



# STAFF REPORT

## SAN CLEMENTE PLANNING COMMISSION

Meeting Date: May 28, 2014

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**PLANNERS:** Jeff Hook <sup>PH</sup> Principal Planner, Amber Gregg, Associate Planner, and Denise Obrero, Housing Programs Planner

**SUBJECT:** Designation of SB 2 locations and consideration of a Draft SB Development Standards

### **BACKGROUND**

On May 7<sup>th</sup>, the Planning Commission heard a staff presentation and public testimony on possible SB 2 zoning locations and draft development standards, as discussed in the agenda report, **Attachment 2**. Commissioners reviewed a series of computer-generated maps showing potential SB 2 sites, provided questions and direction to staff and continued consideration of SB 2 implementation until today's special meeting. The Commission received an introduction to SB 2 issues at its February 4<sup>th</sup> and March 19<sup>th</sup> meetings.

**May 7<sup>th</sup> Meeting Direction.** After hearing a summary of staff's evaluation of potential SB 2 sites and areas, the Commission took a series of "straw votes" to give tentative direction to staff on key SB 2 issues. Based on draft minutes and staff's understanding of the votes, the Commission tentatively agreed to:

1. Set the City's estimated year-around homeless population at 65-70 persons, thereby setting a maximum estimated homeless shelter capacity need of 70 persons. (unanimous)
2. Allow homeless shelters by right as an accessory use for churches located in: a) non-residential zones, and b) at least 500 feet from a Residential zone, with a 30-bed limit. (passed 5-2 with Commrs. Eggleston and Ward opposed)
3. Allow homeless shelters by right in Public and Institutional Zones, with a 35-bed limit (passed 5-2 with Commrs. Eggleston and Ruehlin opposed)
4. Allow homeless shelters by right in the "Calle de Industrias Area" (Study Site #3), with a 35-bed limit (passed 5-2 with Commrs. Kaupp and Ruehlin opposed)
5. Allow a homeless shelter at the Heritage Church site by right (Study Site #5), with a 45-bed limit (passed 5-2 with Commrs. Ward and Eggleston opposed)

These votes assumed that that the City would allow one or more homeless shelters “by-right” until the City wide shelter capacity of 70 beds was reached. Providing shelter capacity in excess of 70 beds would require discretionary approval, i.e., a conditional use permit. Due to the late hour, the Commission did not have time to review the SB 2 implementation options in detail. The Commission asked staff to provide more information to help refine the draft SB 2 Development Standards and location strategy. Specifically, the Commission asked staff to bring back information on the following:

1. Explain differences between the Public (“P”) and Institutional (“I”) zones, and provide list of I- and P- zoned sites.
2. Evaluate distances from churches located in non-residential zones to Residential zone boundaries.
3. Clarify legal questions.
4. Provide further explanation of what of SB 2 “management plans” include.
5. Summarize how estimated homeless need is met using planned capacity of the various “strategies”:
  - a. Churches in non-residential zones; 500 ft. from residential; 30 bed limit
  - b. Public and Institutional zones; 35 bed limit
  - c. Calle de Industrias area, 35 bed limit
  - d. Heritage Church vacant site, 45-bed limit

### ***Purposes of Tonight’s Meeting.***

The purposes of tonight’s meeting are similar to those on May 7th: 1) address remaining Commission questions, 2) refine the selected areas, zones or sites that are appropriate to meet SB 2 requirements based on the additional information provided by staff, and 3) consider possible action on a draft SB 2 ordinance and related documents. When the Commission is ready to take final action, its action will be in the form of a resolution, recommending City Council adoption of an SB 2 ordinance and related documents. City Council approval is needed for Zoning Map or Ordinance changes.

### **ANALYSIS**

On May 7<sup>th</sup>, the Commission narrowed the potential SB 2 locations to four sites or areas. Commissioners requested more information about the four locations and had questions regarding possible standards in the draft SB ordinance. Staff’s responses are discussed below.

*Responses to Planning Commission Direction.* The Commission's questions focused on these four items:

### **1. Potential SB 2 Sites or Areas**

*Public and Institutional Zones Designation.* The Commission tentatively supported including two entire zones as part of San Clemente's SB 2 zoning strategy: the Public zone (P) and the Institutional zone (Inst). A summary of these properties is included as **Attachment 3** and a map showing their locations is included as **Attachment 4**. The Commission wanted to better understand the relationship of these zones to residential areas. Public and Institutional zones are often located near residential zones. If a 500-foot residential buffer is applied, the number of eligible P-zoned sites is reduced to one - the Fire Station on Avenida La Pata near Avenida Vista Hermosa. There are no Institutional-zoned sites outside the 500 foot buffer.

The General Plan states that "Public and Institutional uses include governmental offices, hospitals, social services, recreational and cultural facilities, schools and libraries. To effectively serve the public, such uses are located throughout the City. The goal of Public and Institutional zoning is to provide a variety of public and institutional uses, such as governmental, administrative, recreation, cultural, religious, social services and educational uses that help meet the broader community's needs and that are designed to be compatible with surrounding neighborhoods, and with the architectural character of the areas in which they are located."

*Churches.* Staff identified 22 churches and other places of worship in San Clemente. Of these, 12 are located in non-residential zones. Church locations and other data are listed in **Attachments 5** and a map showing their locations is included as **Attachment 6**. Four churches are located in the Rancho San Clemente Business Park and two are located in the Talega Business Park. Churches are allowed or conditionally allowed in almost every zone and distributed throughout most areas of the City, including residential and commercial areas. The majority of Commissioners supported including churches, in non-residential zones only, that were at least 500 feet from Residential zones. By applying a 500-foot residential buffer, the number of SB 2 eligible churches is reduced to six.

*Calle de Industrias Area.* The entire 3.5-acre area is located outside of a 500-foot residential buffer. Data describing the area's parcel sizes and uses is included as **Attachment 7** and a map showing the area's location is shown in **Attachment 8**.

*Vacant Site Owned by and Adjacent to Heritage Church.* The Commission supported this site because it is located at least 500 feet from Residential zoning, is large enough to accommodate a sizable shelter and a shelter use would be acceptable to the Church.

## 2. *Legal Questions.*

The Commission had questions on legal issues that could shape how SB 2 is implemented. The City Attorney provided the following opinions:

- a. *Can the City require discretionary approval for homeless shelters that exceed the estimated 70-person need?* The City Attorney believes that the City likely can require discretionary approval (i.e. Conditional Use Permit) for any shelter request which, due to the existence of other emergency shelter facilities within the City, would exceed the City's total estimated shelter need of 70 beds.
- b. *Can City apply a "local preference" provision?* The City Attorney previously opined on this issue and provided the Commission with his perspective. The City Attorney advised caution in applying a local preference provision.
- c. *Does City have authority to approve or disapprove management plans?* In other words, can the City require discretionary approval of homeless shelter management plans? The City Attorney opines that the City may establish management plan requirements *and* require that the management plan be submitted for City verification that the required components are addressed. In this way, the City could exercise ministerial review, which would be consistent with SB 2 law.
- d. *Would a development standard requiring 500 ft. setback from residential development be allowed under SB 2?* The City Attorney opines that the City may apply a residential buffer of a specific distance (e.g. 500 feet), provided that the buffer is used as part of an SB 2 "overlay zone" and not included as a development standard, since such a setback is not applied to other residential or commercial developments.

## 3. *SB 2 Estimated Need and Capacity.*

Commissioners directed staff to expand its site analysis by:

1. Showing churches located in non-residential zones and at least 500 feet from Residential zones (including Mixed Use); and
2. Evaluating Public and Institutionally-zoned sites, their relationship to Residential zones, and their current uses. **Attachment 3** shows there are 60 Public- or Institutional- zoned parcels and of these, one is located at least 500 feet from a Residential zone. It lists the properties in these zones, their acreage, zoning, current uses and adjacent zones.

*Capacity Analysis.* The Commission agreed that the City's estimated year around homeless population, and hence, estimated shelter need, is 70 persons. The Commission also directed staff to evaluate potential shelter capacity of the four sites or areas the Commission tentatively supported, along with capacity in the Public and Institutional zones and churches.

Potential shelter capacity is difficult to quantify. It's dependent upon many factors, including suitable properties' available for sale or lease, real estate market conditions, property owners' intent, and development costs. One way to measure capacity is the number of acres of land that allows homeless shelters by right and acreages are shown in Attachments 3, 5 and 7. When the 500-foot residential buffer is applied, the potential shelter capacity is reduced significantly – essential to the 3.5 acre Calle de Industrias area and to four churches in the Rancho San Clemente Business Park. With the exception of the La Pata Fire Station (which is unlikely to change use), Public and Institutional-zoned parcels are within 500 feet of Residential zones and are excluded. The Commission decided not to include the portion of Rancho San Clemente Business Park outside of the 500-foot buffer (except for churches). With these exclusions, the remaining acreage may not be sufficient to meet SB 2 requirements.

#### **4. Draft SB 2 Ordinance**

**Attachment 1** includes draft SB 2 Ordinance development standards which generally follow preliminary Commission direction on shelter location, development and management standards. The standards include:

- 1) Allowed locations of homeless shelters by right
- 2) Limits on number of beds per facility and maximum total shelter capacity allowed in City "by right"
- 3) On-site parking and site lighting requirements
- 4) Size and location of exterior/interior on-site waiting and client intake areas
- 5) Minimum spacing between shelters
- 6) Maximum length of stay
- 7) Management Plan requirements, including on-site management and security

#### **RECOMMENDATION**

Staff recommends that the Planning Commission:

- 1) Identify the appropriate location or locations to meet SB 2 requirements.

*To provide sufficient shelter capacity, staff recommends the Commission include the following locations:*

- a) *An SB 2 Overlay Zone, **Attachment 10**, which includes the Calle de Industrias area, as shown in detail in **Attachment 8** and churches in non-Residential Zones (35-bed limit); and*
  - b) *Churches in Residential Zones with a 10-bed limit.*
- 2) Endorse the Draft Development Standards or provide specific direction on changes or additions to the Draft Development Standards; and
- Staff recommends the Commission include two changes to the draft development standards discussed at the previous meetings to increase potential shelter capacity:*
- a) *Set a limit of 35 beds per facility in the SB 2 Overlay Zone;*
  - b) *Set a 10-bed limit for shelters in churches in Residential Zones;*
  - c) *Set a minimum spacing of 200 feet between shelter facilities.*
- 3) Continue the hearing to a specific date, with direction to staff to provide a revised draft resolution and amendments to the Zoning Ordinance, General Plan, specific plan (if needed) and maps which reflect Commission direction.

## **ATTACHMENTS**

1. Draft Planning Commission Resolution
  - Exhibit A - Draft Zoning Ordinance Amendment
  - Exhibit B – Draft Zoning Map Amendment
  - Exhibit C – Draft General Plan Amendment
  - Exhibit D – Draft Specific Plan Amendment
  - Exhibit E - Initial Environmental Study and Negative Declaration
2. Planning Commission Agenda Report, May 7, 2014
3. Public and Institutional Properties Data
4. Public and Institutional Properties Map
5. Church Properties Data
6. Church Properties Maps
  - A. All Churches
  - B. Churches Outside 500-foot Residential Buffer
7. Calle de Industrias Area Data
8. Calle de Industrias Area Map
9. Map Showing 1,000 Residential Buffer
10. Potential SB 2 Overlay Map

**RESOLUTION NO. PC 14-022**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN CLEMENTE, CALIFORNIA, RECOMMENDING CITY COUNCIL APPROVAL OF AN ORDINANCE AND RELATED GENERAL PLAN AND SPECIFIC PLAN AMENDMENTS TO IMPLEMENT STATE LAW REGARDING THE “EMERGENCY SHELTER ACT” (SB 2), CITY FILE NUMBERS ZA 14-121; GPA 14-122 AND SPA14-123.**

**WHEREAS**, Senate Bill 2, the “Emergency Shelter Act”, became effective January 1, 2008 and requires cities and counties to address their communities’ homeless needs by designating a zone or zones where emergency homeless shelters are allowed by right; and

**WHEREAS**, Program 21 of the Housing Element, adopted in July 2011, calls for the City to review and amend the Zoning Code to implement State requirements to remove barriers to the development of special needs housing, including emergency shelters and transitional and supportive housing, consistent with the requirements of Senate Bill 2 of 2007; and

**WHEREAS**, the Planning Commission held public hearings on this item at its February 5, March 19, May 5, 2014 meetings to receive staff presentations, hear public testimony and consider the information presented; and

**WHEREAS**, the Planning Division completed an initial environmental study of the project and recommends the Planning Commission determine that the project would not have a significant adverse affect on the environment and grant a Negative Declaration of environmental impact. Said determination and initial environmental study on which it was based were made available for public review on \_\_\_\_\_ as required under Section 15105 of the California Environmental Quality Act Guidelines; and

**WHEREAS**, on May 28, 2014, at a duly noticed regular meeting, the Planning Commission considered evidence presented by the City staff and other interested parties for the subject applications, heard public testimony and reviewed and considered the Negative Declaration and that based on its review, the Planning Commission recommends that the City Council amend the Zoning Ordinance, General Plan Land Use Element, specific plans to implement SB 2 requirements and comply with State law.

**NOW, THEREFORE**, the Planning Commission of the City of San Clemente hereby resolves as follows:

**SECTION 1. Findings.** The Planning Commission hereby makes the following findings:

1. The proposed amendments are necessary and appropriate to comply with the requirements of State law (California Government Code Section 65583).
2. The proposed amendments are consistent with the General Plan and pertinent specific plans, and will implement Housing Element Program 21.
3. The proposed amendments will not adversely affect the public health, safety, and welfare in that the proposed SB 2 Overlay Zone and Development Standards are designed to locate emergency shelters near public transportation, services and compatible uses, and away from residential uses, public schools, public parks and environmentally hazardous areas; and to ensure shelters are architecturally compatible and operated and managed so they are compatible with adjacent uses..
4. The amendments will implement City housing policies and help the City meet its State Housing Law. In so doing, the amendments will help bring City of San Clemente's housing element into compliance with State Department of Housing and Community Development Department's requirements for housing element certification.

**SECTION 2. Environmental Review.** The Planning Commission of the City of San Clemente, at a public hearing held on May 28, 2014, reviewed and considered the Negative Declaration for the proposed rezoning. The Commission concurs with the Initial Environmental Study's findings that the proposed amendments will not have a significant, adverse effect on the environment and recommends the City Council affirm the City Planner's determination and adopt a Negative Declaration of environmental impact, as shown in Exhibit "E."

**SECTION 3. Zoning Ordinance Amendment, ZA 14-121.** The Commission recommends the City Council amend the Zoning Ordinance as shown in Exhibit "A", and amend the Precise Zoning Map as shown in Exhibit "B", to establish an SB 2 Overlay Zone and Development Standards for the location, design, operation and management of homeless shelters.

**SECTION 4. General Plan Amendment, GPA 14-122.** The Commission recommends the City Council amend the General Plan Land Use Element and Land Use Map as shown in Exhibit "C."

**SECTION 5. Specific Plan Amendment, SPA 14-123.** The Commission recommends the City Council amend the \_\_\_\_\_ Specific Plan as shown in Exhibit "D."



PASSED AND ADOPTED, at a regular meeting of the Planning Commission of the City of San Clemente held on May 4, 2011.

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Julia Darden, Chair

TO WIT:

I HEREBY CERTIFY that the foregoing resolution was duly adopted at a regular meeting of the Planning Commission of the City of San Clemente held on May 4, 2011, and carried by the following roll call vote:

NOES:            COMMISSIONERS:  
AYES:           COMMISSIONERS:  
ABSTAIN:       COMMISSIONERS:  
ABSENT:        COMMISSIONERS:

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Secretary of the Planning Commission

Exhibits:

- A. Zoning Ordinance Amendment
- B. Precise Zoning Map Amendment
- C. General Plan Land Use Element and Map Amendments
- D. Specific Plan Amendment
- E. Initial Environmental Study and Negative Declaration

## EXHIBIT A

### Zoning Ordinance Amendment

#### 17.08.110 Homeless Shelters. Development Standards.

The requirements of this section are for homeless shelters within the SB 2 Overlay Zone and for homeless shelters allowed as accessory uses to legal, conforming churches. Homeless shelters that comply with these standards may be established without use permit review.

**A. Location.** A homeless shelter shall be not less than two hundred feet from another homeless shelter or facility providing homeless services.

**B. Number of Homeless Shelters.** The number and capacity of homeless shelters allowed without use permit review shall be limited to that required to meet community needs, as established by the most recent Citywide homeless enumeration count, as determined by City.

**C. Maximum Number of Beds and Building Area.** Maximum number of beds per facility shall not exceed 35 beds, or 10 beds for churches in Residential zones. Homeless Shelters shall provide not less than 250 square feet of gross building floor area per bed.

**D. On-Site Waiting and Intake Areas.** An on-site waiting and client intake area shall be provided within the shelter building. Outdoor patios or entry areas shall be located and screened so as to not be visible from a public street.

**E. Parking.** On-site parking shall be supplied at a ratio of not less than one vehicle space per five beds plus one additional space for the resident manager and each additional staff person. Enclosed, secure bicycle parking area shall be provided on-site at the ratio of not less than one bicycle parking space per ten beds.

**F. Site Lighting.** Site lighting shall be provided for safety and security.

**G. Architectural Review.** Homeless shelters shall comply with the Design Guidelines and the Rancho San Clemente architectural and development standards to ensure shelters are compatible with its surroundings, provides for adequate privacy between uses and minimizes potential impacts of the proposed shelter to adjacent uses.

**17.08.115 Homeless Shelters. Management Standards.**

Emergency shelters shall be operated and managed in conformance with these standards:

A. **Shelter Operator.** The shelter shall be operated by a responsible social service provider with experience in managing or providing social services

B. **Supervision.** The shelter shall provide at least one qualified on-site supervisor at all times, plus one attendant for each twenty occupants.

C. **Management Plan.** A management plan shall be submitted to the City prior to shelter operation. Said Plan shall address site security, case management procedures, length of stay, client in-take and drug and alcohol screening requirements, facility operation standards, parking requirements, hours of operation, services provided, neighborhood relations plan and enforcement provisions, monitoring and oversight program, and provisions for an on-site kennel or off-site pet care.

**17.08.120 Homeless Shelters. Definitions.**

A. Definitions.

1. Homeless Shelter. (FILL IN)

2. On-Site Waiting Area. (FILL IN)

3. On-Site Client Intake Area. (FILL IN)

4. Gross Building Floor Area. (FILL IN)

5. "Social service provider" means an agency or organization licensed or supervised by any federal, state or local health/welfare agency that participates in the federal Homeless Management Information System (HMIS) and has demonstrated experience with the homeless population by assisting individuals and families achieve economic self-sufficiency and self-determination through a comprehensive array of programs and actions.

6. "Case management" means a system for arranging and coordinating care and services whereby a case manager assesses the needs of the client and client's family and arranges, coordinates, monitors, and advocates for services to meet the client's needs.

7. "Neighborhood Relations Plan" means 1) a description of operation rules and procedures to be followed to maintain safety, security and compatibility with adjacent land uses, business, and property owners, 2) measures to prevent and where necessary, respond to neighbor or public questions or complaints on a 24-hour basis, and 3) Public information resources and communication me

## **EXHIBIT B**

### **Precise Zoning Plan Amendments – Detailed Map**

(To Be Added)

**Exhibit C**

**General Plan Land Use Element and Land Use Map Amendments**

(To Be Added)

## **Exhibit D**

### **Specific Plan Amendments**

(To Be Added)

**Exhibit E**

**Initial Environmental Study and Negative Declaration**

(To Be Added)





## STAFF REPORT SAN CLEMENTE PLANNING COMMISSION

Meeting Date: May 7, 2014

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**PLANNERS:** Denise Obrero, Housing Programs Planner, Amber Gregg, Associate Planner and Jeff Hook, Principal Planner

**SUBJECT:** Senate Bill 2 Implementation

### **BACKGROUND**

**Situation.** On February 5<sup>th</sup>, 2014, the Planning Commission received an introduction to Senate Bill 2 ("SB 2"- Emergency Shelter Act) and continued discussion to another meeting. At its March 19, 2014 meeting, the Planning Commission received reports on homeless shelters in the cities of Laguna Beach (ASL) and Oceanside (The Brother Benno Center). Commissioners also considered draft SB 2 development and management standards for San Clemente. After reviewing draft development standards for San Clemente, and standards used in other Orange County cities with SB 2 ordinances, the Commission endorsed most of the draft standards, as described in the Commission's minutes, **Attachment 1**.

The Commission directed staff to further analyze and report on: 1) draft development standard C – "Maximum Number of Beds and Building Area", 2) added study sites suggested by the Commission, 3) answer additional Commission questions, and 4) address residents' questions and concerns. These items, plus an evaluation of alternative sites based on SB 2 location criteria, are discussed below. Since the Commission's last meeting, Community Development staff hosted a clergy meeting on SB 2, held at City offices on April 4<sup>th</sup>. The meeting's results are attached and discussed in **Attachment 2**.

Commission questions included 1) clarify whether "local preference" policies were legal, 2) discuss the feasibility of rezoning an Open Space zoned parcel - the "triangle site" -- suggested by the Rancho San Clemente Business Park Association, and 3) provide additional information on the potential to rezone open space to allow an SB 2 zoning designation. These and other questions are addressed in **Attachment 3**.

**What's SB 2?** SB 2 refers to a State law which took effect January 1, 2008. It requires all cities and counties to designate at least one zone where emergency shelters (i.e. "homeless shelters") are allowed by right; that is, as permitted uses without requiring

approval of a Conditional Use Permit or other discretionary permit. It does not require cities and counties to actually build, help fund or provide an emergency shelter.

**Council Subcommittee review.** In April 2013, an SB 2 Subcommittee was formed by the City Manager. The Subcommittee included Mayor Bob Baker, Mayor Pro Tem Tim Brown, City Attorney Jeff Goldfarb, Community Development Director Jim Holloway, Chief John Coppock and Housing Programs Planner Denise Obrero. The Subcommittee directed staff to further research how Orange County cities have implemented SB 2, and staff's findings are included as **Attachment 3(A)**. The Subcommittee also directed staff to identify and evaluate areas for SB 2 zoning suitability. In September 2013, the Subcommittee analyzed areas that most closely met State criteria and located away from residential areas. These areas included Los Molinos, Rancho San Clemente Business Park and the Talega Business Park. After considering the options, the Subcommittee concluded that the Industrial Park Zone of the Rancho San Clemente Business Park appeared to be the most appropriate area because of its location, lot size, availability of public transportation, and proximity to existing social services available through Family Assistance Ministries (FAM), The Friendship Center (AA meetings), Talega Life Church, Heritage Christian Fellowship Church, and The Shoreline Church. After a meeting with Business Park owners at Heritage Church, that area was later expanded to include the Business Park Zone within the Rancho San Clemente Business Park.

***Purposes of tonight's meeting.***

The purposes of tonight's meeting are to: 1) address questions and comments from previous meetings, and 2) provide direction to staff and the community regarding: a) zones or sites that are appropriate to meet SB 2 requirements, and b) necessary changes or additions to the draft SB development standards. This direction would then be used to prepare a draft SB 2 ordinance, for Commission action at a future meeting. Consequently, staff does not anticipate final Commission action tonight. When the Commission is ready to take final action, the action will be in the form of a recommendation to the City Council. City Council approval is needed for Zoning Map or Ordinance changes to comply with SB 2.

There have been several recent Planning Commission and stakeholder/interest group meetings on SB 2:

- November 13, 2013 RSCBP Property Owners meeting at Heritage Church
- Planning Commission, February 5<sup>th</sup>
- Rancho San Clemente Property Owners' Association meeting, March 4<sup>th</sup>
- Planning Commission, March 19<sup>th</sup>
- Clergy meeting, April 4<sup>th</sup>

**Public notice.** There is considerable public interest in SB 2 and how the City will comply. Consequently, public notice for tonight's meeting was extensive. In all, over 4,000 property owner notices were sent, in addition to publishing an ad in a local newspaper, as required by State and local law. Public notice was provided several ways:

- 1) Direct mail notice was sent to property owners within a) Rancho San Clemente Business Park, b) business and homeowner associations within Rancho San Clemente, c) the study sites, d) churches and religious institutions, e) Public and Institutional zones, and f) property owners within 300 feet of these areas.
- 2) E-mails to persons who had requested meeting notice.
- 3) 1/8 page legal ad placed in the Sun Post on Friday, April 25, 2014.
- 4) SB 2 website added to the City's Internet site, explaining SB 2 requirements, review process, study sites and areas being considered, and how to provide comments and/or learn more about SB 2.

## **ANALYSIS**

***SB 2's purpose, requirements and the City's intent.*** SB 2 requires all cities and counties to designate at least one zone where emergency shelters (i.e. "homeless shelters"), transitional, and supportive housing are allowed by right; that is, as permitted uses without requiring approval of a Conditional Use Permit or other discretionary permit. It does not require cities and counties to actually build, help fund or provide an emergency shelter. Program 21 of San Clemente's adopted Housing Element calls for the City to "review and amend the Zoning Code to implement State requirements to remove barriers to the development of special needs housing, including emergency shelters and transitional/supportive housing, consistent with the requirements of Senate Bill 2."

***Why do this? Why now?*** The City recently adopted a new General Plan. To have a complete, legally adequate General Plan, the City must now update its Housing Element to meet State law. The City has begun work on the Housing Element update, which is due in 2014. The State will not certify an updated Housing Element until the City complies with SB 2.

SB 2 is mandatory. All California cities and counties must show in their housing elements how they comply with SB 2. The law took effect in 2008 and as the law allowed, San Clemente intended to comply within one year of Housing Element adoption (by July 2012); however, due to public concern, the process has been extended to arrive at the best solution for the community.

While SB 2 is mandatory, cities have choices on where and how to meet its requirements. By their nature, homeless shelters can pose land use compatibility issues that are best addressed proactively by setting local standards for shelter placement and design. Such standards include nightly maximum number of beds or persons, on-site parking requirements, size and location of client waiting areas, on-site management, length of stay, light and required security.

***How have nearby communities addressed SB 2? Attachment 3(A)*** describes how south Orange County cities have met SB 2 requirements and summarizes various cities' SB 2 ordinance provisions. For example, *the City of San Juan Capistrano* (SJC) amended its Zoning Ordinance to comply with SB 2. The City did this by allowing homeless shelters by right in the "Public and Institutional Zone" and by setting a standard of "no more than one bed per 250 square feet of gross building space." The City states that under its SB 2 ordinance, more than 20 properties are suitable for emergency shelters and transitional housing facilities.

*The City of Dana Point* designated its Community Facilities Zone to meet SB 2 requirements and later, allowed churches to operate homeless shelters as an "accessory use", subject to 10-bed limit. Shelters in the Community Facilities Zone have a 20-bed limit.

In 2009, American Civil Liberties Union of Southern California successfully sued the *City of Laguna Beach* for alleged illegal treatment of mentally and physically disabled homeless people. As a result, the City of Laguna Beach financially supports Friendship Shelter's Alternative Sleeping Location ("ASL"). ASL is a 45-bed emergency shelter located in Laguna Canyon, within Laguna Beach City limits. The Shelter follows a first-come, first-served basis, but also gives local preference policy to homeless persons originally from Laguna Beach or based there. ASL abides by development standards set by the City and enforced by City staff. In the development process, an ad hoc committee composed of City of Laguna Beach City Manager, two City Council members, police officer responsible for the homeless in town, and Friendship Shelter representatives met monthly. Three years after ASL's opening, the group still meets on an as-needed basis to ensure good communication among stakeholders and other interested parties, and to address specific circumstances or areas of concern.

*The City of Mission Viejo* designated its Business Park Zone to meet SB 2 requirements.

***Consequences of not complying with SB 2.*** According to the City Attorney, not complying with SB 2 has several potentially serious consequences:

1. Prevent the City from getting State approval of an updated Housing Element. This, in turn, can result in legal challenges to the validity of the City's General Plan.
2. Result in the loss of State housing funds or tax credits, which could affect the City's ability to assist future affordable housing developments.
3. Continued uncertainty as to where and how emergency shelters are allowed, since the Zoning Ordinance is silent on this question.
4. Noncompliance with State law, leaving the City vulnerable to legal action.

***How many homeless persons are in San Clemente?*** According to San Clemente Police Services, local homeless services providers and County social services providers, San Clemente's year around homeless population is estimated at 65-70 persons. To estimate the number of year around homeless persons, staff followed State Guidelines by: consulting the adopted Housing Element and Consolidated Plan, contacting non-profit and government agencies who provide homeless services, and consulting local law enforcement officials. Data gathered for an Orange County "Point in Time" survey shows that on one night – January 25, 2014 – 23 clients who received emergency shelter and/or transitional housing listed their last permanent address as San Clemente, as shown in ***Attachment 4***. This is significant, in part, because it shows that a portion of San Clemente's homeless needs are being met outside the City. This number does not count unsheltered homeless persons, or those camping or finding shelter in temporary domestic situations. San Clemente Police Services also provided valuable information. According to Deputy Bull of San Clemente Police Services, the City's population is not static; it fluctuates seasonally. He estimates there are approximately 65-70 homeless persons within the City limits, as noted in ***Attachment 5***.

When staff refers to an estimated "65-70 year around homeless", these are unsheltered homeless persons. That is the City's estimated *unmet* shelter need. San Clemente, like many other beach communities, has long had a homeless population. In the 1980s, a number of local churches hosted cold weather shelters on a rotating basis for homeless persons and families. Over a two-year period, Community Development staff conducted research to determine San Clemente's homeless count and homeless housing service needs. Research included:

- Interviews and tours with several Homeless Shelter operators
- Visits to a number of Emergency Shelters and Transitional Housing facilities
- Input from San Clemente Police Community Liaison, Deputy Joe Bull
- Input from non-profit homeless advocates and emergency hospital staff and social workers
- Input from staff members from cities with adopted SB 2 ordinances

According to the Orange County Partnership's July 2013 "Homeless Count & Survey Report", there are an estimated 12,707 homeless persons in Orange County, or 0.14

percent of the total County population. This annualized estimate is based on 2013 Point in Time (PIT) Survey results, which counted 4,251 homeless persons, of which 61 percent (2,573) were sheltered and 39 percent (1,678) were unsheltered. San Clemente’s January 2013 population was 64,542. To augment local estimates, another approach is to use the number of homeless persons as a percentage of County population and apply it to individual cities. Using this estimating approach, San Clemente’s estimated homeless population would be:

Total Estimated Homeless Persons	= 92 (.0014X64,542 = 91.7)
Sheltered Homeless Persons	= 56 (.61X92 = 56)
Unsheltered Homeless Persons	= 36 (92-56 = 36)

San Clemente’s transitional housing facilities (Henderson House, Gilchrist House and Laura’s house) provide extended shelter for approximately 48 persons (City of San Clemente Housing Element, July 2011). Therefore, the estimated number of *unsheltered* persons using this methodology is 44 persons.

According to the City’s adopted Housing Element, which was certified by the State, the City’s homeless population is estimated at 65 persons at any point in time. Further, it states that given the total number shelter beds located in the City and additional data provided by service providers, it is estimated there are 80 to 180 homeless persons in the City. This higher figure takes into account an estimate of persons living in cars and at State beaches where overnight camping is allowed.

Based on adopted plans, direct interaction with homeless persons by Police Services, and information confirmed by local homeless service providers, a year around homeless population estimate of 65-70 persons in San Clemente is reasonable and supportable.

**State criteria for SB 2 Sites.** According to the State Department of Housing and Community Development’s Local Planning and Approval Guidelines, **Attachment 12**, cities should use the following criteria in identifying SB 2 sites or zones:

- a) Zoning area(s) identified to allow emergency shelters by right must be of sufficient size and capacity to accommodate the identified homeless need.
- b) The identified zone(s) must have a realistic potential for development or reuse opportunities in the planning period.
- c) Capacity for emergency shelters must be suitable and available and account for physical features (flooding, seismic hazards, chemical contamination, other

environmental constraints, and slope instability or erosion) and location (proximity to transit, job centers, and public and community services).

In addition to the above requirements, the Planning Commission directed staff to evaluate potential sites based on their locations relative to high fire hazard areas, residential zones and schools. Staff assumed that for an SB 2 site to be suitable, it should be located at least 500 feet from a residential zone or school, and that a 1000 foot buffer was desirable. Staff also contacted Orange County Fire Authority (OCFA), San Clemente representative, Lynne Pivaroff and asked if developments could be located in high fire danger areas. Ms. Pivaroff noted it is possible, but that such development would have to comply with the California Building Code Chapter 7A. This code section sets requirements for exterior building material and construction requirements to minimize risk due to exterior wildfire exposure. Analysis of sites' proximity to residential zones and school sites is addressed under the "Detailed Site Analysis" portion of this report.

### **Potential SB 2 Sites or Areas Being Reviewed**

At the last Planning Commission meeting, staff was directed to consider multiple sites mentioned at the meeting. These are:

- Triangle lot located in the Open Space zone, north of and adjacent to Avenida Pico, near Calle del Cerro.
- Big Lots/Kmart Retail Center on Avenida de la Estrella.
- Calle de Industrias area behind Denny's Restaurant, on Avenida Pico at I-5.
- Vacant site adjacent to Heritage Church.
- Rancho San Clemente Business Park, including the Business Park and Industrial Park zones.
- Churches.

Staff has also analyzed a vacant City-owned lot adjacent to Water Treatment Facility, and Public and Institutional zones for SB 2 suitability. Staff included the City-owned property because its size and location appeared to meet one or more SB 2 criteria. Public and Institutional zones are included because neighboring cities, such as Dana Point and San Juan Capistrano, permitted emergency shelters in zones that are similar to San Clemente's Public and Institutional zones. SB 2 study sites and areas evaluated for suitability are mapped and shown in **Attachment 6**.

**Site analysis.** Several sites or areas were identified by the Commission, the public or staff for further study. These are discussed below. Each site or area appears to meet one or more State criteria in that it: 1) includes sufficient lot area to accommodate estimated need; 2) does not have physical features that would preclude development, and 3) most are located near public transit, job centers and public and community

services. Sites were evaluated using four State criteria, and the City’s criteria of distance from residential, schools or safe routes to schools. The results of the analysis are shown in a matrix, **Table 1**.

In identifying potential SB 2 sites, separating potential shelter locations from residential zones was a primary goal. To analyze this, staff used computer (GIS) mapping to apply 500 foot and 1000 foot “buffers”, or spacing, from all residential zones, which include many schools and parks. The results of that analysis are shown in **Attachment 7**.

**Table 1**  
**SB2 Study Site Analysis Matrix**

("X" indicates site meets criteria)

Sites	Public Transit within ¼ mile <sup>1</sup>	Proximity to Services <sup>2</sup>	Away from Residential Zones	Near Job Center <sup>4</sup>	Free from Environmental Constraints <sup>5</sup>
1. RSC Triangle Site	X	X	X	X	
2. Big Lots/Kmart	X	X		X	X
3. Behind Denny's	X	X	X	X	X
4. Vacant Water Treatment Land	X		X	X	X
5. Heritage Church Lot	X	X	X	X	X
6. RSC Industrial Park Zone				X	
7. RSC Business Park Zone	X	X	X	X	
8. Churches	Varies by location				
9. Public & Institutional Parcels	Varies by location				

Notes:

- 1) According to OCTA bus routes dated February 9, 2014



- 2) According to SB2 Guidelines, potential sites should be close to public transit, job centers, and public and community services. Public and community services include government offices, post office, medical services, churches, and resource centers such as FAM. Staff assumed that services within ¼ of a mile of a project site would classify as “close proximity.” This is consistent with federal transit standards for acceptable walking distance.
- 3) Staff assumed a minimum 500 foot distance from residential zones and schools.
- 4) Staff assumed that job centers within ¼ of a mile of a project site would classify as close proximity. This is consistent with federal transit standards for acceptable walking distance.
- 5) According to SB2 Guidelines, potential sites must consider and where possible, mitigate or avoid environmental constraints such as flood-prone areas, seismic hazard areas, fire hazard areas, geologic or soil hazard areas, or areas with chemical contamination.

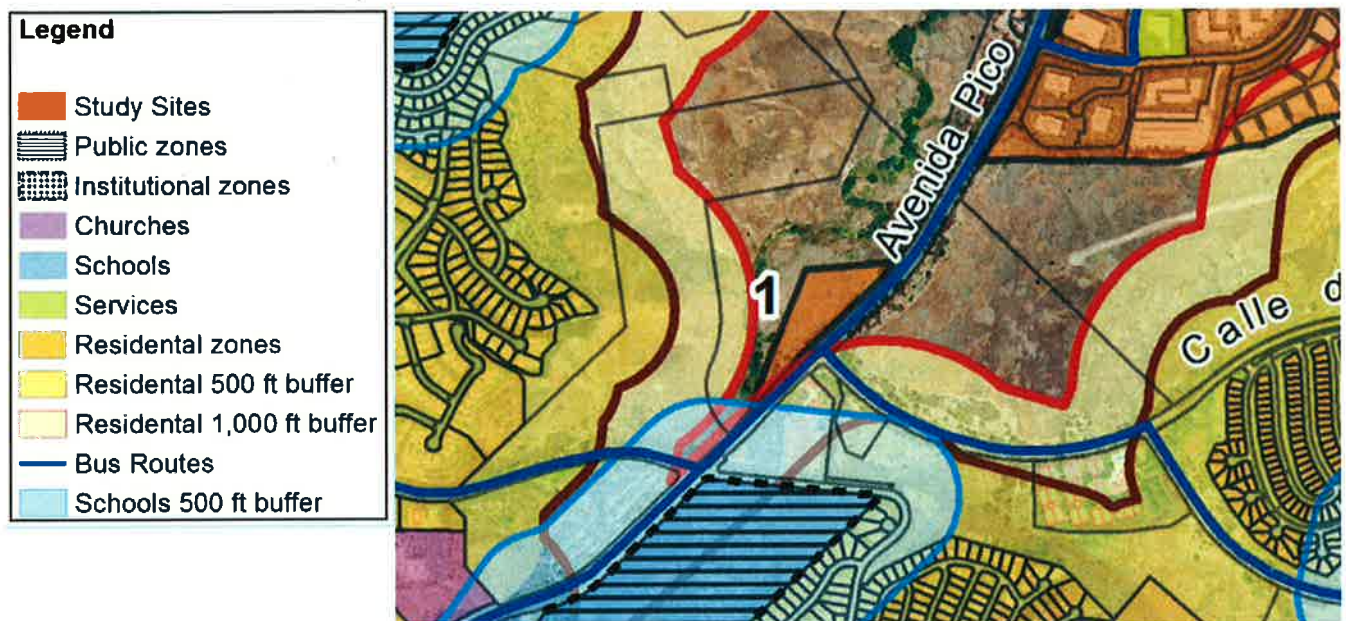
Following are narrative descriptions that explain Table 1, including detailed site/area maps for six study sites and summaries of how the sites meet State and City location criteria. **Attachment 8** is an SB 2 Opportunities and Constraints map showing locations of study sites and areas in relation to public transportation, residential zones, schools, job centers, and services.

#### **Site Number 1 - Rancho San Clemente Specific Plan (RSCSP) “Triangle Site”**

1. *Zoning:* Rancho San Clemente Specific Plan area. Zoning is OS2 – Open Space, Private.
2. *Size:* About six acres of a 10.25 acre parcel.
3. *Allowed Uses:* Passive recreational uses, golf courses and ancillary uses. It consists of a gently sloping benched area within Pico Canyon, located approximately 10-15 feet below Avenida Pico finished grade.
4. *Distance to Public Transit:* Adjacent to public bus route and bicycle lane along Avenida Pico. Bus stop located within ¼ mile at intersection of Ave Pico and Ave Vera Cruz.
5. *Proximity to Public Services:* Nearest public and community services – (groceries, mail services, banking located in Gateway Village commercial center at Ave Pico and Calle del Cerro, about 500 feet away.

6. *Distance from residences/schools:* about ¼ of a mile from the nearest residential use, about 300 feet from Gateway Village community commercial area, and 750 feet from the nearest school (SC High School).
7. *Near Job Center:* The site is located less than ¼ mile from RSC Business Park, a large job center.
8. *Potential Environmental Constraints:* City GIS and resource maps and the General Plan designate this area as a Landslide Hazard Zone. The Landslide Hazard zone applies to most of Rancho San Clemente Specific Plan Area. These are areas where previous occurrence of landslide movement or local topographic, geological, geotechnical and subsurface water conditions indicate a potential for permanent ground displacements such that mitigation as defined in Public Resources Code Section 2693(c) would be required.

**Figure 1 – Triangle Site**



9. *Other Planning Factors:*
  - a. The RSCSP calls for a Class 1 Bicycle Trail paralleling the north side of Avenida Pico and traversing the “triangle site.”
  - b. Development of the site for an SB 2 shelter would require excavating and engineered fill, installing utilities, adding a signal at the Pico/Del Cerro intersection, and extending street access from Avenida Pico at Calle de Cerro, and installing a sewer lift station.

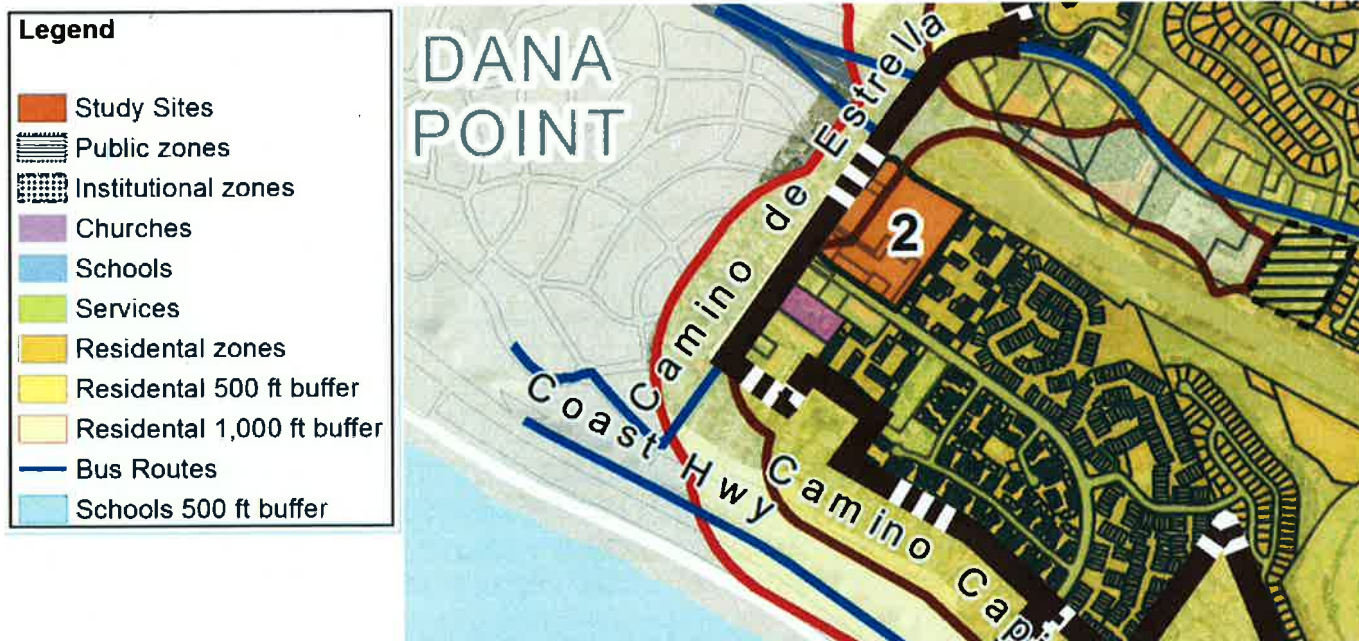
c. According to the Assistant City Attorney, development of the site would require approval of a majority vote of registered city voters (per citizens' Open Space initiative, Measure V, adopted on November 4, 20018), and doing a "lot split" to create a one acre site to allow an exception to the public vote requirement for changing Open Space uses would not be legally advisable.

d. According to the RSCSP, these areas constitute "significant biological and visual resources." No development, except for the existing tennis club shall be permitted within the OS2 zone.

**Site Number 2 – K Mart/Big Lots Commercial Center**

1. *Zoning:* CC-2 (Community Commercial)
2. *Size:* About 12 acres.
3. *Allowed Uses:* The CC-2 zone allows churches (with a conditional use permit), lodging (hotels and motels), and a broad range of retail sales and services. Also, Medical Overlay allows medical and health care uses.
4. *Distance to Public Transit:* The site is adjacent to I-5 and to a public bus route and bus stops on Camino de Estrella.

**Figure 2 – K-Mart Center**



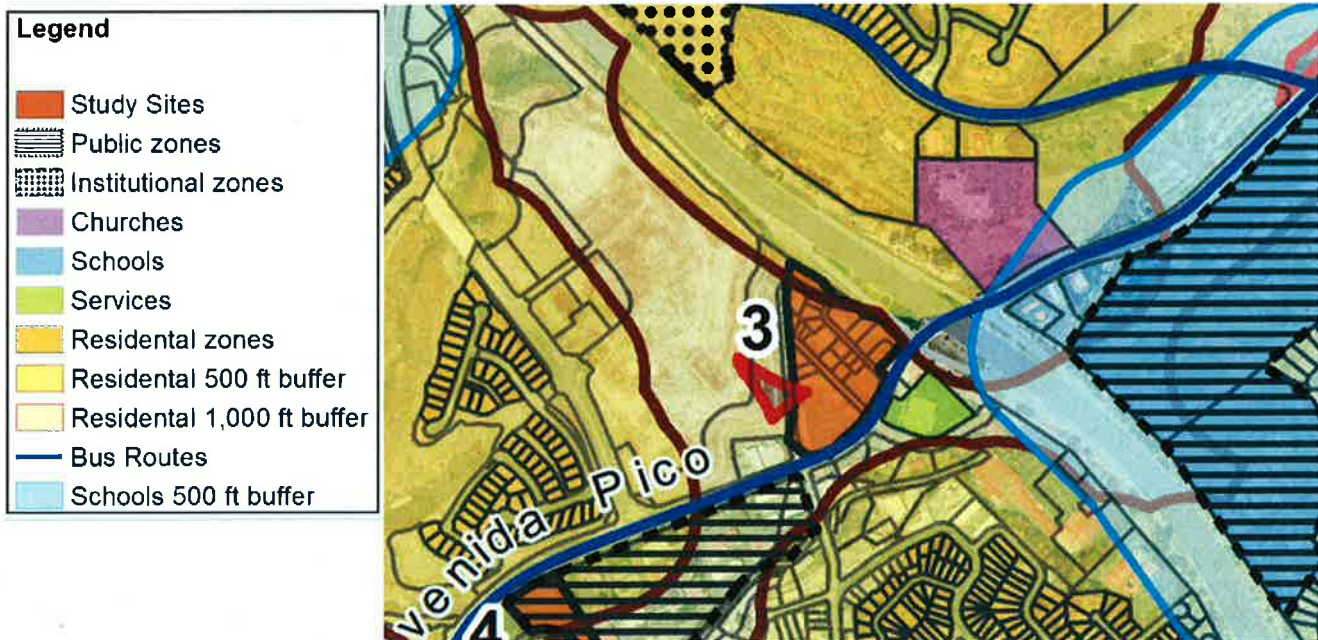
5. *Proximity to Public Services:* Nearest public and/or community services are about ¼ mile away (Calle de Los Mares retail centers). The site is located within about 300 feet of Palisades Methodist Church.
6. *Distance from residences/schools:* The site is adjacent to RML-PRD (Residential, Medium-Low) zone on the southeast, with offices, services and residential uses in the City of Dana Point, across Camino de Estrella to the northwest and west. There are no public schools within 500 feet.
7. *Near Job Center:* The site is located within ¼ mile of a job center – Calle de Los Mares retail, general services and medical services.
8. *Potential Environmental Constraints:* City GIS and resource maps do not show this area as having environmental constraints.
9. *Other Planning Factors:*
  - a. The site is served with utilities and has street access from Camino de Estrella and Camino Mir Costa.
  - b. General Plan designates this site as Community Commercial with “Medical Office Overlay” to encourage medical office development.

**Site Number 3 – Calle de Industrias Area** (behind Denny’s Restaurant on Avenida Pico @ I-5)

1. *Zoning:* The area is zoned CC-2 (Community Commercial) in the West Pico Corridor Specific Plan.
2. *Size:* The study site has about 5 acres, not including frontage lots. It includes 14 Assessor’s parcels, ranging in size from about 3000 square feet to over one acre. All of the parcels, except one 6500 SF vacant parcel, are developed with service commercial/light industrial uses.
3. *Allowed Uses:* The CC-2 zone conditionally allows churches, lodging (hotels and motels), auto-related uses, certain light industrial uses, and a broad range of retail sales and services.
4. *Distance to Public Transit:* The area is adjacent to a public bus route and bus stops on Avenida Pico.
5. *Proximity to Public Services:* Nearest public and/or community services are within 500 feet (US Postal Service, Pico Pavilion).

6. *Distance from residences/schools:* The area is located about ¼ of a mile from the nearest residential property and about 1000 feet from the nearest school (San Clemente High School).
7. *Potential Environmental Constraints:* City GIS maps do not show this area as having environmental constraints.
8. *Other Planning Factors:*
  - a. The General Plan shows the area as Community Commercial (CC 2) with a “Professional Office Overlay” to promote redevelopment.
  - b. The area is served with utilities and has street access from Calle de Industrial and Avenida Navarro.

**Figure 3 - Calle de Industrias Area**



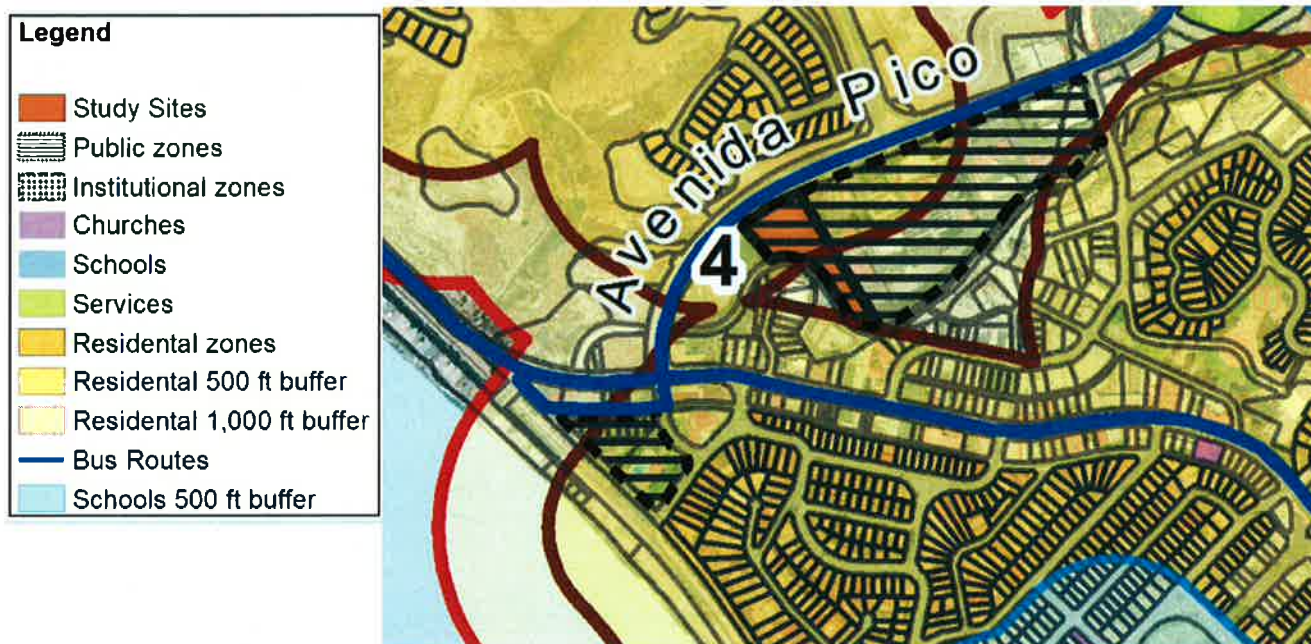
**Site Number 4 – Vacant City-owned lot adjacent to Water Treatment Facility**

1. *Zoning:* The site is zoned P (Public), in the West Pico Specific Plan Area and adjacent to MU 3.1 zone (Mixed Use, Pedestrian Overlay). Formerly, the site of the City animal shelter. It is located across Avenida Pico from the Residential portion of the Marblehead Coastal Specific Plan. The site is located within the Coastal Zone.
2. *Size:* About 2 acres; mostly level, irregularly shaped vacant site which is currently used for storage. The site is bordered by the City Corporation Yard on the north, a drainage channel on the east, service-commercial/light industrial uses to the south

and vacant, low-density residential land to the west, across Avenida Pico. The site is partially paved.

3. *Allowed Uses:* Broad range of public facilities on public lands. This zone is the more intense of the public zones established in the General Plan, allowing a greater range of public uses, including governmental administrative, public recreational, cultural (such as public libraries and museums), educational (public schools), and institutional facilities, public and private parking, and undeveloped parks.
4. *Distance to Public Transit:* The site is adjacent to a public bus route and bus stops on Avenida Pico.

**Figure 4 – Vacant lot near Treatment Facility**



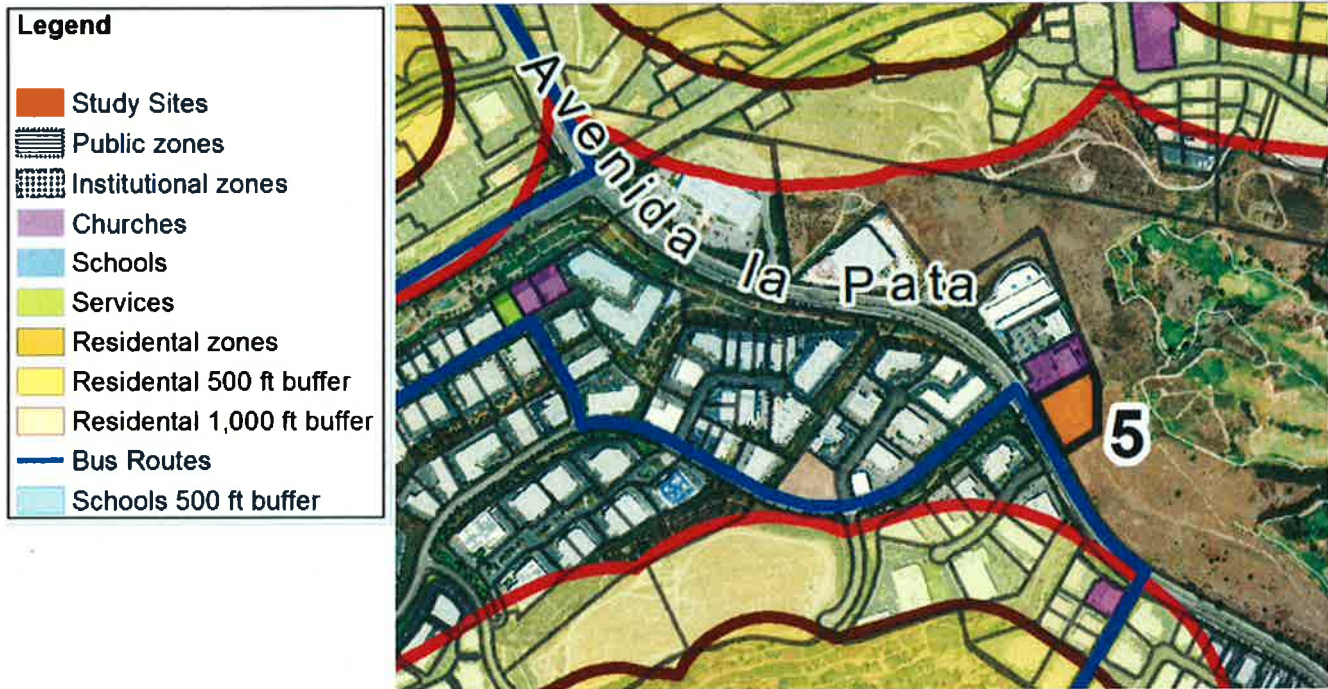
1/3 mile away, near the intersection of I-5 and Avenida Pico.

6. *Distance from residences/schools:* The site is not within 500 feet of residential uses. However, with eventual development of Marblehead Coastal residential uses, it will be. There are no public schools within 500 feet.
7. *Near Job Center:* The site is located within ¼ mile of a job center – Los Molinos and El Camino Real, with a range of light manufacturing and retail sales and services.
8. *Potential Environmental Constraints:* City GIS and resource maps show this site as being partially located in “Seismic Liquefaction” and “Seismic Landslide” areas. The previous CASA facility was moved, in part, due to geotechnical reasons.

**Site Number 5 – Vacant site adjacent to Heritage Church, Rancho San Clemente Business Park**

1. *Zoning:* The site is zoned “Business Park” in the Rancho San Clemente Specific Plan and is owned by and located adjacent to the Heritage Church on the eastern edge of the Rancho San Clemente Business Park (RSCBP).
2. *Size:* The vacant site covers about 2 acres. It is bordered by the Heritage Church on the north, open space to the east, light industrial/service commercial uses to the south and west. The site is served by utilities and has street access from Avenida La Pata.
3. *Allowed Uses:* Broad range of business park, light industrial and service commercial uses, public assembly and churches, government and utility offices. Religious and “Civic” uses are allowed with approval of a conditional use permit.
4. *Distance to Public Transit:* The site is adjacent to a public bus route and bus stops on Avenida La Pata.
5. *Proximity to Public Services:* The site is located within ¼ mile of a US Post office, FAM, three churches and other community services.
6. *Distance from residences/schools:* The site is located about 1/3 mile from the nearest residential property, about ¾ mile from Steed Park, and over one mile from the nearest public school.
7. *Near Job Center:* The site is located within a job center – the Rancho San Clemente Business Park.
8. *Potential Environmental Constraints:* City GIS maps do not show this site as being located within area having environmental constraints; however it is located within ¼ mile of “Very High Fire Hazard” area.

***Figure 5 – Vacant site adjacent to Heritage Church, Business Park***



**Site Number 6 – Rancho San Clemente Business Park**

1. *Zoning:* The Business Park consists of three zones: Business Commercial, Business Park and Industrial Park, within the 1,943 acre Rancho San Clemente Specific Plan area. Most Business Park uses are located close to Avenida Pico and Avenida La Pata and are vertically and horizontally separated from the residential area above by the gateway knoll and ridgeline, as shown in Figure 6.
2. *Size:* The Business Commercial zone is 28 acres, the Business Park zone is 245 acres and the Industrial Park is 35 acres. Lot sizes range from a minimum of 10,000 square feet to over 12 acres. All lots are with utilities and have street access.
3. *Allowed Uses:* Broad range of business park, light industrial and service commercial uses, public assembly and churches, government and utility offices. Religious and “Civic” uses are allowed with approval of a conditional use permit. Civic use means publicly or privately owned and managed facilities for meetings, conventions or exhibitions and other community, social, and multi-purpose uses.
4. *Distance to Public Transit:* A public bus route runs through the Business Park zone with multiple bus stops.
5. *Proximity to Public Services:* The Business Park includes a US Post office, FAM, three churches, and government offices.



6. *Distance from residences/schools:* Distances from adjacent residential areas vary from about 60 feet near the northeast corner of the Business Park, to at least 500 feet for most properties in the Business Park. There are three public schools in the vicinity, all located at least ½ mile away from the Business Park.
7. *Near Job Center:* The site is a job center – the Rancho San Clemente Business Park.

**Figure 6 – RSC Business Park and Residential Areas**

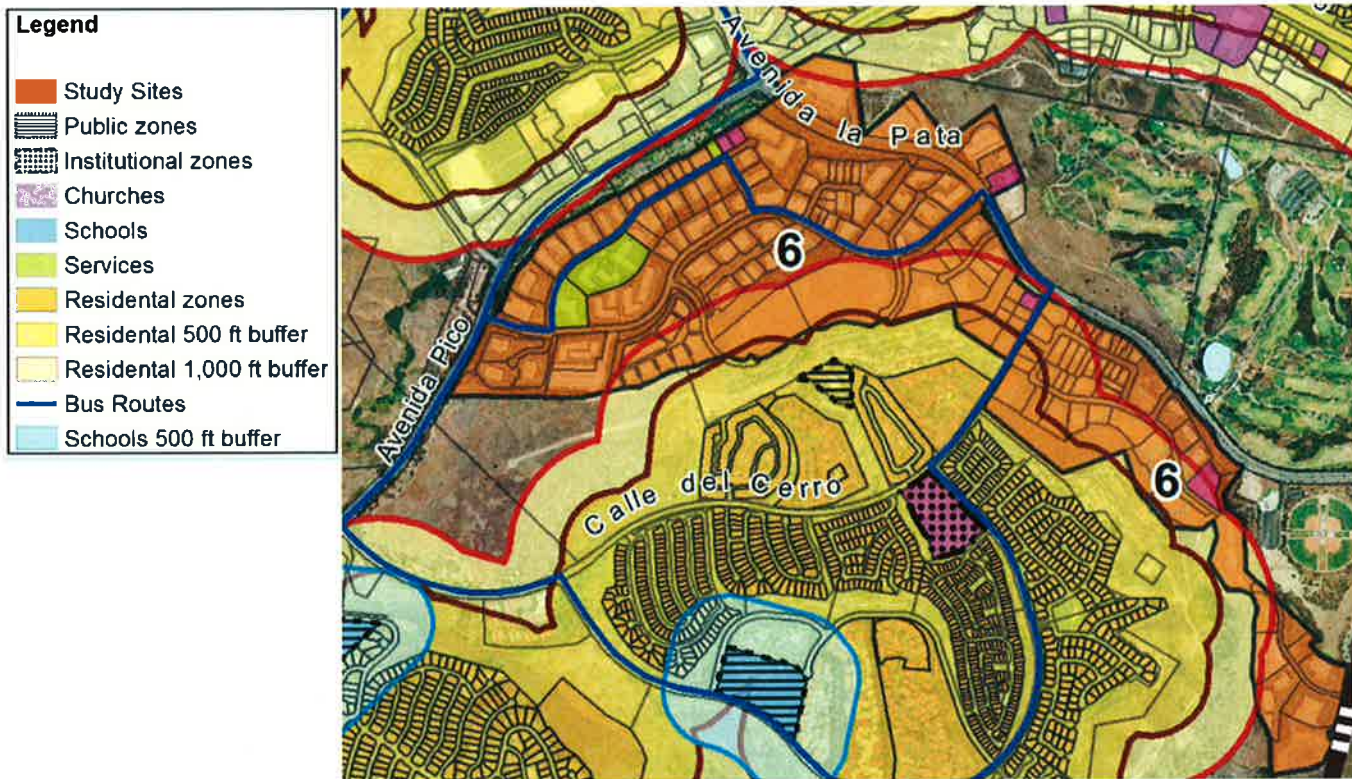


*RSC Business Park shown in bordered area, bird's eye view looking south*

8. *Potential Environmental Constraints:* City GIS, General Plan and resource maps show portions of the Business and Industrial Park zones as being located within “Very High Fire Hazard” and “Landslide Hazard” Zones.” The Fire Hazard zone applies mainly to the Industrial Park zone and to open space slopes between the Business Park and adjacent, upslope residential areas. The Landslide Hazard zone applies to most of Rancho San Clemente Specific Plan Area. These are areas where previous occurrence of landslide movement or local topographic, geological, geotechnical and subsurface water conditions indicate a potential for permanent ground displacements

such that mitigation as defined in Public Resources Code Section 2693(c) would be required.

**Figure 7 – Rancho San Clemente Business Park**



**Churches and other Places of Worship.** Historically, churches and other places of worship have provided seasonal shelter and services for the homeless persons. The City of Dana Point specifically includes churches as part of its zoning strategy to meet SB 2 requirements. The City of Dana Point allows churches to operate shelters as an accessory use, with a 10-bed limit per church in residential areas to minimize potential land use compatibility issues. At its March 19<sup>th</sup> meeting, the Planning Commission expressed interest in discussing how churches might fit into San Clemente’s overall SB 2 strategy.

In a recent meeting between City staff and local clergy, the consensus of those present was that many local churches consider it their spiritual duty to help meet the needs of homeless persons; however, they understand that this is only part of a broader-based community solution. Faith based leaders stated their clergy will help support, fundraise, recruit and help find volunteers, and provide meals to the homeless. In summary, those present supported churches serving in a support role to help meet SB 2 needs and stressed that churches should not be expected to provide the only solution to meeting SB 2 requirements. They felt a site needed to be identified where a homeless shelter could be accommodated.

Staff identified 22 churches and other places of worship in San Clemente. Churches are allowed or conditionally allowed in almost every zone, and existing churches are distributed throughout most areas of the City, including both residential and commercial areas, as shown in a map, **Attachment 9** and listed in **Attachment 9A**. The zoning of City churches is summarized in Table 2.

**Table 2 – Number of San Clemente Churches, By Zone**

Zone	Number of Churches
Residential	9
Mixed Use	1
Commercial/Industrial	9
Public and Institutional	3

Church properties range in area from relatively small neighborhood churches, such as St. Clement’s Episcopal Church (about 20,000 square feet), to large church campuses in residential and commercial areas, such as St. Andrews Methodist Church (about nine acres) and San Clemente Presbyterian Church (about five acres). Despite varying site and floor areas, churches often include facilities which are adaptable for shelter use. Some churches are located adjacent to residential uses, near schools and parks – uses which may pose land use compatibility issues with year-around homeless shelters. In San Clemente, 14 churches are located at least partly adjacent to residential or mixed-use zoned properties; four churches are located in the Rancho San Clemente Business Park and two are in the Talega Business Park. One church is located in the Institutional Zone.

**Public and Institutional Zones.**

Two zones are being considered as part of San Clemente’s SB 2 zoning strategy: the Public zone (P) and the Institutional zone (Inst). Among Orange County’s other 34 cities, six designate public and/or institutional zones to meet SB 2 requirements. The cities of Dana Point, San Juan Capistrano, and Newport Beach, designate public or institutional zones to meet at least part of each city’s estimated homeless needs. As a social service, homeless shelters may be appropriate uses in the San Clemente’s Public and/or Institutional zones.

San Clemente’s Public Zone has a diverse mix of uses, including public utility sites, public schools, the City buildings, fire stations, water tanks, SDG&E corporation yard, and City-owned properties. Most public uses, such as schools, cultural facilities and utility sites are under public control and unlikely to change uses. A few vacant or underutilized P zoned sites were identified that could meet or help meet SB 2 requirements. Public and Institutional-zoned sites are shown in **Attachment 10**.

The General Plan states that “Public and institutional uses include governmental offices, hospitals, social services, recreational and cultural facilities, schools and libraries. To effectively serve the public, such uses are located throughout the City. The goal of Public and Institutional zoning is to provide a variety of public and institutional uses, such as governmental, administrative, recreation, cultural, religious, social services and educational uses that help meet the broader community’s needs and that are designed to be compatible with surrounding neighborhoods, and with the architectural character of the areas in which they are located.”

## **Draft SB 2 Development and Management Standards**

At its March 19th meeting, the Commission endorsed all of the draft development standards except 17.08.110(C) regarding maximum number of beds and shelter floor area. Commissioners wanted to study potential SB 2 locations and implementation strategies before deciding on this standard. This standard is discussed below. The draft development and management standards that the Commission endorsed, along with explanations, are included as ***Attachment 11***.

SB 2 allows local governments to adopt development and management standards to regulate emergency shelters by establishing:

- 1) a nightly maximum number of beds or persons
- 2) on-site parking and site lighting requirements
- 3) size and location of exterior/interior on-site waiting and client intake areas
- 4) on-site management and security requirements
- 5) spacing from other emergency shelters in the same zone
- 6) maximum length of stay.

The development standards “must be designed to encourage and facilitate the development of, or conversion to, an emergency shelter” and may not be so restrictive as to “unduly impair shelter operations.” (California State Department of Housing and Community Development, “HCD”).

***Maximum Number of Beds.*** By setting a standard for the maximum number of shelter beds, or the minimum required building (or site) square footage per bed, cities can regulate the “intensity” of a homeless shelter use. That is, the number of homeless persons served and the intensity of the use in terms of parking demand, trip generation, noise and other impacts related to shelter use. Allowing a higher maximum number of beds allows SB 2 requirements to be met with a single, larger facility. Alternatively, setting a lower maximum number of beds will require several smaller facilities to meet the

estimated homeless needs, thereby promoting a dispersal strategy. Following is recommended wording showing how this standard could be addressed:

**17.08.110 Homeless Shelters. Development Standards. (DRAFT)**

**“C. Maximum Number of Beds and Building Area.** Maximum number of beds per facility shall not exceed 65 beds, or 10 beds for churches and other places of worship.”

*Comment:* This wording would allow the estimated homeless population to be served with one shelter in a designated zone, or in multiple church sites allowing up to 10 shelter beds per facility. Some cities set a lower maximum number of beds, depending upon estimated need and/or location strategy. The Commission could set a lower maximum number of beds if determined appropriate.

The maximum of 10 beds for churches is based on the City’s experience with churches accommodating up to 10 persons for cold weather, seasonal shelters. The Commission could also consider allowing a “two-tiered” standard for churches, limiting the number of beds to 10 for churches in Residential and Mixed-Use Zones, and allowing a higher number of beds for churches in non-residential zones.

**Alternative Strategies to Meet SB 2 Requirements**

There is no “one size fits all” strategy for complying with SB 2. Each city and county must meet SB 2 requirements in a manner that addresses its own land use patterns, environmental constraints, and estimated homeless needs. Specific tools to accomplish this include:

- 1) Designating an existing City zone and amending the Zoning Ordinance to allow a homeless shelter by right, subject to development and operational standards; or
- 2) Creating a new “SB 2 Overlay Zone” to be applied to one or more parcels that are suitable for a homeless shelter, subject to the same development and operational standards as in 1) above, or
- 3) Amending the Zoning Ordinance to allow a homeless shelter as an accessory use to some other allowed or conditionally allowed use, such as Churches, or
- 4) Some combination of these

Following is a “menu” of possible strategies, in random order, that balance multiple objectives in addressing SB 2. The Commission may consider these approaches, or a variation of these, to provide guidance for preparation of a draft SB 2 ordinance. Recommendations on specific SB 2 locations are not included; several areas or sites may

work. The Commission should select locations based on the characteristics and compatibilities of the sites and areas analyzed, and on the preferred SB 2 strategy below.

### **Alternative 1: “Dana Point Model”**

Emergency shelters shall be allowed by right: 1) as an accessory use to legal, conforming churches, synagogues or other religious institution (subject to a 10 bed limit), or 2) located in the Public or Institutional zone.

#### *Comments:*

- Similar approach used by the City of Dana Point was approved by the State
- Emphasizes dispersed approach; may require multiple small sites to meet need
- Allows small shelters in residential zones (churches); larger facilities near or adjacent to residential zones (Public and Institutional)
- Public and Institutional sites typically controlled by public agencies
- Avoids commercial and business park areas

### **Alternative 2: “Overlay Zone and Religious Institutions”**

Emergency shelters shall be allowed by right 1) as an accessory use to legal, conforming churches, synagogues or other religious institutions, and 2) in the areas and sites located within the “SB 2 Overlay” zone, as shown in the Official City Zoning Map. The SB 2 Overlay includes designated sites or areas.

#### *Comments:*

- Modified “Dana Point” approach; more sites and areas available to meet SB 2
- Allows decentralized or focused approach; or combination of these
- Allows small shelters in residential zones (churches)
- SB 2 Overlay zone applicable to wide variety of individual or contiguous sites

### **Alternative 3: “Modified Mission Viejo Model”**

Emergency shelters shall be allowed by right in the areas and sites located within the “SB 2 Overlay” area, as shown in the Official City Zoning Map. The SB 2 Overlay Area includes designated Commercial, Industrial and Business Park zoned areas, Public, and Institutional zones.

#### *Comments:*

- Approach has been used by many cities and approved by State
- Uses SB 2 Overlay to focus on commercial, industrial or business park properties
- Allows decentralized or focused approach; or combination of these
- Allows greater separation from residential areas, schools and parks
- Churches in residential areas excluded

- SB 2 Overlay zone applicable to wide variety of individual or contiguous sites

#### **Alternative 4: “Designated Zone or Area”**

Emergency shelters shall be allowed by right in the \_\_\_\_\_ Zone(s).

#### *Comments:*

- Simplest approach; has been used by many cities and approved by State
- Uses existing zone boundaries
- May be used to allow shelters in one or more existing zones

### **RECOMMENDATION**

Staff recommends that the Planning Commission:

- 1) Consider the Draft SB 2 Development Standards and provide direction on Draft Standard 17.08.110 (C).
- 2) Provide direction to staff regarding SB 2 sites or zones where homeless shelters shall be allowed by right, subject to development standards.
- 3) Continue the item to a specific Planning Commission meeting date with direction to staff to prepare a draft Zoning Ordinance and Map amendment to meet SB 2 requirements.

### **ATTACHMENTS**

1. Planning Commission Minutes – March 19, 2014
2. Summary of Clergy Meeting – April 4, 2014
3. Planning Commission SB 2 Questions
  - A. Survey of South OC Cities and Summary of OC Cities SB 2 Requirements and Ordinances
  - B. Description of SC’s Homeless
  - C. Conceptual Architectural Program and Bubble Diagram
  - D. City Attorney Opinion
  - E. City Engineer’s Development Analysis – “Triangle Parcel”
  - F. Safe Routes to Schools Figures
4. OC HMIS Data for Sheltered Clients
5. Email from SC Police Services re: Homeless Population Estimate
6. Map of SB 2 Study Sites
7. Residential “Buffer” Map
8. Opportunities and Constraints Map
9. San Clemente Churches and Places of Worship Map
  - A. Summary List of Churches and Zoning
10. Map Showing Public and Institutional Zoning
11. Draft SB 2 Development and Management Standards

12. State HCD - SB 2 Guidelines
13. Information provided by citizen



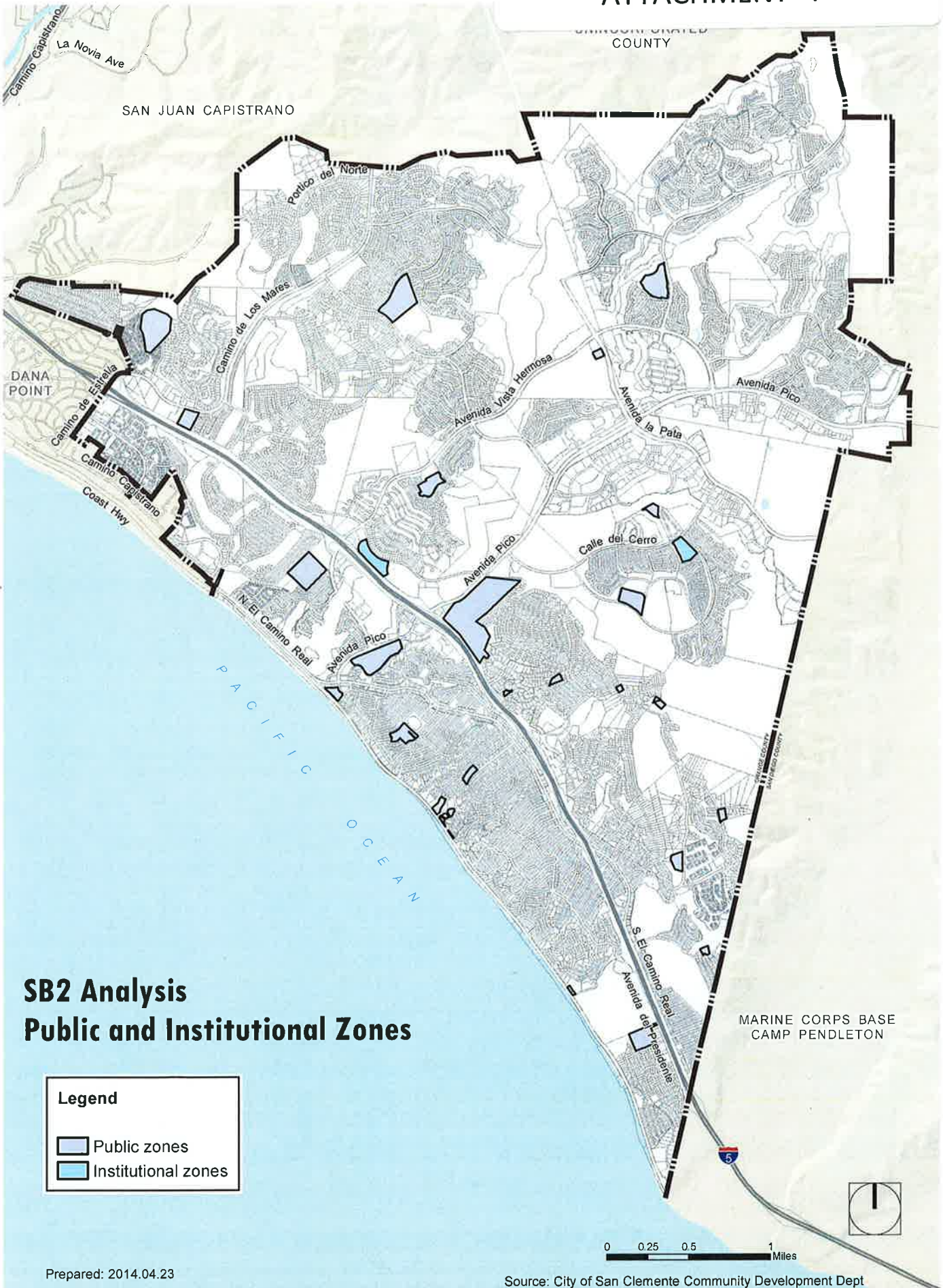
**Public and Institutional Zone Data**

Assessor's Parcel No.	Acres	General Plan	Zoning/Specific Plan	Use	Surrounding Uses
057-053-40	0.6	Public	P	Vacant Reservoir Property	Residential Single Family
679-201-72	2.9	Public	Marblehead Inland Specific Plan	Marblehead Elem/Middle School	Residential Single Family
692-012-33	0.5	Public	Pier Bowl Specific Plan	Beach Parking	CC1
692-012-38	2.4	Public	Pier Bowl SP	Community Center	Community Center
692-012-39	0.0	Public	Pier Bowl SP	Open Space (Community Center)	Part of Community Center
692-013-01	0.9	Public	Pier Bowl Specific Plan	Beach Parking	CC1
691-433-01	17.2	Public	West Pico Corridor (CZ)	Public Utility (Reclamation Plant)	Reclamation Plant
691-311-11	1.0	Public	P (CZ)	Parking	
057-063-01	0.4	Public	P	San Clemente High School (Parking Lot)	Residential Single Family
688-071-02	2.8	Public	Rancho San Clemente Specific Plan	Public Utility (Water Tower)	Residential Single Family
690-502-12	0.4	Public	Reservoir 5 and 5A	Public Utility (Water Tower)	Residential Single Family
688-082-02	9.4	Public	Rancho San Clemente Specific Plan	Lobo Elementary School	Residential Single Family
690-502-16	1.3	Public	Reservoir 5 and 5A	Public Utility (Water Tower)	Residential Single Family
057-072-27	1.7	Public	P	Public Utility (Water Tower)	Residential Single Family
690-541-01	43.8	Public	P	San Clemente High School	Residential Single Family
690-541-02	16.0	Public	P	San Clemente High School	Residential Single Family
690-392-08	1.9	Public	P	San Clemente High School	Residential Single Family
690-260-02	2.6	Public	P	Public Utility (Water Tower)	Residential Single Family
690-260-03	1.4	Public	P	<b>Public Utility (Vacant)</b>	Residential Single Family
057-232-10	0.8	Public	P	Public Utility (Water Tower)	Residential Single Family
688-192-03	7.6	Institutional	Rancho San Clemente Specific Plan	Bishop Church of Jesus Christ	Residential Single Family
679-021-15	1.6	Institutional	Marblehead Inland Specific Plan	Pacific Coast Church of San Clemente	Residential Single Family
679-191-48	5.1	Public	Marblehead Inland Specific Plan	Marblehead Elementary School	Residential Single Family
679-021-05	5.6	Institutional	Marblehead Inland Specific Plan	Vacant (Pacific Coast Church)	Residential Single Family
678-071-11	8.0	Public	Forster Ranch Specific Plan	Truman Benedict Elementary School	Residential Single Family
678-071-10	13.7	Public	Forster Ranch Specific Plan	Bernice Ayer Middle School	Residential Single Family
675-181-01	22.2	Public	P	Public Utility Palisades Reservoir	Residential Single Family
675-072-12	0.4	Public	P	Fire Station	
060-083-87	1.4	Public	P	Public Utility (Developed with Structure)	Residential Single Family
060-251-01	10.0	Public	P (CZ)	Concordia Elementary School	Residential Single Family
060-251-02	0.1	Public	P (CZ)	Sidewalk (Entering School)	School
060-142-26	0.8	Public	P (CZ)	Snack Bar Calafia Beach	Calafia Beach Park
057-020-46	0.0	Public	West Pico Corridor (CZ)	Public Utility (Reclamation Plant)	Part of Reclamation Plant
057-020-51	1.4	Public	West Pico Corridor (CZ)	Public Utility (Reclamation Plant)	Part of Reclamation Plant
057-182-66	0.0	Public	West Pico Corridor (CZ)	Public Utility (Reclamation Plant)	Part of Reclamation Plant
057-192-20	1.5	Public	O-A	Health Club	Residential (RH)
058-111-55	1.9	Public	P-A (CZ)	Community Center & Library	Residential (RH)
058-111-60	0.8	Public	P-A (CZ)	Community Center & Library	Residential (RH)
057-192-10	0.1	Public	P	Downtown Parking Lot (Health Club)	Residential (RH)
057-192-11	0.1	Public	P	Downtown Parking Lot (Health Club)	Residential (RH)
057-192-12	0.1	Public	P	Downtown Parking Lot (Health Club)	Residential (RH)
057-192-13	0.1	Public	P	Downtown Parking Lot (Health Club)	Residential (RH)
057-192-14	0.1	Public	P	Downtown Parking Lot (Health Club)	Residential (RH)
057-192-15	0.1	Public	P	Downtown Parking Lot (Health Club)	Residential (RH)
057-192-16	0.1	Public	P	Downtown Parking Lot (Health Club)	Residential (RH)

057-192-17	Public	P	Downtown Parking Lot (Health Club)	Residential (RH)
057-192-18	Public	P	Downtown Parking Lot (Health Club)	Residential (RH)
057-192-19	Public	P	Downtown Parking Lot (Health Club)	Residential (RH)
692-014-01	Public	Pier Bowl Specific Plan	Park (Parque del Mar)	CC1
692-031-01	Public	Pier Bowl Specific Plan	Open Space (Park)	CC1
060-251-01	Public	P (CZ)	Concordia Elementary School (Street)	Residential Single Family
701-311-01	Public	P	Vista Del Mar Elementary School	Residential Single Family
692-062-26	Public	P (CZ)	Las Palmas Elementary School	Residential Single Family
679-021-14	Institutional	Marblehead Inland Specific Plan	Pacific Coast Church of San Clemente	Residential Single Family
691-421-07	Public	P (CZ)	Shorecliffs Middle School	Residential Single Family
678-163-01	Public	Forster Ranch Specific Plan	Fire Station	Residential (RH)
675-072-13	Public	P	SDG&E Headquarters	Residential (RH)

242.0  
60.0  
Total Average  
Total Parcels

City of San Clemente  
Community Development Department  
41780



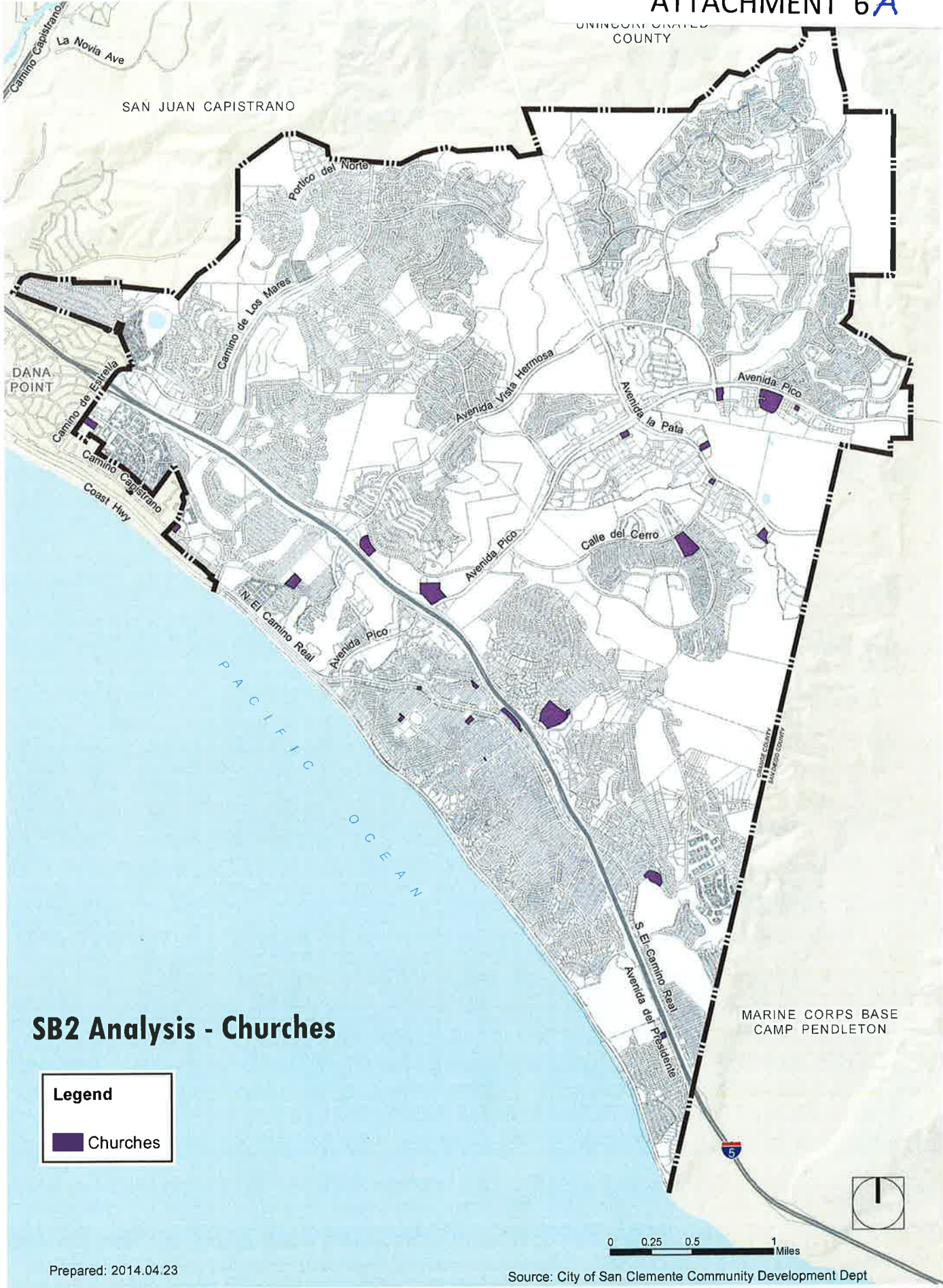
**SB2 Analysis  
Public and Institutional Zones**

**Legend**

- Public zones
- Institutional zones



ORANGE COUNTY



### SB2 Analysis - Churches

**Legend**

- Churches



### SB2 Analysis

- Legend**
- Churches
  - Residential zones
  - Residential 500 ft buffer

MARINE CORPS BASE  
CAMP PENDLETON



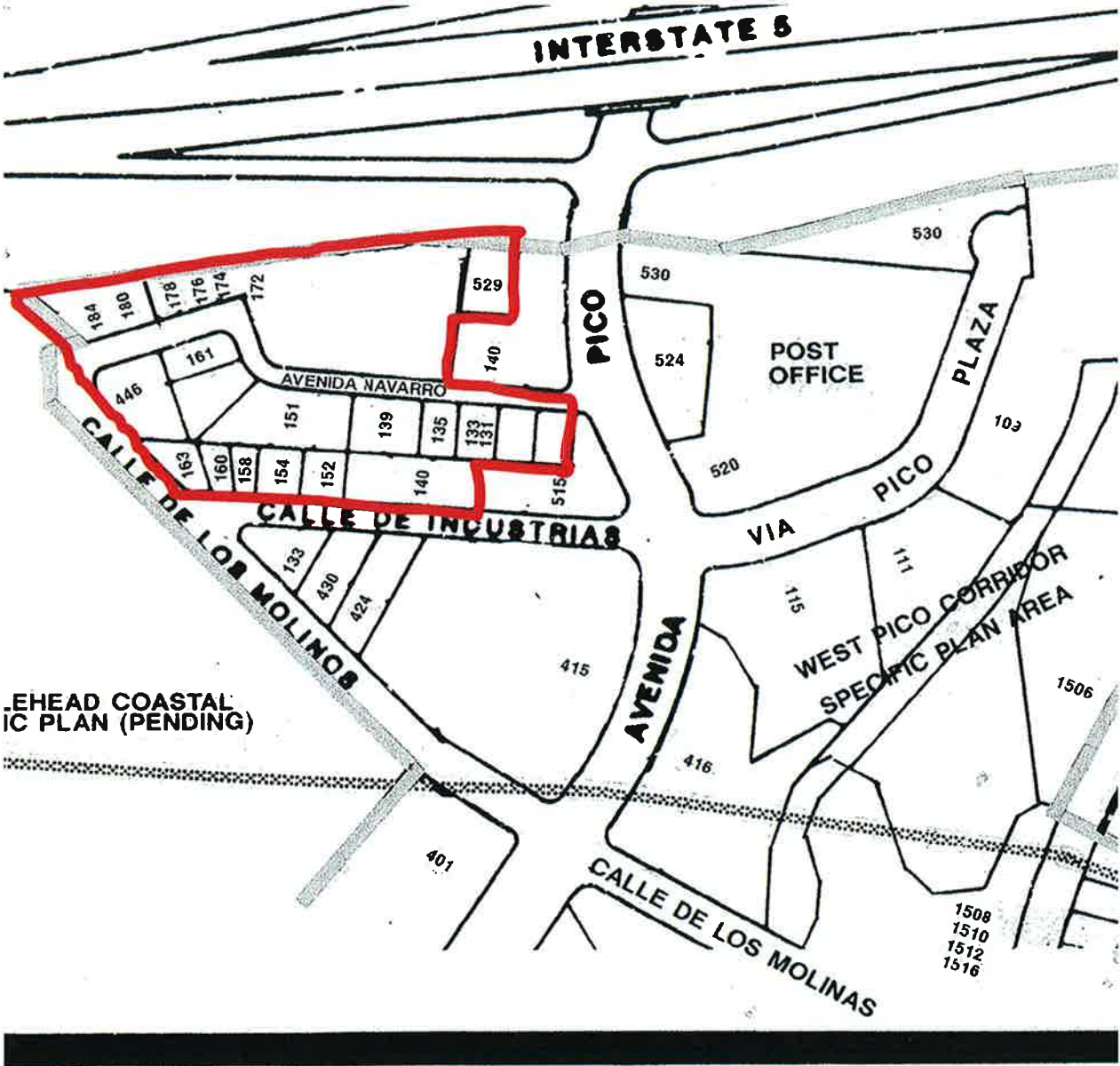
# ATTACHMENT 7

Address/Parcel #	Lot Size (SF) Calculated :
Parcel #: 691-422-18	50,000
424 Calle de los Molinos	7,950
133 Calle de Industrias	7,797
131 Ave Navarro	4,003
135 Ave Navarro	3,994
Parcel #: 057-014-43	6,490
141 Ave Navarro	8,006
140 Calle de Industrias	7,910
151 Ave Navarro	26,881
160 Calle de Industrias	2,953
157 Ave Navarro	7,161
161 Ave Navarro	4,657
102 Ave Navarro	106,20
Parcel #: 057-014-35	5,746
172 Ave Navarro	28,301
138 Ave Navarro	17,555
140 Ave Navarro	11,927

Total SF w/ ATT                      201,331  
 Total Acreage                              4.6

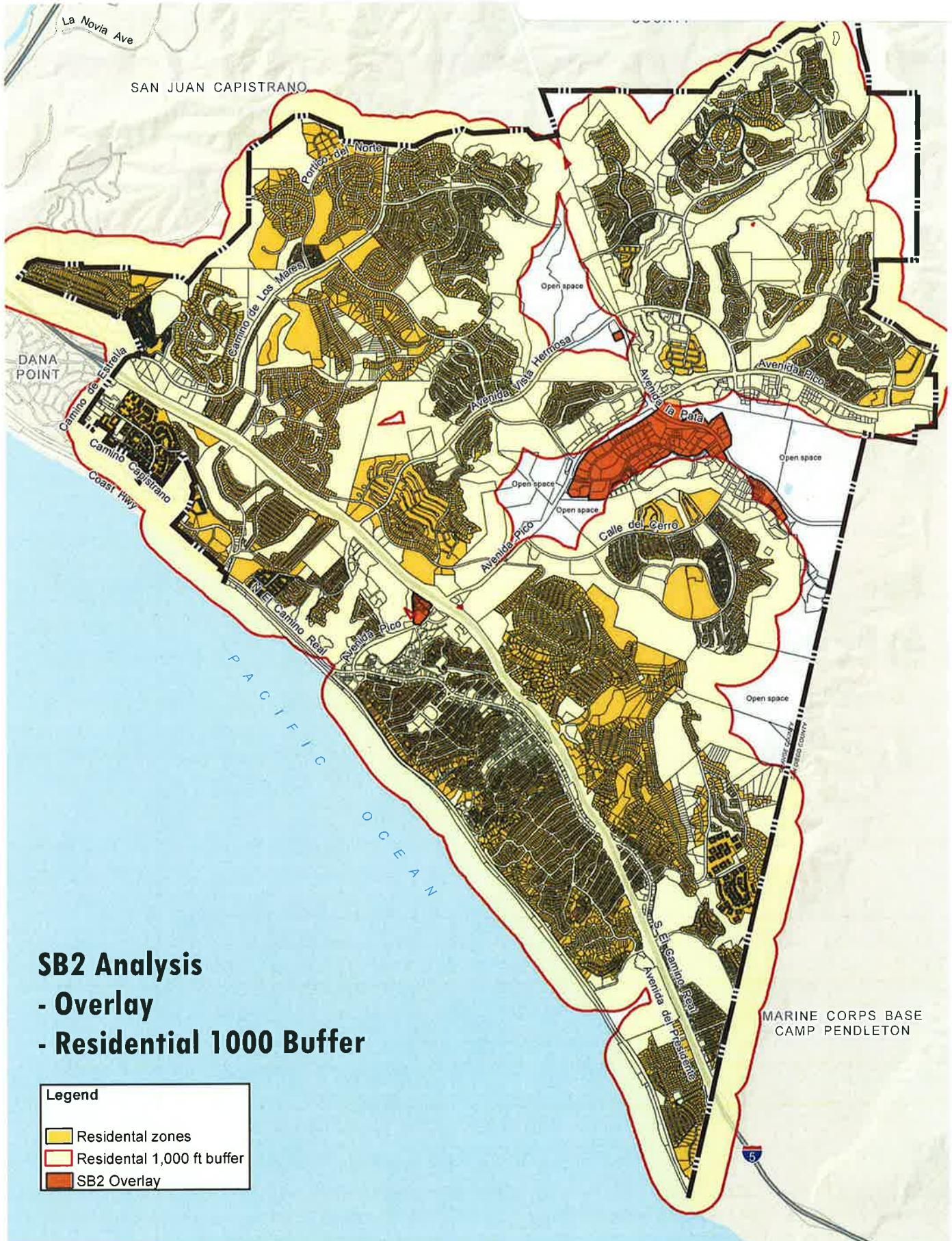
Total SF w/o ATT                      151,331  
 Total Acreage w/o AT&T                3.5

**Calle De Industrias Area  
Proposed SB 2 Overlay Zone**



 SB 2 Overlay Zone

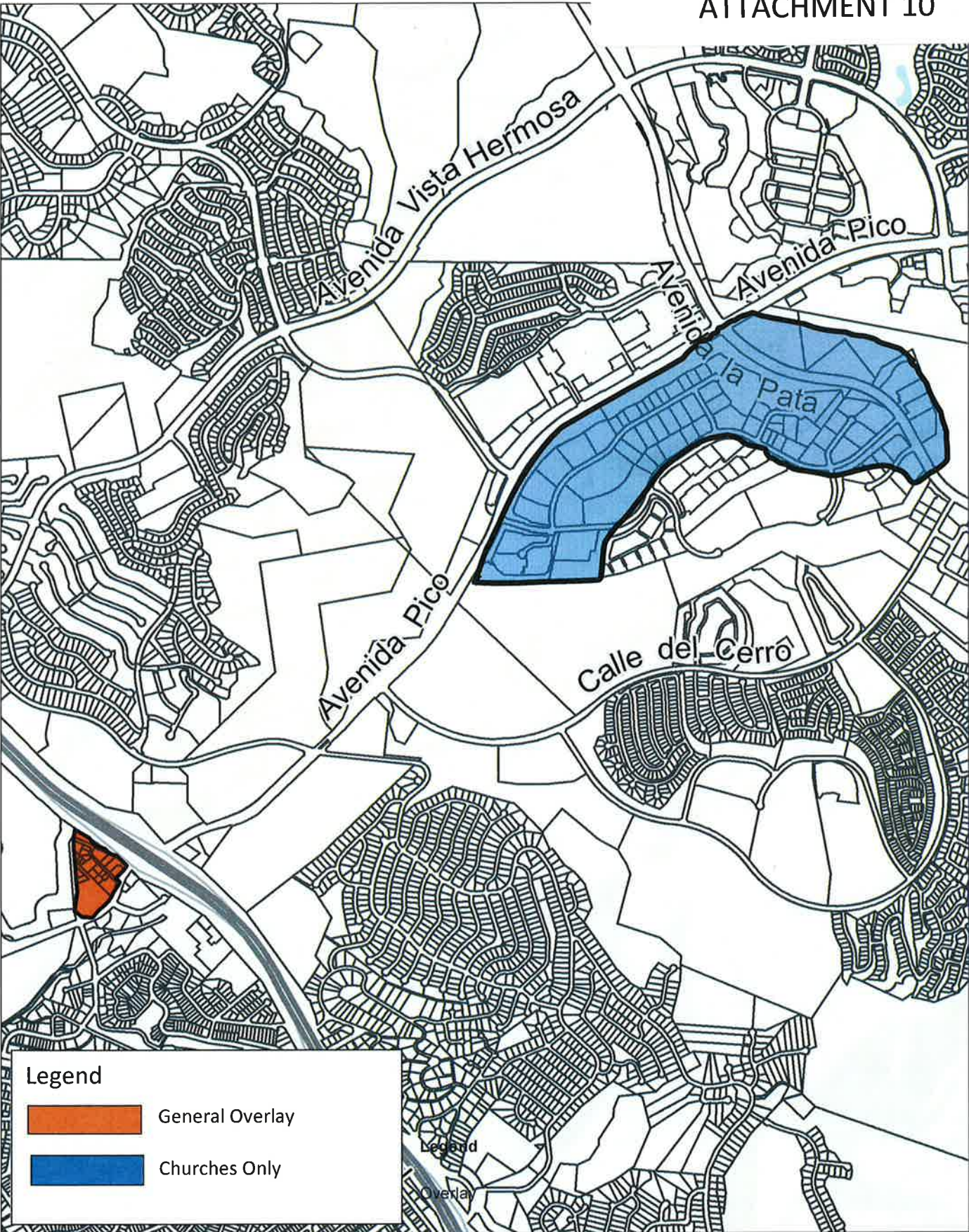




**SB2 Analysis**  
**- Overlay**  
**- Residential 1000 Buffer**

Legend	
	Residential zones
	Residential 1,000 ft buffer
	SB2 Overlay





Prepared: 2014.05.21 Source: City of San Clemente Community Development Dept

# Potential SB2 Overlay

0 0.1 0.2 0.4 Miles

