



American Planning Association
California Chapter

Creating Great Communities for All

May 18, 2020

The Honorable Scott Wiener
Chair, Senate Housing Committee
Room 5100 - State Capitol
Sacramento, CA 95814

SUBJECT: **NOTICE OF SUPPORT IF AMENDED – SB 1138 (Wiener)**
Rezoning of Sites for Emergency Shelters
In Senate Housing Committee – Tuesday, May 26th

Dear Senator Wiener:

The American Planning Association, California Chapter, has taken a support if amended position on SB 1138. Your bill will require additional criteria to be used in determining sites to be rezoned to accommodate emergency shelters. Overall, APA supports changes to existing law in this bill that make it a priority to site and operate emergency centers near services or within transit distance from services, and recent amendments clarify a number of sections requested by APA, which are appreciated.

APA in the last few months however has received a number of comments that this bill, with the goal to identify more sites for more shelters, may unintentionally make it more difficult to find sites. We would like to work with you and the sponsors as the bill moves to discuss these concerns. This is the result of two specific issues:

1. The bill assumes that services are in residential zones but that is not always the case. Planners that reviewed the bill who are scrambling to find sites for emergency shelters are under pressure to quickly identify sites and get people in beds. They are looking for a streamlined process to identify sites that can be secured quickly to meet increasing demand for services, which may not always be the perfect sites or large enough to meet every requirement in the bill. In some cases, providers are looking for larger sites to consolidate services, which are usually not affordable or available in residential areas. They suggested that the bill could offer an alternative and more streamlined compliance option that requires shelters to be “X” distance/transit ride from services, amenities and interim interventions and define specifically what the universe of those items are. This would ensure that the bill’s goal of locating shelters near services is accomplished, rather than using a proxy for those services that may or may not result in development in the right area of each jurisdiction.
2. The second specific concern is on page 6, (H), the provision that the calculation for how many people can be accommodated be based on a minimum of 200 square feet. This will limit how many beds can be provided in each shelter, increasing the need to find sites. 200 square feet is approximately the size of a single car garage, and larger than the State building code requires for efficiency units (150 square feet under Health and Safety Code Sec. 17958.1). Everyone understands that privacy should be a goal for any facility, but that isn’t always feasible depending on the need and can be accomplished in other ways besides square feet mandates.

New amendments to the bill have raised a few additional technical questions and suggested amendments that APA would like to work with you and the sponsors to address:

3. P. 4, 4 (A) - APA appreciates the new definition of “connected to amenities and services” to include offering free transportation to services or offering services onsite. But following that definition, the bill states that shelters “shall” include other interim interventions, “including, but not limited to”, navigation centers, bridge housing, and respite or recuperative care. This can be read that each shelter includes all possible interim interventions, or at least all of those listed, which isn’t feasible for every shelter. This should be reworded instead to state that shelters shall also include access to interim interventions, “such as” navigation centers, bridge housing, and respite or recuperative care.
4. P. 5 – (C) – This requires that if a local government applies written, objective standards listed in statute, the city or county must attach and analyze the standards in its housing element. If these standards are specifically allowed in statute, there is no reason for a costly analysis.
5. P. 5 and 6 (G) – The amendment in the bill that will allow emergency shelters in both vacant and nonvacant sites in a nonresidential zoning designation is helpful. The bill however states that the nonvacant site must be proven available in the planning period “while meeting” all residential local health, safety, habitability and building requirements for any other residential development. This has been read to mean that the building on the site must already meet these standards as opposed to allowing the operator to make changes. It should be amended to say ~~while meeting~~, “and that the site meets or will be redeveloped to meet, ...”

APA appreciates your consideration of these comments and changes and would like to work with you and the sponsors as the bill continues to move. We also have a number of planners in the middle of efforts to find sites for emergency shelters and get them quickly up and running who can provide additional information. If you have any questions, please contact our lobbyist, Sande George, with Stefan/George Associates, sgeorge@stefangeorge.com, 916-443-5301.

Sincerely,



Eric S. Phillips
Vice President, Policy and Legislation - APA California

cc: Senate Housing Committee
Republican Caucus
OPR