

**MINUTES OF THE ADJOURNED REGULAR MEETING  
OF THE CITY OF SAN CLEMENTE  
PLANNING COMMISSION  
May 28, 2014 @ 6:00 p.m.  
City Council Chambers  
100 Avenida Presidio  
San Clemente, CA**

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**1. CALL TO ORDER**

Chair Darden called the Adjourned Regular Meeting of the Planning Commission of the City of San Clemente to order at 6:00 p.m.

**2. PLEDGE OF ALLEGIANCE**

Commissioner Ruehlin led the Pledge of Allegiance.

**3. ROLL CALL**

Commissioners Present: Wayne Eggleston, Michael Kaupp, Jim Ruehlin, and Kathleen Ward; Chair pro tem Barton Crandell, Vice Chair Donald Brown and Chair Julia Darden

Commissioners Absent: None

Staff Present: Jim Pechous, City Planner  
Amber Gregg, Associate Planner  
Jeff Hook, Principal Planner  
Denise Obrero, Housing Programs Planner  
Joe Bull, Police Services Deputy  
Ajit Thind, Assistant City Attorney  
Eileen White, Recording Secretary

**4. SPECIAL ORDERS OF BUSINESS – None**

**5. MINUTES – None**

**6. ORAL AND WRITTEN COMMUNICATION – None**

**7. CONSENT CALENDAR – None**

**8. PUBLIC HEARING**

- A. Zoning Amendment 14-121/General Plan Amendment 14-122/Specific Plan Amendment 14-123, Consideration of Adopting a Resolution to Recommend that the City Council Approve a Negative Declaration of**

**Environmental Impact, Amend the Zoning Ordinance and Amend the General and/or Specific Plans to Implement Senate Bill 2, the "Emergency Shelter Act" (Obrero)**

The Planning Commission will continue its discussion from its May 7, 2014 meeting and consider alternative strategies for complying with a State law, "SB 2", the Emergency Shelter Act. At this meeting, the Commission will review staff responses to Commission questions, review potential shelter capacities of various areas and/or zones, review City Attorney responses to legal questions, review possible development and management standards, discuss alternative strategies for meeting SB 2, and possibly, adopt a resolution recommending City Council actions to implement SB 2.

SB 2 requires cities and counties to allow homeless shelters by right in at least one land use zone. The ordinance does not require cities to build or provide funding for such uses. Local governments may establish standards to regulate emergency shelters' location, size, parking, proximity to other emergency shelters, length of stay, lighting, security, and to require a management plan. The City completed an evaluation of possible sites and zones to meet SB 2 requirements and, based on that evaluation, identified several areas and zones that may meet SB 2 criteria. The Planning Commission is also considering the possibility of allowing churches to provide seasonal or year around shelter for homeless persons.

Chair Darden provided a brief history of this project as it has proceeded through the review and approval process; advised that following the staff presentation the public will be asked to speak; requested each individual providing public testimony limit their comments to three minutes; thanked the audience in advance for showing respect for all speakers and refraining from interrupting, applauding, or speaking out of turn during the meeting.

Jim Pechous, City Planner, noted Planning Division staff members Jeff Hook, Principal Planner, Amber Gregg, Associate Planner, and Denise Obrero, Housing Programs Planner, were all present this evening to answer questions.

Amber Gregg, Associate Planner, narrated a PowerPoint Presentation entitled, "Draft SB 2 Locations and Development Standards, dated May 28, 2014." She provided background information, described the progress of the project to date, and recapped suggestions and comments made at the May 7, 2014, meeting. She summarized the City Attorney's responses to legal posed at the Commission's first meeting. Staff recommended the Commission establish an SB 2 Overlay Zone which includes the Calle de Industrias area and churches in non-residential zones (35-bed limit), and churches in residential zones with a 10-bed limit.

Commissioner Eggleston questioned the need to identify locations where emergency shelters will be permitted with a total capacity in excess of 70 beds. He questioned whether the City would be able to require discretionary review for shelters once the 70-bed threshold had been met.

Ajit Thind, Assistant City Attorney, explained that once the City has allowed the actual development, by right, of one or more emergency shelters with a total capacity of 70 beds, any proposals to provide emergency shelter beds beyond that number may be subject to discretionary review. He read text from SB 2 setting forth the provisions that allow the City to require a Conditional Use Permit once the identified need is met by emergency shelters. To date, there has not been any litigation that would set precedence regarding this provision in the law.

Jeff Hook explained that the draft ordinance includes language which provides that once the 70-bed capacity threshold has been met, additional emergency shelters would require a Conditional Use Permit. He added that the capacity threshold was established by the adopted City Housing Element and that the threshold could change over time based on estimated shelter need. The City could validate homeless population estimates by participating in the County's "point in time" homeless enumeration counts, which are conducted every other year. In addition, he read language from California Department of Housing and Community Development (HCD) indicating that the City can require a Conditional Use Permit after reaching the identified capacity.

Commissioner Crandell established from staff that the City's Housing Element must be updated every five years. He suggested that since SB 2 will be incorporated into the Housing Element, the threshold should be updated to match the County's "point in time" count at the time the Housing Element is updated.

Vice Chair Brown questioned the minimum square footage of 250 per person and established from staff that that number includes shower space, laundry rooms, etc. He speculated that a 35-bed facility would have to be 16,000 square feet to accommodate 70 people.

Jeff Hook, Principal Planner, stated that 250 square feet of total shelter floor area per bed was a figure used by the City of San Juan Capistrano, but noted that based on the draft architectural program prepared by staff, a ratio of 125 square feet of total shelter floor area per bed was more in keeping with actual space needs. He estimated that a total lot area of 18,000 square feet would be needed for a 65-70 bed shelter, or a site area of 12,000 to 14,000 square feet to accommodate a 35-bed shelter.

Commissioner Ward pointed out that the second "whereas" of the draft Planning Commission resolution recommending approval of the ordinance addresses special needs housing, including emergency shelters and

“transitional and supportive housing”, and questioned why these types of housing were not being addressed at this time.

Jim Pechous, City Planner, agreed that the SB 2 requirement to address “emergency shelter” needs is a separate issue from “transitional and supportive” housing and recommended the Commission focus on emergency shelters to meet the needs of homeless persons at this time; transitional and supportive housing would be stricken from the Resolution and addressed as part of the Housing Element update.

Chair Darden opened the public hearing.

Tom Alexander, resident, urged the Commission to consider a homeless shelter’s proximity to Richard Steed Park and the skate park in particular when considering whether to allow a homeless shelter at the Shoreline Church location. Richard Steed Park should be given the same consideration and buffering from homeless shelters that residential property is given.

Ed Connor, San Juan Capistrano resident representing iHope, called the City’s proposal to reduce the number of potential lots from 250 if the Rancho San Clemente Business Park (RSCBP) is eligible to the current recommendation of 37 lots “ludicrous” and advised their proposal will be challenged. He believes the City’s proposed SB 2 Zoning Overlay is illegal spot zoning, and noted that many of the City’s churches signed a letter indicating they do not agree with a limit of 10 beds. He informed that currently in Orange County there are no churches with homeless shelters. In addition, he noted that although Heritage Church originally supported a homeless shelter on vacant property adjacent to their church, at this time they are considering other options, including a school.

Barbara Scheinman, Saddleback Memorial Employee, questioned why the City is proposing to limit shelters to 35 beds when ihope has indicated a willingness to operate a larger shelter. In the meantime, Saddleback Hospital will continue to be used by the homeless as a shelter, and she is concerned that people needing emergency care at the hospital will be turned away because the beds are full of homeless people.

Bob Adams, resident and president of the RSCBP, agreed with a comment Commissioner Ward made earlier that the Business Park was not designed to house homeless people wandering around in the daylight hours. Properties are not fenced off, and the adjacent 250 acres of open space is high fire hazard. Putting a homeless shelter in the business park will jeopardize its future and earning potential, which will ultimately hurt the City’s coffers in the long run. He reminded the Commission that the maintenance fund for the new sports park has almost run out. He is relieved that staff is not suggesting the Commission continue considering the business park as a potential zone for homeless shelters. He urged the

Commission to reconsider the triangle site offered by the business park as a viable alternative as one acre could be used as a shelter and the rest as a community garden. The City could be one of the first cities in Orange County to establish an emergency shelter and take proactive steps to help the City's homeless.

Robert Benner, Coto de Caza resident and business owner in the RSCBP, expressed concern that locating a homeless shelter next to San Clemente Self Storage would cause negative impacts such as decreased personal security, potential fire danger, potential loitering, property destruction, etc. to the storage facility, which is only staffed during daytime hours.

Charles Mann, resident, advised that Measure V was supported by the residents to protect the City's open space, which is an important resource for the residents of the City. He believes residents will fight any efforts to bypass Measure V and develop one acre of the triangle site as a homeless shelter. If the City insists that the site has potential, they should put the proposal to a City-wide vote and let the residents have a voice. Putting a homeless shelter at this location will surely have negative impacts on property values. The City has a duty to protect the property values of its residents. He cautioned that the City must be very careful when designating an area for a homeless shelter use.

Alan Korsen, resident, supported the City spreading out the homeless into several shelters so that not just one area is impacted; opposed constructing a shelter at the triangle site as the area will become a dumping area for trash, camps, alcoholics, drug users, etc. Code enforcement, the sheriff's department, and the fire department will be constantly called there to address the issues associated with the homeless. The area is very close to the high school and market, which will lead to the homeless mingling with and potentially negatively influencing the high school kids. Many of the homeless have problems with drugs, and so do a number of kids at the high school; it is not a good idea that the two groups are exposed to each other.

Jack Kulp, Dana Point resident, RSCBP boardmember and business owner, currently employs 120 people that live, work and support other businesses in the City. He has worked hard to build his business, and is very proud of its location in the business park. He is concerned that allowing homeless shelters throughout the business park will negatively impact other businesses, their employees, and the image the businesses in the park have worked so hard to develop and maintain.

Bruce Wegner, resident and pastor at Heritage Church, advised that Heritage Church remains committed to its stance that churches can provide shelter. The church was approached by a private school regarding its vacant lot, but there has been no agreement or solid proposal. The

church wants to do the best thing for the community and a potential shelter on site is still an option. In addition, an existing multipurpose room is being considered for an emergency or cold weather shelter, or maybe potentially as a coffee shop. At this point, no plans are "in concrete" and the Church is not ready at this time to enter into an agreement with iHope. He supports the triangle site and applauded the RSCBP board for its efforts to develop a viable solution. The triangle site meets all criteria and is already home to many of the City's homeless; he supports further study to determine if the site is viable.

Chair Darden closed the public hearing.

Jim Pechous, City Planner responded to questions asked during public testimony. He noted there is 300 feet between the Shoreline Church property line and Richard Steed Park; advised that for a church to establish itself in the business park, they must obtain a conditional use permit (CUP). Once a church receives a CUP to operate, they would be able to provide emergency shelter by right, up to the 70-bed limit.

Ajit Thind, Assistant City Attorney, advised that spot zoning and limiting the number of beds are allowed pursuant to HCD guidelines, and that these standards have also been included in a number of other cities' SB 2 guidelines.

Deputy Joe Bull, City of San Clemente Police Services, commented that some of the issues that should be addressed in a management plan include an evacuation plan which would consist of contact names and numbers and location for a command post or secondary location for all to gather in the event of an emergency. In the event a riot occurred, the police would have a secure area where they would be able to quickly mobilize to minimize danger for all. He noted that boundaries and fencing were important to limit ingress and egress and for purposes of monitoring and the safety of all concerned. Video cameras would also help with monitoring. In the past, the Sheriff's Department provided security recommendations to iHope and Family Assistance Ministry (FAM), which was established as part of their operating protocol. Basically the plans include who to call in emergency. The plans are tailored to the individual location and vary from locale to locale. Police Services staff are available to aid in setting up the security portion of the Management Plan.

Assistant City Attorney Thind advised it would be appropriate for staff to sit down with a prospective homeless shelter provider to review the required elements of the Management Plan, but that the City cannot require discretionary approval of the plan itself.

City Planner Pechous added that City Code Enforcement staff would get involved if problems arise, and would also involve the Planning Division. Planning Division would work together with the property owners and/or

shelter operators to address the problems and develop solutions. In his experience, non-profit organizations have been very good at addressing potential issues from the onset rather than letting them fester.

- Commissioner Ruehlin commented that during public testimony there was a lot of public discourse regarding the potential of problems that could be caused by a homeless shelter. He pointed out that these problems are already occurring and borne by existing residences and businesses in certain locations throughout the City. The purpose of setting up multiple shelters will result in the burdens being addressed in a dispersed manner, rather than being concentrated solely in certain neighborhoods.

Commissioner Crandell established from City Planner Pechous that the overlay simply adds to the list of uses that are currently permissible within the zone. He also expressed concern that homeless people living in encampments near shelters might go to a shelter for meals but return to their encampment later.

The Commissioners agreed that it would be advantageous for the homeless if some or all of the homeless shelter operators provided day programs and/or services, but concluded that discussion was not relevant to the issue at hand, which is solely emergency shelter provisions in SB 2.

#### Calle Industrias Discussion

During discussion of the SB-2 Overlay Zone for Calle Industrias, the Commissioners, either individually or in agreement, provided the following commentary:

- Commented that this area may be too small and too close to other businesses to handle all 70 required beds; suggested there may be negative impacts on neighboring businesses, traffic, the high school, and North Beach.
- Commented that Calle Industrias is the only area that meets all the requirements and additionally meets Police Services recommendations with fenced boundaries; it is advantageous to house the homeless in a smaller contained area, homeless individuals may feel safer in a smaller contained area rather than spread out over a larger area.
- Suggested allowing 2, 35-bed shelters would be preferable to 1, 70-bed shelter because an incident occurring in one of the shelters would not necessarily affect the other, the facilities could be close enough so that one provider could operate both of them, and the homeless people would have a choice because some homeless persons may not get along well with others.
- Expressed concern regarding potential negative impacts to businesses and other uses adjacent to the Calle Industrias site,

including the diner, alley, retail center, grocery store, restaurants, the high school, traffic in general and North Beach. Putting the entire 70 beds in that area may be concentrating the burden. He suggested it may be advantageous to limit the number of beds in that area in order to spread potential negative impacts around.

- Established from staff that the Los Molinos area was eliminated as potential site for homeless shelter due to adjacent residences and the Boys and Girls Club.
- Established from staff that the percentage of the identified number of homeless that may actually use a homeless shelter is irrelevant; the City is required to provide beds for the identified number, not on the beds' potential utilization.
- Suggested that potential density issues if 70 beds are allowed in one facility, or with 2, 35-bed facilities located close to each other, can be addressed with architectural design.
- Established from staff that all businesses were notified, and no comments or objections have been submitted.
- Suggested one facility start out at 35 beds, and be allowed to expand based on experiences/impacts.
- Discussed preferences for 200 or 300 minimum separation between the facilities.
- Suggested more opportunity may exist for 1, 50-bed facility, which would leave only 20 beds in alternative facility.

#### Straw Votes for Calle Industrias:

Several vote options were considered for this site, including two, 35-bed facilities with 200 feet separation; one, 50-bed facility with 300 feet separation; one, 45-bed facility, and one, 70-bed facility, with varying votes. **The final straw vote was to permit one, 50-bed facility in the Calle de Industrias area, with 300 feet separation from other shelter facilities. This was passed on a 5-2 vote, with Commissioner Ward and Commissioner Ruehlin not in favor** due to concerns with overcrowding, negative impacts to the surrounding area including the high school, North Beach, and area businesses, and/or issues associated with the concentration of homeless in one area rather than spread across the City.

#### Churches Discussion:

During discussion of potential of allowing 35-bed homeless shelters at 3 church sites in the RSCBP, as well as 2 church sites in the Talega Business Park, and up to 10 beds at churches in residential areas, the Commissioners, either individually or in agreement, provided the following commentary:



- Established from staff that no churches have committed to providing emergency shelter beds at this time; the Heritage Church has indicated they are not opposed to allowing this use on a vacant lot adjacent to the church, and are considering several options for the site.
- Supported up to 10 beds for all churches throughout the City, including those in the RSCBP, Talega Business Park, and in residential areas throughout the City, rather than designating 35 beds for churches within RSCBP.
- Suggested that potentially, a church could establish itself in one of the business parks and instead operate a homeless shelter with 35 beds.
- Suggested the City could seek out restoration of bus service out in Talega to service both the homeless shelter and low income housing development.
- Commented that the churches in Talega could establish a homeless shelter and provide their own transportation services if desired.
- Established from staff that although the Talega churches are more than one mile away from public transportation, the sites are still viable, and including them will help satisfy SB 2 requirements.
- Questioned whether day care centers, featured at many of the larger churches, are compatible with homeless shelters.
- Suggested that if churches are to be allowed to establish a homeless shelter with up to 35 beds in the business parks, a non-profit entity wishing to establish a homeless shelter should be allowed to as well.
- Suggested that allowing up to 10 beds at all churches in town, whether they are located in residential or nonresidential areas, would allow the opportunity to make up the 20 beds leftover if/when a 50-bed facility is built in the Calle Industrias area.
- Commented the two churches in Talega should be added to the nonresidential list of potential churches to provide broader choices.
- Suggested the bed limit for all the church sites be reduced to six per site to increase potential availability and encourage church cooperation.
- Commented that representatives from the RSCBP have expressed opposition to allowing homeless shelters within the business park.
- Suggested the City has better chance of having the Housing Element approved by State HCD if additional choices of sites were made available.
- Suggested following the original subcommittee recommendation to allow emergency homeless shelters to be established in the RSCBP, with a maximum of 35 beds per shelter, and a maximum of 2 shelters in the area.

Straw Votes for Non-residential Church Sites:

Several vote options were considered for these sites, including 10 beds at non-residential church sites, three churches in RSCBP and two churches in Talega; a 25-bed limit at each of the five business park church sites; a 20-bed limit at each of the five non-residential church sites; and 35-bed limit at each of the five nonresidential church sites, with varying vote results.

**The final straw vote was to allow shelters within the RSCBP which are at least 500 feet from Residential zones, with a maximum of 35 beds per shelter and at least 300 feet separation between shelters. This motion passed on a 4-3 vote, with Commissioner Ward, Commissioner Eggleston, and Vice Chair Brown not in favor due to potential negative impacts on the businesses that worked hard to establish and make the business park successful, incompatibility with the business park design and purpose, and/or opposition from the business park itself.**

Straw Votes for Residential Church sites:

The majority of the Commissioners supported reducing the number of beds at residential church locations from a maximum of 10 beds to a maximum of six beds. **The final straw vote to allow up to 6 homeless at residential churches passed on a 6-1 vote, with Vice Chair Crandell not in favor due to his preference to allow up to 10 on these sites.**

Development Standards Discussion:

Jeff Hook, Principal Planner, reviewed the Development Standards proposed in the Zoning Ordinance for the development of homeless shelters. In response to questions, he noted existing Design Guidelines and the Rancho San Clemente Specific Plan addressed lighting and would apply to any proposed emergency shelter; noted that the 250 square foot total floor area/bed minimum was included to match other cities' standards but agreed that a minimum of 125 per person was both reasonable and appropriate.

The Commissioners discussed the Development Standards and revised in accordance with straw votes. The revised Development Standards are as follows:

**A. Location.** A homeless shelter shall be not less than ~~two~~ *three* hundred feet from another homeless shelter or facility providing homeless services.

**B. Number of Homeless Shelters.** The number and capacity of homeless shelters allowed without use permit review shall be limited to that required to meet community needs, as established by the most recent Citywide homeless enumeration count, as determined by the City.

**C. Maximum Number of Beds and Building Area.** Maximum number of beds per facility shall not exceed ~~35~~ 50 beds in the Calle de Industrias Sub-Area, 35 beds in the Rancho San Clemente Business Park Sub-Area, or ~~40~~ 6 beds for churches in residential zones. Homeless Shelters shall provide not less than ~~250~~ 125 square feet of gross building floor area per bed.

**D. On-Site Waiting and Intake Areas.** An on-site waiting and client intake area *of at least 10 square feet per person per maximum capacity of shelter* shall be provided *and within the shelter building screened from the street and adjacent uses.* ~~Outdoor patios or entry areas...street.~~

**E. Outdoor Patios and Entry Areas.** Outdoor patios or entry areas shall be located and screened so as to not be visible from a public street *and adjacent uses and must be contained without ingress or egress.*

**E. F. Parking.** On-site parking shall be supplied at a ratio of not less than one vehicle space per five beds plus one additional space for the resident manager and each additional staff person. Enclosed, secure bicycle parking area shall be provided on-site at the ratio of not less than one bicycle parking space per ten beds.

**F. G. Site Lighting.** Site lighting shall be provided for safety and security.

~~G.~~ **H. Architectural Review.** Homeless shelters shall comply with Design Guidelines and the Rancho San Clemente architectural and developmental standards, where applicable, to ensure shelters are compatible with their surroundings, provide for adequate privacy between uses, and minimize potential impacts of the proposed shelter to adjacent uses.

Management Plan Discussion:

Ajit Thind, Assistant City Attorney, confirmed that the Management Standards can be amended after they are established, and it would be acceptable to suggest that they are subject to interim review.

The Commissioners provided direction with regard to the "site security" requirement in the Management Plan. The Commissioners unanimously agreed to require on-site security for homeless shelters with capacity of 50 and over. **The final straw vote to require on site security for homeless**

**shelters with capacity of 50 beds passed on a 4-3 vote, with Commissioner Ruehlin, Vice Chair Crandell, and Chair Darden not in favor.** The Commissioners agreed there was no need to address the length of stay as it is regulated in SB 2.

Commissioner Ward read the following statement into the record:

The State of California in imposing the new Senate Bill 2 law, in their memorandum dated May 7, 2008, under **Proposed Objectives of SB2**, states: "SB2 focuses on the impacts of zoning requirements on the development of emergency shelters. While the State requires that every local government zone for the development of emergency shelters, *it does not restrict how local governments allocate resources to address local priority needs.*"

We must provide an analysis in our Housing Element that demonstrates compliance with the provisions of SB2. In Chapter 633, Statutes of 2007, SB2, under **Housing Element Policies & Programs**, it states: "Effective programs reflect the results of the *local* housing need analysis..."

Again, in Chapter 633, Statutes of 2007 (SB2), under the Attachment 1 which are changes to State Housing Element Law, Section 65583 (a)(1) states: An analysis of population and employment trends and documentation of projections and a quantification of the *locality's* existing and projected housing needs for all income levels...:

The provisions of this bill fall under our local Housing Element as part of our General Plan for our City and our citizens. I believe that the word "local" or "locality" occurs frequently enough that we could assume that we are being asked to zone for shelters that serve local homeless and our residents.

Other cities have adopted what they call a local preference in their Management Plans for emergency shelters. The term "local preference" is not just an individually made up term, but occurs quite frequently in HUD's guidelines for other types of housing categories.

For example, in Notice DIH 2013-15 (HA), it states: "The purpose of this Notice is to provide strategies that PHA's can pursue to expand housing opportunities for individuals and families experiencing homelessness through the public housing and HCV programs. This notice clarifies the definition of homelessness for the purposes of IMS/PIC reporting and provides guidance on HUD policies and program regulations relating to the following topics: Waiting List Management and Preferences; Admissions Policies Regarding Criminal Activities; Substance Use/Abuse, and Rental History; Program Termination and Eviction Policies; and Project-Basing Vouchers for Permanent Supportive Housing (PSH).

In that same HUD notice, under **Residency Preference**, it says: "PHA's that have a residency preference as allowed under regulations at 24 CFR 960.206(b) and 24 CFR 982.207(b) may include in their definition of the term 'residence' shelters and other dwelling places where homeless people may be living or sleeping. PHA's may also consider the circumstances leading to the family's current dwelling place when defining residency for homeless applications. For example, in some communities, there may be a lack of suitable shelters in the PHA's residency preference, forcing the family or individual to seek shelter in another community. If the applicant family or individual is residing in a shelter located outside of the area covered by the PHA's residency preference, the PHA may establish policies considering the applicant's previous residence and circumstances. PHA's with a residency preference may need to change their definition of residency in their Administrative Plan and ACOP for the purpose of allowing such flexibility."

The notice I just read was summarized on a website called **1000Homes.org**. The summary states: "On June 10, 2013, HUD issued long-awaited guidance to Public Housing Authorities (PHA's) and local HUD field offices on housing individuals and families experiencing homelessness through the Public Housing and Housing Choice Voucher Programs. Strategies outlined in the notice expand housing opportunities in these mainstream HUD programs to support the implementation of Opening Doors: Federal Strategic Plan to Prevent and End Homelessness. We've provided a summary of the notice here, along with the notice itself and an accompanying letter from HUD Secretary Shaun Donovan encouraging PHA's to use the guidance to establish local preferences and strengthen partnerships with local efforts to end homelessness."

Download (PDF, 845.92 KB) See more at: <http://100khomes.org/resources/summary-of-hud-notice-to-phas-on-establishing-local-preferences-for-homeless#sthash.cEus0G8X.dpuf>

There is much more documentation throughout the HUD manual on local preference. These HUD programs are the permanent housing programs that our shelter residents should be transitioning to. And now, with the notice just issued June 10, 2013, from HUD encouraging PHA's to use guidelines to establish local preferences and strengthen partnerships with local efforts to end homelessness, I believe it is clear that many of the other forms of housing include the preference of serving local needs first. SB2 stated the statute did not restrict how local governments allocate resources to address local priority needs. I view that as we are able to advocate for our local citizens; that they be given preference in any homeless shelter in San Clemente and that preference be listed as a standard in any shelter Management Plan in San Clemente.

In addition to local preference, there is also a term called "Bona Fide Resident Preferences." Any person is free to move to a locality and

“establish residence” in order to receive a public benefit. Because all residents are eligible for the public benefit without regard to length of residency, there is no penalty on nonresident travel or migration. A Bona Fide Resident Preference is strengthened when it includes a preference to both local residents and local employees.

In Urban Planning, the virtue of having jobs-housing balance in a community is extolled and encouraged. “Smart Growth” development is locating people near their places of employment. I would have no issue including preference to local employees who work in our City and find themselves homeless and in need of shelter.

So there are varying terms, “Local Preference,” “Bona Fide Resident Preference,” and “Employee/Work Preference.” I believe we should include a preference in our Management Plan for our shelter operations that indicates our local needs are met first and our citizens are not on a wait list because people from other locations signed up first. Every City has the zoning for a shelter. Every City should be meeting their local needs.

#### End of Commissioner Ward's Statement

Ajit Thind, Assistant City Attorney, stated that he has already addressed the issue of “local preference” in an earlier memo to the Commission.

Commissioner Crandell commented that since the City has or will not have any financial interest in the homeless shelter, it cannot express preference for its local citizens.

Commissioner Eggleston stated that because the City’s taxpayer-funded resources are used to provide services to the shelter in the form of Police and Fire Services, the community and City itself are supporting the shelter. He believes the City has a moral obligation to take care of its own homeless residents first.

Commissioner Ruehlin commented that the City of Laguna Beach uses its own funds to confirm residency of its homeless population. If San Clemente is consistently turning away the homeless from its shelters, he would prefer the City raise its identified number of homeless rather than establish a policy to shut people out that need a roof over their heads.

Chair Darden commented that she does not support local preference because by definition, people that are homeless are not residents of any city, and she would hate to see any of San Clemente’s homeless turned away from shelter elsewhere. She would not support doing it to other homeless looking for an emergency shelter to stay the night.

Straw Votes Regarding Local Preference Option:

Several straw votes were considered for this option. A straw vote to support the City Attorney investigating a Local Preference Option failed with Commissioner Kaupp, Commissioner Ruehlin, Chair pro tem Crandell and Chair Darden not in favor. A straw vote in favor of a Local Preference Option recommendation to City Council, with the City Attorney providing guidance for them to make the final determination, failed, with Commissioner Kaupp, Commissioner Ruehlin, Commissioner Eggleston, Chair pro tem Crandell and Chair Darden not in favor. A straw vote to support Local Preference Restrictions failed with Commissioner Kaupp, Commissioner Ruehlin, Chair pro tem Crandell and Chair Darden not in favor.

Chair pro tem Crandell commented that if it was legal to do so, he would support a Local Preference Option.

City Planner Pechous agreed to research the Local Preference Option and report back.

Continuation of Management Plan Discussion:

Commissioner Eggleston commented that many homeless have dogs and suggested the City support and allow kennels in homeless shelters as an added incentive to help homeless with dogs to get off the streets. The Commission supported allowing kennels in shelters but did not want to require them.

Several Commissioners supported providing daytime social services especially as a means of reducing negative impacts on surrounding community.

Assistant City Attorney Thind commented that daytime services are not part of the listed standards in SB2 and suggested the City leave this issue in the Management Plan for the operator to develop and manage. In addition, he noted that the City does not have discretionary approval over the Management Plan; SB 2 sets forth what should be included. They can ask the shelter operators to provide additional services the Commission would like to include, such as a 24-hour hotline, but cannot require them.

Principal Planner Hook explained what was meant by a "Neighborhood Relations Plan." He explained that it is a plan which includes provisions intended to protect neighbors from uses with the potential to generate impacts, such as noise, and to enable neighbors to monitor a use and have multiple contacts in case of complaints, questions or concerns. These numbers may include hot lines, the numbers for responsible public agencies, emergency services, etc. He noted the development of a Neighborhood Relations Plan would most likely involve an open dialog

between the City and the shelter provider. The City is allowed ministerial review to ensure the plan would contain the necessary information, but the plan would not be subject to discretionary review and approval. He added that it is in the shelter operator's best interests to have good neighbor relations. He does not anticipate reluctance from shelter operators to work with the City to provide and adhere to a Neighborhood Relations plan.

Chair pro tem Crandell suggested the City consider requiring a Neighborhood Relations Plan for all uses in the underlying zones that have the Emergency Shelter Zoning Ordinance. Following discussion, the consensus was that this would require a large amount of staff time and impose a huge burden on the rest of the community.

Chair Darden commented that tonight's discussion was spirited, which is very positive. It shows the Commission, staff and community are committed to find solutions for all in the community; whether homeless or not. Much common ground was unearthed during the discussion; she believes the recommendation that will be forwarded to City Council reflects the dedication and thoughtfulness shown throughout the process.

City Planner Pechous recommended the Commission continue this item to their regular meeting of June 18, 2014, to allow staff adequate time to prepare a draft resolution and ordinance, along with other relevant documents and make these available to the public in accordance with noticing requirements.

IT WAS MOVED BY COMMISSIONER RUEHLIN, SECONDED BY COMMISSIONER WARD, AND UNANIMOUSLY CARRIED TO CONTINUE ZONING AMENDMENT 14-121/GENERAL PLAN AMENDMENT 14-122/SPECIFIC PLAN AMENDMENT 14-123, CONSIDERATION OF ADOPTING A RESOLUTION TO RECOMMEND THAT THE CITY COUNCIL APPROVE A NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT, AMEND THE ZONING ORDINANCE AND AMEND THE GENERAL AND/OR SPECIFIC PLANS TO IMPLEMENT SENATE BILL 2, THE "EMERGENCY SHELTER ACT" TO THE REGULAR MEETING OF JUNE 18, 2014.

**[ITEM CONTINUED. PLANNING COMMISSION DECISION PENDING.]**

- 9. NEW BUSINESS - None**
- 10. OLD BUSINESS – None**
- 11. REPORTS OF COMMISSIONERS/STAFF - None**
- 12. ADJOURNMENT**



IT WAS MOVED BY COMMISSIONER RUEHLIN, SECONDED BY COMMISSIONER KAUPP, AND UNANIMOUSLY CARRIED to adjourn at 10:19 p.m. to the Regular Study Session on June 4, 2014, at 6:00 p.m. in Council Chambers at City Hall located at 100 Avenida Presidio, San Clemente, CA.

Respectfully submitted,

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Julia Darden, Chair

Attest:



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Jim Pechous, City Planner

DRAFT