



## CITY OF BIGGS Planning Staff Report

TO: **City of Biggs City Council**

FROM: Mark Sorensen, City Administrator  
Scott Friend, AICP, City Planner

MEETING DATE: December 10, 2013; 6:30 p.m., Biggs City Hall, 465 C Street,  
Biggs, CA 95917

SUBJECT: *Informational Item –*  
Implementation of the 2009–2014 Housing Element Programs

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### **Summary:**

The City's current Housing Element includes a number of Programs which require amendments to the City's Zoning Ordinance. The Housing Element stated that these amendments were to be completed by the end of 2011. In order for the City's 2014-2022 Housing Element to be found in-compliance with State Housing Law, the zoning amendments identified in the current Housing Element must be adopted prior to the Department of Housing and Community Development (HCD) review of the 2014-2022 updated Element.

### **Discussion:**

The 2009-2014 Housing Element included five Programs which require amendments to the City's Zoning Ordinance in order to comply with State Law. As listed in the adopted Housing Element, the Programs, the relevant State Law, and the specific action that is required are listed below.

- **Housing Element Program 2.2 - Farmworker Housing:**

Provide for the development of suitable housing for farmworkers. Farmworkers typically have special housing needs due to their lower incomes and the seasonal nature of their work. As a result, farmworkers often have a more difficult time finding suitable housing. California Health and Safety Code Section 17021.5 states that employee housing for farmworkers accommodating six or fewer workers shall be considered a residential use and shall not require any special approvals that are not required of a family dwelling of the same type in the same zone. Currently, the City's Zoning Ordinance does not explicitly allow for agricultural employee housing within zoning districts in the City.

*State Law:* Government Code Section 65583 (c)(1)(C) *requires* cities to provide for sufficient sites that are zoned to allow farmworker housing by-right. The

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Code also requires that density and development standards accommodate and facilitate the feasibility of the development of farmworker housing for low- and very low- income households. California Health and Safety Code Section 17021.5 requires that employee housing for six or fewer persons to be treated as a single-family structure and residential use. No conditional use permit, zoning variance, or other zoning clearance shall be required for this type of employee housing that is not required of a family dwelling of the same type in the same zone.

*Specific Action Required:* The City needs to amend its Zoning Ordinance so that it conforms to State Law regarding farmworker housing for six or fewer persons.

- Housing Element Program 2.8 - Density Bonus Program: The production of additional low and moderate income housing.

*State Law:* Government Code Section 65915 *requires* a city or county to grant at least one density bonus and permit an additional housing incentive for developers who agree to construct housing affordable to lower-income households, unless the city makes a written finding that the density bonus or housing incentive is not required for the units to be affordable.

*Specific Action Required:* California's density bonus law was amended in 2004. Under the current provisions of the law, a bonus can be given when a project provides affordable housing, senior housing (whether affordable or not), donations of land for affordable housing, and condominium conversions that include affordable housing and child care facilities. Developers may also receive various zoning concessions and reduced parking standards. Development of at least 5 units are eligible for the bonus if either 5 percent of the units are affordable to very low-income households, 10 percent are affordable to low-income households, or 10 percent are affordable to moderate-income households.

The 2004 modification provided for higher density bonuses for lower-income units and lower bonuses for moderate-income units. Housing developments can request up to a 20 percent density bonus if they provide either 5 percent to very low- or 10 percent to low-income households but only a 5 percent bonus if the development provides 10 percent moderate-income units. The amendment also initiated a sliding scale that requires an additional 2.5 percent bonus for each additional increase of 1 percent very low-income units, an additional 1.5 percent bonus for each additional 1 percent increase in lower-income units, and an additional 1 percent bonus for each 1 percent increase in moderate-income units. The total density bonus cannot exceed 35 percent. The amended statute contains specific provisions for each of the eligible types of housing.

The City's Zoning Ordinance needs to be amended to conform to the 2004 statutory modifications to the state density bonus law. The City needs to amend its Zoning Ordinance to offer a density bonus in accordance with the state density bonus law.

- Housing Element Program 2.11 - Emergency Shelters/Transitional and Supportive Housing: The provision of emergency shelters and transitional and supportive housing resources for homeless and nearly homeless persons.

*State Law*: Senate Bill 2 (SB 2) (Chapter 633, Statutes of 2007) clarified and strengthened housing element law to ensure zoning encourages and facilitates emergency shelters. SB 2 limits the denial of emergency shelters, and transitional and supportive housing under the Housing Accountability Act. SB 2 was codified into state law under Government Code Section 65583.

*Specific Action Required*: The City's Zoning Ordinance needs to be amended to adhere to State legislation regarding the allowance of emergency shelters, transitional housing, and supportive housing by right. Both transitional and supportive housing need to be allowed as a permitted use in the selected zoning district in which they are allowed.

- Housing Element Program 2.12 - Single-Room Occupancy Units (SROs): To encourage and facilitate supportive housing and single-room occupancy units.

*State Law*: AB 2634 (Lieber) requires the quantification and analysis of existing and projected housing needs to extremely low-income households and requires Housing Elements to identify zoning to encourage and facilitate supportive housing and single-room occupancy units.

*Specific Action Required*: The City's Zoning Ordinance allows for multifamily dwellings, which includes units designed for or used for residential occupancy by more than two families. Unit types could include apartment houses, dormitories, rooming houses, row houses, townhouses and similar housing types; each with or without common or separate kitchen or dining facilities.

Additionally, residential zones allow for guesthouses which are a detached accessory building intended for occupancy by guests without compensation of any kind as a condition of occupancy and used as sleeping quarters only, without cooking facilities. The development standards for these types of uses are the same as other uses in the respective zone and do not constrain the development of SRO types. The City needs to update its Zoning Code to include a definition for SROs and to allow SROs in the same zone(s) where the same types of units are allowed.

- Housing Element Program 2.15 – Residential Care Facilities: Revise the Zoning Ordinance to establish Residential Care Facilities as a use that is principally permitted or permitted via a Use Permit in residential zone districts.

*State Law:* California Health and Safety Code Sections 1267.8 and 1566.3 require local governments to treat licensed group homes and residential care facilities with six or fewer residents no differently than other by-right single-family housing uses. “Six or fewer persons” does not include the operator, the operator’s family or persons employed as staff. Local agencies must allow these licensed residential care facilities in any area zoned for residential use, and may not require licensed residential care facilities for six or less to obtain conditional use permits or variances that are not required of other family dwellings.

*Specific Action Required:* The City needs to amend Chapter 14.100 Residential Use Table, of the Biggs Municipal Code to allow for small care facilities having 6 or fewer persons as a by-right permitted principal use and to allow large care facilities having 7 or more persons as a permitted use subject to the approval and issuance of a conditional use permit.

The following Program is not required by a specific State Law, but it was adopted in the City’s current Housing Element.

- Program 1.7 – Multifamily Housing:  
Continue to explore alternative methods for increasing the City’s affordable housing stock.

*State Law:* No specific state law requires this action, but it is a program from the adopted Housing Element.

*Specific Action Required:* Currently, the City allows for the development of single-family homes in the high density zoning district (R-3). The City will consider amending the Zoning Ordinance to require a CUP for single-family development in the R-3 zoning district so that these remaining sites can be used to accommodate multi-family housing.

In order to implement the 2009-2014 Housing Element Programs, staff will be presenting a draft ordinance amending the City’s zoning code for consideration at the January City Council meeting. The draft ordinance would revise Title 14, *Zoning*, in several areas as well as add a new chapter entitled, Chapter 14.170, *Affordable Housing Incentives/Residential Density Bonuses*. In particular, the draft ordinance would add definitions for *agricultural worker housing*, *density bonus*, *emergency shelter*, *residential care home – large*, *residential care home – small*, *single room occupancy housing*, *supportive housing*, and *transitional housing* to Chapter 14.010,

*Definitions.* The draft ordinance would also amend Section 14.100.030 Residential Use Table to include *agricultural worker housing, residential care home – large, residential care home – small, and single-room occupancy housing.* The draft ordinance would also amend Section 14.140.030 Industrial Use Table to include *emergency shelters, transitional housing, and supportive housing* as permitted by right in the M-1 zone.

**Environmental determination:**

Not applicable at this time.

**Fiscal Impact:**

Staff time for report preparation, preparation of amended text, and amendment processing. No direct fiscal impacts or supplemental funding impacts are anticipated to be necessary as a result of this implementation.

**Public Comment:**

Not applicable at this time.

**Recommendation:**

This is an informational item only. No action is required or requested at this time.

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**Attachments:**

- Attachment A – Relevant Housing Element Programs
- Attachment B – Pertinent State Law

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**ATTACHMENT A -  
RELEVANT HOUSING ELEMENT PROGRAMS**

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Specific Action Required: Review the Zoning Ordinance on an ongoing basis to determine the effectiveness of the Ordinance in achieving goals and objectives and update the data in the General Plan and its compliance with State law.

Responsible Agency: City Planner, City Council.

Funding Source: General Fund.

Implementation Schedule: Ongoing.

Expected Results: Ongoing evaluation of the effectiveness of the Zoning Ordinance in achieving the goals of the General Plan and its compliance with State law.

### PROGRAM 1.6 – Design Review Evaluation

Objective: The City's Zoning Ordinance requires a design review of all development proposals, with some exceptions. The objective of this program is to minimize discretionary aspects of the design review process and provide clear guidance for developers.

Specific Action Required: Review of the design review process annually to determine if the process has a negative impact on residential development. If the process is determined to constrain residential development, the City shall initiate actions to address these constraints.

Responsible Agency: City Planner, City Council.

Funding Source: General Fund

Implementation Schedule: Evaluation of design review process to occur annually.

Expected Results: A design review process that presents clear guidance and has predictable outcomes.

### PROGRAM 1.7 – Multifamily Housing

Objective: Continue to explore alternative methods for increasing the City's affordable housing stock.

Specific Action Required: Currently, the City allows for the development of single-family homes in the high density zoning district (R-3). The City will consider amending the Zoning Ordinance to require a CUP for single-family development in the R-3 zoning district so that these remaining sites can be used to accommodate multi-family housing.

Responsible Agency: City Planner, City Council.

Funding Source: General Fund

Implementation Schedule: Pursue and amendment to the Zoning Ordinance by January 2011.

Expected Results: Help to facilitate the development of affordable housing.

**Goal 2: Housing Quantity and Affordability**

The preservation of existing housing and the construction of new housing at a range of costs and in quantities to meet the needs of existing and future residents of the City.

Policy 2.1

Assist in the production of housing for special needs groups, such as: seniors, the disabled, large families, farmworkers, single-headed households, and the homeless.

Policy 2.2

Strive to achieve the City's fair share allocation of the market area housing needs for the 2009-2014 period as determined by the Butte County Association of Governments.

Policy 2.3

Assist in the development of housing affordable to low, very-low, and extremely-low households through financial and/or technical assistance.

Policy 2.4

Provide adequate housing information to guide municipal decisions and to determine their effect on housing quality and inventory and to encourage private industry to meet the housing needs.

The following programs have been adopted to attain Goal 2 and to implement the above policies.

PROGRAM 2.1 – First-Time Homebuyers Program

Objective: Continue the First-Time Homebuyers Program to assist lower-income households purchase a home.

Specific Action Required: Apply annually for HOME and CDBG funding for the continuation of this program.

Funding Sources: General Fund, HOME and CDBG funds (if available).

Responsible Departments/Agencies: Community Development Specialist.

Implementation Schedule: Ongoing. Apply for funds annually.

Expected Results: Provide funding for qualified first-time home buyers based upon monies available.

PROGRAM 2.2 – Farmworker Housing

Objective: Provide for the development of suitable housing for farmworkers. Farmworkers typically have special housing needs due to their lower incomes and the seasonal nature of their work. As a result, farmworkers often have a more difficult time finding suitable housing. California Health and Safety Code Section 17021.5 states that employee housing for farmworkers accommodating six or fewer workers shall be considered a residential use and shall not require any special approvals that are not required of a family dwelling of the same type in the same

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zone. Currently, the City's Zoning Ordinance does not explicitly allow for agricultural employee housing within zoning districts in the City.

Specific Action Required: The City shall amend its Zoning Ordinance so that it conforms to State law regarding farmworker housing for six or fewer persons. The City shall consider measures to encourage the production of housing for permanent and migrant farmworkers. Such measures include funding development, developer identification, maintaining an inventory of suitable sites, site development, and ensuring zoning and development standards that would facilitate a variety of housing types for farmworker housing needs.

Funding Sources: General Fund, USDA funds (e.g., Section 515 and 516), HCD funds (e.g., Joe Serna Farmworker Housing Grants), HOME, CDBG, and CalHome.

Responsible Departments/Agencies: City Planner, Community Development Specialist, City Council.

Implementation Schedule: Amend the Zoning Code to allow farmworker housing by right as required by state law by 2011. Investigate resources available to further the goal of providing needed farmworker housing on an on-going basis.

Expected Results: Facilitate the development of housing for farmworkers.

### PROGRAM 2.3 – Large Household Housing

Objective: Renter households with six or more persons do not have an adequate number of dwelling possibilities in the City. The number of large rental housing units is limited in the City, and as such large renter households cannot obtain adequate housing.

Specific Action Required: The City will consider a program to provide incentives such as fee reductions, modifications to development standards, and financial incentives for the development of rental housing units with four or more bedrooms.

Funding Sources: HOME/CDBG Programs.

Responsible Departments/Agencies: City Council, Community Development Specialist.

Implementation Schedule: Ongoing.

Expected Results: Increased attractiveness of the development of larger residential housing units.

### PROGRAM 2.4 – Infill Development Program

Objective: The supply of developable land zoned for higher-density residential use is a limiting constraint to the development of higher-density housing in the City. Identification of vacant and underutilized residential land and its development potential will help to determine the residential development potential in the City and assist in identifying ways to remove the constraints.

Specific Action Required: The City will maintain a database of vacant and underutilized residential land and the constraints to the development of that land. This information shall be made available to the public by the City.

Responsible Agency: City Planner.

Funding Source: General Fund.

Implementation Schedule: Ongoing.

Expected Results: The development of two to four infill residential units during the planning period.

Program 2.5 – Second Units

Objective: An adequate second dwelling unit housing supply to meet the needs of the expanding Biggs population.

Specific Action Required: Encourage the development of second dwelling units and allow the following incentives on a case by case basis: the reduction of parking requirements; enhanced processing times, and impact fee reduction. Provide educational materials regarding second units in the form of brochures at City Hall and the public library.

Responsible Agency: City Planner, City Council.

Funding Source: General Fund.

Implementation Schedule: Ongoing.

Expected Results: The development of four additional second dwelling units.

PROGRAM 2.6 – Development Processing System Review Program

Objective: Minimize processing time for development permits, especially those for affordable residential projects and those that conform to City development requirements. Complex processing procedures in permit issuance can be an obstacle in housing development especially for affordable housing projects that are under tight timelines imposed by state and federal funding programs.

Specific Program Required: Annually monitor the development processing/review procedures on an ongoing basis, and make changes as required to minimize the time required for review by the City as much as feasible. This reduction in time will reduce the cost to developers and may increase housing production in the City.

Responsible Agency: City Planner, Building Department.

Funding Source: General Fund.

Implementation Schedule: Annually.

Expected Results: The reduction of plan review time needed by City staff to process complex affordable housing projects.

PROGRAM 2.7 – State and Federal Housing Programs

Objective: To provide support and assistance to affordable housing developers to help meet the needs of existing and future residents.

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Specific Action Required: Coordinate with county, state and federal resources to obtain any available sources of funding for the development of affordable housing units. Actively pursue all potential funding sources available to the City. This activity will be updated bi-annually. The City will assist and support applications for funding for affordable housing development.

There are a number of state and federal programs which provide low-cost financing or subsidies for the production of low and moderate income housing. Certain programs require an application and participation by the local public agency, other programs are for use by non-profit housing corporations and housing authorities, and the remaining programs require application and direct participation by a private developer. The City will determine which programs will be most beneficial for housing production in the City and then directly or indirectly pursue those programs. Programs in which the City will consider are:

- State Predevelopment Loan Program (PDLP)
- Multifamily Housing Program (MHP)
- Rural Development Assistance Program
- State Joe Senia Farmworker Grant Program (FWHG)
- USDA Rural Development, Section 515 Program
- USDA Rural Development, Section 523/524 Technical Assistance Grants
- Community Development Block Grant Program (CDBG)
- Home Investment Partnerships Program (HOME)
- CallHome Program

Funding Sources: All available federal, state and local sources.

Responsible Departments/Agencies: Community Development Specialist.

Implementation Schedule: Ongoing; Scheduling of City applications for funding from the various Federal and State funding programs are dependent on the application deadlines for the various programs. The City will contact the Department of Housing and Community Development bi-annually to determine the application deadlines for the various funding sources. The City will apply for funding as it comes available and as staffing permits.

Expected Results: Increased interest in the production of targeted housing units in the City.

### PROGRAM 2.8 – Density Bonus Program

Objective: The production of additional low and moderate income housing.

Specific Action Required: Density bonus law was amended in 2004. Under the new provisions, a bonus can be given when a project provides affordable housing, senior housing (whether affordable or not), donations of land for affordable housing, condominium conversions that include affordable housing and child care facilities. Developers may also receive various zoning concessions and reduce parking standards. Development of at least 5 units are eligible for the bonus if either 5 percent of the units are affordable to very low-income households, 10 percent are affordable to low-income households, or 10 percent are affordable to moderate-income households.

The 2004 modification provided for higher density bonuses for lower-income units and lower bonuses for moderate-income units. Housing developments can apply for a 20 percent density bonus if they provide either 5 percent to very low- or 10 percent to low-income households but only a 5 percent bonus if the development provides 10 percent moderate-income units. The amendment also initiated a sliding scale that requires an additional 2.5 percent bonus for each additional increase of 1 percent very low-income units, an additional 1.5 percent bonus for each additional 1 percent increase in lower-income units, and an additional 1 percent bonus for each 1 percent increase in moderate-income units. The total density bonus cannot exceed 35 percent. The amended statute contains specific provisions for each of the eligible types of housing (see Government Code Section 65915.65918).

The City's Zoning Ordinance shall be amended to adhere to the 2004 statutory modifications to the state density bonus law.

The City will amend its Zoning Ordinance to offer a density bonus in accordance with the state density bonus law of up to 35 percent.

Responsible Agencies/Departments: City Planner.

Funding Sources: General Fund.

Implementation Schedule: Amendment of Zoning Ordinance to adhere to new density bonus legislation shall be completed by January 2011. Continuation of the existing program on an ongoing basis.

Expected Results: An increased probability to achieve additional affordable housing units.

PROGRAM 2.9 – Planned Development

Objective: Encourage Planned Developments in the North Area and South Area Residential Special Planning Districts as discussed in the City's General Plan. The City permits Planned Development Districts, which allows for flexibility in the use and design of land and structures. This flexibility may include the alteration of setback requirements, height limits, sign requirements, building coverage limits, off-street parking, density and intensity limits, etc. These districts are areas for the development of a mix of different housing types, including live-work units, apartments, and single-family dwellings.

Specific Program Required: Provide informational materials and staff resources to describe the Planned Development process and its possibilities, identify areas of the City that may be rezoned as Planned Development Districts, and identify possible development incentives for a Planned Development such as density bonuses and development standard modifications.

Responsible Agency: City Planner, City Council.

Funding Source: General Fund.

Implementation Schedule: Produce informational materials by January 2011.

Expected Results: The promotion of neighborhoods with a mix of different housing types and land uses, affordable to a broad range of households.

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### Program 2.10 – Substandard Lot Development Variance

Objective: To provide opportunities for the use of under-utilized or infill redevelopment residential parcels. Within the City there are approximately 16 small residentially zoned lots less than 7,200 square feet which may support residential development but because of the 7,200 minimum square footage requirement in the City's Zoning Ordinance, these lots are unbuildable at this time. This program was developed to allow these lots to apply for a variance to allow for development on a lot less than 7,200 square feet.

Specific Action Required: The City shall allow the owners of the existing substandard lots to apply for a variance to allow development on lots not meeting the minimum required lot size. The City shall support such requests for a variance to the minimum lot size, when no public health and safety issues are found.

Responsible Agencies/Departments: City Planner, City Council.

Funding Sources: N/A.

Implementation Schedule: As requested.

Expected Results: The potential utilization of up to four (4) existing substandard lots.

### Program 2.11 – Emergency Shelters/Transitional and Supportive Housing

Objective: The provision of emergency shelters and transitional and supportive housing resources for homeless and nearly homeless persons as required by State law.

Specific Action Required: The City's Zoning Ordinance shall be amended as necessary to adhere to State legislation regarding the allowance of emergency shelters, transitional and supportive housing by right in the M-1 zoning district. Both transitional and supportive housing will be allowed as a permitted use subject only to the same restrictions on residential uses contained in the same type of structure.

In addition, the City will evaluate the potential for adopting development standards consistent with Government Code Section 65583(a)(4), which may include lighting, on-site management, maximum number of beds or persons to be served nightly by the facility, off-street parking based on demonstrated need, and security during hours that the emergency shelter is in operation.

The City will continue to support local and regional public assistance programs for the homeless, such as those sponsored by the Butte County Continuum of Care.

Responsible Agencies/Departments: City Planner, City Council, Community Development Specialist.

Funding Sources: General Fund.

Implementation Schedule: Amend the Zoning Ordinance to conform to shelter and supportive housing legislation requirements by January 2011.

Expected Results: Amend the Zoning Ordinance to address emergency shelters and transitional and supportive housing projects as required by law.

Program 2.12 – Single-Room Occupancy Units

Objective: To encourage and facilitate supportive housing and single-room occupancy units (SROs).

Specific Action Required: The City's Zoning Ordinance allows for multifamily dwellings, which includes units designed for or used for residential occupancy by more than two families. Unit types could include apartment houses, dormitories, rooming houses, row houses, townhouses and similar housing types; each with or without common or separate kitchen or dining facilities.

Additionally, residential zones allow for guesthouses which are a detached accessory building intended for occupancy by guests without compensation of any kind as a condition of occupancy and used as sleeping quarters only, without cooking facilities. The development standards for these types of uses are the same as other uses in the respective zone and do not constrain the development of SRO types. The City will update its Zoning Code to include a definition for SROs in the same zone(s) where types of units are allowed.

Responsible Agencies/Departments: City Planner, City Council.

Funding Sources: General Fund.

Implementation Schedule: Amend the Zoning Ordinance definitions to include a specific definition of SROs to meet AB 2634 requirements by August 2011.

Expected Results: Continue to allow SROs by right in the R-3 zoning district.

Program 2.13 – Extremely Low-Income Households

Objective: To encourage and facilitate supportive housing and single-room occupancy units (SROs).

Specific Action Required: The City shall continue to work with the private sector, nonprofit agencies, and to secure funds through state and federal programs for development of new lower-income housing and rehabilitation of existing lower-income households. As funding becomes available, the City will prioritize a portion of the funds to encourage the development of housing (i.e. SROs) for extremely low-income households. In addition, the City will consider incentives or regulatory concessions to encourage the development of SROs.

Responsible Agencies/Departments: City Planner, City Council.

Funding Sources: CDBG, HOME

Implementation Schedule: Annually, as funding is available.

Expected Results: Help facilitate the development of housing affordable to extremely low-income households.

Program 2.14 – At Risk Units

Objective: Preservation of affordable units in the City.

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Specific Action Required: The City shall maintain a list of all dwellings within the city that are subsidized by government funding or low-income housing developed through local regulations or incentives. The list shall include at least: the number of units, the type of government program, and the date on which the units may convert to market-rate dwellings.

The City will require all property owners to provide at least 2 years notice prior to the conversion of any units for lower-income households to market-rate units in any of the following circumstances:

- the units were constructed with the aid of government funding.
- the project was granted a density bonus
- the project received other incentives

Such notice shall be given at least to the following:

- The City
- HCD
- Butte County Housing Authority
- Residents of at-risk units
- Any others deemed appropriate

Responsible Agencies/Departments: City Planner, City Council.

Funding Sources: General Fund

Implementation Schedule: Ongoing.

Expected Results: Monitor at-risk housing units.

### Program 2.15 – Residential Care Facilities

Objective: Revise Zoning Ordinance to establish Residential Care Facilities as use that are Principally Permitted or permitted via a Use Permit in residential zone districts.

Specific Action Required: The City shall amend Chapter 14.100 Residential Use Table, of the Biggs Municipal Code to allow for small care facilities having less than 6 persons as a by-right Permitted Principal Use and to allow large care facilities having 7 or more persons as a permitted use subject to the approval and issuance of a conditional use permit by 2011.

Responsible Agencies/Departments: City Planner, City Council.

Funding Sources: General Fund

Implementation Schedule: Amend the Zoning Ordinance to conform to residential care facility legislation requirements by January 2011.

Expected Results: Expand opportunity for Residential Care Facilities and formally comply with State law.

### **Goal 3: Equal Housing opportunity**

*It is the goal of the City of Biggs to assure that discrimination is not a factor in the ability of households to obtain housing.*

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**ATTACHMENT B -  
RELEVANT STATE CODES**

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**California Health and Safety Code §17021.5.**

Section 17021.5. (Amended by Stats. 1993, Ch. 952, Sec. 1.)

(a) Any employee housing which has qualified, or is intended to qualify, for a permit to operate pursuant to this part may invoke the provisions of this section.

(b) Any employee housing providing accommodations for six or fewer employees shall be deemed a single-family structure with a residential land use designation for the purposes of this section. For the purpose of all local ordinances, employee housing shall not be included within the definition of a boarding house, rooming house, hotel, dormitory, or other similar term that implies that the employee housing is a business run for profit or differs in any other way from a family dwelling. No conditional use permit, zoning variance, or other zoning clearance shall be required of employee housing that serves six or fewer employees that is not required of a family dwelling of the same type in the same zone. Use of a family dwelling for purposes of employee housing serving six or fewer persons shall not constitute a change of occupancy for purposes of Part 1.5 (commencing with Section 17910) or local building codes.

(c) Except as otherwise provided in this part, employee housing that serves six or fewer employees shall not be subject to any business taxes, local registration fees, use permit fees, or other fees to which other family dwellings of the same type in the same zone are not likewise subject. Nothing in this subdivision shall be construed to forbid the imposition of local property taxes, fees for water services and garbage collection, fees for normal inspections, local bond assessments, and other fees, charges, and assessments to which other family dwellings of the same type in the same zone are likewise subject. Neither the State Fire Marshal nor any local public entity shall charge any fee to the owner, operator or any resident for enforcing fire inspection regulations pursuant to state law or regulation or local ordinance, with respect to employee housing which serves six or fewer persons.

(d) For the purposes of any contract, deed, or covenant for the transfer of real property, employee housing which serves six or fewer employees shall be considered a residential use of property and a use of property by a single household, notwithstanding any disclaimers to the contrary. For purposes of this section, "employee housing" includes employee housing defined in subdivision (b) of Section 17008, even if the housing accommodations or property are not located in a rural area, as defined by Section 50101.

(e) The Legislature hereby declares that it is the policy of this state that each county and city shall permit and encourage the development and use of sufficient numbers and types of employee housing facilities as are commensurate with local needs. This section shall apply equally to any charter city, general law city, county, city and county, district and any other local public entity.

**California Government Code Section 65583.**

65583. The housing element shall consist of an identification and analysis of existing and projected housing needs and a statement of goals, policies, quantified objectives, financial resources, and scheduled programs for the preservation, improvement, and development of housing. The housing element shall identify adequate sites for housing, including rental housing, factory-built housing, mobilehomes, and emergency shelters, and shall make adequate provision for the existing and projected needs of all economic segments of the community. The element shall contain all of the following:

(a) An assessment of housing needs and an inventory of resources and constraints relevant to the meeting of these needs. The assessment and inventory shall include all of the following:

(4) (A) 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. The local government shall also demonstrate that existing or proposed permit processing, development, and management standards are objective and encourage and facilitate the development of, or conversion to, emergency shelters. Emergency shelters may only be subject to those development and management standards that apply to residential or commercial development within the same zone except that a local government may apply written, objective standards that include all of the following:

- (i) The maximum number of beds or persons permitted to be served nightly by the facility.
- (ii) Off-street parking based upon demonstrated need, provided that the standards do not require more parking for emergency shelters than for other residential or commercial uses within the same zone.
- (iii) The size and location of exterior and interior onsite waiting and client intake areas.
- (iv) The provision of onsite management.
- (v) The proximity to other emergency shelters, provided that emergency shelters are not required to be more than 300 feet apart.
- (vi) The length of stay.
- (vii) Lighting.
- (viii) Security during hours that the emergency shelter is in operation.

(B) The permit processing, development, and management standards applied under this paragraph shall not be deemed to be discretionary acts within the meaning of the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code).

(C) A local government that can demonstrate to the satisfaction of the department the existence of one or more emergency shelters either within its jurisdiction or pursuant to a multijurisdictional agreement that can accommodate that jurisdiction's need for emergency shelter identified in paragraph (7) may comply with the zoning requirements of subparagraph (A) by identifying a zone or zones where new emergency shelters are allowed with a conditional use permit.

## California Government Code Section 65915

65915. (a) When an applicant seeks a density bonus for a housing development within, or for the donation of land for housing within, the jurisdiction of a city, county, or city and county, that local government shall provide the applicant with incentives or concessions for the production of housing units and child care facilities as prescribed in this section. All cities, counties, or cities and counties shall adopt an ordinance that specifies how compliance with this section will be implemented. Failure to adopt an ordinance shall not relieve a city, county, or city and county from complying with this section.

(b) (1) A city, county, or city and county shall grant one density bonus, the amount of which shall be as specified in subdivision (f), and incentives or concessions, as described in subdivision (d), when an applicant for a housing development seeks and agrees to construct a housing development, excluding any units permitted by the density bonus awarded pursuant to this section, that will contain at least any one of the following:

(A) Ten percent of the total units of a housing development for lower income households, as defined in Section 50079.5 of the Health and Safety Code.

(B) Five percent of the total units of a housing development for very low income households, as defined in Section 50105 of the Health and Safety Code.

(C) A senior citizen housing development, as defined in Sections 51.3 and 51.12 of the Civil Code, or mobilehome park that limits residency based on age requirements for housing for older persons pursuant to Section 798.76 or 799.5 of the Civil Code.

(D) Ten percent of the total dwelling units in a common interest development as defined in Section 1351 of the Civil Code for persons and families of moderate income, as defined in Section 50093 of the Health and Safety Code, provided that all units in the development are offered to the public for purchase.

### California Health and Safety Code Section 1566.3

1566.3. (a) Whether or not unrelated persons are living together, a residential facility that serves six or fewer persons shall be considered a residential use of property for the purposes of this article. In addition, the residents and operators of such a facility shall be considered a family for the purposes of any law or zoning ordinance which relates to the residential use of property pursuant to this article.

(b) For the purpose of all local ordinances, a residential facility that serves six or fewer persons shall not be included within the definition of a boarding house, rooming house, institution or home for the care of minors, the aged, or the mentally infirm, foster care home, guest home, rest home, sanitarium, mental hygiene home, or other similar term which implies that the residential facility is a business run for profit or differs in any other way from a family dwelling.

(c) This section shall not be construed to prohibit any city, county, or other local public entity from placing restrictions on building heights, setback, lot dimensions, or placement of signs of a residential facility which serves six or fewer persons as long as such restrictions are identical to those applied to other family dwellings of the same type in the same zone.

(d) This section shall not be construed to prohibit the application to a residential care facility of any local ordinance that deals with health and safety, building standards, environmental impact standards, or any other matter within the jurisdiction of a local public entity if the ordinance does not distinguish residential care facilities which serve six or fewer persons from other family dwellings of the same type in the same zone and if the ordinance does not distinguish residents of the residential care facilities from persons who reside in other family dwellings of the same type in the same zone. Nothing in this section shall be construed to limit the ability of a local public entity to fully enforce a local ordinance, including, but not limited to, the imposition of fines and other penalties associated with violations of local ordinances covered by this section.

(e) No conditional use permit, zoning variance, or other zoning clearance shall be required of a residential facility which serves six or fewer persons which is not required of a family dwelling of the same type in the same zone.

(f) Use of a family dwelling for purposes of a residential facility serving six or fewer persons shall not constitute a change of occupancy for purposes of Part 1.5 (commencing with Section 17910) of Division 13 or local building codes. However, nothing in this section is intended to supersede Section 13143 or 13143.6, to the extent such sections are applicable to residential facilities providing care for six or fewer residents.

(g) For the purposes of this section, "family dwelling," includes, but is not limited to, single-family dwellings, units in multifamily dwellings, including units in duplexes and units in apartment dwellings, mobilehomes, including mobilehomes located in mobilehome parks, units in cooperatives, units in condominiums, units in townhouses, and units in planned unit developments.