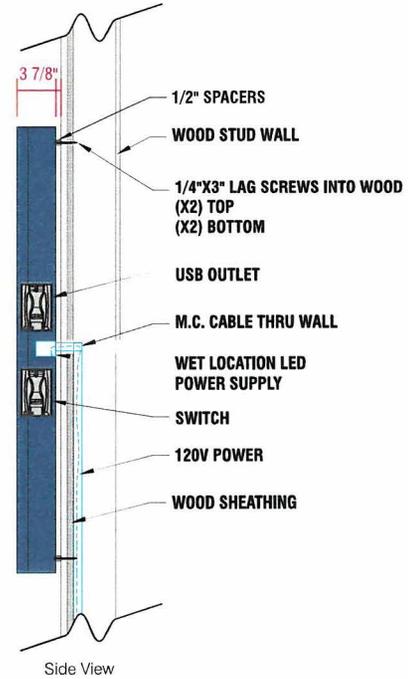
COLOR CODE

	DIGITAL PRINT
	POWDER COATED DB CUSTOM DARK BLUE
	POWDER COATED SILVER

SCOPE OF WORK: PROVIDE (3) ILLUMINATED MENU SIGNS V5 - WALL-MOUNTED



ATTACHMENT DETAIL ILLUMINATED WALL MOUNTED MENU



A WALL-MOUNTED, BACKLIT MENU SIGN

- PRINTED MENU PANEL NOT INCLUDED
- LED OUTDOOR LIGHT BOX
- LOCKABLE HINGED DOOR
- ALUMINUM CONSTRUCTION

B PRINTED LIGHT GUIDE PANEL

- AS SEPARATE ORDER

SCALE: 1"=1'-0"

FACTORY DRAWING

SCOPE OF WORK: PROVIDE (1) S/F ILLUMINATED MENU SIGN V5 - PLATE-MOUNTED



SHOP DRAWING #: **30409D**

CLIENT:
DUTCH BROS - CA1205
1420 E PACHECO BLVD.
LOS BANOS, CA 93635

DATE OF SHOP DRAWING:
1/13/20

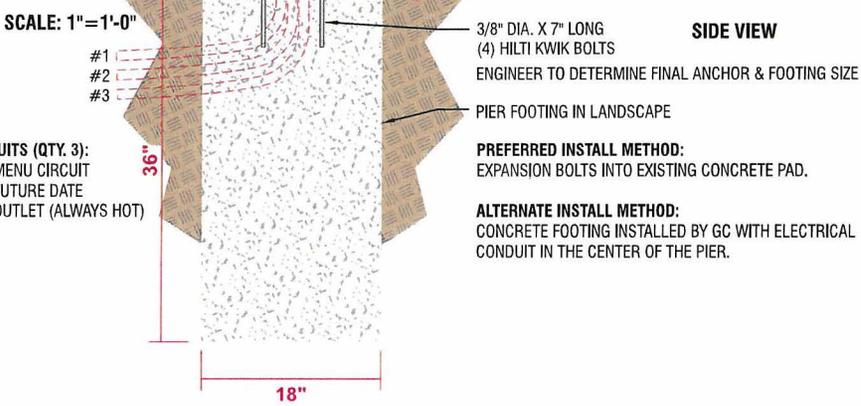
SHOP REVISIONS:

SALES:	CONCEPT DESIGN:	PROD. DESIGN:	PAGE NO.:
NJ	BL	CH	1 of 1

ES&A SIGN & AWNING
69925 PRAIRIE RD. | EUGENE, OR 97402
P 541.485.5546 | F 541.485.5813

COLOR CODE

- DIGITAL PRINT
- POWDER COATED DB CUSTOM DARK BLUE
- POWDER COATED SILVER



FREESTANDING BACKLIT MENU SIGN

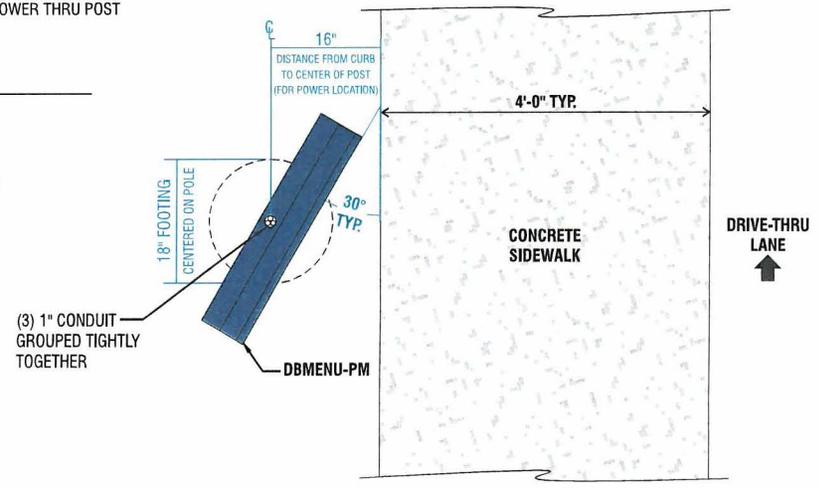
- ASSEMBLE POST & MENU
- FOOTING INSTALLED BY G.C.

POWDER COAT POST & CABINET TO MATCH DB CUSTOM DARK BLUE

USB OUTLET (LEFT SIDE)

SWITCH (LEFT SIDE)

INSTALLATION ORIENTATION DETAIL
NOT TO SCALE



FACTORY DRAWING

SCOPE OF WORK: PROVIDE (1) D/F ILLUMINATED MENU SIGN V5 - PLATE-MOUNTED



SHOP DRAWING #:
30409E

CLIENT:
DUTCH BROS - CA1205
1420 E PACHECO BLVD.
LOS BANOS, CA 93635

DATE OF SHOP DRAWING:
1/13/20

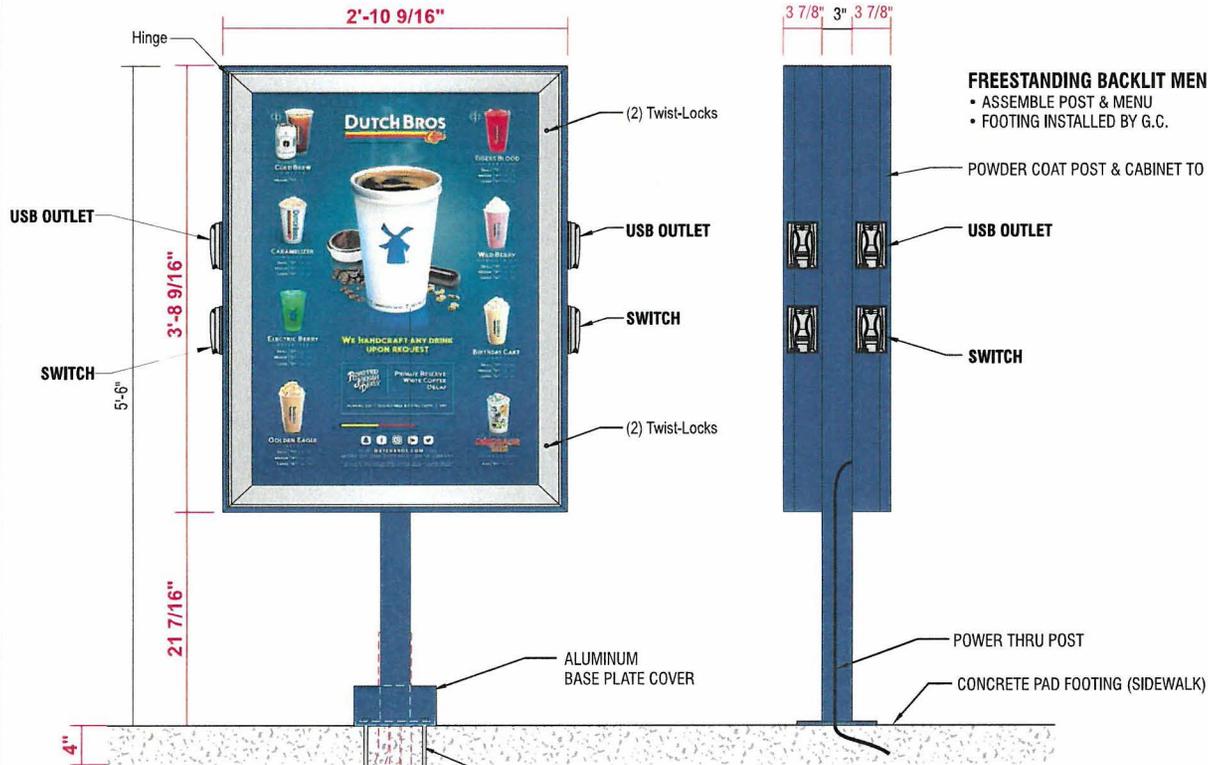
SHOP REVISIONS:

SALES:	CONCEPT DESIGN:	PROD. DESIGN:	PAGE NO.:
NJ	BL	CH	1 of 1

ES&A SIGN & AWNING
69975 PRAIRIE RD. | EUGENE, OR 97402
P 541.485.5546 | F 541.485.5813

COLOR CODE

-  DIGITAL PRINT
-  POWDER COATED DB CUSTOM DARK BLUE
-  POWDER COATED SILVER



FREESTANDING BACKLIT MENU SIGN

- ASSEMBLE POST & MENU
- FOOTING INSTALLED BY G.C.

SCALE: 1"=1'-0"

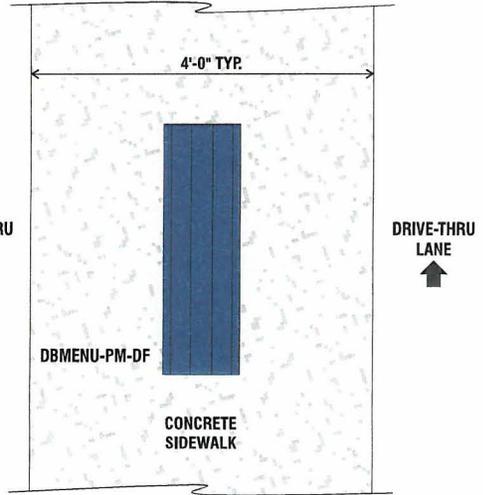
- #1 - MENU CIRCUIT
 #2 - FUTURE DATE
 #3 - OUTLET (ALWAYS HOT)

HILTI 1/2"Ø KBTZ SS 304 (OR 316) 2 3/8" MIN EMBED ENGINEER TO PROVIDE DETAILS

PREFERRED INSTALL METHOD:
 EXPANSION BOLTS INTO EXISTING CONCRETE PAD.

ALTERNATE INSTALL METHOD:
 CONCRETE FOOTING INSTALLED BY GC WITH ELECTRICAL CONDUIT IN THE CENTER OF THE PIER.

INSTALLATION ORIENTATION DETAIL NOT TO SCALE



FACTORY DRAWING

SCOPE OF WORK: MANUFACTURE & INSTALL (1) S/F NON-ILLUMINATED 'DRIVE THRU' SIGN



SHOP DRAWING #:
30409F

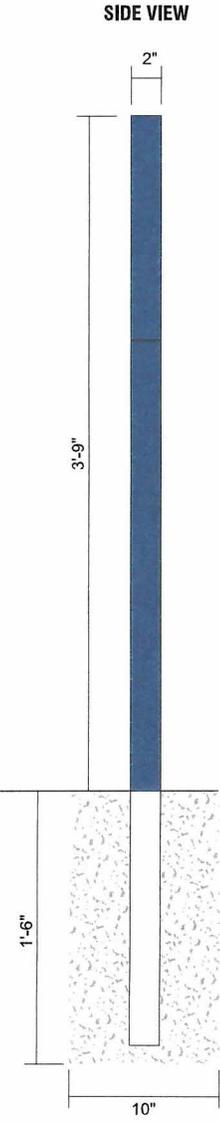
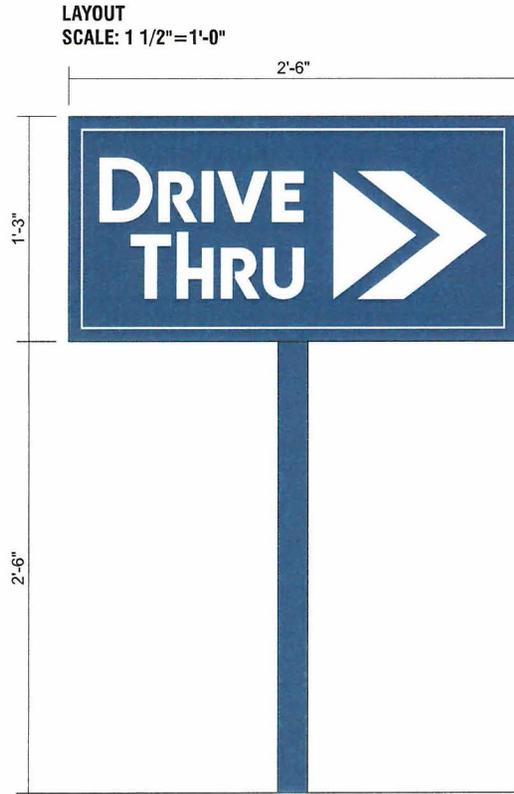
CLIENT:
DUTCH BROS - CA1205
1420 E PACHECO BLVD.
LOS BANOS, CA 93635

DATE OF SHOP DRAWING:
1/13/20

SHOP REVISIONS:

SALES:	CONCEPT DESIGN:	PROD. DESIGN:	PAGE NO.:
NJ	CH	CH	1 of 1

ES&A SIGN & AWNING
69975 PHARRIS RD. | ENGINE, OR 97402
P 541.485.5546 | F 541.485.5813



DIAMOND GRADE REFLECTIVE WHITE VINYL WITH DIGITALLY PRINTED PMS 541 C BLUE BACKGROUND
2" X 2" SQUARE TUBE ALUMINUM FRAME & POST WITH ALUMINUM FACES
PAINT PMS 541 C
SET POST IN NEW CONCRETE FOOTING, 10" DIA. X 18" DEEP

COLOR CODE

 PMS 541 C
 WHITE

FACTORY DRAWING

SCOPE OF WORK: MANUFACTURE & INSTALL (1) S/F NON-ILLUMINATED 'DRIVE THRU' SIGN



SHOP DRAWING #:
30409G

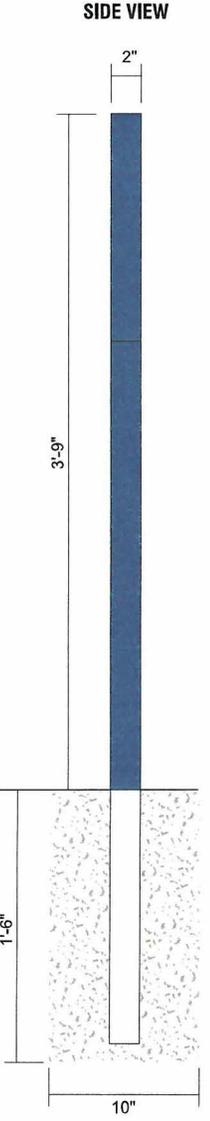
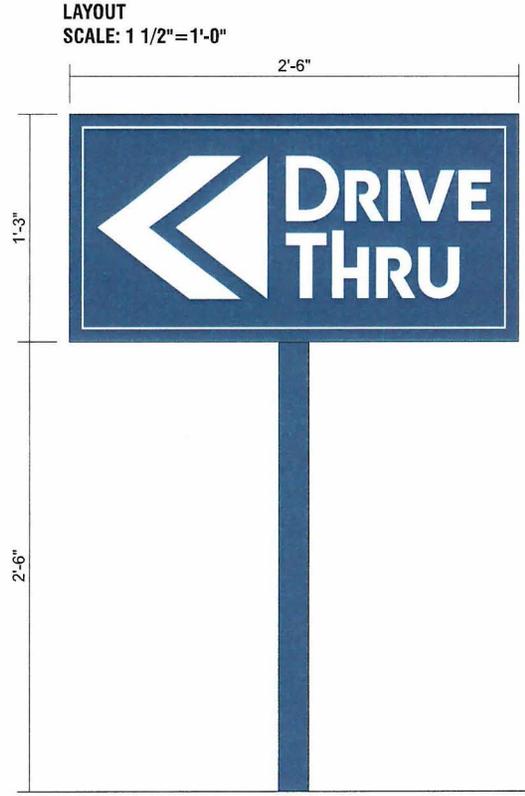
CLIENT:
DUTCH BROS - CA1205
1420 E PACHECO BLVD.
LOS BANOS, CA 93635

DATE OF SHOP DRAWING:
1/13/20

SHOP REVISIONS:

SALES:	CONCEPT DESIGN:	PROD. DESIGN:	PAGE NO.:
NJ	CH	CH	1 of 1

ES&A SIGN & AWNING
69975 PRADRE RD. | EUGENE, OR 97402
P 541.485.5546 | F 541.485.5813



DIAMOND GRADE REFLECTIVE WHITE VINYL WITH DIGITALLY PRINTED PMS 541 C BLUE BACKGROUND
2" X 2" SQUARE TUBE ALUMINUM FRAME & POST WITH ALUMINUM FACES
PAINT PMS 541 C
SET POST IN NEW CONCRETE FOOTING, 10" DIA. X 18" DEEP.

COLOR CODE

	PMS 541 C
	WHITE

FACTORY DRAWING

SCOPE OF WORK: MANUFACTURE & INSTALL (1) S/F DIRECTIONAL SIGN



SHOP DRAWING #:
30409H

CLIENT:
DUTCH BROS - CA1205
1420 E PACHECO BLVD.
LOS BANOS, CA 93635

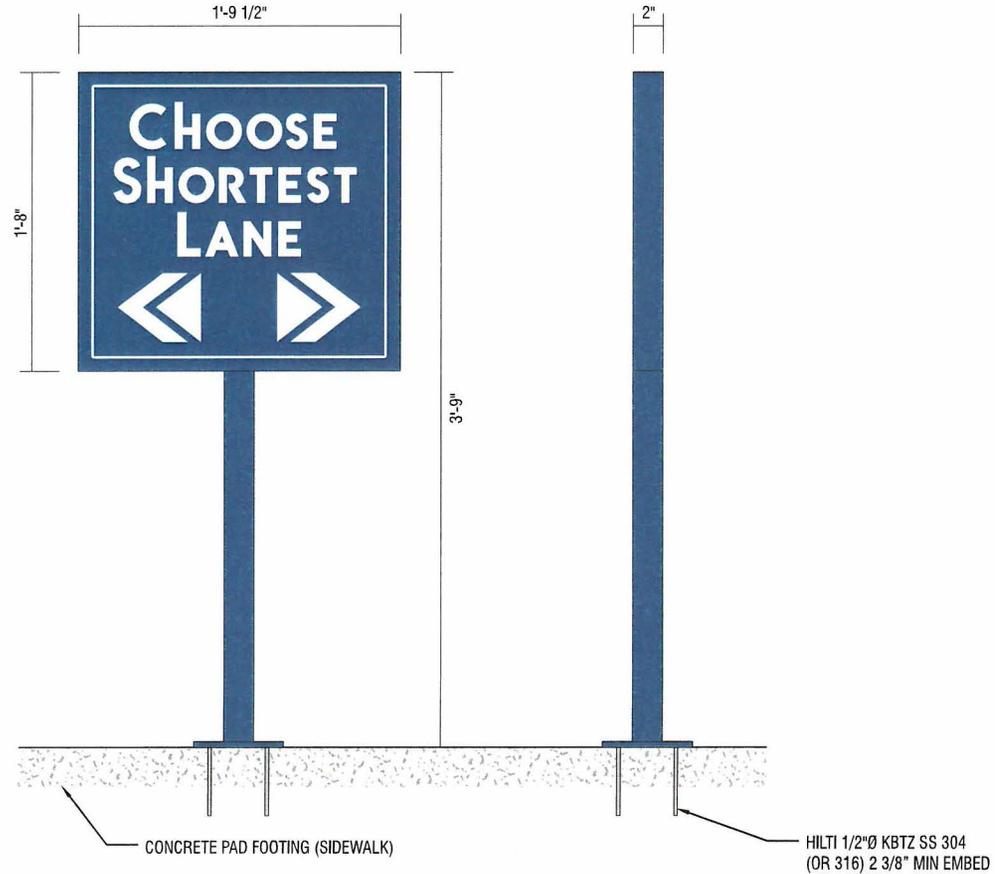
DATE OF SHOP DRAWING:
1/13/20

SHOP REVISIONS:

SALES:	CONCEPT DESIGN:	PROD. DESIGN:	PAGE NO.:
NJ	CH	CH	1 of 1

ES&A SIGN & AWNING
89975 PRAMIE RD. | EUGENE, OR 97402
P 541.485.5546 | F 541.485.5813

DB-DIR-CUSTOM
SCALE: 1 1/2" = 1'-0"



DIAMOND GRADE REFLECTIVE WHITE VINYL WITH DIGITALLY PRINTED PMS 541 C BLUE BACKGROUND
2" X 2" SQUARE TUBE ALUMINUM FRAME & POST WITH ALUMINUM FACES & 3/8" X 6" X 6" PLATE
PAINT PMS 541 C
INSTALL WITH EXPANSION BOLTS INTO EXISTING CONCRETE PAD

COLOR CODE

 PMS 541 C
 WHITE

FACTORY DRAWING

SCOPE OF WORK: MANUFACTURE & INSTALL (1) D/F FREESTANDING NON-LIT EXIT ONLY SIGN



SHOP DRAWING #:
304091

CLIENT:
DUTCH BROS - CA1205
1420 E PACHECO BLVD.
LOS BANOS, CA 93635

DATE OF SHOP DRAWING:
1/13/20

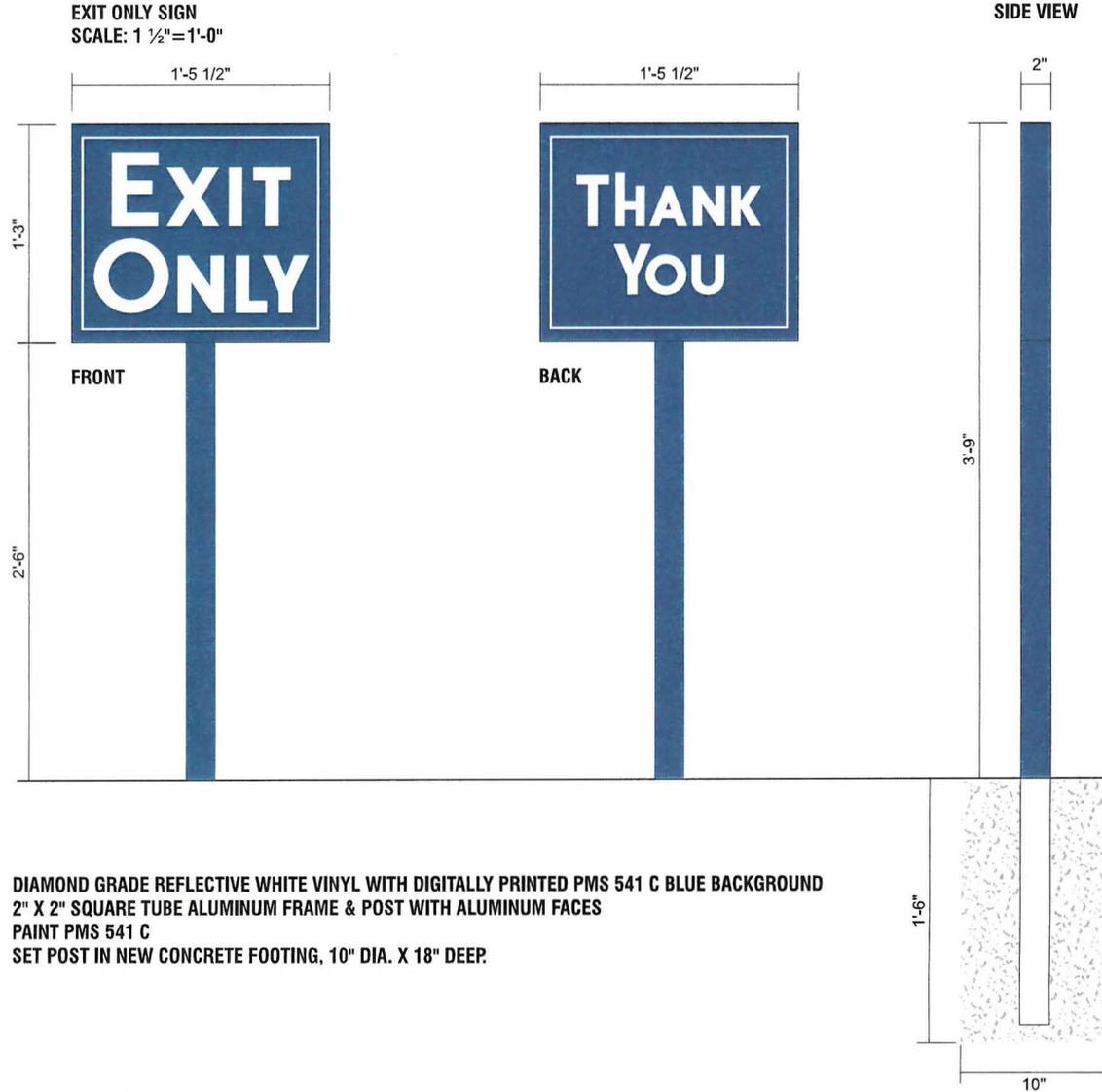
SHOP REVISIONS:

SALES:	CONCEPT:	PROD. DESIGN:	PAGE NO.:
NJ	CH	CH	1 of 1

ES&A SIGN & AWNING
89975 PRAIRIE RD. | EUGENE, OR 97402
P 541.485.5546 | F 541.485.5813

COLOR CODE

	PMS 541 C
	WHITE



FACTORY DRAWING

SHOP DRAWING #:
30409J

CLIENT:
DUTCH BROS - CA1205
1420 E PACHECO BLVD.
LOS BANOS, CA 93635

DATE OF SHOP DRAWING:
1/13/20

SHOP REVISIONS:

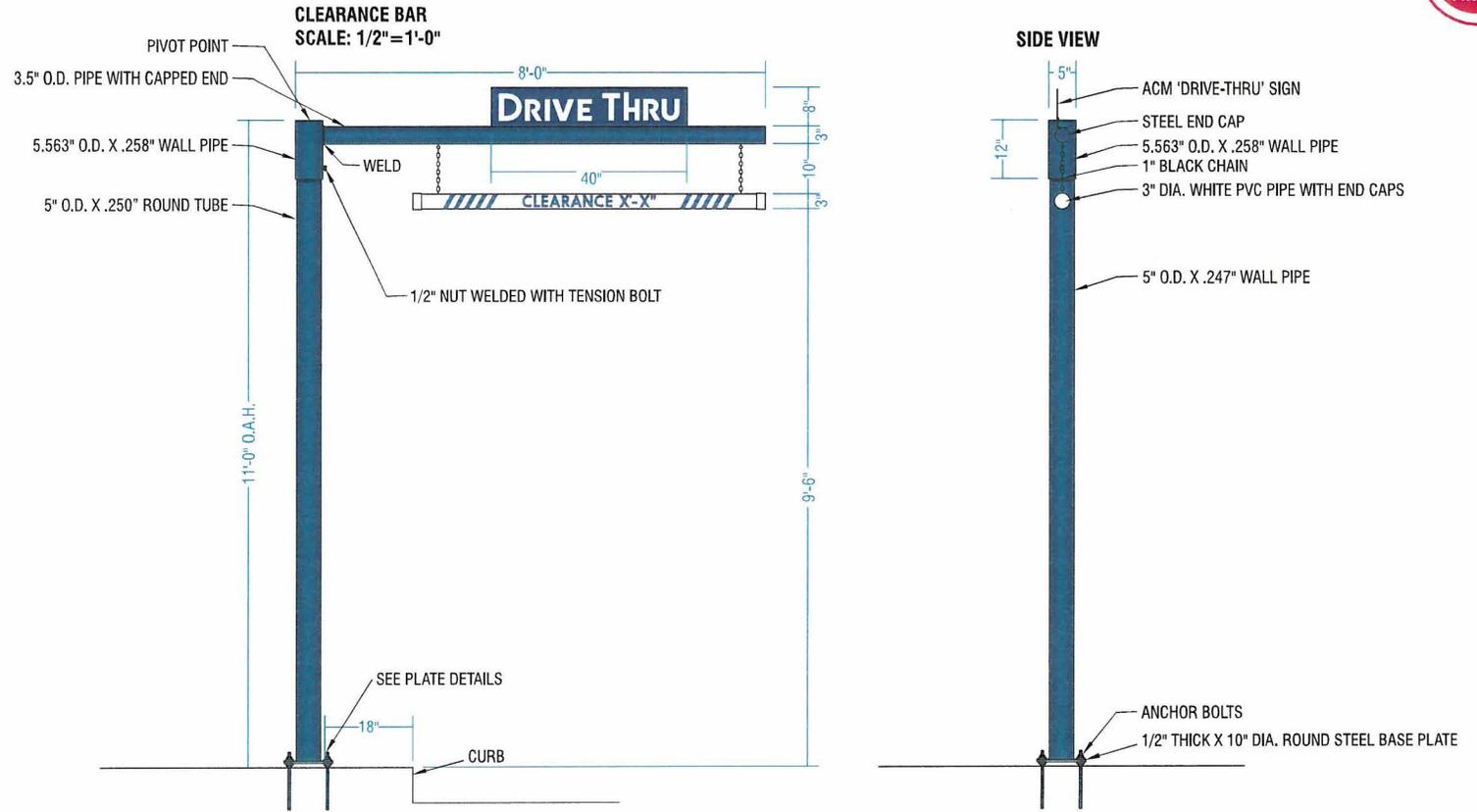
SALES:	CONCEPT DESIGN:	PROD. DESIGN:	PAGE NO:
NJ	CH	CH	1 of 3

ES&A SIGN & AWNING
 89975 PRAIRIE RD. | EUGENE, OR 97402
 P 541.485.5546 | F 541.485.5813

COLOR CODE

	WHITE
	280-75 REFLECTIVE BLUE PSV
	DB CUSTOM DARK BLUE

SCOPE OF WORK: MANUFACTURE & INSTALL (2) S/F POST MOUNTED CLEARANCE BARS WITH PIVOTING ARMS



- STEEL POLE SUPPORT STRUCTURE. PAINT DB CUSTOM DARK BLUE.
- 3" DIA. WHITE PVC CLEARANCE BAR WITH END CAPS.
- 280-75 REFLECTIVE BLUE PSV TEXT & STRIPES & BLACK CHAIN SECURED TO BOTTOM OF POLE STRUCTURE.
- INCLUDE ONE SHEET REFLECTIVE VINYL NUMBERS MASKED FOR FIELD INSTALLATION.
- CLEARANCE NUMBERS TO BE FIELD MEASURED AND APPLIED.
- MEASURE FROM ASPHALT TO BOTTOM OF OVERHANG MINUS 6".
- ACM 'DRIVE-THRU' SIGN.
- DIAMOND GRADE REFLECTIVE WHITE VINYL WITH DIGITALLY PRINTED PMS 541 C BLUE BACKGROUND.
- INSTALL STEEL POLE PLATE-MOUNTED WITH LEVELING NUTS ONTO G.C. PROVIDED FOOTING.

FACTORY DRAWING

PIPE, PLATE & FOOTING DETAILS

SHOP DRAWING #:
30409J

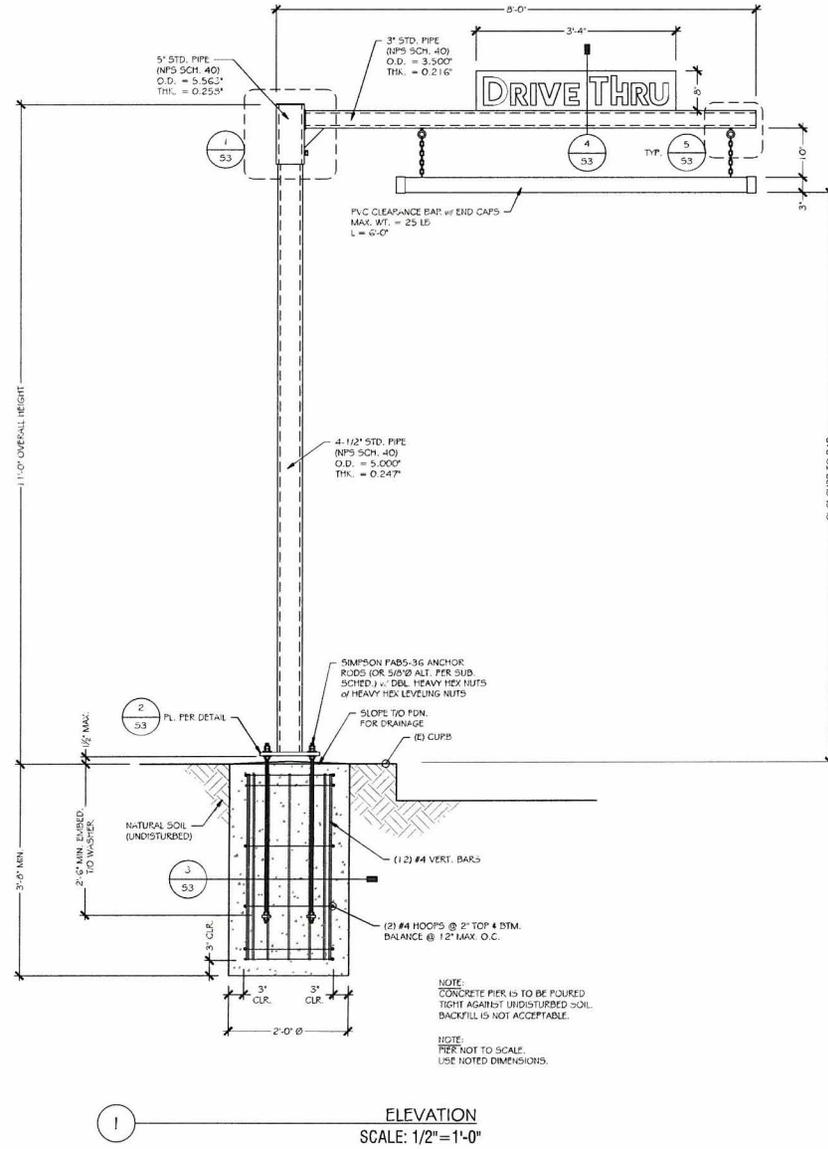
CLIENT:
DUTCH BROS - CA1205
1420 E PACHECO BLVD.
LOS BANOS, CA 93635

DATE OF SHOP DRAWING:
1/13/20

SHOP REVISIONS:

SALES:	CONCEPT DESIGN:	PROD. DESIGN:	PAGE NO:
NJ	CH	CH	2 of 3

ES&A SIGN & AWNING
89975 PRAMIE RD. | EUGENE, OR 97402
P 541.485.5546 | F 541.485.5813



FACTORY DRAWING

SCOPE OF WORK: MANUFACTURE & INSTALL (2) LEXAN SIGN FACES



SHOP DRAWING #:

30409K

CLIENT:

DUTCH BROS - CA1205
1420 E PACHECO BLVD.
LOS BANOS, CA 93635

DATE OF SHOP DRAWING:

1/13/20

SHOP REVISIONS:

SALES:	CONCEPT DESIGN:	PROD. DESIGN:	PAGE NO:
NJ	CH	CH	1 of 2

ES&A SIGN & AWNING

89975 PARADISE RD. | EUGENE, OR 97402

P 541.485.5546 | F 541.485.5813



PYLON TENANT SIGN
SCALE: 1"=1'-0"

COLOR CODE

	230-015 YELLOW PSV
	230-33 RED PSV
	230-127 INTENSE BLUE PSV
	230-36 DARK BLUE PSV
	WHITE

WHITE LEXAN FACES WITH TRANSLUCENT VINYL GRAPHICS

FACTORY DRAWING

INSTALLATION

SHOP DRAWING #:
30409K

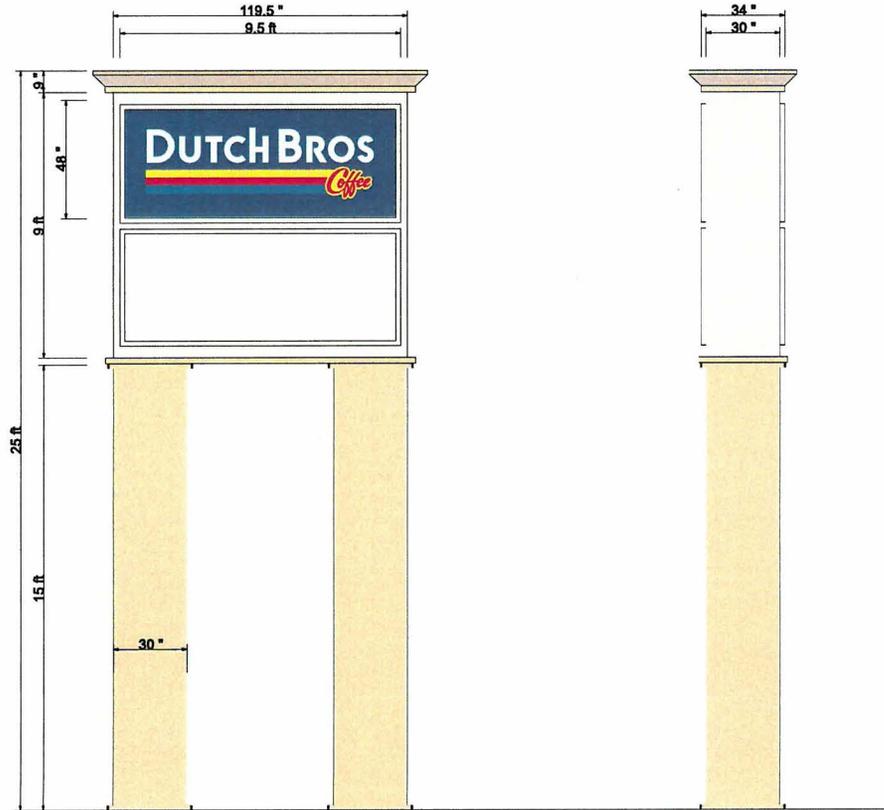
CLIENT:
DUTCH BROS - CA1205
1420 E PACHECO BLVD.
LOS BANOS, CA 93635

DATE OF SHOP DRAWING:
1/13/20

SHOP REVISIONS:

SALES:	CONCEPT DESIGN:	PROD. DESIGN:	PAGE NO.:
NJ	CH	CH	2 of 2

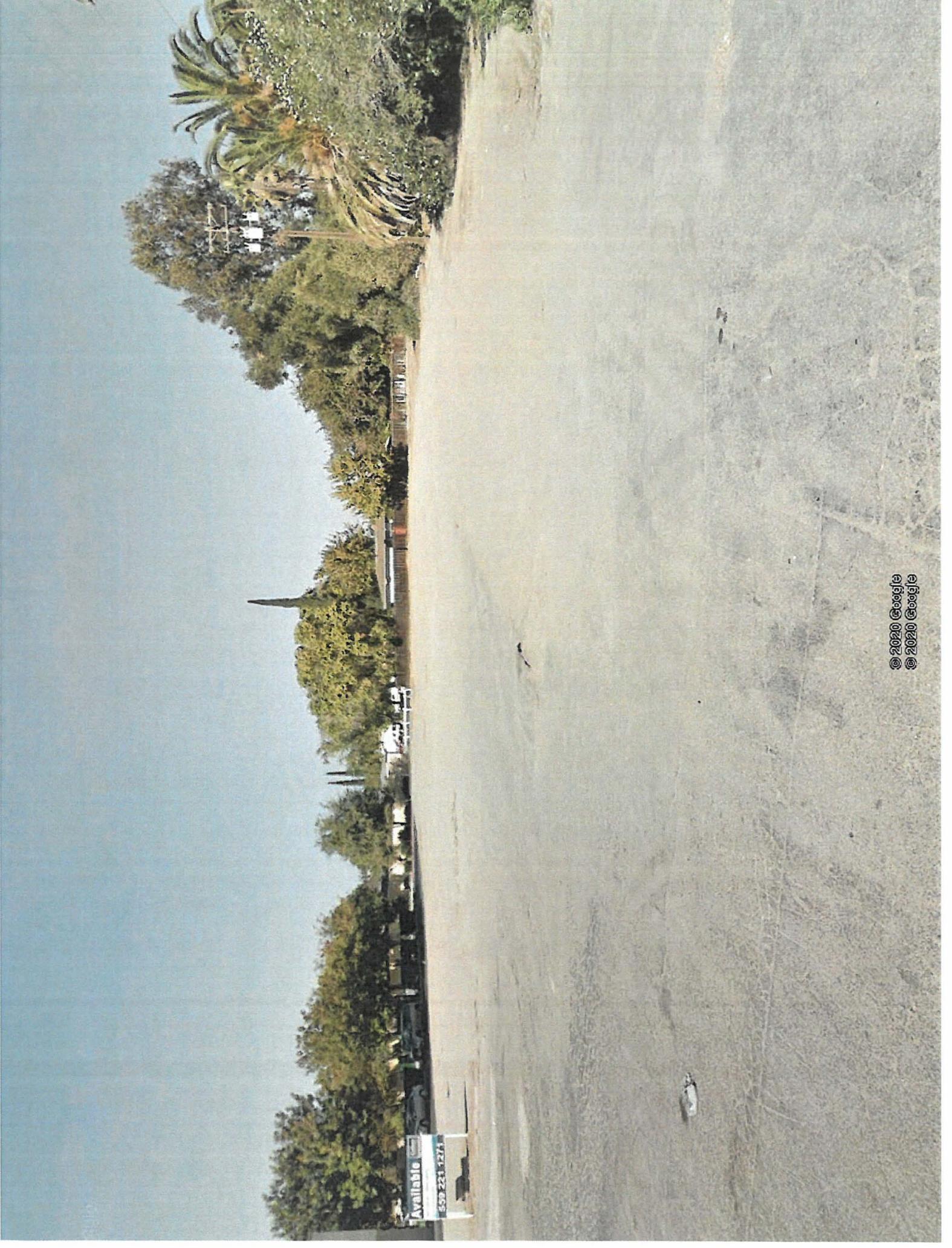
ES&A SIGN & AWNING
89975 PRAIRIE RD. | EUGENE, OR 97402
P 541.485.5546 | F 541.485.5813



Note: Chipotle will be included on this multi-tenant free standing sign

INSTALL NOTES:
REMOVE EXISTING SIGN FACES & INSTALL NEW SIGN FACES.

PICK LIST		
QTY	PART	
2	LEXAN SIGN FACES	✓
SIGNED:		DATE:



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