



Emergency Shelters - Frequently Asked Questions

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 must Escondido establish a zoning category allowing emergency shelters?

California Senate Bill 2 (SB 2) became effective in 2008 requiring all cities and counties to provide at least one zoning category in which emergency shelters can be located as a permitted use (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 shelters, and be adopted within one year of each jurisdiction’s Housing Element adoption. Most cities in the region already comply with this law. The Escondido City Council adopted Ordinance 2013-09, amending the Zoning Code to establish a 74-acre area of M-1 (Light Industrial) land on the west side of the City as an emergency shelter overlay on October 23, 2013 (Planning Case No. AZ 13-0006).

3. What is the Housing Element?

The Housing Element 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 Housing Element is adopted every eight (8) years and assesses the housing needs of all economic segments of the community and provides 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. Why is it important for HCD to certify a jurisdiction’s Housing Element?

In order to qualify for a wide variety of financial grants to plan, design and construct various city improvements, including streets, sidewalks, parks, trails, open space, etc., the state Department of Housing and Community Development (HCD) must certify the jurisdiction’s Housing Element to be compliant with state housing law. Because Escondido’s prior Housing Elements have all been certified by HCD, the City has been awarded over \$9,500,000 in grants since 2007 benefitting the entire community.

5. Why is the City re-examining its Emergency Shelter Overlay?

Comments received from residents and business/property owners during the adoption of the current emergency shelter overlay resulted in the City Council directing staff to further examine the overlay. Specifically, the City Council motion states (*verbatim*): **“Adopt Ordinance No. 2013-09, approving the amendment to the zoning code and directing staff to expand the overlay zone to other M-1 zone areas, or a combination of zones, subject to additional public hearings.”** Staff is evaluating additional areas for expanding the Emergency Shelter Overlay and accepting community input pursuant to the City Council’s motion.

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

Based on a ‘point-in-time’ census count of conducted mid-week in February 2014 Escondido’s unsheltered population totals 151 homeless persons.

7. Didn’t Escondido already allow emergency shelters prior to adopting its Emergency Shelter Overlay?

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

8. Does SB 2 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.

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

Yes, heavy industrial zones, and areas permitting the use of dangerous chemicals and/or 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 are excluded. Staff evaluated the adopted 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.

10. 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. A 40-bed winter emergency shelter has been operating between December 1 and March 31 by Interfaith Community Services at 550 West Washington Avenue for several years. The site is within Overlay Option #3 (see accompanying maps) and could operate as a permanent emergency shelter if the City Council amends the adopted Emergency Shelter Overlay.

11. What operating standards for emergency shelters are permitted by State law?

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.

12. What are Escondido 's emergency shelter operating standards?

Specific standards of all shelters within Escondido's Emergency Shelter Overlay 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 are not permitted in conjunction with a shelter.

13. 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.

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

If Escondido did not maintain an emergency shelter zoning overlay the City's Housing Element would be rendered non-compliant by the State HCD. In such a scenario, an emergency shelter could locate throughout the community without being required to comply with any of the operating standards identified in Question #12 above. Additionally, the City would become ineligible to qualify for a variety of financial grants that benefit the entire community.

15. What will be the process for amending Escondido's emergency shelter overlay?

Staff will provide feedback to the City Council after input is received from the Open House Community Meeting and throughout the process. The City Council could decide to maintain, expand or modify the existing overlay based on the information provided subject to the restrictions identified in Question #9 above. Any modification to the existing emergency shelter overlay would require public hearings.

The State HCD would *not* need to affirm the amendment 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 and Zoning Code would also need to be modified to identify the amended Emergency Shelter Overlay Zone.