



American Planning Association
California Chapter

Creating Great Communities for All

MEMO TO: ASSEMBLY HOUSING & COMMUNITY DEVELOPMENT COMMITTEE

FROM: AMERICAN PLANNING ASSOCIATION, CALIFORNIA CHAPTER

DATE: JULY 20, 2020

SUBJECT: **NOTICE OF SUPPORT IF AMENDED – SB 1138 (Wiener)**
Rezoning of Sites for Emergency Shelters - In Senate Housing Committee – Tuesday, July 28th

The American Planning Association, California Chapter, has taken a support if amended position on SB 1138. This 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.

APA appreciates both staff's and sponsors' willingness to discuss issues that planners are experiencing in siting emergency shelters, and previous amendments clarified a number of sections requested by APA, which are also appreciated. APA has received numerous comments from planners in the middle of efforts to find sites for emergency shelters and get them quickly up and running. Based on those comments, APA respectfully requests that two other changes be made to the bill:

On page 6, (H), eliminate the new planning standard that the calculation for how many people can be accommodated be based on a minimum of 200 square feet. While APA appreciates the amendment to clarify that this "is intended only for calculating site capacity for planning purposes and shall not be interpreted as a development standard applicable to emergency shelters", we are not sure that it alleviates the problems cities, counties and providers are facing in finding sites necessary to meet the need even for planning purposes. It in fact raises questions that would be helpful to clarify for planners implementing the bill:

- 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). Does the 200 square feet pertain to both building space and land used at the facility for resident needs, the lot itself, or just building space?
- Regardless of the answer to the above question, this requirement even as amended will make it difficult to find suitable sites for purposes of the Housing Element as it will require identifying substantially more or substantially larger sites to provide "sufficient capacity to accommodate the need for emergency shelter".
- The language still reads as a standard. If it is not, it should be made clear what "for planning purposes" is intended to mean.
- Because the state has put a specific number in the law, could this result in using the measure to stop a project or preclude finding a reasonable site? Size itself does not mean a site cannot hold the shelter. Homeless providers can be extremely creative. It depends on who you serve and the type of facility and the services you provide. But this still looks like a major barrier to identifying usable sites.

Given how difficult it is to find sites for emergency shelters, such a specific square footage per person requirement isn't always feasible and will increase costs and limit the number of total beds per site and per facility even though the need for those beds remains extremely high.

On page 5, (C), delete the requirement 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. The bill also eliminates conditional use permits for these types of facilities. The objective standards and elimination of conditional use permits on these facilities will be a significant help. Allowing by right and reasonable objective standards should be sufficient to ensure a well-run facility. Providers are used to the existing operating criteria in statute and anticipate those costs. However, the bill shouldn't require every local government to then provide a costly analysis of these standards if authorized specifically by law where no conditional use permit is allowed.

APA also suggests consideration of two other amendments:

1. Consider requiring cities and counties to consult with known nonprofit providers operating or willing to operate facilities in their jurisdiction to identify the best sites in the housing element. 24-hour facilities need sufficient land and prefer expansion opportunities – and providers are always looking for ways to avoid rather than add expenses born by the operator which may not be known by the city or county. A discussion with shelter providers of what their needs are and what types of spaces they are looking for to assist them in building new shelters as to size, location and money to operate would make future siting decisions and projects much more efficient and successful.
2. Consider asking HCD to identify strategies to provide and sustain ongoing operations and services for emergency shelters, and particularly to pay the employees at these facilities better than minimum wage – it is a very hard job. Nonprofits are trying to find a source for an endowment so that they can use the interest to fund the administration and maintenance of the facilities, but that has proven difficult. Additional ideas are critical. This information could be combined with any HCD advisories provided related to this bill or emergency sites in general.

If you have any questions, please contact our lobbyist, Sande George, with Stefan/George Associates, sgeorge@stefangeorge.com, 916-443-5301.