



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

Meeting Date: December 8, 2021
To: Chair and Members of the Planning Commission
From: Development Services Department
Presentation By: Benjamin Moody, Development Services Director

Subject: **Use Permit (UP) 21-04 – Application to operate a continuous cold weather shelter at 715 King Avenue / Cornerstone Church through May 2022 to mitigate COVID-19 impacts.**

Recommendation: A. Conduct a Public Hearing and make the necessary findings to;
B. Adopt a Resolution to determine the project is Categorically Exempt from CEQA pursuant to CEQA Guidelines Section 15301, Existing Facilities, and approve Use Permit 21-04, subject to the Conditions of Approval, to allow Regional Emergency Shelter Team (REST) to operate a continuous cold weather shelter at 715 King Avenue (APN 51-296-006).

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 21-04
General Plan and Specific Plans: Low Density Residential
Zoning: One-Family Residence District, R-1

Purpose:

To approve Use Permit 21-04 to allow REST to operate a continuous cold weather shelter at 715 King Avenue through May 2022.

Project Proposal:

The Regional Emergency Shelter Team (REST), reached out to the City in the fall of 2021 to request permission to use Cornerstone Church's property at 715 King Avenue to provide services in light of the ongoing COVID-19 pandemic through April 2, 2022.

Bi-county Health Officer Dr. Luu recommends the use of a single facility for REST's shelter for the winter of 2021-2022, which instigated the request from REST to provide services at 715 King Avenue through April 2, 2022. The request is 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.

Although REST has requested the cold weather shelter to be open until April 2, 2022, staff is recommending extending the timeline until May 2022 to allow for flexibility. Any additional time that may be needed for the cold weather shelter shall be approved by the Planning Commission.

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. 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.

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.

In fall of 2020 the Planning Commission approved Use Permit (UP) 20-05 in light of the COVID-19 pandemic to allow REST to operate a continuous cold weather shelter at 715 King Avenue through April 3, 2021.

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 (Attachment 2) to provide REST with information regarding operational criteria.

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

<i>Project and Bordering Site Information</i>			
	General Plan Land Use Classification	Zoning	Existing Land Use
Project Site	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

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.

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.*

Analysis:

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.

The proposed Use Permit will be valid until April 2, 2022, subject to the Conditions of Approval. The applicant may apply for one two-year extension by submitting a written request to the Development Services director.

Environmental Determination:

City staff have performed a preliminary Environmental Assessment of this project and have determined it falls within the Categorical Exemption set forth in CEQA Guidelines section 15301 Existing Facilities, Class 1 with the basis that there will be negligible expansion of an existing use regarding the operation of an existing private structure. Furthermore, Staff has determined that none of the exception to Categorical Exemptions set forth in the CEQA Guidelines, section 15300.2 apply to this project.

Recommended Action:

Conduct a public hearing and make the necessary findings to:

Environmental:

- A.** Determine the project is categorically exempt from CEQA pursuant to CEQA Guidelines Section 15301 Existing Facilities, Class 1.

Use Permit 21-04:

Based upon analysis of the Use Permit application, and subject to the applicant's compliance with the Conditions of Approval, staff concludes that the following required

findings of Section 8-5.7003(d) of the Zoning Regulations can be made (*the required findings are in italics*):

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. Adopt a Resolution to determine the project is Categorical Exempt from CEQA pursuant to CEQA Guidelines Section 15301, Existing Facilities, and approve Use Permit 21-04,

subject to the Conditions of Approval, to allow Regional Emergency Shelter Team (REST) to operate a continuous cold weather shelter at 715 King Avenue (APN 51-296-006).

Attachments:

1. Resolution approving Use Permit 21-04
Exhibit A: Conditions of Approval
2. Location Map
3. REST Request letter dated October 6, 2021

ATTACHMENT 1

PLANNING COMMISSION RESOLUTION NO. PC21-19

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF YUBA CITY TO DETERMINE THE PROJECT IS CATEGORICALLY EXEMPT FROM CEQA PURSUANT TO CEQA GUIDELINES SECTION 15301, EXISTING FACILITIES, AND APPROVE USE PERMIT 21-04, SUBJECT TO THE CONDITIONS OF APPROVAL, TO ALLOW REGIONAL EMERGENCY SHELTER TEAM (REST) TO OPERATE A CONTINUOUS COLD WEATHER SHELTER AT 715 KING AVENUE (APN 51-296-006)

WHEREAS, Yuba City Municipal Code Section 8-5.7003, provides the process by which permits are obtained, findings, the permit review process, as well as the appeals process for any denials; and

WHEREAS, Yuba City Municipal Code Section 8-5.7101, provides the process for amendments to permits and variances that exist in the Yuba City Municipal Code; and

WHEREAS, the applicant submitted an application for Use Permit 20-05 in Fall 2020 to allow Regional Emergency Shelter Team (REST) to operate a continuous cold weather shelter at 715 King Avenue due to the COVID-19 pandemic; and

WHEREAS, the Planning Commission conducted a duly noted public hearing on December 17, 2020 and approved 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; and

WHEREAS, due to the ongoing impacts of the COVID-19 pandemic, and a recommendation from Bi-county Health Officer Dr. Luu's recommendation, the applicant submitted an application for proposed Use Permit 21-04 on October 20, 2021 to allow Regional Emergency Shelter Team (REST) to operate a continuous cold weather shelter at 715 King Avenue for the 2021-2022 winter season; and

WHEREAS, the property is located in the R-1, Single Family Residence District, which is consistent with the existing General Plan designation of Low Density Residential; and

WHEREAS, Staff have performed a preliminary environmental assessment of this project and have determined that it falls within the Categorical Exemption set forth in CEQA Guidelines section 15301 Existing Facilities, Class 1 with the basis that there will be negligible expansion of an existing use regarding the operation of an existing private structure. Furthermore, Staff has determined that none of the exception to Categorical Exemptions set forth in the CEQA Guidelines, section 15300.2 apply to this project; and

WHEREAS, on December 8, 2021, the Planning Commission conducted a duly noticed public hearing on Use Permit 21-04, at which time it received input from City Staff, the applicant; public comment portion was opened, and public testimony and evidence, both written and oral, was considered by the Planning Commission, after which public testimony was closed; and

WHEREAS, the Planning Commission has reviewed the associated documents prepared for the project, and all of the evidence received by the Planning Commission; and

WHEREAS, after deliberation and consideration of all relevant items, the Planning Commission now desires to determine the project is categorically exempt from CEQA pursuant to CEQA Guidelines Section 15301, and approve Use Permit 21-04, subject to conditions, to allow REST to operate a continuous cold weather shelter at 715 King Avenue through May 2022.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Yuba City approves Use Permit 21-04, subject to the Conditions of Approval, to allow Regional Emergency Shelter Team to operate a continuous cold weather shelter at 715 King Avenue and as follows:

1. Recitals. The Planning Commission hereby finds that all of the facts set forth in the recitals above are true and correct and incorporated herein.
2. CEQA. Pursuant to the authority and criteria contained in the California Environmental Quality Act (CEQA) of 1970, the City, as the Lead Agency, has analyzed the proposed project have determined that it falls within the Categorical Exemption set forth in CEQA Guidelines section 15301 Existing Facilities, Class 1 with the basis that there will be negligible expansion of an existing use regarding the operation of an existing private structure. Furthermore, Staff has determined that none of the exception to Categorical Exemptions set forth in the CEQA Guidelines, section 15300.2 apply to this project.
3. Findings. Based upon analysis of the Use of the Use Permit application, and subject to the applicant's compliance with the Conditions of Approval, staff concludes that the following required findings of Section 8-5.7003(d) of the Zoning Regulations can be made:
 1. The proposal is consistent with the General Plan.
 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.
 3. The streets serving the site are adequate to carry the quantity of traffic generated by the proposed use.
 4. The site design and the size and design of the building will complement neighboring facilities.
 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.
 6. At least one of the findings found in Title 6, Chapter 9, Article 6 of the Municipal Code is satisfied.
4. Evidence.
 1. 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 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. 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 proposed use will utilize an existing building and facility that complements the existing neighboring facilities.
 5. 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. 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
5. Certification. The Secretary shall certify to the adoption of the Resolution and shall transmit copies of the same to the applicant.
6. Effective Date of Resolution. This Resolution shall become effective immediately.

The foregoing Resolution was duly and regularly introduced, passed and adopted by the Planning Commission of the City of Yuba City at a special meeting thereof held on December 8, 2021 by the following vote:

Ayes:

Noes:

Absent:

Recused:

By order of the Planning Commission of the City of Yuba City.

Michele Blake, Planning Commission Chair

ATTEST:

Benjamin Moody, Secretary to the Planning Commission

Exhibit A: Conditions of Approval

EXHIBIT A

**CITY OF YUBA CITY
CONDITIONS OF APPROVAL
USE PERMIT 21-04
DECEMBER 8, 2021**

**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. Maximum participants allowed at the facility shall meet all applicable Building and Fire Codes related to the facility and/or not exceed 30 participants.
3. The applicant shall coordinate with the Yuba City Fire Department to coordinate a time for an inspection to maintain egress, smoke alarms, and rescue windows.
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.

ATTACHMENT 2



Location Map
REST: UP 21-04

1 inch = 250 feet

ATTACHMENT 3

Regional Emergency Shelter Team
P.O. Box 688
Yuba City, CA 95992
Non-Profit 501(c) (3)
EIN# 27-3221544



October 6, 2021

To: Benjamin Moody
Development Services Director
City of Yuba City

Dear Mr. Moody,

Regional Emergency Shelter Team (REST) would like to thank you for supporting its service of some of Yuba City's most vulnerable residents. With permission from the City of Yuba City and the Yuba City Planning Commission, REST provided emergency shelter for five months during the winter of 2020-2021 at 715 King Ave. Yuba City, CA 95991. Given the continuing public health advisories and situation related to the ongoing COVID-19 pandemic, REST would like to request an extension to the permission granted it in order to provide shelter this winter at the same fixed location. REST plans to provide emergency shelter from November 29, 2021 until April 2, 2022.

Bi-county Health Officer Dr. Luu recommends the use of a single facility for REST's shelter for the winter of 2021-2022. Reasons for this include fewer exposures of people and locations as compared to REST's typically rotating shelter model. This will minimize chances of exposure and allow for simpler contact tracing and quarantining in the case of any COVID cases related to the shelter. REST's Board of Directors agrees with Dr. Luu that a fixed shelter location for the winter of 2021-2022 would be the best way to safeguard the health of the community during the ongoing COVID-19 pandemic. Cornerstone Church, owner of the property at 715 King Ave., states that the property is available for REST's use once again this winter. In addition to increasing health and safety, the fixed shelter arrangement also provides benefits to the City of Yuba City such as providing additional emergency shelter beds within the city and giving local law enforcement a place to take women and families who they encounter in need of shelter.

Thank you for reviewing this request. If you have any questions or would like to discuss this further, please contact me at 530-683-2274 or restdirector.ys@gmail.com. Thank you for supporting REST and those we serve during this unprecedented time.

Sincerely,

Nick Anderson
Director
Regional Emergency Shelter Team

*"Come unto Me all who are weary and burdened and I will give you rest."
Matthew 11:28*