

Special Meeting Agenda

Joint Meeting of Turlock City Council and Planning Commission

FEBRUARY 8, 2011

5:30 p.m.

**City of Turlock Yosemite Room
156 S. Broadway, Turlock, California**



Mayor
John S. Lazar

Council Members

William DeHart, Jr.
Forrest White

Mary Jackson
Amy Bublak
Vice Mayor

City Manager
Roy W. Wasden
City Clerk
Rhonda Greenlee
City Attorney
Phaedra A. Norton

SPEAKER CARDS: To accommodate those wishing to address the Council and allow for staff follow-up, speaker cards are available for any agenda item or any other topic delivered under Public Comment. Please fill out and provide the Comment Card to the City Clerk or Police Officer.

NOTICE REGARDING NON-ENGLISH SPEAKERS: The Turlock City Council meetings are conducted in English and translation to other languages is not provided. Please make arrangements for an interpreter if necessary.

EQUAL ACCESS POLICY: If you have a disability which affects your access to public facilities or services, please contact the City Clerk's Office at (209) 668-5540. The City is committed to taking all reasonable measures to provide access to its facilities and services. Please allow sufficient time for the City to process and respond to your request.

NOTICE: Pursuant to California Government Code Section 54954.3, any member of the public may directly address the City Council on any item appearing on the agenda, including Consent Calendar and Public Hearing items, before or during the City Council's consideration of the item.

AGENDA PACKETS: Prior to the City Council meeting, a complete Agenda Packet is available for review on the City's website at www.cityofturlock.org and in the City Clerk's Office at 156 S. Broadway, Suite 230, Turlock, during normal business hours. Materials related to an item on this Agenda submitted to the Council after distribution of the Agenda Packet are also available for public inspection in the City Clerk's Office. Such documents may be available on the City's website subject to staff's ability to post the documents before the meeting.

1. **CALL TO ORDER**

- A. City Council
- B. Planning Commission

2. **PUBLIC PARTICIPATION – LIMITED TO ITEMS DESCRIBED IN THE NOTICE FOR THIS MEETING**

This is the time set aside for citizens to address the City Council concerning any item that has been described in the notice for the meeting before or during consideration of that item. You will be allowed three (3) minutes for your comments. If you wish to speak regarding an item on the agenda, you may be asked to defer your remarks until the Council addresses the matter.

3. **DECLARATION OF CONFLICTS OF INTEREST AND DISQUALIFICATIONS**

4. **CONSENT CALENDAR: None**

5. SENATE BILL 2 WORKSHOP: POTENTIAL APPROACHES FOR ESTABLISHING A NONDISCRETIONARY PERMITTING PROCESS FOR HOMELESS SHELTERS

- A. Workshop to review potential approaches for establishing a nondiscretionary permitting process for homeless shelters in the City of Turlock. Staff is seeking input and direction on the potential zoning district or zoning overlay boundary, as well as the development standards that would be established for each zoning district. (*Whitmore*)

Recommended Action:

Motion: Providing direction to staff on potential approaches for establishing a nondiscretionary permitting process for homeless shelters in the City of Turlock in accordance with Senate Bill 2

6. ADJOURNMENT

- A. Planning Commission
B. City Council

The foregoing meeting is hereby called by Mayor John S. Lazar at the above mentioned date and time pursuant to California Government Code §54956.

JOHN S. LAZAR, Mayor



Council-Planning Commission Synopsis

February 8, 2011

From: Michael G. Pitcock, PE, Director of Development Services

Prepared and Presented by: Debra A. Whitmore, Deputy Director of Development Services/
Planning

Agendized by: Roy W. Wasden, City Manager

1. ACTION RECOMMENDED:

Motion: Providing direction to staff on potential approaches for establishing a nondiscretionary permitting process for homeless shelters in the City of Turlock in accordance with Senate Bill 2

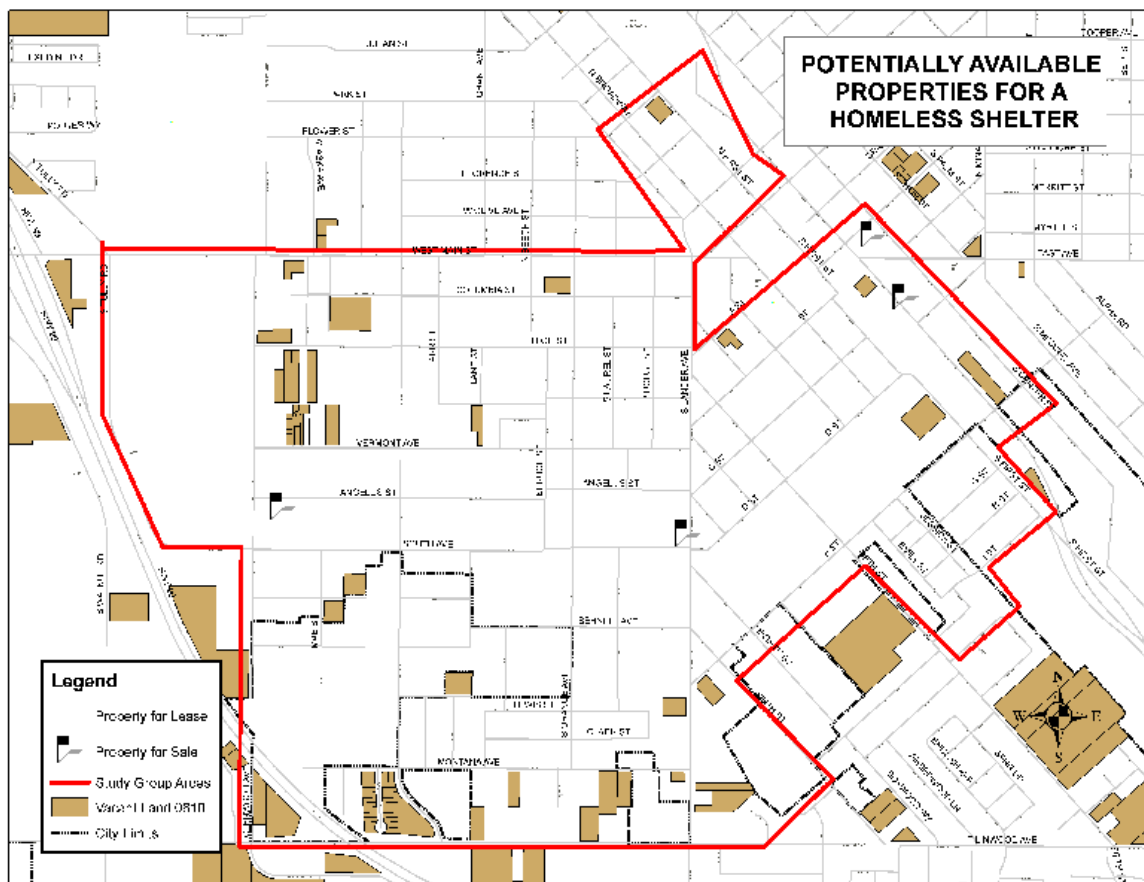
2. DISCUSSION OF ISSUE:

With the enactment of Senate Bill 2 in 2007, the City of Turlock is required to amend its Zoning Ordinance to provide a nondiscretionary permitting process to allow year-round emergency homeless shelters in a zoning district or districts. The requirements of Senate Bill 2 are summarized in Attachment 1. The zoning district or districts identified must have sufficient capacity to meet the homeless sheltering needs of the City and the zoning strategy must ultimately be outlined in the City's Housing Element. The City of Turlock Draft Housing Element has been reviewed twice by the State Housing and Community Development Department. The identification of a specific zoning strategy to address Senate Bill 2 is one of the outstanding issues that must be resolved to obtain State approval of the Housing Element. The purpose of the workshop is to allow the City Council and the Planning Commission to provide very preliminary direction to staff that will allow us to begin the public discussion on how to best address this new State requirement. Additional community meetings and public hearings will be held to solicit public input on this matter to prepare a draft ordinance for consideration by the City Council and Planning Commission. At its August 2010 workshop on this matter, the Planning Commission requested this joint meeting with City Council to ensure they had policy direction on both the area of focus for these effort as well as the specific standards that would be considered.

One of the first tasks in developing a permitting process for homeless shelters is to identify the zoning district or districts, or a zoning overlay district that contains one or more districts, where the permitting process would apply. At the beginning of last year, a community meeting was held to obtain input from the community on which districts, or areas of the City, should be studied. The geographic areas

identified through that process were presented to the City Council and Planning Commission in April 2010. By combining all of the areas identified by the participants, the largest potential area for study is depicted by the red outline in Figure 1 (called the “SB 2 Study Area”). The primary factors that the meeting participants cited for selecting this general area include access to services for the homeless, access to bus service, the ability to walk to services and commercial businesses, and the availability of land.

Figure 1



The second task is to identify the development standards that would apply to a homeless shelter within each zoning district (or neighborhood type). As outlined in Attachment 1, Senate Bill 2 identifies a discrete list of development standards that may be established in the Zoning Ordinance to ensure that a homeless shelter allowed under this new permitting process would be compatible with surrounding uses while still facilitating their development:

- Maximum number of beds or persons permitted to be served
- Provision of onsite management and security
- Length of stay limitations (six months or less)

- Off-street parking requirements
- Size and location of exterior and interior on-site waiting and client intake areas
- Proximity to other emergency shelters (no greater than 300 feet)
- Lighting
- Hours of operation

Within the SB 2 Study Area, staff identified all of the zoning districts that are included within its boundary. Staff then prepared a matrix comparing the provisions of ordinances that have been adopted by other jurisdictions throughout the State (available upon request). The suggestions provided by the participants in the community meeting were also compiled and reviewed. This information was presented and reviewed by both the Planning Commission and the City Council at previous workshops.

At its August 2010 workshop, the Planning Commission directed staff to engage nonprofit and business organizations that either serve the homeless community or have been involved in planning for homeless facilities to help develop a draft set of standards for consideration. The SB 2 Technical Advisory Committee was formed consisting of representatives from City staff and representatives of the Turlock Downtown Property Owners' Association, the Turlock Gospel Mission, the We Care program, and Disability Resource Agency for Independent Living (DRAIL).

Since August, staff and the Committee have synthesized all of the information available to develop a preliminary list of potential standards by zoning district (see Attachment 2). Staff and the members of the Technical Advisory Committee did not necessarily agree on each and every standard listed in the attached table. For example, several members would like to reduce the parking requirements (as shown in parenthesis in Attachment 2) and several members are concerned that the requirement to hire a licensed/bonded security guard during intake periods is too costly and would create an obstacle to development of a homeless shelter. That being said, staff believes that the draft standards presented here represent a starting point to begin engaging the public, as well as nonprofit and business groups, in this discussion.

The draft standards are also intended to help the Council, the Planning Commission and the public better understand the type of homeless shelter that could potentially be allowed under this new permitting process in each of the zoning districts, or neighborhoods, within the SB 2 Study Area. It is not necessarily the recommendation of either staff or the SB 2 Technical Advisory Committee that the City allow homeless shelters throughout the entire SB 2 Study Area at this point in the process. Rather, these standards are presented to help facilitate the discussion on which zoning districts or areas should be considered for implementation of the new permitting process. More information

needs to be collected, public input gathered, and discussions held with the State Housing and Community Development Department, before a specific staff recommendation can be formulated.

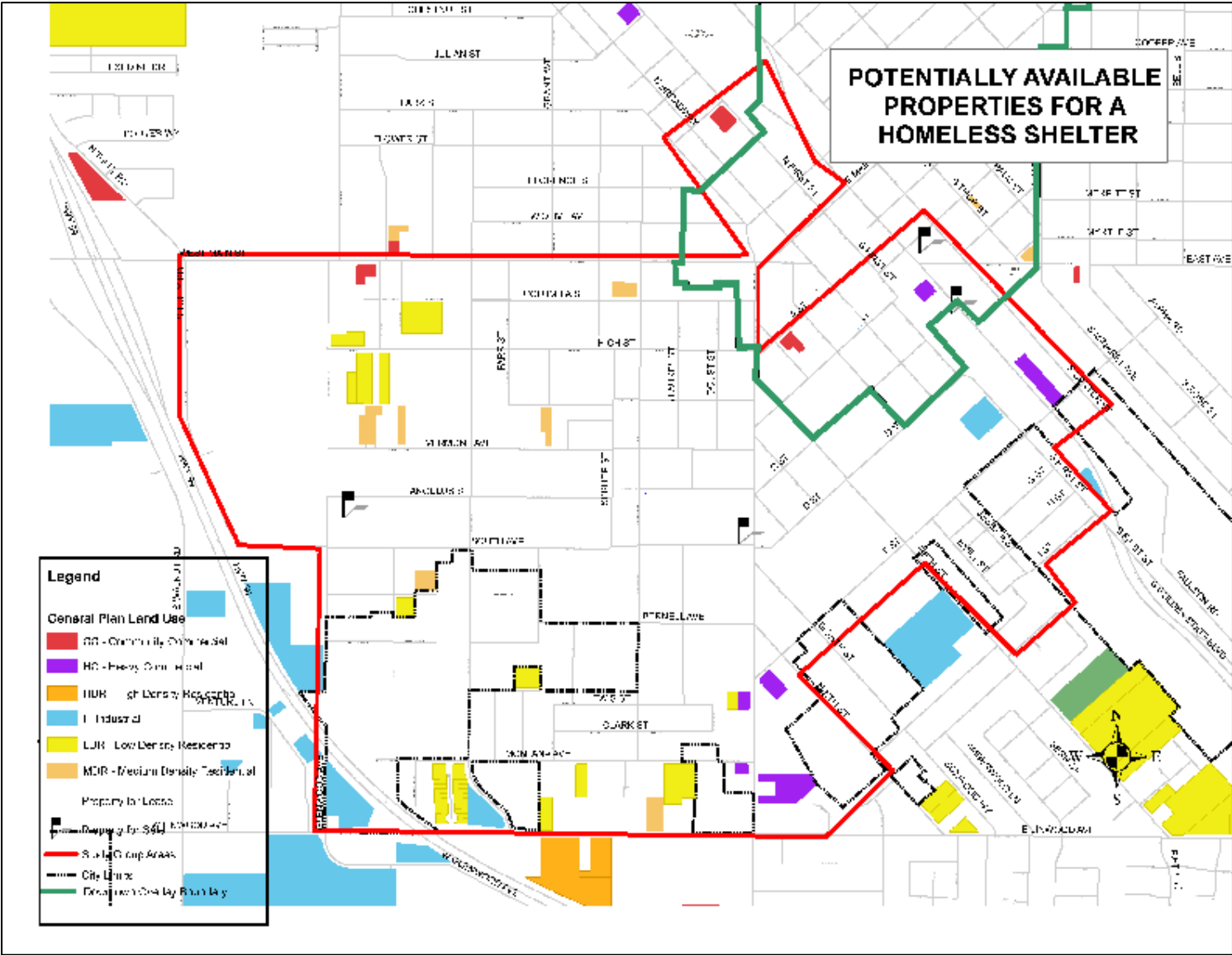
As presented, the draft standards are the first attempt to describe the type of homeless shelter that staff believes might be compatible within each zoning district. For example, the suggested size limitations (in terms of the number of beds) vary by district, with the lowest limits in residential districts and transitional commercial districts, such as the Commercial Office, the Downtown Industrial/Residential and the Downtown Transitional Commercial zones, and higher limits in the Heavy Commercial and Industrial zones. These standards are intended to protect neighboring properties and the immediate neighborhood from unintended adverse impacts as no public input process is allowed under a nondiscretionary permitting process (i.e., once the standards are met, the City must issue the permit to the applicant without sending a public notice to neighboring properties),

The third task in this study is to determine whether there is sufficient capacity within the SB 2 Study Area, or some portion of the Study Area, to meet the homeless sheltering needs of the City of Turlock. A great deal of work still needs to be done in this area. Upon reviewing the occupancy of the previous cold weather shelter, where the maximum number of clients ranged up to 66 in any one night, and the recently adopted HUD Consolidated Plan, staff is recommending the City target a capacity of 100 beds to accommodate current and future needs through the year 2014 (the planning period for the Housing Element). This limit will have to be reviewed and approved by the State Housing and Community Development Department.

With the potential size limitations for each district in mind, and based upon the available land within each zoning district (shown in Figure 2 on the following page), it appears that sufficient vacant land and/or for sale/lease property may be available in the larger zoning overlay area to accommodate more than the 100 beds needed to meet the City's SB 2 requirement. Additional work will have to be done to see if a smaller zoning overlay district would satisfy this requirement. It may be possible for the City to achieve the 100-bed target by including only the Industrial and Heavy Commercial districts of the City along Lander and in the industrial district south of D Street within the study area as long as the size limits for those zones were increased, as proposed by the members of the SB 2 Technical Advisory Committee, from 75 to 100 beds. But further analysis and negotiations with the State are required to verify this assumption.

The general approach presented here is consistent with approaches adopted by other jurisdictions across the State. Most jurisdictions have established nondiscretionary processes for homeless shelters for a limited number of

Figure 2



commercial and/or industrial zoning districts. Only one jurisdiction in the survey established a nondiscretionary permit for a residential zone and that was for a high density residential zone.

Before taking this issue to the public for further input, the Planning Commission requested direction from the City Council to ensure that the scope of the analysis meets the Council's needs.

WORKSHOP DISCUSSION ITEMS

Questions for the City Council and Planning Commission to consider during this workshop include:

1. Is the SB 2 Study Area acceptable as a starting point to begin the community dialogue on this issue? Should any other areas of the City be analyzed?
2. Should the entire SB 2 Study Area continue to be studied through the public involvement process, including residential zones? Or should the focus of the study be on developing a process that encompasses only commercial and/or industrial districts?
 - a. If residential districts are included, are the bed limits too high or too low?
 - b. If residential districts are included, should a limit be placed on the number of shelters that can be established by nondiscretionary permit within the residential district(s)? (In other words, once 100 beds are provided in the City, any additional homeless shelters would be required to obtain approval of a Conditional Use Permit.)
 - c. Would higher bed limits be permitted if the zoning districts are limited to commercial and/or industrial zones? (The Technical Committee suggested that the number of beds be raised, if residential districts are excluded. See the footnote in Attachment 2.)
 - d. Should any Downtown zoning districts be included in the study area boundary? The Downtown zoning districts are bounded by the green boundary line depicted in Figure 2.
 - e. If only Commercial and/or Industrial districts are included in the study area, should a limit be placed on the number of homeless shelters that can be approved through the nondiscretionary permitting process?
3. Do the draft development standards appear adequate to ensure compatibility between a homeless shelter and the neighborhood types, as defined by the zoning district?
 - a. Should higher or lower capacity limits be set?
 - b. Do any of the standards need to be higher or lower?

3. BASIS FOR RECOMMENDATION:

Senate Bill 2 requires that cities and counties allow the development of at least one year-round homeless shelter with the capacity to accommodate their needs through a nondiscretionary permitting process. The Draft Housing Element must identify a zoning strategy and an analysis of whether the zoning strategy accommodates the homeless sheltering needs of the City.

4. FISCAL IMPACT / BUDGET AMENDMENT:

Fiscal Impact: A zoning ordinance amendment will be required to achieve the requirements of Senate Bill 2. This process will incur staff time, materials, and publication costs that will be covered by the General Fund. No State funds have been provided to meet this unfunded State Mandate. The City will apply for reimbursement of these costs in our SB90 claims.

5. CITY MANAGER'S COMMENTS:

Recommend approval.

6. ENVIRONMENTAL DETERMINATION:

An environmental determination will be made at the time the Zoning Ordinance amendment is considered by the City Council and the Planning Commission.

7. ALTERNATIVES:

1. The City Council and Planning Commission will have a discussion on potential approaches and provide general direction. A final recommendation on these issues will not be made until additional public input is received and a more specific staff recommendation is drafted.

SENATE BILL 2 STATUTORY REQUIREMENTS

ZONING FOR EMERGENCY SHELTERS

At least one zone shall be identified to permit emergency shelters without a conditional use permit or other discretionary permit.

“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.

Requirements of the Zone:

- Must have sufficient capacity to develop at least one year-round emergency shelter (vacant or unoccupied inventory)
- Permit must be nondiscretionary
- Permit procedures, development and management standards must be objective, and encourage and facilitate the development or conversion to emergency shelters
- No public notice shall be required for nondiscretionary permit

Nondiscretionary standards may include:

- Maximum number of beds or persons permitted to be served
- Provision of onsite management and security
- Length of stay limitations (not less than State Law)
- Off-street parking requirements
- Size and location of exterior and interior on-site waiting and client intake areas
- Proximity to other emergency shelters (such as the 300 foot limit of care facilities)
- Lighting
- Hours of operation

TRANSITIONAL AND SUPPORTIVE HOUSING

Declares that transitional and supportive housing are residential uses and may only be subject to those restrictions that apply to all other residential uses of the same type in the same zone. This provisions applies to all zoning districts that allow residential uses.

“Transitional housing” means buildings configured as rental housing developments, but operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six months.

“Supportive housing” means housing with no limit on length of stay, that is occupied by the target population, and that is linked to onsite or offsite services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community. (“Target population” means low income persons whose disabilities originated before the person turned 18.)

The City of Turlock currently defines homeless shelters, transitional housing and supportive housing as “interim housing”. Interim housing requires a conditional use permit in most zoning districts where it is a use listed in the Zoning Ordinance.

CONSEQUENCES FOR NONCOMPLIANCE WITH SB 2

Government Code 65589.5(d)(5)(C): If the local agency has failed to identify a zone or zones where emergency shelters are allowed as a permitted use without a conditional use or other discretionary permit, has failed to demonstrate that the identified zone or zones include sufficient capacity to accommodate the need for emergency shelter identified in paragraph (7) of subdivision (a) of Section 65583, or has failed to demonstrate that the identified zone or zones can accommodate at least one emergency shelter, as required by paragraph (4) of subdivision (a) of Section 65583, then this paragraph shall not be utilized to disapprove or conditionally approve an emergency shelter proposed for a site designated in any element of the general plan for industrial, commercial, or multifamily residential uses.

POTENTIAL DEVELOPMENT STANDARDS FOR HOMELESS SHELTERS BY ZONING DISTRICT

STANDARDS	RESIDENTIAL			COMMERCIAL		INDUSTRIAL	DOWNTOWN DISTRICTS		
	R-L	R-M	R-H	C-C	C-H	I	D/C	I/R	T/C
SPACING	NOT INCLUDED	300 feet from another homeless shelter; 300 feet from park or school		300 feet from park or school			NOT INCLUDED	Same as commercial and industrial zones	
SIZE LIMITATION*		14	40	40	75	75		40	40
ARCHITECTURAL DESIGN		Must be compatible with neighboring architecture.		Must be consistent with adopted City Design Guidelines and Zoning Ordinance.				Same as Commercial and Industrial zones	
EXTERIOR DESIGN		All exterior activity and intake areas must be screened from public view and adjacent properties.		If within 150 feet of Residential Zone, outdoor areas must be screened from public view and view of adjacent residential properties.				Same as Commercial/Industrial zones	
LIGHTING		Parking, pedestrian paths, entry area; shielded/reflected away from adjacent uses.						Same as Commercial/Industrial zones	
PARKING		1 vehicle parking space per employee (by shift) plus 1 vehicle parking space for every 5 (10?) beds plus 1 bicycle parking space for every 3 (4?) beds.						Same as Commercial/Industrial zones	
MANAGEMENT		Adequate management, support staff and security must be present during the hours of operation of the facility. A minimum of 1 supervisory level staff member must be present on the site during hours of operation. Operator must ensure that loitering does not occur on the property during off-hours and must ensure that clients are not loitering, littering, or otherwise creating a nuisance to the neighborhood. Security plan shall be submitted to Police for approval and must be approved before facility is operated. If client is socially disruptive or is responsible for creating any type of nuisance to neighborhood or facility, the operator must discharge the client.						Same as Commercial/Industrial zones	
SECURITY PLAN		Security plan must include: hours of operation and intake period; must be at least 1 employee/volunteer of same sex as clients; no alcohol, weapons or illegal substances may be allowed; must notify Police Department of any crimes that are a threat to the safety of other or to themselves; must comply with Penal Code 290.						Same as Commercial/Industrial zones	
ADDITIONAL SECURITY PLAN REQUIREMENTS		Must notify the Police Department if client is discharged after admittance for disruptive or unruly behavior. Must have a licensed/bonded security guard during intake period regardless of the size of the facility.		If 26 or more beds, must have a security guard during intake period. If 51 or more beds, must have a second security guard during intake period. Security guards must be licensed and bonded.				Same as Commercial/Industrial zones	
LENGTH OF STAY		As defined by State Law.						As defined by State Law	
HOURS OF OPERATION	Shall have set hours and hours shall be posted. Outdoor activity shall be limited to the hours of 8 a.m. to 10 p.m. Noise ordinance applies.					Same as commercial and industrial zones			
PET ACCOMMODATIONS	All pets must be properly licensed and vaccinated. All pets must be crated or kenneled when not under leashed supervision. Up to 3 dogs may be kenneled outside the facility's walls in the back yard of the property. When outside a crate or kennel, all dogs are to be leashed and supervised, and waste shall be properly disposed of each day. All animal storage facilities will be properly cleaned daily.					Same as commercial and industrial zones			
	No more than 3 dogs or 3 cats at any time.		If more than 3 dogs or 3 cats, must comply with all permitting and regulatory requirements of the TMC for animal kennels.			Same as commercial and industrial zones			

* Technical Committee requests an increase from 40 to 50 in CC and from 75 to 100 in CH and I, and 40 to 75 in Downtown IR or TC, if no residential zones are designated for nondiscretionary permitting process.