



City of Yuba City
Planning Division Agenda Report
Planning Commission Meeting

July 14, 2010

DATE: July 9, 2010
TO: Yuba City Planning Commission
FROM: Community Development Department
SUBJECT: Agenda Report – Meeting of July 14, 2010

Public Hearing:

- ZONING CODE AMENDMENT ZC 10-03 TO ESTABLISH “EMERGENCY SHELTERS” AS A PERMITTED USE IN THE M-2, INDUSTRIAL, ZONING DISTRICT AND TO ESTABLISH DESIGN AND MANAGEMENT STANDARDS FOR EMERGENCY SHELTERS AS ALLOWED BY SENATE BILL 2.**

Background:

In 2007, the Governor signed Senate Bill 2 (SB2), which strengthened housing element law to ensure zoning encourages and facilitates emergency shelters and limits the denial of emergency shelters and transitional or supportive housing. SB2 requires all jurisdictions, within one year of the State’s approval of the Housing Element, to designate a zone that permits emergency shelters without a conditional use permit or other discretionary action. SB2 allows jurisdictions to impose on emergency shelters objective development and management standards for the maximum number of beds, the provision of onsite management, length of stay, and security. The California Department of Housing and Community Development (HCD) approved Yuba City’s 2008 Housing Element in August, 2009. Policy H-E-8 of the 2008 Housing Element commits the City to amending its Zoning Regulations to establish “emergency shelters” as a permitted use in the M-2, Industrial District. The Housing Element demonstrated that the M-2 District contains enough vacant property or underutilized buildings to meet the needs of the unsheltered homeless population in Yuba City.

Project Description/Summary of Changes:

In order to comply with SB2 while protecting the interests of surrounding property owners, staff recommends that Section 8-5.2102 of the Zoning Regulations be

amended to establish emergency shelters as a permitted use in the M-2 District, subject to the development and management standards established in Section 8-5.5111. Staff further recommends that Section 8.5-5111 be added to read as follows:

Sec. 8.5-5111. Emergency Shelters

Emergency shelters shall be subject to the development standards in the zone district(s) that permit this use. In accordance with the authority granted to the City in section 65583(a)(4) of the California Government Code, emergency shelters shall also meet the following standards:

- A. Location: An emergency shelter shall not be located within 250 feet of another emergency shelter.*
- B. Maximum Number of Beds: The emergency shelter shall be limited to 25 beds.*
- C. Length of Stay: Occupancy for any one individual in the emergency shelter shall be limited to six months.*
- D. Parking: Off-street parking shall be provided at the ratio of 1 space per 6 beds, plus 1 space per manager or staff person on duty.*
- E. On-site Waiting and Intake Areas: If the emergency shelter provides onsite waiting and intake areas, such areas shall be located either inside the facility or fully screened from view of the public-right-of-way and neighboring properties.*
- F. Management Plan: Prior to commencing operation, the emergency shelter provider must have a written management plan which shall be approved by the Community Development Director. The management plan must include the following:*
 - a. Provisions for staff training*
 - b. Resident identification process*
 - c. Neighborhood outreach*
 - d. Policies regarding pets*
 - e. Timing and placement of outdoor activities*
 - f. Temporary storage of residents' belongings*
 - g. Safety and security*
 - h. Screening of residents to ensure compatibility with services provided at the facility*
 - i. Description of training, counseling, and social service programs provided for residents, if applicable.*

Analysis:

Implementation of SB2 is mandatory for jurisdictions that wish to receive funds through HCD. Aside from the development and management standards recommended above, SB2 provides very little discretion to local jurisdictions that wish to impose standards on emergency shelters. Failure to comply with SB2 would make a jurisdiction ineligible to receive State funds, such as the \$800,000 HOME grant the Community Development Department recently received to assist first-time homebuyers.

Yuba City's Housing Element was adopted in conjunction with a Negative Declaration to satisfy the requirements of the California Environmental Quality Act (CEQA). Because the Housing Element contained policies that called for this Zoning Code amendment, ZC 10-03 is exempt from further review under CEQA.

Alternatives:

Direct staff to make changes to ZC 10-03.

Recommendation:

Conduct a public hearing and recommend that the City Council take the following actions:

- 1) Find that ZC 10-03 is exempt from further CEQA review, as the proposal was anticipated and reviewed in the Initial Study/Negative Declaration that was adopted in conjunction with the 2008 Housing Element; and
- 2) Adopt an ordinance approving ZC 10-03.

2. SPECIFIC PLAN AMENDMENT 09-02; ZONING CODE AMENDMENT ZC 10-02: NEW DEFINITIONS FOR EATING AND DRINKING ESTABLISHMENTS, BARS, AND NIGHTCLUBS; APPLICANT: CITY OF YUBA CITY.

Project Description:

The proposed Specific Plan Amendment and Rezone is intended to formalize the amendments that were previously approved as an Urgency Ordinance relating to the enactment of new definitions and development standards/restrictions for "eating and drinking establishments", "bars and drinking places", and "nightclubs" within the City's Zoning Code and *Central City Specific Plan* (CCSP).

Background:

On August 5, 2008, the City Council approved a proposed Interim Urgency Ordinance that temporarily enacted new definitions and development standards/restrictions for "eating and drinking establishments", "bars and drinking places", and "nightclubs" within the City's Zoning Code and Central City Specific Plan. The purpose for the approval of

the interim urgency ordinance was to correct an existing deficiency in the City's Zoning Code as well as the Central City Specific Plan. Prior to the adoption of the Urgency Ordinance there were no clear definitions or standards/restrictions in either City code to distinguish between restaurants, bars, and nightclubs. As a result, it was challenging for the City to regulate where and how these different uses are allowed to operate which could have created potential conflicts within a surrounding area. The urgency ordinance temporarily allowed the City to ensure that no other businesses were allowed to open and operate without the City first being able to adequately review the potential issues and conflicts that could arise with a proposed bar or nightclub through the Use Permit process.

Urgency ordinances of this type are authorized by Government Code Section 65858 which allows a city to adopt as an urgency measure, an interim ordinance prohibiting a use that may be in conflict with a general plan, specific plan, or zoning proposal that a city is considering. Ordinances of this type require a 4/5 vote and are initially valid for 45 days, but can be extended by another 4/5 vote by the Council. The Council approved such an extension at their September 16, 2009 meeting. The purpose for this formal amendment to the CCSP and Zoning Ordinance is to incorporate the provisions of the Urgency Ordinance as permanent revisions to both documents.

Analysis:

Prior to the provisions of the Urgency Ordinance being incorporated into the City's Zoning Ordinance as well as the *Central City Specific Plan*, neither document adequately distinguished the differences between restaurants, bars, and nightclubs either by definition or through specific development standards/restrictions. Clearly there are unique differences between these use types that should be addressed independently when either use is proposed to ensure proper compatibility between the proposed use and the surrounding area. However, without the proposed regulations, there is no formal process in place to properly analyze the potential issues (e.g. parking, noise) associated with a proposed bar or nightclub. Perhaps, even more importantly is that there is no process in place to ensure that a proposed (or existing) restaurant use does not expand or transition into either a bar or nightclub use during the course of operation without a formal evaluation by the city.

The proposed amendments will clearly define the different use types so that each use can be evaluated and regulated independently. By applying specific definitions for the different use types, the city can apply specific zoning regulations to bars and nightclubs which have a greater potential for being incompatible with surrounding properties. The proposed measures will require that bars and nightclubs (as defined in the attached ordinance) will require a Use Permit in the *Central City Specific Plan* as well in the C-2 zone district. A Use Permit will also be required for nightclubs in the C-3 zone district. Additionally, nightclubs must be located a minimum of 500 feet from a residentially zoned property. Through the Use Permit process, the city can ensure compatibility between these use types and surrounding land uses within the city so that the public health, safety, or welfare, is protected, and the market values and aesthetic and visual

qualities of the city are protected from impairment.

Environmental:

In accordance with CEQA Guidelines Section 15061.b(3) the proposed amendments are exempt from environmental review under the general rule that CEQA applies only to projects, which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. The proposed amendments to the Zoning Ordinance and Central City Specific Plan represent more restrictive land use standards that will not result in a significant effect on the environment.

Recommended Actions:

Staff recommends that the Planning Commission take the following actions:

- A. Recommend that the City Council take the following actions:
 - a. Adopt the finding that, that the proposed Zoning Code Amendment is consistent with the General Plan;
 - b. Adopt the attached Resolution to amend the *Central City Specific Plan* as shown in Exhibit A; and,
 - c. Introduce and adopt the Ordinance contained in Exhibit B.