



## Memorandum

January 16, 2012

---

**TO:** Sausalito Housing Element Task Force

**FROM:** Geoff I. Bradley, Principal, Metropolitan Planning Group  
Karen Warner, AICP, Principal, Karen Warner Associates

**SUBJECT:** Analysis of Zoning Districts to Accommodate Emergency Shelters for the Housing Element Update, per Senate Bill 2 Requirements

---

### Background

At the Housing Element Task Force meeting on 1-9-12, Task Force members voted 4-2-1 (4 Ayes, 2 Nays, 1 Abstention) to modify the text in the draft Housing Element that identifies emergency shelters as a permitted use in a particular zoning district. The text was modified from the Industrial-Marinship Zoning District to the Public Institutional Zoning District.

In order to facilitate the discussion on this topic, M-Group and Karen Warner Associates would like to provide a brief analysis of the suitability of both zoning districts for emergency shelters.

### Definition

Emergency Shelters (Health and Safety Code Section 50801(e): "Emergency shelter" means housing with minimal supportive 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.

### California Government Code requirements

Pursuant SB 2, Government Code Section 65583 now requires the Housing Element to contain:

*"The identification of a zone or zones where emergency shelters are allowed as a permitted use without a conditional use or other discretionary permit. The identified zone or zones shall include sufficient capacity to accommodate the need for emergency shelter identified in paragraph (7), except that each local government shall identify a zone or zones that can accommodate at least one year-round emergency shelter. If the local government cannot identify a zone or zones with sufficient capacity, the local government shall include a program to amend its zoning ordinance to meet the requirements of this paragraph within one year of the adoption of the housing element. The local government may identify additional zones where emergency shelters are permitted with a conditional use permit."*

Emergency shelters shall only be subject to the same development and operational standards that apply to permitted residential or commercial uses in the chosen district. Written and objective standards may be applied to regulate the following:

**ITEM 4  
(5 Pages)**



- The maximum number of beds or persons permitted to be served nightly by the facility;
- Off-street parking based on demonstrated need, but not to exceed parking requirements for other residential or commercial uses in the same zone;
- The size and location of exterior and interior onsite waiting and client intake areas;
- The provision of onsite management;
- The proximity of other emergency shelters, provided that emergency shelters are not required to be more than 300 feet apart;
- The length of stay;
- Lighting; and
- Security during hours that the emergency shelter is in operation.

**Suitability of Zoning Districts: Industrial-Marinship District vs. Public Institutional District**

M-Group recommends considering Emergency Shelters as an allowed use in the Industrial-Marinship Zoning District of the Marinship Overlay District and treated as a commercial hotel use. This location would minimize the land use potential compatibility conflicts inherent in other locations; the area has good accessibility to persons in need and to transit; and the zoning district contains site capacity and existing buildings suitable for potential shelter use.

Review of the Marinship Specific Plan (the governing document for the Marinship Overlay District) identifies the general intent of the Specific Plan’s Industrial Zone as follows:

“Non-polluting, low traffic generating, low intensity industrial uses, and the following uses to the extent they are compatible to an industrial area: warehousing; wholesale trade and industrial service and supply; art, including Fine Arts, Maritime Arts, Industrial Arts and Applied Arts, and craft workshops (no retail sales); industrial or marine-oriented research and development laboratories; small-scale appliance and equipment repair and service; boat storage, yacht clubs; wholesale and retail fish sales; employee eating establishments.”

The Industrial-Marinship Zoning District is the Marinship Overlay District’s largest Zoning District and includes the widest variety of permitted uses. To the extent possible, especially on the larger parcels, a mixture of uses is to be encouraged. The Marinship Specific Plan states that the typically permitted uses in the Industrial Zone parcels include: general industrial marine industrial, arts, commercial service, limited amounts of restaurant and food service, and dry boat storage uses categories. Existing legal office, full service restaurant, and residential uses may remain as permitted uses.

The low intensity character of the Industrial Zone and absence of heavy manufacturing uses provide compatibility for introduction of a potential emergency shelter use. Traffic generation from an emergency shelter would be minimal, consistent with the goals of the Marinship Specific Plan.

Anecdotal references from the community indicate that low-income and marginally housed persons tend to “gravitate” toward the Marinship area as many have prior connections to the waterfront, or marine-related work. Members of the community have indicated that there is already an informal network of local residents providing social services on an ad-hoc basis to those in need.



Concerns about emergency shelters in the Marinship Specific Plan's Industrial zone were raised by Task Force members at the January 9, 2012 meeting. Individual members stated that there were significant land stability issues and the risk of tsunami flooding in the Marinship zone, and therefore the location was unsafe for habitation. M-Group recognizes these as pre-existing conditions, however, land stability issues could be overcome by proper engineering and construction methods, and tsunami risks are not typically used to exclude land uses because of its remote probability. A proposed emergency shelter may also utilize an existing building instead of shouldering the burden of new construction.

SB 2 requires jurisdictions to demonstrate sufficient site capacity within the Zoning District identified for emergency shelters. M-Group suggests that the several underutilized parking lots or certain underutilized buildings could be identified to indicate that an emergency shelter could potentially be built in those locations. The key is to identify the potential, not mandate the development of an emergency shelter. There is no obligation for any parcel owner to build an emergency shelter, and given the high land costs in Sausalito, the likelihood of a non-profit sponsor proposing to locate a shelter in the community would not be high.

#### **Public Institutional Zoning District**

The Public Institutional Zoning District was first suggested at the Third Community Meeting held on December 3, 2011 by members of the public as a potential zoning district to accommodate emergency shelters. This zoning district offers a limited number of sites in Sausalito, listed below:

- Spencer Fire Station,
- Fire and police stations on Johnson Street,
- Large parcel utilized by Bayside Elementary school and Willow Creek Academy School,
- Parking lots and land near the downtown historic district and ferry terminal,
- City Hall and Robin Sweeny Park,
- Electrical station bordered by Marin Avenue, Woodward Avenue and Rodeo Avenue,
- Public Works Department corporation yard at the corner of Tomales Street and Nevada Street,
- Martin Luther King Junior Park,
- US Post Office on Harbor Drive within the Marinship Specific Plan, and
- The US Army Corps of Engineers Bay Model and US Veteran's Affairs Machine Shop parcels, bordered by the Marinship Park and the Schoonmaker Point Marina.

Many of these sites are tightly bordered by residential uses, are already built out, or affect recreational spaces that are highly valued by the community. Given the general perceived incompatibility between emergency shelters and residential areas, previously raised concerns for specific sites during this Housing Element Update process, and the existing community resistance to new housing developments, M-Group and Karen Warner Associates do not recommend identifying the Public Institutional Zone in Sausalito as a zoning district permitting Emergency Shelters.



**Examples from relevant Marin County jurisdictions**

Table 1 below shows what other Marin County jurisdictions have chosen in terms of zoning districts to permit emergency shelters. Mill Valley’s most recent Housing Element was adopted before Senate Bill 2 took effect, and hence not included in this comparison.

**Table 1**

<b>Marin County Jurisdictions</b>	<b>Zone where Emergency Shelters are permitted</b>
Marin County	Planned Commercial (CP) and Retail Business (C1)
Fairfax	Central Commercial (CC- previously Highway Commercial) and Public & Quasi-Public Districts
Tiburon	All commercial zones – Neighborhood Commercial, Neighborhood Commercial with Affordable Housing Overlay, Village Commercial (these sites deemed highly suitable for emergency shelters in comparison with hillside single-family residential zones).
Larkspur	Administrative Professional (A- P) and General Commercial (C-2) zones.
Belvedere	Recreation (R) zone.

The comparison shows a wide range of choices for chosen zoning districts. None are in residential zones, and most are in commercial or public districts. It should be noted that Fairfax, Tiburon, and Belvedere have no industrial zones, and Larkspur has only a small fraction of its land zoned for light industrial and is built out. Considerations that jurisdictions gave when choosing a zone for emergency shelters included:

- Proximity to transit and main thoroughfares,
- Relatively flat (and therefore buildable) land,
- Proximity to health services and grocery stores, and
- Sufficient available sites in these zoning districts to accommodate an emergency shelter.

Marin County jurisdictions also included programs to encourage positive relations between neighborhoods and providers of permanent or temporary emergency shelters. Some jurisdictions required potential shelter operators to establish outreach programs to the community.

In Karen Warner’s experience, the majority of jurisdictions she has worked with in gaining compliance with SB 2 have selected a light industrial and/or heavy commercial zone to permits shelters by right.



**Land Acreage in different Zoning Districts in Sausalito**

Table 2 below shows a comparison of land acreage for each zoning district in Sausalito. SB2 requires information in the Housing Element related to how much land there is in the selected zoning district as an indication of land availability.

**Table 2**

Sausalito Zoning District	Total Acreage (in acres)
CC	6.59
CN-1	3.25
CN-2	2.61
CR	6.00
CS	1.30
CW	9.34
H	4.71
R-A	0.34
W	80.48
OA	145.90
OS	35.58
Industrial-Marinship	89.23
Public Institutional	64.20
PP	13.67
PR	7.52
R-1-20	26.46
R-1-8	34.89
R-1-6	127.28
R-2-5	9.81
R-2-2.5	75.35
R-3	49.94

**Other Zoning Districts in Sausalito**

M-Group and Karen Warner Associates deem the other zoning districts in Sausalito unsuitable for emergency shelters. Residential districts are unsuitable due to the perceived incompatibility between emergency shelters and residential areas. Although commercial districts are close to main thoroughfares and transit, they are also closely knitted with residential areas throughout the City, and therefore likely to cause a land use disturbance as well. The Waterfront Zoning District does not have suitable sites for emergency shelters. Sausalito is protective of its areas designated for open space and allowances for emergency shelters would be in conflict with open space preservation.

I:\CDD\PROJECTS - NON-ADDRESS\Housing Element\2009 Update\SB 2- Emergency Shelters\Memo on Emergency Shelter 1-16-12.docx