



**CITY OF YUBA CITY
PLANNING COMMISSION
STAFF REPORT**

Meeting Date: December 17, 2020
To: Chair and Members of the Planning Commission
From: Development Services Department
Presentation By: Benjamin Moody, Development Services Director

Subject: Use Permit 20-05 – Application to operate a continuous cold weather shelter at 715 King Avenue / Cornerstone Church through April 3, 2021 to mitigate COVID-19 impacts.

Recommendation: Conduct a public hearing and make the necessary findings to:

1. Determine the project is categorically exempt from CEQA pursuant to CEQA Guidelines Section 15301 Existing Facilities, Class 1.
2. Approve Use Permit 20-05 to allow REST to operate a continuous cold weather shelter at 715 King Avenue through April 3, 2021, subject to the Conditions of Approval.

Applicant/Owner: Regional Emergency Shelter Team (REST)
Nick Anderson, Director

Project Location: 715 King Avenue, Assessor's Parcel Number 51-296-006.

Project Number: Use Permit 20-05

General Plan/Zoning: General Plan: Low Density Residential
Zoning: One-Family Residence District, R-1

Project Proposal:

The Regional Emergency Shelter Team, (REST) reached out to the City in the fall of 2020 to discuss options related to being able to continue to provide services in light of the COVID-19 pandemic and the City's Ordinances related to operating "rotating" cold weather shelters.

REST in collaboration with the Cornerstone Church proposes to gain City approval to use Cornerstone Church's property located at 715 King Avenue to host an emergency winter shelter through April 3, 2021. With the request being based on establishing one location, where COVID-19 mitigation protocols can be systematically established to help mitigate the effects of COVID-19 and to minimize exposures to staff, volunteers, and shelter guests.

Background

In response to a long-standing need for cold weather shelters for homeless families, the City Council authorized the reuse of old Fire Station 4 as a cold weather shelter for the 2009 winter season. The Cold Weather Family Shelter was opened between November 15, 2009 and April 15, 2010 and was administered by the Yuba-Sutter Christian Ministerial Association ("Association"). The Association was comprised of a collection of local churches from Yuba and Sutter Counties.

In 2010, the Regional Emergency Shelter Team (REST) (formerly known as the Association) approached the City with new plans for continuing the cold weather shelter program for homeless families which did not include the reuse of old Fire Station 4. Instead, participating churches in the region planned to rotate the responsibility of hosting homeless families at their respective facilities for a prescribed period of time, with specific performance measures adopted as part of a Zoning Code Amendment in November 2010.

The REST partners with participating churches, congregations and other community and faith-based organizations to provide cold weather shelter and warm meals to families, single women and couples who are homeless in the Yuba-Sutter area.

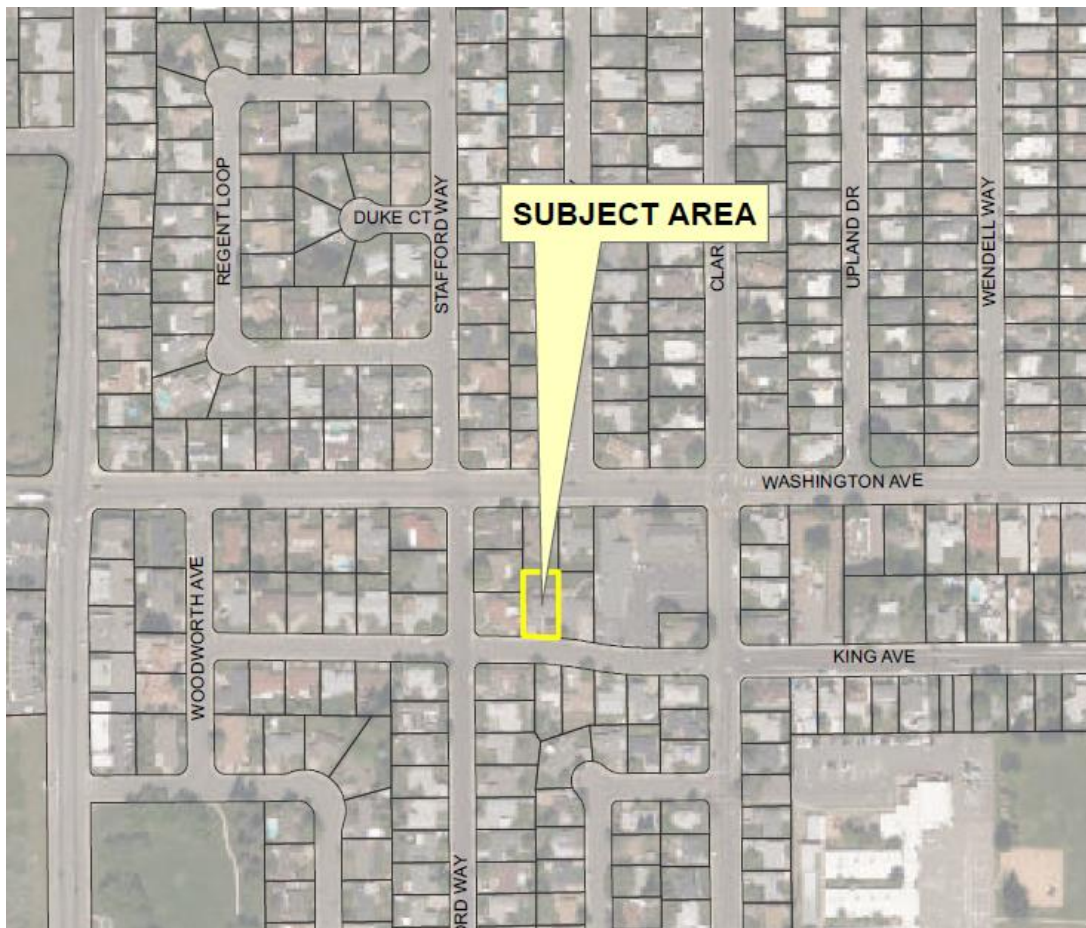
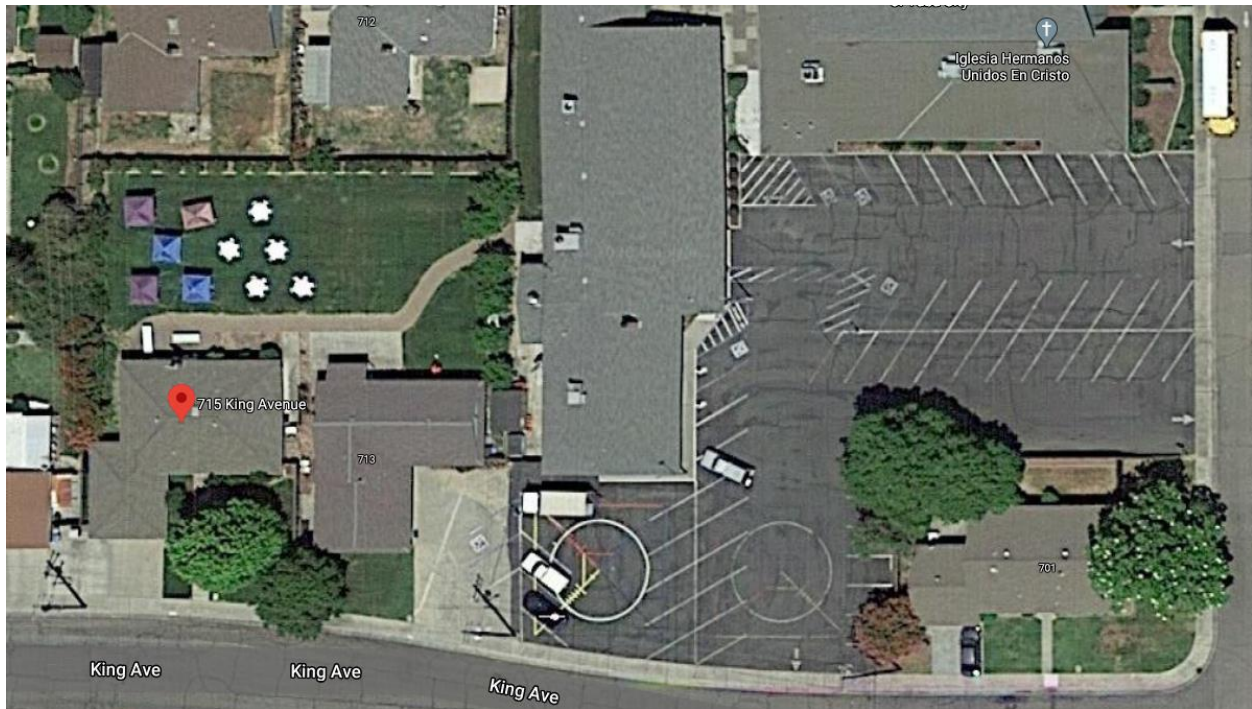
REST targets those who are seeking emergency housing due to their situation of being homeless or what is termed as "precariously housed" in the Yuba-Sutter region. REST fills over 2,800 beds each winter providing an equal number of hot evening meals and morning breakfasts. The 2017-2018 season had a nightly average of 23 guests and assisted a total of 110 individual people.

Property Description:

The property is a 0.17-acre parcel, comprised of a 1,772 square foot single-family residence that has been converted for use by the Church for various activities, typically involving meetings and classes. The property is directly adjacent to and has been incorporated into the Cornerstone Church facility. Access to the facility primarily occurs through the back of the building by a sidewalk to the church's parking area. The parking area has approximately 40 onsite parking spaces.

The property is well maintained and blends into the neighborhood.

The Fire Marshall and Chief Building Official have reviewed the proposed site location to provide REST with information regarding operational criteria.



Adjacent Property Information:

The following table provides the General Plan land use and Zoning for adjacent properties:

Table 2: Bordering Information and Uses			
	General Plan Land Use Classification	Zoning	Existing Land Use
<i>Project Site</i>	Low Density Residential	R-1 (Single Family)	Church / Converted Single Family Residence
<i>North</i>	Low Density Residential	R-1 (Single Family)	Single Family Homes
<i>East</i>	Low Density Residential	R-1 (Single Family)	Church / Converted Single Family Residence
<i>West</i>	Low Density Residential	R-1 (Single Family)	Single Family Homes
<i>South</i>	Low Density Residential	R-1 (Single Family)	Single Family Homes

General Plan Land Use Designation:

The parcel is designated in the General Plan as Low Density Residential which provides for residential development of 2-8 units per gross acre. The majority of planned land in the City has this Low-Density Residential designation, which is the typical land use for single-family houses. However, this category also provides for parks, day care, civic and institutional uses such as churches.

Zoning District Classification:

The property is in the (R-1) One-Family Residence District, which is consistent with the Low-Density Residential General Plan designation. The R-1 zone district allows for churches and large residential care homes subject to the City's Use Permit process, and rotating cold weather shelters subject to conforming to the City's Municipal Code standards and the Zoning Clearance process. Ordinance Section 8-5002(d) guides this zoning clearance process related to cold weather shelters:

(d) Rotating church cold weather shelters.

Existing churches shall be allowed to operate a rotating cold weather shelter program from within their facilities during the months of November 1 through April 30 through the zoning clearance process, subject to the following standards:

- (1) The maximum number of participants that can stay at a single church facility is 30 people.
- (2) The maximum length of stay at a participating church facility by an eligible participant is seven days. Once a church facility has hosted a cold weather shelter for seven days, the church shall wait 21 days before serving as a cold weather shelter again.

- (3) Eligible participants at the shelter(s) shall be oriented to families.
- (4) Eligible participants shall be brought to the participating church facility not before 6:00 p.m. and shall depart the facility by 7:30 a.m. the next day.
- (5) As part of the zoning clearance process, participating churches in the rotating cold weather shelter program shall submit an operations plan that provides the following information:
 - (i) Screening process for eligible participants.
 - (ii) Occupancy schedule.
 - (iii) No loitering policy.
 - (iv) Transportation plan.

Previous Commission Action:

There have been no recent actions by the Planning Commission or City Council that are directly related to this property.

Regarding the establishment of the rotating cold weather church zoning code requirements. The Commission reviewed and recommend approval of the ordinance at the October 16th, 2010 meeting.

In November of 2010 the City Council introduced and adopted the ordinance specifically related to rotating cold weather churches, establishing use criteria, including the length of use for each location at a maximum of 7 days, with a minimum 21 day waiting period, prior to reuse. The operations were allowed between the time periods of December 1st through April 15th.

In November of 2011, the ordinance was updated to expand the operational period from November 1st through April 30th to provide for increased demand for service and to help address the additional time needed for organizing volunteers.

Staff Comments:

Due to the need for cold weather shelters in our area, recognition of the COVID-19 pandemic's impacts on operations to maintain safety, the established City performance measures related to the operation of cold weather shelters, the REST's historical ability to operate in compatibility with neighboring uses, and being limited to one season, staff feels that the requested proposal is acceptable.

Environmental Determination:

The project has been reviewed and considered in its entirety to be categorically exempt from environmental review per Section 15310 Existing Facilities, Class 1, of the CEQA Guidelines. With the basis that there will be negligible expansion of an existing use regarding the operation of an existing private structure.

Recommended Action:

The appropriateness of the proposed project has been examined with respect to its consistency with the General Plan, the Zoning Regulations and its compatibility with surrounding uses. These

factors have been evaluated as described above. Therefore, staff recommends that the Planning Commission take the following actions:

1. Adopt the following findings:

A. Environmental:

Find that the project is categorically exempt from CEQA pursuant to CEQA Guidelines Section 15301 Existing Facilities, Class 1.

B. Use Permit 20-05:

The Zoning Regulations of the Yuba City Municipal Code Section 8-5.7003(d) requires certain findings to be made prior to approving an use permit (*the required findings are in italics*). They are:

1. The proposal is consistent with the General Plan.

The Low Density Residential General Plan designation and Zoning Code allow for civic and institutional uses such as churches and cold weather shelters.

2. The site for the proposed use is adequate in size and shape to accommodate said use, public access, parking and loading, yards, landscaping and other features required by this chapter.

The site and adjacent church facility are adequate in size to facilitate said use. The zoning code and maximum building occupancy requirements will regulate the maximum number of allowed participants at the facility. Additionally, the adjacent church facilities provide capacity for parking, food preparation/serving and administrative needs.

3. The streets serving the site are adequate to carry the quantity of traffic generated by the proposed use.

While the extended use is expected to attract more traffic to the Church at alternate times, the increase is not expected to cause a reduction of the level of service of adjacent streets.

4. The site design and the size and design of the building will complement neighboring facilities.

The proposed use will utilize an existing building and facility.

5. The establishment or operation of the use or building applied for will not be detrimental to the health, safety, peace, comfort, and general welfare of persons residing or working in the vicinity of the proposed use or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City.

The proposed use will be required to meet all building code and other City ordinances and standards related to cold weather shelters. Therefore, there should be no physical threats to any person or property. Additionally, the Conditions of Approval establish use criteria and duration that will ensure that the peace, comfort, and general welfare of residences in the vicinity is maintained.

- 6.** *At least one of the findings found in Title 6, Chapter 9, Article 6 of the Municipal Code is satisfied.*

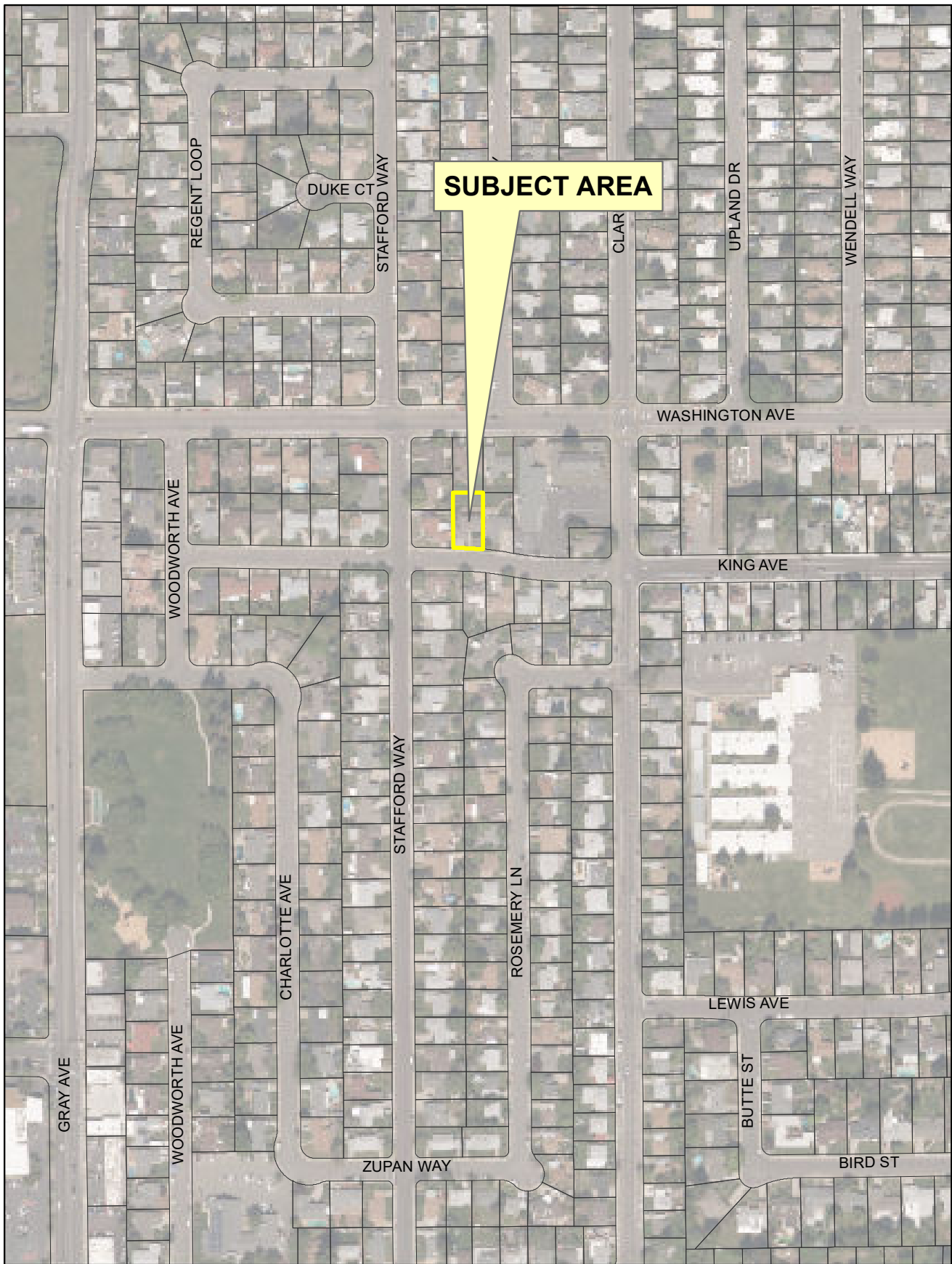
The project satisfies the following finding:

- (a) The facilities of the State plan of flood control or other flood management facilities protect the property to the urban level of flood protection in urban and urbanizing areas or the national Federal Emergency Management Agency standard of flood protection in nonurbanized areas
- B.** Approve Use Permit 20-05 to allow REST to operate a continuous cold weather shelter at 715 King Avenue through April 3, 2021, subject to the Conditions of Approval.

Attachments:

- A. Site Location
- B. Cornerstone Church Authorization Letter
- C. Conditions of Approval

ATTACHMENT A



Use Permit 20-05

ATTACHMENT B

Cornerstone Church
700 Washington Ave.
Yuba City, CA 95991

November 3, 2020

City of Yuba City
Community Development—Planning

Letter of Authorization

To Whom it May Concern,

Cornerstone Church of Yuba City authorizes Regional Emergency Shelter Team (REST) to use Cornerstone's property at 715 King Ave. Yuba City, CA 95991 to host REST's emergency winter shelter from November 30, 2020 to April 3, 2021. Cornerstone Church has participated in REST's rotating winter shelter as a hosting church since REST's inception in 2010. Cornerstone supports REST's plan to operate its winter shelter at a single facility during the winter of 2020-2021, rather than REST's traditional rotating shelter model, to mitigate the effects of COVID-19 and to minimize exposures to staff, volunteers and shelter guests.

Sincerely,



Jason Poling
Lead Pastor
Cornerstone Church of Yuba City
530-674-3087
jason@cornerstoneyc.com

ATTACHMENT C

**CITY OF YUBA CITY
CONDITIONS OF APPROVAL
USE PERMIT 20-05
DECEMBER 17, 2020**

**REGIONAL EMERGENCY SHELTER TEAM
715 KING AVENUE, YUBA CITY, CA**

NOTICE TO PROJECT APPLICANT

In accordance with the provisions of Government Code Section 66020(d)(1), the imposition of fees, dedication, reservations or exactions for this project are subject to protest by the project applicant at the time of approval or conditional approval of the development or within ninety (90) calendar days after the date of imposition of fees, dedications, reservation, or exactions imposed on the development project. This notice does not apply to those fees, dedications, reservations, or exactions which were previously imposed and duly noticed; or, where no notice was previously required under the provisions of Government Code Section 66020(d)(1) in effect before January 1, 1997.

IMPORTANT: PLEASE READ CAREFULLY

Please note that this project is subject to a variety of discretionary conditions of approval. These include conditions based on adopted City plans and policies, those determined through the use permit review and environmental assessment essential to mitigate adverse effects on the environment including the health, safety, and welfare of the community, and recommended conditions for development that are not essential to health, safety, and welfare, but would on the whole enhance the project and its relationship to the neighborhood and environment.

Discretionary conditions of approval may be appealed. All code requirements, however, are mandatory and may only be modified by variance, provided the findings can be made.

All discretionary conditions of approval will ultimately be deemed mandatory unless appealed by the applicant to the City Council within 10 days after the decision by the Planning Commission. In the event you wish to appeal the Planning Commission's decision or discretionary conditions of approval, you may do so by filing a written appeal with the City Clerk. The appeal shall state the grounds for the appeal and wherein the Commission failed to conform to the requirements of the zoning ordinance. This should include identification of the decision or action appealed and specific reasons why you believe the decision or action appealed should not be upheld.

Approval of this use permit shall be considered null and void in the event of failure by the applicant and/or the authorized representative, architect, engineer, or designer to disclose and delineate all facts and information relating to the subject property and the proposed development.

Approval of this use permit may become null and void in the event that development is not completed in accordance with all the conditions and requirements imposed on this use permit, the zoning ordinance, and all City standards and specifications. This use permit is granted, and the conditions imposed, based upon the application submittal provided by the applicant, including any operational statement. The application is material to the issuance of this use permit. Unless the conditions of approval specifically require operation inconsistent with the application, a new or revised use permit is required if the operation of this establishment changes or becomes inconsistent with the application. Failure to operate in accordance with the conditions and

requirements imposed may result in revocation of the use permit or any other enforcement remedy available under the law. The City shall not assume responsibility for any deletions or omissions resulting from the use permit review process or for additions or alterations to any construction or building plans not specifically submitted and reviewed and approved pursuant to this use permit or subsequent amendments or revisions. These conditions are conditions imposed solely upon the use permit, and are not conditions imposed on the City or any third party. Likewise, imposition of conditions to ensure compliance with federal, state, or local laws and regulations does not preclude any other type of compliance enforcement.

These conditions are applicable to any person or entity making use of this use permit, and references to “developer” or “applicant” herein also include any applicant, property owner, owner, leasee, operator, or any other person or entity making use of this use permit.

CONDITIONS OF APPROVAL

1. The applicant/property owner agrees to defend, indemnify and hold harmless the City, its officers, agents and employees, from any and all claims, damages, liability or actions arising out of or connected with this Agreement, except to the extent such liabilities are caused by actions of the City.
2. The cold weather shelter program shall be allowed to operate continuously at 715 King Avenue through April 3, 2021
3. Maximum participants allowed at the facility shall meet all applicable Building and Fire Codes related to the facility and/or not exceed 30 participants.
4. Operations are to adhere to Yuba City Municipal Code Section 8-5.5112 – Rotating church cold weather shelter:
 - (c) Eligible participants at the shelter(s) shall be oriented to families.
 - (d) Eligible participants shall be brought to the participating church facility not before 6:00 p.m. and shall depart the facility by 7:30 a.m. the next day.
 - (e) As part of the zoning clearance process, participating churches in the rotating cold weather shelter program shall submit an operations plan that provides the following information:
 - (1) Screening process for eligible participants.
 - (2) Occupancy schedule.
 - (3) No loitering policy.
 - (4) Transportation plan.
5. All parking associated with the shelter is to utilize Cornerstone’s Church parking facilities. No on-street parking.