

RESOLUTION NUMBER R- 289493

ADOPTED ON NOV 25 1997

WHEREAS, Government Code section 65302(c) requires all cities and counties within the State of California to include a Housing Element in their General Plans and to prepare an Update to their Housing Element every five (5) years; and

WHEREAS, the City of San Diego's most recent Housing Element Update was adopted by the Council of The City of San Diego on March 21, 1995, and approved by the California Department of Housing and Community Development on April 21, 1997; and

WHEREAS, the adequacy of the City's March 21, 1995, adopted Housing Element Update was challenged in Superior Court, State of California, County of San Diego, on the basis that it does not comply with Government Code section 65583(c)(1) which requires an identification of adequate sites for emergency shelters and transitional housing and an action plan to make those sites available; and

WHEREAS, on October 30, 1995, the Court issued an order requiring the City to amend its March 21, 1995, adopted Housing Element Update, pursuant to Government Code section 65583(c)(1), within one hundred twenty (120) days of the court order; and

WHEREAS, the City Council adopted an amendment to the Housing Element on January 30, 1996, and such amendment was approved by the California Department of Housing and Community Development on February 15, 1996; and

WHEREAS, plaintiffs again challenged the Housing Element, alleging that it still failed to comply with Government Code section 65583(c)(1), and

WHEREAS, on April 18, 1996, the court issued its final judgment, concluding that the City had not complied with Government Code section 65583(c)(1) and gave the City sixty (60) days to amend its Housing Element again to bring it into compliance; and

WHEREAS, the City appealed this decision to the Court of Appeal; and

WHEREAS, on June 17, 1997, the Fourth District Court of Appeal affirmed the trial court's ruling with the provision that the City's five year action plan need not fulfill the entire unmet housing needs of the homeless population but instead simply needed to meet the City's quantified objectives as identified in the Housing Element; and

WHEREAS, the City filed a petition of review with the California Supreme Court; and

WHEREAS, the California Supreme Court has notified the City that its petition for review has been denied; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, as follows:

1. That the amendment to the Housing Element is adopted as an amendment to the City's Progress Guide and General Plan with the following specific changes to the amended document:

A. Policies under Housing for the Homeless on pages 142 and 143 shall be amended as follows:

(1) The following sentence shall be deleted:

~~The City shall examine alternatives for providing increased flexibility for providers in obtaining land use approvals and providing for geographic parity throughout the City, while retaining opportunity for the assessment of impacts on applicable zones.~~

(2) The following new policies shall be added as Policies 30 and 31:

30. The City will amend its development regulations for emergency shelters and transitional housing so as to reduce the amount of time involved in the required decision-making process.

31. The City will amend its development regulations to remove the 1/4 mile separation requirement for emergency shelters and transitional housing facilities.

B. The following shall be added to the description of the City's programs for the Homeless on page 151:

The City shall facilitate the location of emergency shelter and transitional housing facilities by reducing the amount and time involved in the decision-making process. Also, the City will amend its development regulations to remove the 1/4 mile separation requirement for emergency shelters and transitional housing facilities.

Although emergency shelter and transitional housing facilities will continue to be allowed wherever residential development is permitted, Maps 4 and 5 depict areas where the City encourages such uses to be located. Map 4 depicts industrial and commercial zones as being suitable for emergency shelters while Map 5 depicts higher density and multi-family zones as being suitable for transitional housing. These maps show more specific areas throughout the City which provide a significant number of adequate sites to meet the City's quantified objectives for emergency shelters and transitional housing.

C. The following text shall be deleted, as shown on page 151:

~~The vacant land and infill/redevelopment acreage noted in Table 26, page 96 constitutes potential sites for residential development within the City. Accordingly, these sites could potentially be utilized for emergency and transitional facilities. The sites are depicted by density category in Map 4 on page 137A, which shows Vacant Land in the City and Map 5 on page 137B which shows Infill/Redevelopment Land in the City.~~

D. The following maps shall be added at pages 153 and 155 respectively:

Map 4 entitled "Industrial and Commercial Zones Suitable for Emergency Shelters" and Map 5 entitled "Multi-Family and Commercial Zones Suitable for Transitional Housing"

E. The following sentence shall be modified as follows on page 157, describing the "Good Neighbor Plan":

If all issues cannot be resolved in advance of permit application, the applicant and neighborhood parties have the option of requesting mediation of issues through a dispute resolution program for which the applicant City would pay the associated costs up to \$500 per case, with an annual budget of \$10,000 for this service.

F. The following text describing the City's Inclement Weather Program at page 157 shall be deleted:

~~In terms of the City's Inclement Weather Program, the City's 1994/1995 and 1995/1996 Inclement Weather Programs are based on a plan that provides for the geographic distribution of emergency beds, thereby making this service more accessible citywide. These programs differs from the 1993/1994 program when it was administered from one facility, a municipal gym. Opened 24 hours from December, 1993 to March, 1994, the gym accommodated up to 500 persons. The goal of the current program is to provide additional shelter options, using dispersed sites, when persons are most vulnerable. This year's program operates from November 1, 1995 though March 31, 1996. It is weather driven in that it is activated when the temperature drops to 40 degrees with no rain and 50 degrees with rain. The program offers shelter through the expansion of existing shelter programs and a motel voucher system.~~

~~Information is available through a network of service providers and a toll free information line.~~

G. The following text describing the evolution of the City's winter shelter program is added at page 157:

The City's response to the need for shelter during the cold weather season has evolved over the past several years. During the 1993-94 winter, the City opened the Municipal Gym in Balboa Park on a 24 hour basis for homeless persons. The following two winters, the City operated a weather driven program in which several facilities were opened on an emergency basis during periods of particularly cold or inclement weather. During the 1996-97 winter, the City moved toward a seasonal shelter concept in which

a large vacant building was made available on a 24 hour basis for up to 700 persons nightly

For the 1997-98 winter, the City is planning a series of dispersed 24 hour sites which would serve approximately 650 people and be targeted to specific homeless populations. One site would be specifically for homeless men and women; another would give priority to homeless veterans; and a third site would be designated for homeless women and children. These sites should generally be consistent with those depicted on Map 4

H. The following text shall be added to the description of the City's programs for the Homeless on page 158:

HUD's Continuum of Care Homeless Assistance Program encourages the addressing of homeless needs comprehensively and in a coordinated manner. Consequently, the City's Housing Commission has coordinated the annual planning process for identifying gaps in service pursuant to the Continuum of Care concept. This coordination has resulted in a well integrated, seamless provision of services to the homeless, as outlined in the City's Supportive Housing Program. Each provider has a role to play and expertise to bring to bear.

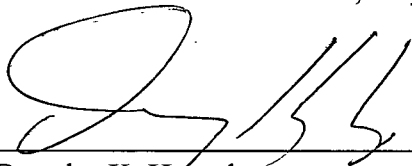
The Continuum of Care Program has resulted in approximately \$16.9 million being awarded to local providers and the Housing Commission for homeless services. The program has become the principal funding vehicle for transitional housing and case management assistance and has resulted in extensive collaboration among the provider community in order to maximize service delivery.

I. The following text has been added to the description of the City's programs to increase housing affordability opportunities at page 208:

3 Supportive Housing Program - This program is funded by the federal government and is designed to promote the development of supportive housing and supportive services to assist homeless persons in the transition to independent living. Supportive housing includes transitional beds, individual housing units, and community living environments. Supportive services includes case management, therapy, child care, education, and job training.

2. That a copy of this amendment to the Housing Element be placed on file in the office of the City Clerk as Document No. RR- 289493

APPROVED: CASEY GWINN, City Attorney

By 

Douglas K. Humphreys
Deputy City Attorney

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