

Emergency Shelters - Frequently Asked Questions (AZ 13-0006)

1. What is an emergency shelter?

Emergency Shelters are defined in State Health and Safety Code Section 50801(e) as “housing with minimum support 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.”

2. Why is Escondido proposing an emergency shelter zoning overlay?

Senate Bill 2 (SB 2) became effective in 2008 and requires all cities and counties to provide at least one zoning category in which emergency shelters can be located without discretionary approval (i.e. without a public hearing). The zoning category must be identified in the jurisdiction’s Housing Element, include sites with sufficient capacity to serve the community’s local population need for emergency shelter, and be adopted within one year of each jurisdiction’s Housing Element adoption. Most cities in the region already comply with this law.

3. What is the Housing Element?

The Housing Element was adopted on December 12, 2012, and is a required component of each jurisdiction’s General Plan, which is a long-range planning document that guides the use of public and private lands within a community’s boundaries. The purpose of the Housing Element is to assess the housing needs of all economic segments of the community and provide goals, policies and programs for resolving those needs. The State Department of Housing and Community Development (HCD) certifies Housing Elements for compliance with state housing laws. Escondido’s Emergency Shelter Overlay area was identified in the Housing Element as part of the local adoption process and certified by HCD in February 2013.

4. What is Escondido’s population need for emergency shelter?

Based on a ‘point-in-time’ census count of conducted mid-week in January 2013, Escondido’s unsheltered population totals 172 homeless persons.

5. Doesn’t Escondido already allow emergency shelters?

Yes, however Escondido’s codes do not comply with SB 2, which requires a specific zone be identified where emergency shelters may locate without a public hearing. Escondido currently allows emergency shelters only with a Conditional Use Permit (public hearing) in the Light Industrial (M-1) zone, and only on sites immediately adjacent to the General Commercial (C-G) zone, and within 500 feet of public transportation.

6. Does the law require Escondido to develop emergency shelters?

No, SB 2 does not require jurisdictions to purchase, construct, or manage emergency shelters. The law requires that jurisdictions designate areas within their community where such shelters may be located and operated without requiring a public hearing.

7. Does the state restrict where jurisdictions may allow emergency shelters?

Yes, heavy industrial zones, and areas permitting the use of dangerous materials are not considered compatible for locating emergency shelters. Jurisdictions must also demonstrate that sufficient vacant, for-lease, and/or for-sale properties exist within the area. The state also considers the availability of nearby transit for homeless persons to access services that may be elsewhere in the community. For Escondido, properties zoned General Industrial (M-2) and those within the city's Hazardous Chemical Overlay (H-C-O) zone were excluded. Staff evaluated the proposed overlay and documented vacant, for-lease, and for-sale properties, as well as transit services within the proposed overlay, and received approval from HCD for the proposed overlay boundary as part of the certification of the city's Housing Element.

8. Where is the emergency shelter overlay proposed for Escondido?

The proposed overlay is a 74-acre portion of the Light Industrial (M-1) zone located west of Auto Park Way and Country Club Drive, south of Mission Road and Barham Drive, and west of the City of San Marcos (see attached map).

9. Are there any pending plans on file to develop emergency shelters?

No, there are no such plans either within the proposed overlay or elsewhere within the community.

10. Can operating standards for emergency shelters be adopted?

Yes, jurisdictions may adopt limited, objective development and management standards for emergency shelters. As specified in SB 2, the permitted standards include a maximum number of beds, size and location of exterior and interior waiting areas, proximity to other shelters, security, provision of on-site management, and length of stay.

State law requires that jurisdictions apply the same development standards for emergency shelters as are required for other businesses operating in the area. For Escondido, this means that emergency shelters must operate within entirely enclosed permanent structures, comply with off-street parking provisions, lighting, noise and all other city regulations that apply to other businesses in the zone.

11. What are Escondido's proposed emergency shelter operating standards?

Specific standards of all proposed future shelters within Escondido's emergency shelter overlay will include:

- a) Maximum length of stay: six months (defined in State law).
- b) Maximum number of beds: up to 50 (consistent with most cities).
- c) Parking: one (1) space per employee and volunteer and non-client during peak periods, plus one (1) space per 3 beds.
- d) Separation from other shelters: 300 feet (maximum permitted by state law).
- e) Management Plan: site specific information that describes on-site security, staff training, procedures for admitting residents, types of clients served (men, women, children), interior/exterior waiting/intake areas to prevent loitering, management 24-hour contact information, hours of operation, procedures for addressing criminal/disruptive behavior, litter control, client rules, storage of personal effects, services/amenities, etc. Storing non-operational vehicles and sleeping in vehicles on-site will not be permitted in conjunction with a shelter.

12. Is a property owner required to sell or lease to someone who wants to operate an emergency shelter on their property?

No, an owner has discretion regarding the sale or lease of his/her property.

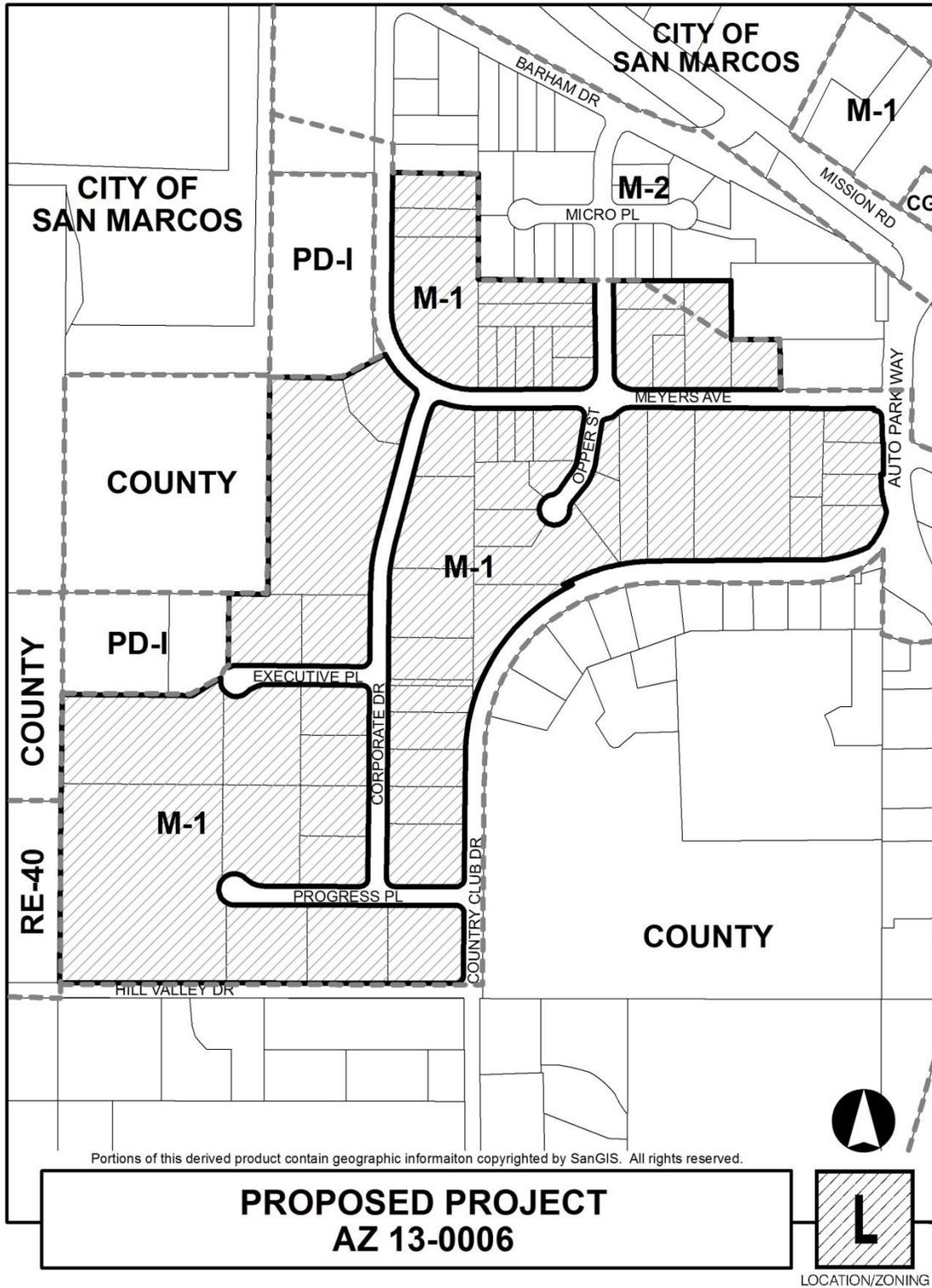
13. Can another area be proposed for an emergency shelter overlay?

Yes, provided that the overlay is not zoned for businesses permitting heavy industrial or the use of dangerous materials. The state would *not* need to affirm the alternate area(s) but the city would need to demonstrate that there are adequate vacant, for-sale and/or for-lease properties available to meet the local homeless population need, and that adequate transportation opportunities are available for clients to access services. Escondido's General Plan Housing Element would also need to be amended to identify the proposed area(s).

14. What if the City does not adopt an emergency shelter zoning overlay?

If Escondido does not adopt an emergency shelter zoning overlay by December 12, 2013, the city's Housing Element is rendered non-compliant by the State HCD. In such a scenario, an emergency shelter proposing to locate within that area identified in the Housing Element (see attached map) would be allowed to operate without being required to comply with any of the operating standards identified in Question #11 above.

Proposed Emergency Shelter Overlay Zone



Portions of this derived product contain geographic information copyrighted by SanGIS. All rights reserved.

**PROPOSED PROJECT
AZ 13-0006**

LOCATION/ZONING