



STAFF REPORT

SAN CLEMENTE PLANNING COMMISSION

Date: June 18, 2014

PLANNER: Jeff Hook, Principal Planner, Denise Obrero, Housing Programs Specialist, and Amber Gregg, Associate Planner. (22)

SUBJECT: Draft SB 2 Ordinance, locations and development standards.

BACKGROUND

For the past several months the Planning Commission has been taking public testimony, analyzing sites, and reviewing development standards for City compliance with Senate Bill 2 (SB 2). At its May 28, 2014 meeting, the Planning Commission gave direction to staff and continued the item to June 18th to review a draft ordinance and related documents to implement SB 2.

May 28th Meeting Direction

1. Location of Emergency Shelters:
 - a. Designate 16 parcels in the Calle De Industrias area as part of an SB 2 Overlay Zone. In this area, emergency shelters would be permitted by right for up to 50 beds per facility, subject to specific development and operating standards.
 - b. Designate parcels in the Rancho San Clemente Business Park zone that are at least 500 feet from Residential zones as part of an SB 2 Overlay Zone. In this area, emergency shelters would be permitted by right for up to 35 beds per facility, subject to specific development and operating standards.
 - c. Permitted by right as an accessory use to Churches, for up to six beds per church and subject to specific development and operating standards.
2. Update the Draft Development and Operating Standards based on Planning Commissions comments.

For additional background information, please refer to the previous Staff Reports and Minutes provided under Attachments 2 through 5.

Noticing

The SB 2 item was continued to specific meeting dates twice since extensive public noticing was done for the May 7th meeting. Hearing items that are publicly noticed and then continued to a date certain do not legally require re-noticing. Staff did, however, re-notice the Rancho San Clemente Business Park owners within the proposed SB 2 Overlay District

since there were modifications to the overlay since the last meeting. Staff posted the required continuance notice at City Hall.

Purpose of Tonight's Meeting

The purpose of tonight's meeting is to review the draft Ordinance and related documents, and to forward a recommendation to the City Council.

Draft SB 2 Ordinance

The attached Resolution includes the draft Ordinance that will bring the City into compliance with SB 2 requirements. Ordinance exhibits include: Zoning Ordinance amendments, General and specific plan amendments, the initial environmental study, and the project's Environmental Determination.

Development Standards

The Planning Commission supported the draft Development Standards and made the following changes:

- A. *Number of Emergency Shelters.* The ability to require a Conditional Use Permit after the identified homeless need is met was clarified and supported by staff and the City Attorney. The section states "The number and capacity of emergency shelters allowed without use permit review shall be limited to that required to meet the shelter needs of the number of estimated homeless persons in the City, as established by the most recently adopted City Housing Element."
- B. *Maximum Number of Beds:* Business Park Sub-Area: 35 beds, Calle de Industrias Sub-Area: 50 beds, and Churches and other Religious Institutions: 6 beds.
- C. *Floor Area Requirements.* Emergency Shelters shall provide a total building floor area of not less than 125 square feet per shelter (*previously 250 square feet*).
- D. *Entries and Outdoor Use Areas* are separated from *On-site Waiting and Intake Areas*, they were previously listed under the same subsection.
- E. *Maximum Length of Stay* has been added and states "Occupancy for any individual or family shall not exceed 180 days in a 365-day period."
- F. *On-Site Security.* At least one, trained security staff shall be present on-site during operating hours for a 50-bed shelter.
- G. *Management Plan.* Based on Planning Commission direction at the last meeting, the Management Plan now states "Shelter operator shall submit a management plan for Community Development Director's review and approval prior to shelter operation. Said Plan shall include site security measures including, but not limited to fencing, surveillance measures, and on-site security personnel; neighborhood relations plan and enforcement provisions; client intake and screening; services to be provided; length of stay; drug and alcohol screening requirements; parking provisions; hours of operation; signage; staff training; monitoring, case management and oversight measures; emergency plan, including, but not limited to emergency contact numbers,

evacuation plans and on-site safety measures; and provisions to allow an on-site kennel or off-site pet care for shelter clients.”

H. *Definitions* have also been added.

For the complete Development Standards please refer to Exhibit A of the attached Resolution.

General Plan and Subsequent Specific Plan Consistency

Adoption of the SB 2 Overlay requires the General Plan and relevant specific plans to be amended. The draft resolution and ordinance includes several exhibits that show text and map amendments for consistency with the new SB 2 Overlay District. The pending Housing Element Update will document how the City complies with SB 2 and State housing law.

The Rancho San Clemente and West Pico Corridor specific plan amendments refer to the Municipal Code (Zoning Ordinance, Chapter 17) for development and operating standards. The land use maps for the plans have also been modified to show the SB 2 Overlay Zone. Please see Exhibits C, D, E, and F for the draft amendments.

Local Preference Option

At the May 28th meeting, commissioners asked the Assistant City Attorney to further investigate the feasibility of requiring local preference as a part of SB 2 development and operating standards. Several points were raised in support of local preference, primarily related to federal Department of Housing and Urban Development requirements. After further research, the Assistant City Attorney did not find sufficient legal support to require local preference as part of SB 2 requirements.

Environmental Review

Staff completed an Initial Study in conformance with the California Environmental Quality Act (CEQA). Based on the initial study, staff concludes that there is no substantial evidence that the proposed project -- Zoning Ordinance, General Plan and specific plan amendments to implement SB 2 requirements and permit emergency homeless shelters in specific zones permitted by right -- would have a significant impact on the environment. A copy of the Negative Declaration is provided under Attachment 1, Exhibit G.

RECOMMENDATION

STAFF RECOMMENDS THAT the Planning Commission forward a recommendation of approval to the City Council of the attached Resolution and subsequent exhibits.

Attachments:

1. Resolution No. 14-022
 - Exhibit A - Zoning Ordinance Amendment
 - Exhibit B - Precise Zoning Map Amendments
 - Exhibit C - General Plan Land Use Element Amendments
 - Exhibit D - General Plan Land Use Map Amendments
 - Exhibit E - Rancho San Clemente Specific Plan Amendments
 - Exhibit F - West Pico Corridor Specific Plan Amendments
 - Exhibit G - Initial Environmental Study and Negative Declaration
2. May 28, 2014, Staff Report
3. May 28, 2014, Draft Minutes
4. May 7, 2014, Staff Report
5. May 7, 2014, Minutes

RESOLUTION NO. PC 14-022

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN CLEMENTE, CALIFORNIA, RECOMMENDING THE CITY COUNCIL APPROVE A NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT AND AMEND THE GENERAL PLAN, RANCHO SAN CLEMENTE AND WEST PICO CORRIDOR SPECIFIC PLANS, AND THE ZONING ORDINANCE AND PRECISE ZONING PLAN TO IMPLEMENT CALIFORNIA GOVERNMENT CODE SECTION 65583 REGARDING SENATE BILL 2 (“SB 2”), THE EMERGENCY SHELTER ACT. CITY FILE NUMBERS ZA 14-121; GPA 14-122 AND SPA14-123.

WHEREAS, Senate Bill 2, the “Emergency Shelter Act”, became effective January 1, 2008 and requires all California cities and counties to address their communities’ homeless needs by designating a zone or zones where emergency shelters are allowed by right; and

WHEREAS, Program 21 of the City’s Housing Element, adopted in July 2011, calls for the City to review and amend the Zoning Code to implement State requirements to remove barriers to the development of special needs housing, including emergency shelters and transitional and supportive housing, consistent with the requirements of Senate Bill 2; and

WHEREAS, the Planning Commission held publicly noticed hearings on this item at its February 5, March 19, May 5, May 28 and June 18, 2014 meetings to receive staff presentations, hear public testimony and consider the information presented; and

WHEREAS, the Planning Division completed an initial environmental study of the project and recommends the Planning Commission determine that the project would not have a significant adverse affect on the environment and recommend approval of a Negative Declaration of environmental impact. Said determination, and the initial environmental study on which it was based, were made available for public review on June 13, 2014, as required under Section 15105 of the California Environmental Quality Act Guidelines; and

WHEREAS, on June 18, 2014, at a duly noticed regular meeting, the Planning Commission considered evidence presented by the City staff and other interested parties for the subject applications and reviewed and considered the Negative Declaration, and that based on its review, the Planning Commission recommends that the City Council amend the General Plan Land Use Element, Rancho San Clemente and West Pico Corridor specific plans, Zoning Ordinance and Precise Zoning Map to implement SB 2 requirements, help meet the community’s emergency shelter needs, and to comply with State law.

NOW, THEREFORE, the Planning Commission of the City of San Clemente hereby resolves as follows:

SECTION 1. Findings. The Planning Commission hereby makes the following findings:

1. The proposed amendments are necessary and appropriate to comply with the requirements of State law (California Government Code Section 65583).
2. The proposed amendments are consistent with the General Plan and pertinent specific plans, and will implement City Housing Element Program 21.
3. The proposed amendments will not adversely affect the public health, safety, and welfare in that the proposed SB 2 Overlay Zone and Development Standards are designed to locate emergency shelters near public transportation, services and compatible uses, and away from residential uses, public schools, public parks and environmentally hazardous areas; and to ensure shelters are architecturally compatible and operated and managed so they are safe and compatible with adjacent uses.
4. The proposed amendments will implement City housing policies and meet the community's estimated emergency shelter needs. In so doing, the amendments will help bring City of San Clemente's General Plan Housing Element into compliance with the California Department of Housing and Community Development requirements for housing element review and certification.

SECTION 2. Environmental Review. The Planning Commission of the City of San Clemente, at a public hearing held on May 28, 2014, reviewed and considered the Negative Declaration for the proposed rezoning. The Commission concurs with the Initial Environmental Study's findings that the proposed amendments will not have a significant, adverse effect on the environment and recommends the City Council consider and affirm the City Planner's determination and approve a Negative Declaration of environmental impact, as shown in Exhibit "G."

SECTION 3. Zoning Ordinance Amendment, ZA 14-121. The Commission recommends the City Council amend the Zoning Ordinance as shown in Exhibit "A", and amend the Precise Zoning Map as shown in Exhibit "B", to establish an SB 2 Overlay Zone and Development Standards for the location, design, operation and management of emergency shelters.

SECTION 4. General Plan Amendment, GPA 14-122. The Commission recommends the City Council amend the General Plan Land Use Element and Land Use Map as shown in Exhibits "C" and "D."

SECTION 5. Specific Plan Amendments, SPA 14-123. The Commission recommends the City Council amend the Rancho San Clemente and West Pico Corridor specific plans, as shown in Exhibits “E” and “F.”

PASSED AND ADOPTED, at a regular meeting of the Planning Commission of the City of San Clemente held on June 18, 2014.

Julia Darden, Chair

TO WIT:

I HEREBY CERTIFY that the foregoing resolution was duly adopted at a regular meeting of the Planning Commission of the City of San Clemente held on June 18, 2014, and carried by the following roll call vote:

NOES: COMMISSIONERS:
AYES: COMMISSIONERS:
ABSTAIN: COMMISSIONERS:
ABSENT: COMMISSIONERS:

Secretary of the Planning Commission

Exhibits:

- A. Zoning Ordinance Amendment
- B. Precise Zoning Map Amendment
- C. General Plan Land Use Element Amendment
- D. General Plan Land Use Element Map Amendment
- E. Rancho San Clemente Specific Plan Amendment
- F. West Pico Corridor Specific Plan Amendment
- G. Initial Environmental Study and Negative Declaration

ORDINANCE NO.

**AN ORDINANCE OF THE
CITY OF SAN CLEMENTE, CALIFORNIA
TO AMEND SECTION 17.56.100 OF THE MUNICIPAL CODE TO IMPLEMENT SENATE
BILL 2 (“SB 2”), THE EMERGENCY SHELTER ACT**

WHEREAS, State law requires all cities and counties to address emergency shelter needs (*Government Code* §65302(c));

WHEREAS, the City of San Clemente has evaluated land use and zoning opportunities and constraints to comply with SB 2 requirements to determine ways to best meet the requirements while balancing community safety, needs and resources; and

WHEREAS, the Planning Commission held five public meetings to help determine how best to meet emergency shelter needs; and

WHEREAS, City Housing Element policies and programs call for the adoption of an ordinance to implement SB 2 requirements; and

WHEREAS, the Planning Commission recommended the City Council amend the Zoning Ordinance to establish an SB 2 Overlay Zone which allows the establishment of homeless shelters by right in various areas, as described in Exhibits A and B; and

WHEREAS, the Planning Commission recommended the City Council adopt development standards that establish operational and management standards that apply to homeless shelters established under this ordinance, as shown in Exhibits A; and

WHEREAS, the Planning Division reviewed this proposed ordinance and related General Plan and specific plan amendments pursuant to the California Environmental Quality Act (CEQA), and determined that the proposed actions will not have significant, adverse environmental impacts, and that, therefore, a Negative Declaration is warranted, as shown in Exhibit G;

NOW, THEREFORE, the City Council of the City of San Clemente hereby ordains as follows:

Section 1: Findings. The City Council finds as follows:

- A. The proposed Zoning Ordinance and Map amendments are consistent with the General Plan, Rancho San Clemente Specific Plan and West Corridor Specific Plan, as amended.
- B. The proposed amendments will not adversely affect the public health, safety and welfare in that the amendment implements General Plan policies and objectives for residential development.

- C. The proposed amendments are necessary to comply with State Housing law and to community emergency shelter needs.

Section 2: SB 2 Overlay Zone. The City Council hereby amends the Zoning Ordinance and Official Zoning Map to establish the SB 2 Overlay Zone, as shown in Exhibit B.

Section 3: Development Standards. The City Council hereby approves the Development Standards, Exhibit A, to comply with SB 2 requirements in State Housing Law and further directs that these standards be included in Section 17.56.100 of the San Clemente Municipal Code.

Section 4: Environmental Determination. The City Council hereby has considered the Initial Environmental Study and Negative Declaration of Environmental Impact prepared by the City's Community Development Department for the proposed actions. The City Council concurs with the Study's findings and hereby approves the Negative Declaration.

Section 5: Severability. If any portion of this Ordinance, or the application of any such provision to any person or circumstance shall be held invalid, the remainder of this Ordinance to the extent it can be given effect of the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby and to this extent the provisions of this Ordinance are severable.

Section 6. Certification of Passage. The City Clerk shall certify to the passage of this Ordinance and this Ordinance shall take effect as provided by law

INTRODUCED at a regular meeting of the San Clemente City Council on July 15, 2014.

Mayor

PASSED AND ADOPTED at a regular meeting of the San Clemente City Council on _____, 2014.

EXHIBIT A

Zoning Ordinance Amendment

17.56.100. A. Purpose and Intent. The purpose of the "-SB2" Overlay designation is identify those areas where emergency shelters are allowed by right, subject to development and operation standards. The SB2 Overlay meets the requirements of State law by designating specific areas where emergency shelters, also referred to as "homeless shelters", may be established and operated by right, to meet the shelter needs based on homeless population estimates in the City's General Plan Housing Element. The goals for areas with this designation are as follows:

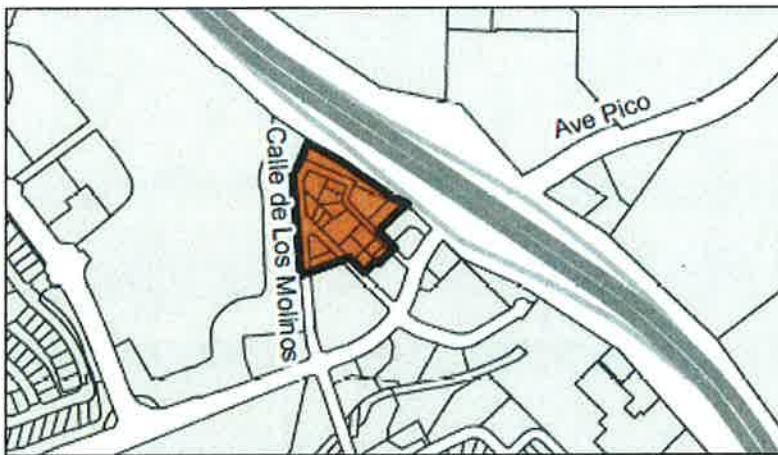
1. To facilitate efforts to address the needs of homeless persons in the City of San Clemente by identifying locations where emergency shelters are allowed by right and by establishing objective development and operation standards for emergency shelters.
2. To protect public safety, maintain land use compatibility, and preserve property values, neighborhood quality and economic vitality while addressing an identified humanitarian need.
3. To locate such facilities, to the maximum extent possible, close to public transportation, public and community services, near job centers, away from residential neighborhoods, schools and parks.
4. To allow small-scale, family-oriented emergency shelters as an accessory use to churches and other religious institutions.
5. To ensure that emergency shelters are designed in accordance with applicable standards, as allowed under State law, and that they comply with City standards and guidelines applying to all other uses in the zone.
6. To ensure that emergency shelters are operated in a responsible and community-sensitive manner that prevents and avoids impacts to adjacent neighborhoods and enables residents, businesses and property owners to support, monitor, communicate with shelter operators, and seek City action to protect public health, safety and welfare.
7. To minimize illegal use of open space areas within the City of San Clemente for homeless encampments, loitering, littering and other problems associated with homeless camps.
8. To achieve a Housing Element which complies with State law and that fully addresses all housing needs in the community while balancing other important community needs and goals, to protect public safety, neighborhood peace and aesthetics, and economic vitality.

17.56.101. Application of SB 2 Overlay District Requirements.

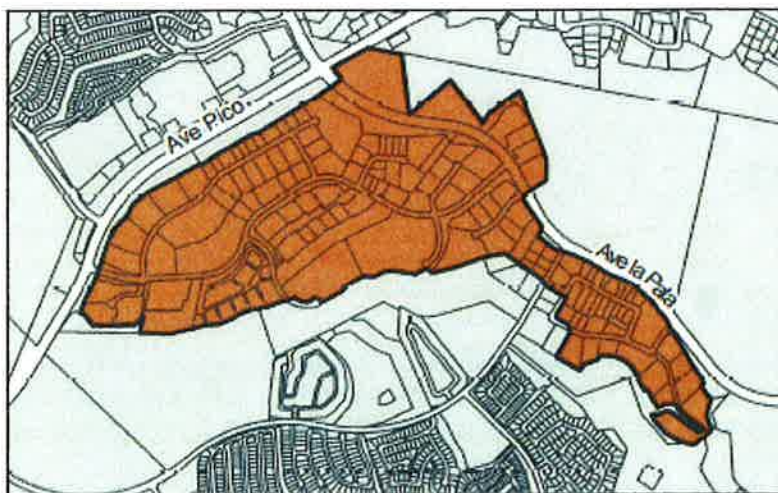
The requirements of this section are for emergency shelters within the SB 2 Overlay Zone, and for emergency shelters allowed as accessory uses to churches and other religious institutions. Emergency shelters that comply with these standards may be established without use permit review.

17.56.102. SB 2 Overlay District Established. The City hereby establishes an "SB 2 Overlay Zone" or District, as shown on Exhibit "B." In this District, emergency shelters which meet the following standards shall be allowed by right. The SB 2 Overlay shall consist of two sub-areas: the Business Park Sub-Area and the Calle de Industrias Sub-Area. These sub-areas are shown in Figure A.

Figure A – SB 2 Overlay District Sub-Areas



Calle De Industrias Sub-Area



Business Park Sub-Area

17.56.103. Development Standards. Emergency shelters shall comply with the following standards:

A. Separation. An emergency shelter shall not be established or operated at any location less than three hundred (300) feet from another emergency shelter providing shelter and other services to homeless persons.

B. Number of Emergency Shelters. The number and capacity of emergency shelters allowed without use permit review shall be limited to that required to meet the shelter needs of the number of estimated homeless persons in the City, as established by the most recently adopted City Housing Element.



C. Maximum Number of Beds. Maximum number of beds per facility shall not exceed the following:

1. Business Park Sub-Area: 35 beds
2. Calle de Industrias Sub-Area: 50 beds
3. Churches and other Religious Institutions: 6 beds

D. Floor Area Requirement. Emergency Shelters shall provide a total building floor area of not less than 125 square feet per shelter bed.

E. On-Site Waiting and Intake Areas. On-site waiting and client intake areas shall be provided within the shelter building. Outdoor waiting areas, if provided, shall be visually screened from the public right-of-way and from adjacent land uses.

F. Entries and Outdoor Use Areas. Entries and outdoor use areas shall be located and fully screened with landscaping, fencing or similar measure so that they are not visible from a public street or adjacent use.

G. 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. Parking spaces shall be designed to meet City standards. Enclosed, secure bicycle parking shall be provided on-site at the ratio of not less than one bicycle parking space per ten beds.

H. Site Lighting. Site lighting shall be provided for safety and security, consistent with City standards and Design Guidelines.

I. Architectural Review. Homeless shelters shall comply with the City's Design Guidelines and where applicable, the Rancho San Clemente architectural and development standards to ensure shelters are compatible with their surroundings, provide adequate privacy between uses and minimize potential impacts of the proposed shelter on adjacent uses.

17.56.104. Emergency Shelters. Operation Standards.

Emergency shelters shall be operated in conformance with these standards:

A. Shelter Operator. The shelter shall be operated by a responsible social service provider with experience in managing or providing social services.

B. Supervision. The shelter shall provide at least one qualified on-site supervisor at all times, plus one attendant for each twenty occupants.

C. Maximum Stay. Occupancy for any individual or family shall not exceed 180 days in a 365-day period.

D. **On-Site Security.** At least one, trained security staff shall be present on-site during operating hours for a 50-bed shelter.

E. **Management Plan.** Shelter operator shall submit a management plan for Community Development Director's review and approval prior to shelter operation. Said Plan shall include site security measures including, but not limited to fencing, surveillance measures, and on-site security personnel; neighborhood relations plan and enforcement provisions; client intake and screening; services to be provided; length of stay; drug and alcohol screening requirements; parking provisions; hours of operation; signage; staff training; monitoring, case management and oversight measures; emergency plan, including, but not limited to emergency contact numbers, evacuation plans and on-site safety measures; and provisions to allow an on-site kennel or off-site pet care for shelter clients.

17.56.105. Definitions.

A. "Emergency Shelter" (also referred to as "homeless shelter") means housing with minimal supportive services for homeless persons, and that is limited to occupancy of six months or less by a homeless person.

B. "Church or Religious Institution" means a building which is used as an established place of worship, has a regular congregation and regularly offers religious service, represents a recognized creed and form of worship and is affiliated with and organization of ordained clergy.

C. "Social service provider" means an agency or organization licensed or supervised by any federal, state or local health/welfare agency that participates in the federal Homeless Management Information System (HMIS) and has demonstrated experience with the homeless population by assisting individuals and families achieve economic self-sufficiency and self-determination through a comprehensive array of programs and actions.

D. "Case management" means a system for arranging and coordinating care and services whereby a case manager assesses the needs of the client and client's family and arranges, coordinates, monitors, and advocates for services to meet the client's needs.

E. "Neighborhood Relations Plan" means 1) a description of operation rules and procedures to be followed to maintain safety, security and compatibility with adjacent land uses, businesses, residents, and property owners, 2) protocol to respond to neighbor or public questions or complaints on a 24-hour basis, and 3) Public information resources and communication methods to be used maintain clear communication between the emergency services provider, the City, local Police, Fire and Medical agencies, businesses and residents.

EXHIBIT A

Zoning Ordinance Tables

Ch. 17.32 Residential Zones and Standards

Add:

3. Public/Quasi-Public and Institutional					
Arboretums (Public/Private)	C	NP	NP	NP	NP
Churches	C	C	C	C	C
Emergency Shelter as an Accessory Use to Churches ¹⁸	P	P	P	P	P
Congregate Care Facility ³	NP	NP	C	C	C
Convalescent Care	NP	NP	C	C	C
Day Care Facilities, Children's: ⁴					
Small-Family Day Care Home ⁵	P/MC	P/MC	P/MC	P/MC	P/MC
Large-Family Day Care Home	C	MC	MC	MC	MC
Day Care Center	NP	NP	C	C	C

Notes:

17 Refer to Section 17.28.130, Grading, of this title, for special provisions for grading requests that are not accompanying development requests.

18 Refer to Section 17.56.100, Emergency Shelters, of this title, for special provisions on emergency shelters as accessory uses to churches, including development and operation standards.

Ch. 17.36
Commercial Zones and Standards

Add:

Use	NC 1.1, NC 1.2	NC 2, NC 3, CC 1, CC 2, CC 3	RC 2	CRC-4
5. Public/Quasi Public and Institutional Uses				
Churches	C	C	NP	NP
<u>Emergency Shelters as an Accessory Use to Churches²⁵</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
Club/Social Organizations	C	C	NP	NP

Notes:

24 Refer to Section 17.28.320, Vehicle Repair Facilities, of this title, for special provisions for vehicle repair facilities.

25 Refer to Section 17.56.100, Emergency Shelters, of this title, for special provisions on emergency shelters as accessory uses to churches, including development operation standards.

Ch. 17.40
Mixed-Use Zones and Standards

Add:

Churches	C	C	C
<u>Emergency Shelters as an Accessory Use to Churches²⁸</u>	<u>P</u>	<u>P</u>	<u>P</u>
Clubs/Social Organizations	C	C	C
Congregate Care Facilities ³	C	C	C

Notes:

27 Refer to Section 17.28.330, Vehicle Service and Repair-Related Facilities, of this title.

28 Refer to Section 17.56.100, Emergency Shelters, of this title, for special provisions on emergency shelters as accessory uses to churches, including development and operation standards.

Ch. 17.56 Overlay Districts

Add:

17.56.100 SB 2 ("-SB2") Overlay District.

A. Purpose and Intent. The purpose of the "-SB2" Overlay designation is identify those areas where emergency shelters are allowed by right, subject to development and operation standards. The SB2 Overlay meets State law by designating specific areas where emergency shelters, also referred to as "homeless shelters", may be established and operated by right, to meet the shelter needs based on homeless population estimates in the City's General Plan Housing Element. The goals for areas with this designation are as follows:

1. To facilitate efforts to address the needs of homeless persons in the City of San Clemente by identifying locations where emergency shelters are allowed by right and by establishing objective development and operation standards for emergency shelters.
2. To protect public safety, maintain land use compatibility, and preserve property values, neighborhood quality and economic vitality while addressing an identified humanitarian need.
3. To locate such facilities, to the maximum extent possible, close to public transportation, public and community services, near job centers, away from residential neighborhoods, schools and parks.
4. To allow small-scale, family-oriented emergency shelters as an accessory use to churches and other religious institutions.
5. To ensure that emergency shelters are designed in accordance with applicable standards, as allowed under State law, and that they comply with City standards and guidelines applying to all other uses in the zone.
6. To ensure that emergency shelters are operated in a responsible and community-sensitive manner that prevents and avoids impacts to adjacent neighborhoods and enables residents, businesses and property owners to support, monitor, communicate with shelter operators, and seek City action to protect public health, safety and welfare.
7. To minimize illegal use of open space areas within the City of San Clemente for homeless encampments, loitering, littering and other problems associated with homeless camps.
8. To achieve a Housing Element which complies with State law and that fully addresses all housing needs in the community while balancing other important community needs and goals, o protect public safety, neighborhood peace and aesthetics, and economic vitality.

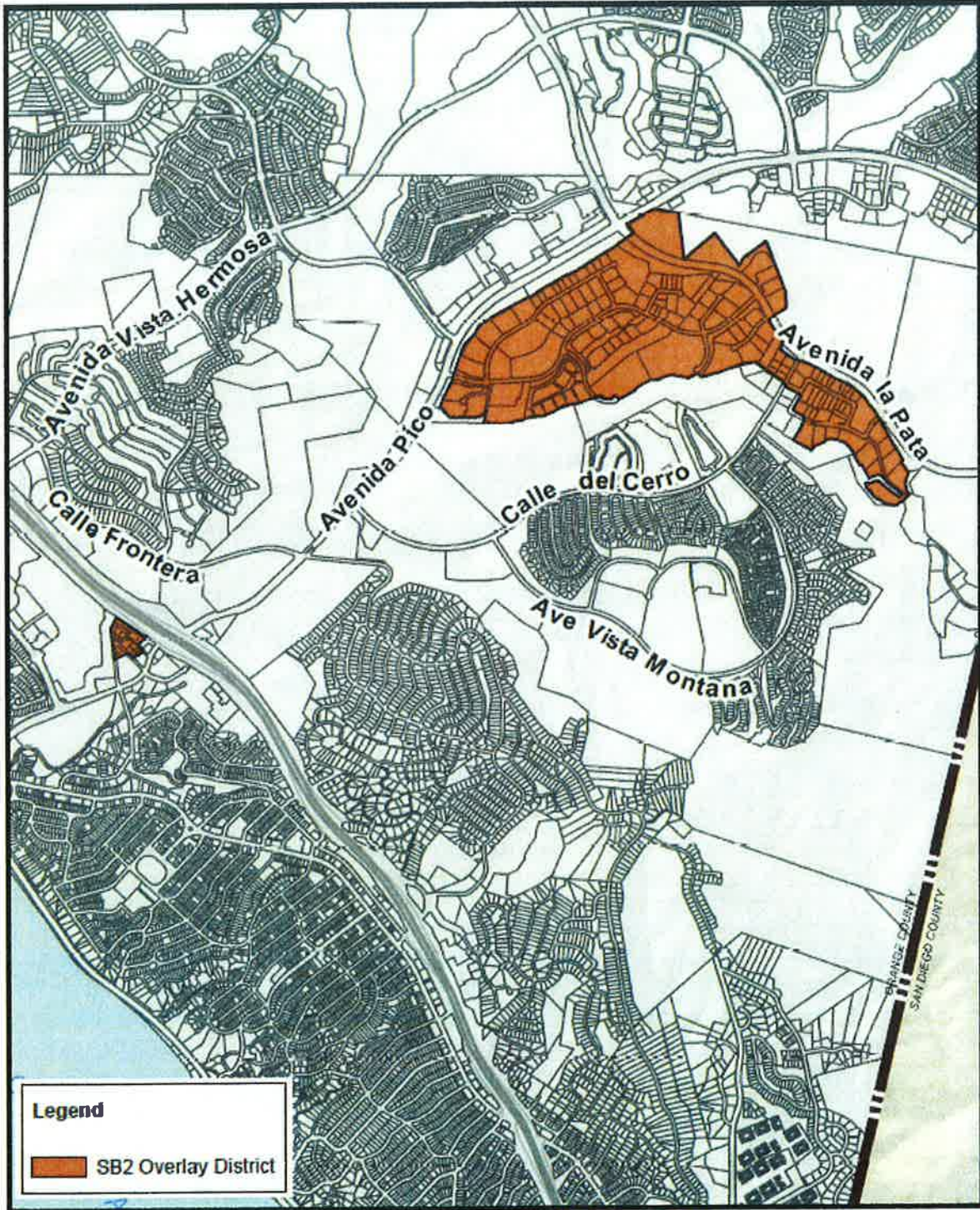
B. [INSERT ORDINANCE, EXHIBIT A]

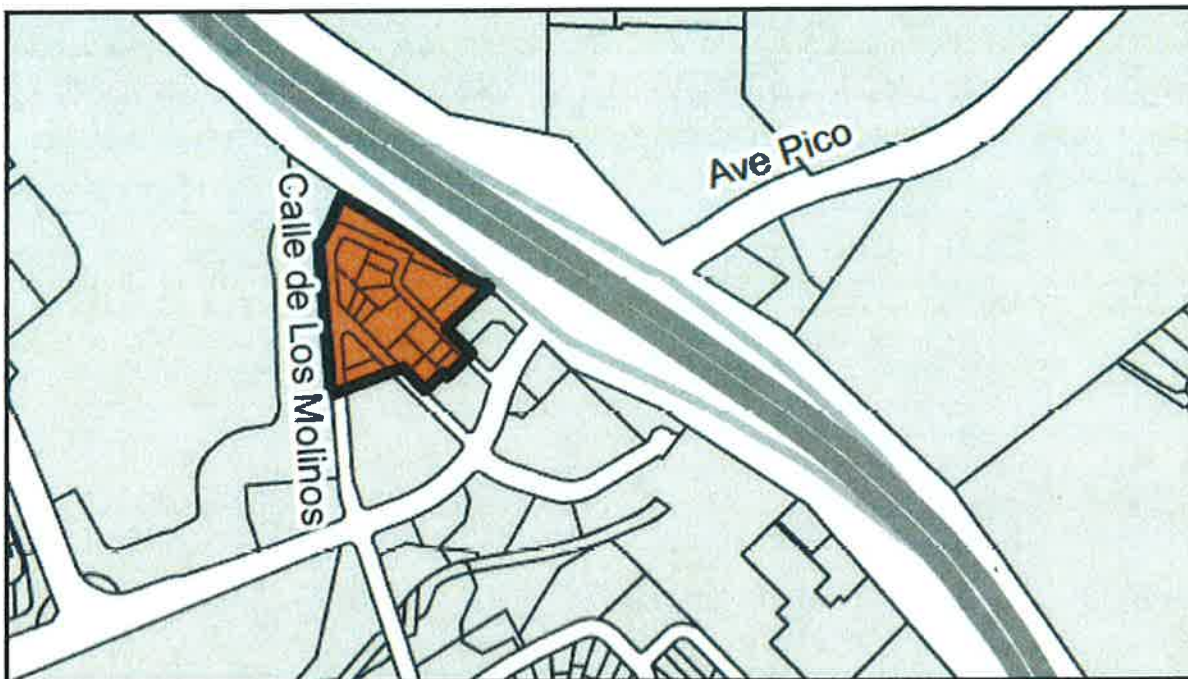
Chapter 17.36

EXHIBIT B

Precise Zoning Plan Amendments – Detailed Map

Precise Zoning Detailed Map





Calle De Industrias Sub-Area



Business Park Sub-Area



Exhibit C

General Plan Land Use Element Amendments

Table LU-1 – Amend as shown:

Table LU-1 General Plan Land Use Designations Summary Table				
Land-Use Designations	Existing Maximum Density/ Intensity (FAR)	Proposed Maximum Density	Max. No. of Stories/ Building Height	Intentions
SB-2 Overlay	Does not exist.	NA	Two stories/25 feet	In this district, Emergency shelters are allowed by right, pursuant to <u>SCMC Section 17.56.100, et. sec.</u>

Amend LUE Text as shown:

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Rancho San Clemente and Talega Business Parks Focus Area

The Rancho San Clemente and Talega Business Parks are the primary hub for large-scale industrial and office uses, and for vehicle (to include marine) sales and services. It is located in a choice location for those businesses seeking access to both Orange County and San Diego County markets. The area is developed in accordance with the Rancho San Clemente and Talega Specific Plans and is defined by the developable areas along Avenida Pico between Calle Amanacer and Camino Celosia and on both sides of Avenida La Pata, between Avenida Pico and the San Diego County border. The area allows a variety of office and industrial uses to be developed and grow in an area where such uses do not conflict with residential neighborhoods. Rancho San Clemente Business Park also allow or conditionally allow a range of compatible or complementary, non-industrial uses that benefit from the location and type of facilities located there, including but not limited to commercial recreation, automotive sales and services, religious facilities, service uses, specialized schools, civic uses, emergency shelters, and other public assembly uses.

Los Molinos

The Los Molinos Focus Area is a special industrial district in the community. It celebrates its history as the industrial center for the surfing industry, local arts and crafts, and as an area where business incubation is encouraged. At the same time, the area continues to allow successful small businesses to maintain and expand their operations. Los Molinos is primarily an industrial and commercial neighborhood located north of the western end of North El Camino Real, bounded on the east by Interstate 5, on the west by the Avenida Pico and Marblehead Coastal, on the north by Marblehead Coastal, and on the south by Los Obreros lane and residential neighborhoods. The Calle de Industrias industrial area north of Avenida Pico, adjacent to Interstate 5, is included in the SB 2 Overlay District, an overlay zone which allows emergency shelters by right, subject to Zoning Ordinance standards.

Exhibit D

General Plan Land Use Map Amendments

Add SB 2 Overlay District to map and legend:

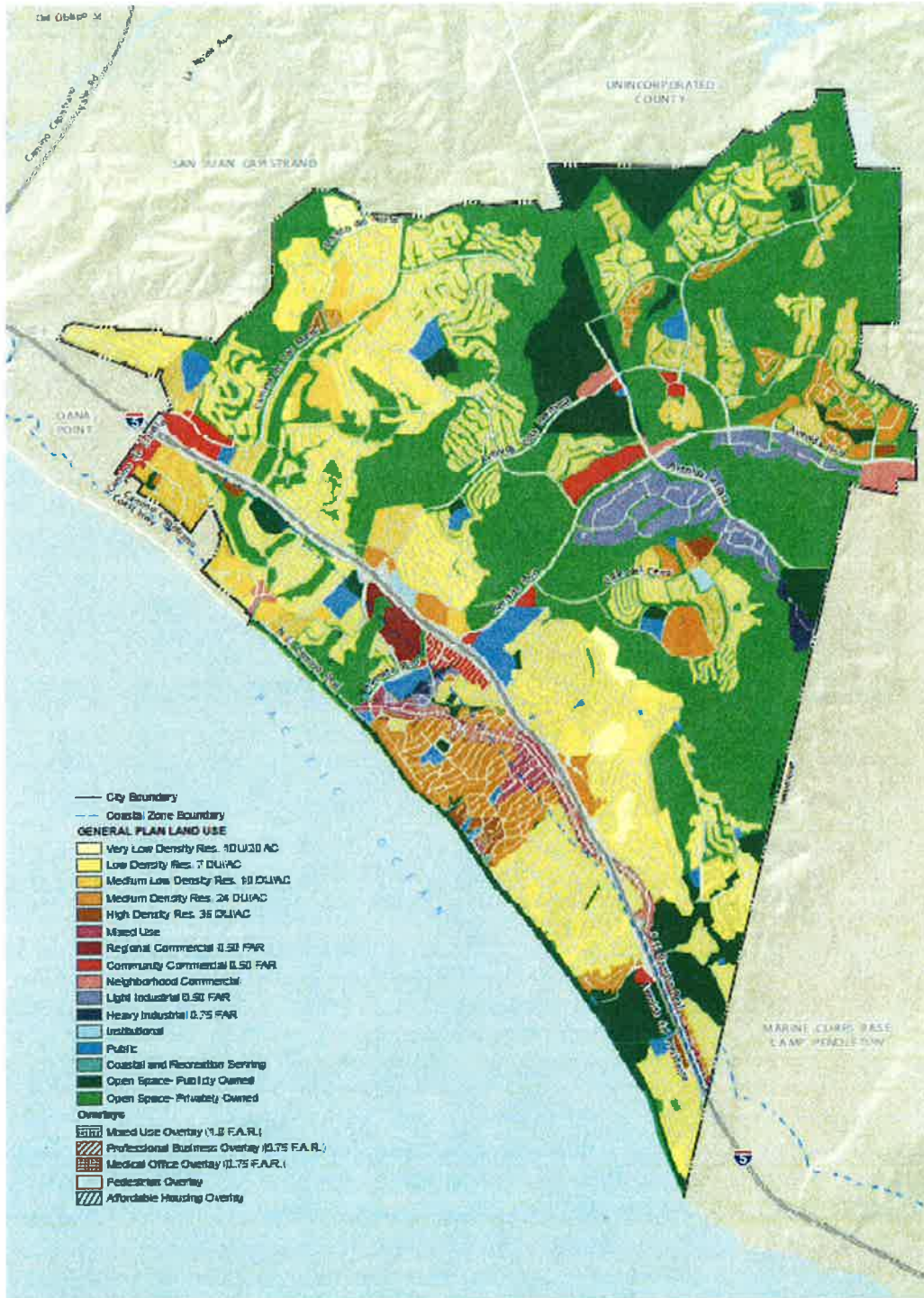


Figure LU-1
LAND USE MAP

Exhibit E

Rancho San Clemente Specific Plan Amendments

II. PERMITTED USES IN INDUSTRIAL ZONES

The uses listed in the following table are permitted subject to a Site Plan Permit only, if designated by a "P". If designated by a "C", the use is conditionally permitted, subject to the approval of a Conditional Use Permit or a Minor Conditional Use Permit as determined by the Zoning Ordinance. If neither a "P" or a "C" appears, the use is prohibited, unless the Planning Commission makes a determination that the use is similar to a permitted or conditionally permitted use and will be consistent with the purpose of this Section 504.

Use	Business Commercial	Business Park	Industrial Park
Adult Oriented Businesses		C	
Alcohol Sales	C	C	
Automotive Services		C (P.A. 4 only)	C
Banks and Financial Offices	P		
Child Day-Care Center	C	C	
Civic Uses	P	P	
Commercial Recreation	C	C	C
Construction/Maintenance		P	P
<u>Emergency Shelter, per SCMC Section 17.56.100 showing locations and standards</u>	<u>P</u>	<u>P</u>	
Membership Organizations	C	C	
Heavy Industrial			C
Heavy Truck Repair			C
Light Manufacturing		P	P
Medical and Veterinary Clinics	P	P	
Mini- or Private-Storage			P
Offices	P	P	P
Open Space/Parks	P	P	P
Public Utilities	C	C	C
Religious Uses	C	C	
Restaurants	P		
Schools	C	C	
Recreational Vehicle Storage			P
Research and Development		P	P
Retail Sales of Business Commercial Products	P		
Service Uses, such as Barbers, Tailors, Dry Cleaners, Sandwich Shops, Bakeries, Printing, Repairs	P	P Not to exceed 20% of the site	
Transportation Services	C	C	C
Warehousing/Wholesaling		P	P

Exhibit F

West Pico Corridor Specific Plan Amendments

501 Pico Community Commercial Area

VI. PRINCIPAL USES PERMITTED

A. Uses not subject to the NPDES Stormwater Permit Program

All uses permitted by the Zoning Ordinance in the CC1 zone shall be permitted.

B. Uses permitted only if in compliance with the NPDES Stormwater Permit program. The following uses are permitted only if conducted entirely within an enclosed building unless the Planning Commission determines, in conjunction with a site plan permit or other entitlement, that the particular nature and characteristics of the use require that all or part of the use be conducted outdoors. Screening or other requirements may be imposed as a condition of such approval.

1. *Light industrial, manufacturing and assembly* conducted entirely within an enclosed building, including boats, books, clothing, electronics, food products, furniture, jewelry, machine shops, musical instruments, opticals, packaging, plastics engineering, precision instruments, sandblasting, signs, sporting goods, tool and die, welding, wholesaling, and warehousing on Avenida Navarro, Calle De Los Molinos, and Calle De Industrias north of Avenida Pico. Chemical plants, glass fabrication plants, lumber mills, and pulp mills are prohibited.
2. *Construction trades and contractors' storage* conducted entirely within an enclosed building, including awnings, cabinetry, carpentry, drywall, electrical, flooring, glass and mirror, heating and air conditioning, iron work, insulation, masonry, mill work, plumbing, sheet metal, and roofing on Avenida Navarro, Calle De Los Molinos, and Calle De Industrias north of Avenida Pico.
3. *Automobile and truck related uses* conducted entirely within an enclosed building, including bodywork, detailing, lube and tune, mufflers, paint, rental, service, repair, tires, transmission, and upholstery (exclusive of towing and salvage yards) on Avenida Navarro, Calle De Los Molinos, and Calle De Industrias north of Avenida Pico, entirely within an enclosed building.

4. *Research and development*, scientific laboratories, and testing facilities conducted entirely within an enclosed building.
5. Emergency Shelter uses to meet the requirements of the "SB 2 Overlay Zone District, pursuant to SCMC Section 17.56.100.

VII. CONDITIONAL USES PERMITTED

A. All uses conditionally permitted by the Zoning Ordinance in the CC1 zone shall be permitted subject to a Conditional Use Permit or a Minor Conditional Use Permit, as determined by the Zoning Ordinance.

VIII. TEMPORARY USES PERMITTED

Outdoor sales or promotional events such as parking lot sales or the sale of Christmas trees or other seasonal items shall be permitted in accordance with the Zoning Ordinance.

IX. DEVELOPMENT STANDARDS

All new development shall comply with the development standards in the Zoning Ordinance for the CC2 zone, including references to parking area landscaping.

Exhibit G
Initial Environmental Study and Negative Declaration

CITY OF SAN CLEMENTE
ENVIRONMENTAL CHECKLIST FORM

1. Project Title: SB2 Emergency Shelter Ordinance

2. Lead Agency Name and Address: City of San Clemente
910 Calle Negocio, Suite 100
San Clemente, CA 92673

3. Contact Person and Phone Number: Amber Gregg (949) 361-6196

4. Project Location: City of San Clemente

5. Project Sponsor's Name: City of San Clemente
and Address 910 Calle Negocio, Suite 100
San Clemente, CA 92673

6. General Plan Designation: SB 2 Overlay; Includes approximately 3.5 acres of Community Commercial, and 250 acres in the Rancho San Clemente Business Park. Project will also modify permitted uses for 22 churches which are located through out the City and in every Land Use designation.

7. Zoning: SB 2 Overlay; Includes approximately 3.5 acres of Community Commercial, and 250 acres in the Rancho San Clemente Business Park. Project will also modify permitted uses for 22 churches which are located through out the City and in every Land Use designation.

8. Description of the Project: (Describe the whole action involved, including but not limited to later phases of the project, and any secondary, support, or off-site features necessary for its implementation. Attach additional sheets if necessary)

Amend the General Plan, specific plans, Zoning Ordinance and Precise Zoning Plan to allow emergency shelters, "by right," in several areas, to comply with State law. The amendments designate an SB 2 overlay zone, establish development and management standards for homeless shelters, and allow homeless shelters as accessory uses to churches with a ten-bed limit. Senate Bill 2 (SB 2) requires all Cities allow emergency homeless shelters by right in at least one zone. State criteria for SB 2 zones include, sufficient size and capacity to accommodate identified homeless need, realistic potential for development or reuse opportunities, and near transit, job centers and public and

community services.

The City proposes to allow emergency shelters by right for up to 50 persons in 3.5 acres of the West Pico Corridor Specific Plan, within the Community Commercial land use designation along Calle De Industrias; shelters up to 35 persons would be permitted in the Business Park of Rancho San Clemente Specific Plan on parcels that are 500 feet from Residential; and churches would be permitted to shelter up to 6 persons. Once the identified homeless need has been met, shelters would be permitted in the SB 2 overlay zone with the approval of a Conditional Use Permit. Historically Churches have provided shelter to the homeless as an ancillary use, the proposed amendment will codify their right to provide emergency shelter services.

The proposed project includes development standards for emergency homeless shelters which include but are not limited to:

- a) Maximum number of beds.
- b) Floor area requirements of 125 square feet per bed.
- c) Maximum length of stay, and
- d) A management plan.

A copy of the proposed modifications are provide under the attached exhibits.

9. Surrounding Land Uses and Setting: (Briefly describe the project's surroundings)
The SB 2 Overlay includes approximately 3.5 acres of Community Commercial designated parcels located in the West Pico Corridor Specific Plan, 250 acres of Business Park, and all churches in the City.

The subject area of the West Pico Corridor Specific Plan is a predominantly improved area with a mix of commercial and light industrial uses. To the north and west is a steep slope, east is the I-5 freeway, and south is a mix of commercial uses. Residential zones are at least 500 feet from the area. The area has access to transit, job centers, and public and community services

The Rancho San Clemente, Business Park is a predominantly developed area that is surrounded by open space slopes. Residential zones are at least 500 feet from the SB 2 overlay zone. The area has access to transit, job centers, and public and community services.

Churches in San Clemente are located is all land use designations with the exception of open space: residential, institutional, public, mixed use and commercial.

10. Other public agencies whose approval is required: (e.g. permits, financing approval, or participation agreement).

California Department of Housing and Community Development (as part of its mandatory review of the City's Draft 2014-2015 Housing Element).

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The following Initial Study indicates that the project may result in potential environmental impacts in the following marked categories:

Aesthetics	Agricultural Resources	Air Quality
Biological Resources	Cultural Resources	Geology/Soils
Greenhouse Gas Emissions	Hazards/Hazardous Materials	Hydrology/Water Quality
Land Use/Planning	Mineral Resources	Noise
Population/Housing	Public Services	Recreation
Transportation/Traffic	Utilities & Service Systems	Mandatory Findings of Significance

ENVIRONMENTAL DETERMINATION:

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION has been prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect: (a) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (b) has been addressed by mitigation measures based on the earlier analysis as described on the attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been adequately analyzed in an earlier EIR or Negative Declaration pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or Negative Declaration, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.



 Signature



 Date



 Printed Name



 For

EVALUATION OF ENVIRONMENTAL IMPACTS:

- 1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e. g. the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g. the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- 2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
- 4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section 17, "Earlier Analyses," may be cross-referenced).
- 5) Earlier analysis may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063 (c) (3) (D). In this case, a brief discussion should identify the following:
 - a) Earlier Analysis Used. Identify and state where they are available for review.
 - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards and state whether such effects were addressed by mitigation based on the earlier analysis.
 - c) Mitigation Measures. For effects that are "Less Than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g. general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- 7) Supporting Information Sources. A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
- 9) The explanation of each issue should identify:
 - a) the significance criteria or threshold, if any, used to evaluate each question; and
 - b) the mitigation measure identified, if any, to reduce the impact to less than significant.

INITIAL STUDY

A. INITIAL STUDY CHECKLIST

IMPACT CATEGORY	Sources*	Potentially Significant Impact	Less than Significant w/Mitigation Incorporated	Less Than Significant Impact	No Impact
*See Source References at the end of this Checklist.					

1. AESTHETICS -- Would the project:

a) Have a substantial adverse effect on a scenic vista?	1, 3, 4, 5				X
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	1, 3, 4, 5				X
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	1, 3, 4, 5				X
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	1, 3, 4, 5				X

2. AGRICULTURE AND FORESTRY RESOURCES (In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agency may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board.) Would the project:

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	1, 3, 4, 5				X
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	1, 3, 4, 5				X
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 112220(g), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?	1, 3, 4, 5				X
d) Result in the loss of forest land or conversion of forest land to non-forest use?	1, 3, 4, 5				X
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?	1, 3, 4, 5				X

IMPACT CATEGORY	Sources*	Potentially Significant Impact	Less than Significant w/Mitigation Incorporated	Less Than Significant Impact	No Impact
*See Source References at the end of this Checklist.					

3. AIR QUALITY – (Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations.) Would the project:

a) Conflict with or obstruct implementation of the applicable air quality plan?	1-5				X
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	1-5				X
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	1-5				X
d) Expose sensitive receptors to substantial pollutant concentrations?	1-5				X
e) Create objectionable odors affecting a substantial number of people?	1-5				X

4. BIOLOGICAL RESOURCES -- Would the project:

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	1, 3, 4, 5				X
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	1, 3, 4, 5				X
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	1, 3, 4, 5				X
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	1, 3, 4, 5				X
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	1, 3, 4, 5				X
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	1, 3, 4, 5				X

IMPACT CATEGORY	Sources*	Potentially Significant Impact	Less than Significant w/Mitigation Incorporated	Less Than Significant Impact	No Impact
*See Source References at the end of this Checklist.					

5. CULTURAL RESOURCES -- Would the project:

a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5	1, 3, 4, 5				X
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	1, 3, 4, 5				X
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	1, 3, 4, 5				X
d) Disturb any human remains, including those interred outside of formal cemeteries?	1, 3, 4, 5				X

6. GEOLOGY AND SOILS -- Would the project:

a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:	1, 3, 4, 5				X
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Refer to Div. of Mines and Geology Special Pub. 42.)	1, 3, 4, 5				X
ii) Strong seismic ground shaking?	1, 3, 4, 5				X
iii) Seismic-related ground failure, including liquefaction?	1, 3, 4, 5				X
iv) Landslides?	1, 3, 4, 5				X
b) Result in substantial soil erosion or the loss of topsoil?	1, 3, 4, 5				X
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	1, 3, 4, 5				X
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	1, 3, 4, 5				X
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	1, 3, 4, 5				X

7. GREENHOUSE GAS EMISSIONS -- Would the project:

a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	1, 3, 4, 5				X
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	1, 3, 4, 5				X

IMPACT CATEGORY	Sources*	Potentially Significant Impact	Less than Significant w/Mitigation Incorporated	Less Than Significant Impact	No Impact
*See Source References at the end of this Checklist.					

8. HAZARDS AND HAZARDOUS MATERIALS -- Would the project:

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	1, 3, 4, 5				X
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	1, 3, 4, 5				X
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	1, 3, 4, 5				X
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	1, 3, 4, 5				X
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	1, 3, 4, 5				X
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	1, 3, 4, 5				X
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	1, 3, 4, 5				X
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	1, 3, 4, 5				X

9. HYDROLOGY AND WATER QUALITY -- Would the project:

a) Violate any water quality standards or waste discharge requirements?	1, 3, 4, 5				X
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	1, 3, 4, 5				X
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	1, 3, 4, 5				X

IMPACT CATEGORY	Sources*	Potentially Significant Impact	Less than Significant w/Mitigation Incorporated	Less Than Significant Impact	No Impact
*See Source References at the end of this Checklist.					
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	1, 3, 4, 5				X
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	1, 3, 4, 5				X
f) Otherwise substantially degrade water quality?	1, 3, 4, 5				X
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	1, 3, 4, 5				X
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	1, 3, 4, 5				X
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	1, 3, 4, 5				X
j) Inundation by seiche, tsunami, or mudflow?	1, 3, 4, 5				X
k) Potentially impact storm water runoff from construction activities?	1, 3, 4, 5				X
l) Potentially impact storm water runoff from post-construction activities?	1, 3, 4, 5				X
m) Result in a potential for discharge of storm water pollutants from areas of material storage, vehicle or equipment fueling, vehicle or equipment maintenance (including washing), waste handling, hazardous materials handling or storage, delivery areas, loading docks or other outdoor work/activity areas?	1, 3, 4, 5				X
n) Result in the potential for discharge of storm water to impact the beneficial uses of receiving waters?	1, 3, 4, 5				X
o) Create the potential for significant changes in the flow velocity or volume of storm water runoff to cause environmental harm?	1, 3, 4, 5				X
p) Create significant increases in erosion of the project site or surrounding areas?	1, 3, 4, 5				X
q) Would the project substantially alter the existing drainage pattern of the site or area, or add water features that could increase habitat for mosquitoes and other vectors and a potential for increased pesticide use?	1, 3, 4, 5				X
10. LAND USE AND PLANNING -- Would the project:					
a) Physically divide an established community?	1, 3, 4, 5				X

IMPACT CATEGORY	Sources*	Potentially Significant Impact	Less than Significant w/Mitigation Incorporated	Less Than Significant Impact	No Impact
*See Source References at the end of this Checklist.					
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	1, 3, 4, 5				X
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	1, 3, 4, 5				X

11. MINERAL RESOURCES -- Would the project:

a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	1, 3, 4, 5				X
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	1, 3, 4, 5				X

12. NOISE -- Would the project result in:

a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	1, 3, 4, 5				X
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	1, 3, 4, 5				X
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	1, 3, 4, 5				X
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	1, 3, 4, 5				X
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	1, 3, 4, 5				X
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	1, 3, 4, 5				X

13. POPULATION AND HOUSING -- Would the project:

a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	1, 3, 4, 5				X
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	1, 3, 4, 5				X
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	1, 3, 4, 5				X

IMPACT CATEGORY	Sources*	Potentially Significant Impact	Less than Significant w/Mitigation Incorporated	Less Than Significant Impact	No Impact
*See Source References at the end of this Checklist.					

14. PUBLIC SERVICES: Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

Fire protection?	1, 3, 4, 5				X
Police protection?	1, 3, 4, 5				X
Schools?	1, 3, 4, 5				X
Parks?	1, 3, 4, 5				X
Other public facilities?	1, 3, 4, 5				X

15. RECREATION:

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	1, 3, 4, 5				X
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	1, 3, 4, 5				X

15. TRANSPORTATION/TRAFFIC -- Would the project:

a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	1, 3, 4, 5				X
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	1, 3, 4, 5				X
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	1, 3, 4, 5				X
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	1, 3, 4, 5				X
e) Result in inadequate emergency access?	1, 3, 4, 5				X

IMPACT CATEGORY	Sources*	Potentially Significant Impact	Less than Significant w/Mitigation Incorporated	Less Than Significant Impact	No Impact
*See Source References at the end of this Checklist.					
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	1, 3, 4, 5				X
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	1, 3, 4, 5				X

17. UTILITIES AND SERVICE SYSTEMS -- Would the project:

a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	1, 3, 4, 5				X
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	1, 3, 4, 5				X
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	1, 3, 4, 5				X
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	1, 3, 4, 5				X
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	1, 3, 4, 5				X
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	1, 3, 4, 5				X
g) Comply with federal, state, and local statutes and regulations related to solid waste?	1, 3, 4, 5				X
h) Require or result in the implementation of a new or retrofitted storm water treatment control Best Management Practice (BMP), (e.g. a water quality treatment basin, constructed treatment wetland, storage vault), the operation of which could result in significant environmental effects (e.g. increased vectors or odors)?	1, 3, 4, 5				X
i) Would the project require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects, including a potential increase in pesticide use to control mosquitoes and other vectors?	1, 3, 4, 5				X

IMPACT CATEGORY	Sources*	Potentially Significant Impact	Less than Significant w/Mitigation Incorporated	Less Than Significant Impact	No Impact
*See Source References at the end of this Checklist.					

18. MANDATORY FINDINGS OF SIGNIFICANCE:

a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	1-5				X
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	1-5				X
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	1-5				X

SOURCE REFERENCES:

1.	<i>Centennial General Plan, City of San Clemente</i>
2.	<i>CEQA Air Quality Handbook, South Coast Air Quality Management District, April, 1993</i>
3.	<i>General Plan EIR, City of San Clemente, 2014</i>
4.	<i>Zoning Ordinance and Zoning Map, Title 17 of San Clemente Municipal Code, City of San Clemente</i>
5.	<i>Proposed amendments which are provided under:</i> <i>Exhibit A - Zoning Ordinance Amendment</i> <i>Exhibit B - Precise Zoning Map Amendments</i> <i>Exhibit C - General Plan Land Use Element Amendments</i> <i>Exhibit D - General Plan Land Use Map Amendments</i> <i>Exhibit E - Rancho San Clemente Specific Plan Amendments</i> <i>Exhibit F - West Pico Corridor Specific Plan Amendments</i>

Note: The preceding source documents are available for public review at the City of San Clemente Planning Division, 910 Calle Negocio, Suite 100, San Clemente, California.

B. EXPLANATIONS OF CHECKLIST RESPONSES:1. *Aesthetics*

The proposed project would not result in any adverse aesthetic effects. There are no parcels located within scenic vistas or adjacent to scenic highways as defined in the City's General Plan. Security lighting would be a component of any shelter, but the facility would have to comply with California Building Code and the City's light and glare restrictions which prevents spillage and prohibits substantial light and glare. Emergency shelters will not degrade the existing visual character or quality of the site and its surrounding in that shelters will located in existing buildings that have already gone through a design review processes and have been approved, or would construct a new building that would also be subject to design review to ensure it complies with City's Design Guidelines. It is anticipated that there will be no impacts.

2. *Agricultural Resources*

The project will not affect agricultural resources, since there are no agricultural zones within the city. None of the subject parcels are identified as any type of farmland as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency. The parcels are not subject to the Williamson Act, or identified as forest land.

3. *Air Quality*

The project will not have any direct or indirect effects beyond existing regulation standards, therefore, it is anticipated that there will be no impacts.

4. *Biological Resources*

The project will not have any impacts on the City's biological resources since there are no changes to the Zoning Ordinance that modify land use boundaries or development standards affecting biological resources. The subject areas do not have sensitive habitat or any species identified as a candidate, sensitive, or special status species in local or regional plan or by the California Department of Fish and Game.

5. *Cultural Resources*

The project will most likely not have impacts on the City's cultural resources since there are no changes to the Zoning Ordinance that modify land use boundaries or development standards affecting a historic resource or archaeological resource pursuant to 15064.5. It is not anticipated will the proposed zone change will destroy a unique paleontological resource or site, unique geologic feature, or human remains. If development of a shelter uncovers resources, the City requires a qualified archeologist assess the find and develop a course of action plan to preserve the find.

6. *Geological and Soils*

The project will not have any negative impacts on the City's geological and soils, since there are no proposed changes to development standards pertaining to geological and soils review in conjunction with development within the City. Any new construction will require geotechnical/engineering soil studies to determine development feasibility and/or requirements.

7. *Greenhouse Emissions*

The proposed project would not generate additional greenhouse emissions as the project sites are located in developed areas. There is no conflict with adopted City or local plans for purposes of reducing emissions of greenhouse gases as there are no proposed changes to development standards pertaining to greenhouse emissions in conjunction with development within the City.

8. *Hazards and Hazardous Materials*

The project will not have any impacts on the City's hazards and hazardous materials, since the proposed amendments do not change regulations pertaining to hazards and hazardous materials review in conjunction with development within the City.

9. *Hydrology and Water Quality*

The project will not have any negative impacts on the City's hydrology and water quality, since the proposed amendments do not modify development standards or other requirements that affect water quality within the City or surrounding area.

10. *Land Use and Planning*

The project will not have any impacts on the City's land use and planning, since the proposed amendments are consistent with existing policies identified in applicable regulatory documents, such as the City's General Plan. And, the project does not modify development standards that are in place to prevent adverse impacts on the environment.

11. *Mineral Resources*

There are no significant (economically viable) mineral resources in the City. Therefore, the project will not affect mineral resources.

12. *Noise*

The project will not have any impacts on noise within the City, since the proposed amendments do not intensify development or change any regulations pertaining to noise standards, therefore, it is anticipated that there will be no impacts.

13. *Population and Housing*

The project will not have impacts on population and housing, since the proposed amendments do not change land use designations, land use boundaries, or development standards pertaining to density.

14. *Public Services*

The project will not affect public services, since the City would be able to maintain acceptable level of service.

15. *Recreation*

The project will not have any impacts on recreation within the City, since the proposed amendments do not change land use designations, land use boundaries, or density standards requiring additional demand for recreational services.

16. *Transportation*

The project will not have any impacts on transportation, since the proposed amendments do not change the demand for more transportation facilities, decrease the availability for parking, or conflict with any existing plans for alternative transportation.

17. *Utilities and Service Systems*

The project will not affect utilities and service systems, since adequate levels of service will be maintained.

18. *Mandatory Findings of Significance*

The scope of the project will not have an adverse immediate or cumulative impact on the quality of the environment. The project amends land use regulations in Chapter 17 specific to emergency shelters to ensure Zoning Ordinance consistency with state legislation.

NOTICE OF INTENT TO ADOPT A NEGATIVE DECLARATION

To: Interested Agencies and Individuals
State Clearinghouse
P.O. Box 3044
Sacramento, CA 95812-3044

From: City of San Clemente
Community Development Department
910 Calle Negocio, Suite 100
San Clemente, CA 92673

Orange County Clerk Recorder
630 N. Broadway, Room 106
Santa Ana, CA 92702

Contact:
Amber Gregg, Associate Planner
(949) 361.6196/(949) 361.6570 FAX
GreggA@san-clemente.org

Applicant: City of San Clemente
910 Calle Negocio, Suite 100
San Clemente, CA 92673

Project Title: SB 2 Emergency Shelter Ordinance

Project Description: This project consists of amendments to the City's Zoning Ordinance and Precise Zoning Map, the General Plan, and the Rancho San Clemente and West Pico Corridor Specific Plans to permit emergency shelters in several areas, to comply with State law. The amendments establish an SB 2 Overlay District, development and operating standards for emergency (or "homeless") shelters, and allow emergency shelters as an accessory use to churches, with a 10-bed limit. Senate Bill 2 (SB 2) requires cities and counties to permit emergency shelters "by right" in at least one zone. The intent of the amendments is to permit the development of one or more emergency shelters, by right, to meet the City's estimated shelter needs, to establish objective standards for the placement, design and operation of such facilities, and to comply with State law.

Project Location: SB 2 Overlay District location include approximately 3.5 acres of Community Commercial zoning in the West Pico Corridor Specific Plan, approximately 250 acres in the Rancho San Clemente Specific Plan, Business Park and Business Commercial Zones, and churches located in various locations throughout the City.

Project Number: Zoning Amendment (ZA 14-121)/General Plan Amendment (GPA 14-122)/Specific Plan Amendment (SPA 14-123)

Public Review Period: June 13, 2014 through July 15, 2014

Hearing Date/Time: July 15, 2014 at 6:00pm – City Council

Hearing Location: City of San Clemente City Hall, Council Chambers
100 Avenida Presidio
San Clemente, CA 92672

POSTED

JUN 05 2014

HUGH NGUYEN, CLERK-RECORDER

BY: _____ DEPUTY

The Negative Declaration and Initial Environmental Study, as well as all referenced documents, are available for public review at:

City of San Clemente Community Development Department
910 Calle Negocio, Suite 100

City of San Clemente, CA 92673

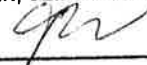
Please submit any comments on the proposed Negative Declaration to the City on or before July 15, 2014. Please direct your comments to Amber Gregg, Associate Planner, at the above address, fax or e-mail.

Signature  Date 6/15/14

POSTED

JUN 05 2014

HUGH NGUYEN, CLERK-RECORDER

BY:  DEPUTY



STAFF REPORT SAN CLEMENTE PLANNING COMMISSION

Meeting Date: May 28, 2014

PLANNERS: Jeff Hook, Principal Planner, Amber Gregg, Associate Planner, and Denise Obrero, Housing Programs Planner

SUBJECT: Designation of SB 2 locations and consideration of a Draft SB Development Standards

BACKGROUND

On May 7th, the Planning Commission heard a staff presentation and public testimony on possible SB 2 zoning locations and draft development standards, as discussed in the agenda report, ***Attachment 2***. Commissioners reviewed a series of computer-generated maps showing potential SB 2 sites, provided questions and direction to staff and continued consideration of SB 2 implementation until today's special meeting. The Commission received an introduction to SB 2 issues at its February 4th and March 19th meetings.

May 7th Meeting Direction. After hearing a summary of staff's evaluation of potential SB 2 sites and areas, the Commission took a series of "straw votes" to give tentative direction to staff on key SB 2 issues. Based on draft minutes and staff's understanding of the votes, the Commission tentatively agreed to:

1. Set the City's estimated year-around homeless population at 65-70 persons, thereby setting a maximum estimated homeless shelter capacity need of 70 persons. (unanimous)
2. Allow homeless shelters by right as an accessory use for churches located in: a) non-residential zones, and b) at least 500 feet from a Residential zone, with a 30-bed limit. (passed 5-2 with Commrs. Eggleston and Ward opposed)
3. Allow homeless shelters by right in Public and Institutional Zones, with a 35-bed limit (passed 5-2 with Commrs. Eggleston and Ruehlin opposed)
4. Allow homeless shelters by right in the "Calle de Industrias Area" (Study Site #3), with a 35-bed limit (passed 5-2 with Commrs. Kaupp and Ruehlin opposed)
5. Allow a homeless shelter at the Heritage Church site by right (Study Site #5), with a 45-bed limit (passed 5-2 with Commrs. Ward and Eggleston opposed)

These votes assumed that that the City would allow one or more homeless shelters “by-right” until the City wide shelter capacity of 70 beds was reached. Providing shelter capacity in excess of 70 beds would require discretionary approval, i.e., a conditional use permit. Due to the late hour, the Commission did not have time to review the SB 2 implementation options in detail. The Commission asked staff to provide more information to help refine the draft SB 2 Development Standards and location strategy. Specifically, the Commission asked staff to bring back information on the following:

1. Explain differences between the Public (“P”) and Institutional (“I”) zones, and provide list of I- and P- zoned sites.
2. Evaluate distances from churches located in non-residential zones to Residential zone boundaries.
3. Clarify legal questions.
4. Provide further explanation of what of SB 2 “management plans” include.
5. Summarize how estimated homeless need is met using planned capacity of the various “strategies”:
 - a. Churches in non-residential zones; 500 ft. from residential; 30 bed limit
 - b. Public and Institutional zones; 35 bed limit
 - c. Calle de Industrias area, 35 bed limit
 - d. Heritage Church vacant site, 45-bed limit

Purposes of Tonight’s Meeting.

The purposes of tonight’s meeting are similar to those on May 7th: 1) address remaining Commission questions, 2) refine the selected areas, zones or sites that are appropriate to meet SB 2 requirements based on the additional information provided by staff, and 3) consider possible language in a draft SB 2 ordinance and related documents. When the Commission is ready to take final action, its action will be in the form of a resolution, recommending City Council adoption of an SB 2 ordinance and related documents. City Council approval is needed for Zoning Map or Ordinance changes.

ANALYSIS

On May 7th, the Commission narrowed the potential SB 2 locations to four sites or areas. Commissioners requested more information about the four locations and had questions regarding possible standards in the draft SB ordinance. Staff’s responses are discussed below.

Responses to Planning Commission Direction. The Commission's questions focused on these four items:

1. Potential SB 2 Sites or Areas

Public and Institutional Zones Designation. The Commission tentatively supported including two entire zones as part of San Clemente's SB 2 zoning strategy: the Public zone (P) and the Institutional zone (Inst). A summary of these properties is included as **Attachment 3** and a map showing their locations is included as **Attachment 4**. The Commission wanted to better understand the relationship of these zones to residential areas. Public and Institutional zones are often located near residential zones. If a 500-foot residential buffer is applied, the number of eligible P-zoned sites is reduced to one - the Fire Station on Avenida La Pata near Avenida Vista Hermosa. There are no Institutional-zoned sites outside the 500 foot buffer.

The General Plan states that "Public and Institutional uses include governmental offices, hospitals, social services, recreational and cultural facilities, schools and libraries. To effectively serve the public, such uses are located throughout the City. The goal of Public and Institutional zoning is to provide a variety of public and institutional uses, such as governmental, administrative, recreation, cultural, religious, social services and educational uses that help meet the broader community's needs and that are designed to be compatible with surrounding neighborhoods, and with the architectural character of the areas in which they are located."

Churches. Staff identified 22 churches and other places of worship in San Clemente. Of these, 12 are located in non-residential zones. Church locations and other data are listed in **Attachments 5** and a map showing their locations is included as **Attachment 6**. Four churches are located in the Rancho San Clemente Business Park and two are located in the Talega Business Park. Churches are allowed or conditionally allowed in almost every zone and distributed throughout most areas of the City, including residential and commercial areas. The majority of Commissioners supported including churches, in non-residential zones only, that were at least 500 feet from Residential zones. By applying a 500-foot residential buffer, the number of SB 2 eligible churches is reduced to six.

Calle de Industrias Area. The entire 3.5-acre area is located outside of a 500-foot residential buffer. Data describing the area's parcel sizes and uses is included as **Attachment 7** and a map showing the area's location is shown in **Attachment 8**.

Vacant Site Owned by and Adjacent to Heritage Church. The Commission supported this site because it is located at least 500 feet from Residential zoning, is large enough to accommodate a sizable shelter and a shelter use would be acceptable to the Church.

2. Legal Questions.

The Commission had questions on legal issues that could shape how SB 2 is implemented. The City Attorney provided the following opinions:

- a. *Can the City require discretionary approval for homeless shelters that exceed the estimated 70-person need?* The City Attorney believes that the City likely can require discretionary approval (i.e. Conditional Use Permit) for any shelter request which, due to the existence of other emergency shelter facilities within the City, would exceed the City's total estimated shelter need of 70 beds.
- b. *Can City apply a "local preference" provision?* The City Attorney previously opined on this issue and provided the Commission with his perspective. The City Attorney advised caution in applying a local preference provision.
- c. *Does City have authority to approve or disapprove management plans?* In other words, can the City require discretionary approval of homeless shelter management plans? The City Attorney opines that the City may establish management plan requirements *and* require that the management plan be submitted for City verification that the required components are addressed. In this way, the City could exercise ministerial review, which would be consistent with SB 2 law.
- d. *Would a development standard requiring 500 ft. setback from residential development be allowed under SB 2?* The City Attorney opines that the City may apply a residential buffer of a specific distance (e.g. 500 feet), provided that the buffer is used as part of an SB 2 "overlay zone" and not included as a development standard, since such a setback is not applied to other residential or commercial developments.

3. SB 2 Estimated Need and Capacity.

Commissioners directed staff to expand its site analysis by:

1. Showing churches located in non-residential zones and at least 500 feet from Residential zones (including Mixed Use); and
2. Evaluating Public and Institutionally-zoned sites, their relationship to Residential zones, and their current uses. **Attachment 3** shows there are 60 Public- or Institutional- zoned parcels and of these, one is located at least 500 feet from a Residential zone. It lists the properties in these zones, their acreage, zoning, current uses and adjacent zones.

Capacity Analysis. The Commission agreed that the City's estimated year around homeless population, and hence, estimated shelter need, is 70 persons. The Commission also directed staff to evaluate potential shelter capacity of the four sites or areas the Commission tentatively supported, along with capacity in the Public and Institutional zones and churches.

Potential shelter capacity is difficult to quantify. It's dependent upon many factors, including suitable properties' available for sale or lease, real estate market conditions, property owners' intent, and development costs. One way to measure capacity is the number of acres of land that allows homeless shelters by right and acreages are shown in Attachments 3, 5 and 7. When the 500-foot residential buffer is applied, the potential shelter capacity is reduced significantly – essential to the 3.5 acre Calle de Industrias area and to four churches in the Rancho San Clemente Business Park. With the exception of the La Pata Fire Station (which is unlikely to change use), Public and Institutional-zoned parcels are within 500 feet of Residential zones and are excluded. The Commission decided not to include the portion of Rancho San Clemente Business Park outside of the 500-foot buffer (except for churches). With these exclusions, the remaining acreage may not be sufficient to meet SB 2 requirements.

4. Draft SB 2 Ordinance

Attachment 1 includes draft SB 2 Ordinance development standards which generally follow preliminary Commission direction on shelter location, development and management standards. The standards include:

- 1) Allowed locations of homeless shelters by right
- 2) Limits on number of beds per facility and maximum total shelter capacity allowed in City "by right"
- 3) On-site parking and site lighting requirements
- 4) Size and location of exterior/interior on-site waiting and client intake areas
- 5) Minimum spacing between shelters
- 6) Maximum length of stay
- 7) Management Plan requirements, including on-site management and security

RECOMMENDATION

Staff recommends that the Planning Commission:

- 1) Identify the appropriate location or locations to meet SB 2 requirements.

To provide sufficient shelter capacity, staff recommends the Commission include the following locations:

- a) *An SB 2 Overlay Zone, **Attachment 10**, which includes the Calle de Industrias area, as shown in detail in **Attachment 8** and churches in non-Residential Zones (35-bed limit); and*
 - b) *Churches in Residential Zones with a 10-bed limit.*
- 2) Endorse the Draft Development Standards or provide specific direction on changes or additions to the Draft Development Standards; and
- Staff recommends the Commission include two changes to the draft development standards discussed at the previous meetings to increase potential shelter capacity:*
- a) *Set a limit of 35 beds per facility in the SB 2 Overlay Zone;*
 - b) *Set a 10-bed limit for shelters in churches in Residential Zones;*
 - c) *Set a minimum spacing of 200 feet between shelter facilities.*
- 3) Continue the hearing to a specific date, with direction to staff to provide a revised draft resolution and amendments to the Zoning Ordinance, General Plan, specific plan (if needed) and maps which reflect Commission direction.

ATTACHMENTS

- 1. Draft Planning Commission Resolution
 - Exhibit A - Draft Zoning Ordinance Amendment
 - Exhibit B – Draft Zoning Map Amendment
 - Exhibit C – Draft General Plan Amendment
 - Exhibit D – Draft Specific Plan Amendment
 - Exhibit E - Initial Environmental Study and Negative Declaration
- 2. Planning Commission Agenda Report, May 7, 2014
- 3. Public and Institutional Properties Data
- 4. Public and Institutional Properties Map
- 5. Church Properties Data
- 6. Church Properties Maps
 - A. All Churches
 - B. Churches Outside 500-foot Residential Buffer
- 7. Calle de Industrias Area Data
- 8. Calle de Industrias Area Map
- 9. Map Showing 1,000 Residential Buffer
- 10. Potential SB 2 Overlay Map

**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**

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
Joel 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, 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 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 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 up to two shelters on any lot within the RSCBP which was 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, 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,

Julia Darden, Chair

Attest:

Jim Pechous, City Planner

DRAFT



STAFF REPORT SAN CLEMENTE PLANNING COMMISSION

Meeting Date: May 7, 2014

PLANNERS: Denise Obrero, Housing Programs Planner, Amber Gregg, Associate Planner and Jeff Hook, Principal Planner

SUBJECT: Senate Bill 2 Implementation

BACKGROUND

Situation. On February 5th, 2014, the Planning Commission received an introduction to Senate Bill 2 ("SB 2"- Emergency Shelter Act) and continued discussion to another meeting. At its March 19, 2014 meeting, the Planning Commission received reports on homeless shelters in the cities of Laguna Beach (ASL) and Oceanside (The Brother Benno Center). Commissioners also considered draft SB 2 development and management standards for San Clemente. After reviewing draft development standards for San Clemente, and standards used in other Orange County cities with SB 2 ordinances, the Commission endorsed most of the draft standards, as described in the Commission's minutes, **Attachment 1**.

The Commission directed staff to further analyze and report on: 1) draft development standard C – "Maximum Number of Beds and Building Area", 2) added study sites suggested by the Commission, 3) answer additional Commission questions, and 4) address residents' questions and concerns. These items, plus an evaluation of alternative sites based on SB 2 location criteria, are discussed below. Since the Commission's last meeting, Community Development staff hosted a clergy meeting on SB 2, held at City offices on April 4th. The meeting's results are attached and discussed in **Attachment 2**.

Commission questions included 1) clarify whether "local preference" policies were legal, 2) discuss the feasibility of rezoning an Open Space zoned parcel - the "triangle site" -- suggested by the Rancho San Clemente Business Park Association, and 3) provide additional information on the potential to rezone open space to allow an SB 2 zoning designation. These and other questions are addressed in **Attachment 3**.

What's SB 2? SB 2 refers to a State law which took effect January 1, 2008. It requires all cities and counties to designate at least one zone where emergency shelters (i.e. "homeless shelters") are allowed by right; that is, as permitted uses without requiring

approval of a Conditional Use Permit or other discretionary permit. It does not require cities and counties to actually build, help fund or provide an emergency shelter.

Council Subcommittee review. In April 2013, an SB 2 Subcommittee was formed by the City Manager. The Subcommittee included Mayor Bob Baker, Mayor Pro Tem Tim Brown, City Attorney Jeff Goldfarb, Community Development Director Jim Holloway, Chief John Coppock and Housing Programs Planner Denise Obrero. The Subcommittee directed staff to further research how Orange County cities have implemented SB 2, and staff's findings are included as **Attachment 3(A)**. The Subcommittee also directed staff to identify and evaluate areas for SB 2 zoning suitability. In September 2013, the Subcommittee analyzed areas that most closely met State criteria and located away from residential areas. These areas included Los Molinos, Rancho San Clemente Business Park and the Talega Business Park. After considering the options, the Subcommittee concluded that the Industrial Park Zone of the Rancho San Clemente Business Park appeared to be the most appropriate area because of its location, lot size, availability of public transportation, and proximity to existing social services available through Family Assistance Ministries (FAM), The Friendship Center (AA meetings), Talega Life Church, Heritage Christian Fellowship Church, and The Shoreline Church. After a meeting with Business Park owners at Heritage Church, that area was later expanded to include the Business Park Zone within the Rancho San Clemente Business Park.

Purposes of tonight's meeting.

The purposes of tonight's meeting are to: 1) address questions and comments from previous meetings, and 2) provide direction to staff and the community regarding: a) zones or sites that are appropriate to meet SB 2 requirements, and b) necessary changes or additions to the draft SB development standards. This direction would then be used to prepare a draft SB 2 ordinance, for Commission action at a future meeting. Consequently, staff does not anticipate final Commission action tonight. When the Commission is ready to take final action, the action will be in the form of a recommendation to the City Council. City Council approval is needed for Zoning Map or Ordinance changes to comply with SB 2.

There have been several recent Planning Commission and stakeholder/interest group meetings on SB 2:

- November 13, 2013 RSCBP Property Owners meeting at Heritage Church
- Planning Commission, February 5th
- Rancho San Clemente Property Owners' Association meeting, March 4th
- Planning Commission, March 19th
- Clergy meeting, April 4th

Public notice. There is considerable public interest in SB 2 and how the City will comply. Consequently, public notice for tonight's meeting was extensive. In all, over 4,000 property owner notices were sent, in addition to publishing an ad in a local newspaper, as required by State and local law. Public notice was provided several ways:

- 1) Direct mail notice was sent to property owners within a) Rancho San Clemente Business Park, b) business and homeowner associations within Rancho San Clemente, c) the study sites, d) churches and religious institutions, e) Public and Institutional zones, and f) property owners within 300 feet of these areas.
- 2) E-mails to persons who had requested meeting notice.
- 3) 1/8 page legal ad placed in the Sun Post on Friday, April 25, 2014.
- 4) SB 2 website added to the City's Internet site, explaining SB 2 requirements, review process, study sites and areas being considered, and how to provide comments and/or learn more about SB 2.

ANALYSIS

SB 2's purpose, requirements and the City's intent. SB 2 requires all cities and counties to designate at least one zone where emergency shelters (i.e. "homeless shelters"), transitional, and supportive housing are allowed by right; that is, as permitted uses without requiring approval of a Conditional Use Permit or other discretionary permit. It does not require cities and counties to actually build, help fund or provide an emergency shelter. Program 21 of San Clemente's adopted Housing Element calls for the City to "review and amend the Zoning Code to implement State requirements to remove barriers to the development of special needs housing, including emergency shelters and transitional/supportive housing, consistent with the requirements of Senate Bill 2."

Why do this? Why now? The City recently adopted a new General Plan. To have a complete, legally adequate General Plan, the City must now update its Housing Element to meet State law. The City has begun work on the Housing Element update, which is due in 2014. The State will not certify an updated Housing Element until the City complies with SB.2.

SB 2 is mandatory. All California cities and counties must show in their housing elements how they comply with SB 2. The law took effect in 2008 and as the law allowed, San Clemente intended to comply within one year of Housing Element adoption (by July 2012); however, due to public concern, the process has been extended to arrive at the best solution for the community.

While SB 2 is mandatory, cities have choices on where and how to meet its requirements. By their nature, homeless shelters can pose land use compatibility issues that are best addressed proactively by setting local standards for shelter placement and design. Such standards include nightly maximum number of beds or persons, on-site parking requirements, size and location of client waiting areas, on-site management, length of stay, light and required security.

How have nearby communities addressed SB 2? Attachment 3(A) describes how south Orange County cities have met SB 2 requirements and summarizes various cities' SB 2 ordinance provisions. For example, *the City of San Juan Capistrano (SJC)* amended its Zoning Ordinance to comply with SB 2. The City did this by allowing homeless shelters by right in the "Public and Institutional Zone" and by setting a standard of "no more than one bed per 250 square feet of gross building space." The City states that under its SB 2 ordinance, more than 20 properties are suitable for emergency shelters and transitional housing facilities.

The City of Dana Point designated its Community Facilities Zone to meet SB 2 requirements and later, allowed churches to operate homeless shelters as an "accessory use", subject to 10-bed limit. Shelters in the Community Facilities Zone have a 20-bed limit.

In 2009, American Civil Liberties Union of Southern California successfully sued the *City of Laguna Beach* for alleged illegal treatment of mentally and physically disabled homeless people. As a result, the City of Laguna Beach financially supports Friendship Shelter's Alternative Sleeping Location ("ASL"). ASL is a 45-bed emergency shelter located in Laguna Canyon, within Laguna Beach City limits. The Shelter follows a first-come, first-served basis, but also gives local preference policy to homeless persons originally from Laguna Beach or based there. ASL abides by development standards set by the City and enforced by City staff. In the development process, an ad hoc committee composed of City of Laguna Beach City Manager, two City Council members, police officer responsible for the homeless in town, and Friendship Shelter representatives met monthly. Three years after ASL's opening, the group still meets on an as-needed basis to ensure good communication among stakeholders and other interested parties, and to address specific circumstances or areas of concern.

The City of Mission Viejo designated its Business Park Zone to meet SB 2 requirements.

Consequences of not complying with SB 2. According to the City Attorney, not complying with SB 2 has several potentially serious consequences:

1. Prevent the City from getting State approval of an updated Housing Element. This, in turn, can result in legal challenges to the validity of the City's General Plan.
2. Result in the loss of State housing funds or tax credits, which could affect the City's ability to assist future affordable housing developments.
3. Continued uncertainty as to where and how emergency shelters are allowed, since the Zoning Ordinance is silent on this question.
4. Noncompliance with State law, leaving the City vulnerable to legal action.

How many homeless persons are in San Clemente? According to San Clemente Police Services, local homeless services providers and County social services providers, San Clemente's year around homeless population is estimated at 65-70 persons. To estimate the number of year around homeless persons, staff followed State Guidelines by: consulting the adopted Housing Element and Consolidated Plan, contacting non-profit and government agencies who provide homeless services, and consulting local law enforcement officials. Data gathered for an Orange County "Point in Time" survey shows that on one night – January 25, 2014 – 23 clients who received emergency shelter and/or transitional housing listed their last permanent address as San Clemente, as shown in ***Attachment 4***. This is significant, in part, because it shows that a portion of San Clemente's homeless needs are being met outside the City. This number does not count unsheltered homeless persons, or those camping or finding shelter in temporary domestic situations. San Clemente Police Services also provided valuable information. According to Deputy Bull of San Clemente Police Services, the City's population is not static; it fluctuates seasonally. He estimates there are approximately 65-70 homeless persons within the City limits, as noted in ***Attachment 5***.

When staff refers to an estimated "65-70 year around homeless", these are unsheltered homeless persons. That is the City's estimated *unmet* shelter need. San Clemente, like many other beach communities, has long had a homeless population. In the 1980s, a number of local churches hosted cold weather shelters on a rotating basis for homeless persons and families. Over a two-year period, Community Development staff conducted research to determine San Clemente's homeless count and homeless housing service needs. Research included:

- Interviews and tours with several Homeless Shelter operators
- Visits to a number of Emergency Shelters and Transitional Housing facilities
- Input from San Clemente Police Community Liaison, Deputy Joe Bull
- Input from non-profit homeless advocates and emergency hospital staff and social workers
- Input from staff members from cities with adopted SB 2 ordinances

According to the Orange County Partnership's July 2013 "Homeless Count & Survey Report", there are an estimated 12,707 homeless persons in Orange County, or 0.14

percent of the total County population. This annualized estimate is based on 2013 Point in Time (PIT) Survey results, which counted 4,251 homeless persons, of which 61 percent (2,573) were sheltered and 39 percent (1,678) were unsheltered. San Clemente’s January 2013 population was 64,542. To augment local estimates, another approach is to use the number of homeless persons as a percentage of County population and apply it to individual cities. Using this estimating approach, San Clemente’s estimated homeless population would be:

Total Estimated Homeless Persons	= 92 (.0014X64,542 = 91.7)
Sheltered Homeless Persons	= 56 (.61X92 = 56)
Unsheltered Homeless Persons	= 36 (92-56 = 36)

San Clemente’s transitional housing facilities (Henderson House, Gilchrist House and Laura’s house) provide extended shelter for approximately 48 persons (City of San Clemente Housing Element, July 2011). Therefore, the estimated number of *unsheltered* persons using this methodology is 44 persons.

According to the City’s adopted Housing Element, which was certified by the State, the City’s homeless population is estimated at 65 persons at any point in time. Further, it states that given the total number shelter beds located in the City and additional data provided by service providers, it is estimated there are 80 to 180 homeless persons in the City. This higher figure takes into account an estimate of persons living in cars and at State beaches where overnight camping is allowed.

Based on adopted plans, direct interaction with homeless persons by Police Services, and information confirmed by local homeless service providers, a year around homeless population estimate of 65-70 persons in San Clemente is reasonable and supportable.

State criteria for SB 2 Sites. According to the State Department of Housing and Community Development’s Local Planning and Approval Guidelines, **Attachment 12**, cities should use the following criteria in identifying SB 2 sites or zones:

- a) Zoning area(s) identified to allow emergency shelters by right must be of sufficient size and capacity to accommodate the identified homeless need.
- b) The identified zone(s) must have a realistic potential for development or reuse opportunities in the planning period.
- c) Capacity for emergency shelters must be suitable and available and account for physical features (flooding, seismic hazards, chemical contamination, other

environmental constraints, and slope instability or erosion) and location (proximity to transit, job centers, and public and community services).

In addition to the above requirements, the Planning Commission directed staff to evaluate potential sites based on their locations relative to high fire hazard areas, residential zones and schools. Staff assumed that for an SB 2 site to be suitable, it should be located at least 500 feet from a residential zone or school, and that a 1000 foot buffer was desirable. Staff also contacted Orange County Fire Authority (OCFA), San Clemente representative, Lynne Pivaroff and asked if developments could be located in high fire danger areas. Ms. Pivaroff noted it is possible, but that such development would have to comply with the California Building Code Chapter 7A. This code section sets requirements for exterior building material and construction requirements to minimize risk due to exterior wildfire exposure. Analysis of sites' proximity to residential zones and school sites is addressed under the "Detailed Site Analysis" portion of this report.

Potential SB 2 Sites or Areas Being Reviewed

At the last Planning Commission meeting, staff was directed to consider multiple sites mentioned at the meeting. These are:

- Triangle lot located in the Open Space zone, north of and adjacent to Avenida Pico, near Calle del Cerro.
- Big Lots/Kmart Retail Center on Avenida de la Estrella.
- Calle de Industrias area behind Denny's Restaurant, on Avenida Pico at I-5.
- Vacant site adjacent to Heritage Church.
- Rancho San Clemente Business Park, including the Business Park and Industrial Park zones.
- Churches.

Staff has also analyzed a vacant City-owned lot adjacent to Water Treatment Facility, and Public and Institutional zones for SB 2 suitability. Staff included the City-owned property because its size and location appeared to meet one or more SB 2 criteria. Public and Institutional zones are included because neighboring cities, such as Dana Point and San Juan Capistrano, permitted emergency shelters in zones that are similar to San Clemente's Public and Institutional zones. SB 2 study sites and areas evaluated for suitability are mapped and shown in **Attachment 6**.

Site analysis. Several sites or areas were identified by the Commission, the public or staff for further study. These are discussed below. Each site or area appears to meet one or more State criteria in that it: 1) includes sufficient lot area to accommodate estimated need; 2) does not have physical features that would preclude development, and 3) most are located near public transit, job centers and public and community

services. Sites were evaluated using four State criteria, and the City’s criteria of distance from residential, schools or safe routes to schools. The results of the analysis are shown in a matrix, **Table 1**.

In identifying potential SB 2 sites, separating potential shelter locations from residential zones was a primary goal. To analyze this, staff used computer (GIS) mapping to apply 500 foot and 1000 foot “buffers”, or spacing, from all residential zones, which include many schools and parks. The results of that analysis are shown in **Attachment 7**.

Table 1
SB2 Study Site Analysis Matrix

("X" indicates site meets criteria)

Sites	Public Transit within ¼ mile ¹	Proximity to Services ²	Away from Residential Zones	Near Job Center ⁴	Free from Environmental Constraints ⁵
1. RSC Triangle Site	X	X	X	X	
2. Big Lots/Kmart	X	X		X	X
3. Behind Denny's	X	X	X	X	X
4. Vacant Water Treatment Land	X		X	X	X
5. Heritage Church Lot	X	X	X	X	X
6. RSC Industrial Park Zone				X	
7. RSC Business Park Zone	X	X	X	X	
8. Churches	Varies by location				
9. Public & Institutional Parcels	Varies by location				

Notes:

- 1) According to OCTA bus routes dated February 9, 2014

- 2) According to SB2 Guidelines, potential sites should be close to public transit, job centers, and public and community services. Public and community services include government offices, post office, medical services, churches, and resource centers such as FAM. Staff assumed that services within ¼ of a mile of a project site would classify as “close proximity.” This is consistent with federal transit standards for acceptable walking distance.
- 3) Staff assumed a minimum 500 foot distance from residential zones and schools.
- 4) Staff assumed that job centers within ¼ of a mile of a project site would classify as close proximity. This is consistent with federal transit standards for acceptable walking distance.
- 5) According to SB2 Guidelines, potential sites must consider and where possible, mitigate or avoid environmental constraints such as flood-prone areas, seismic hazard areas, fire hazard areas, geologic or soil hazard areas, or areas with chemical contamination.

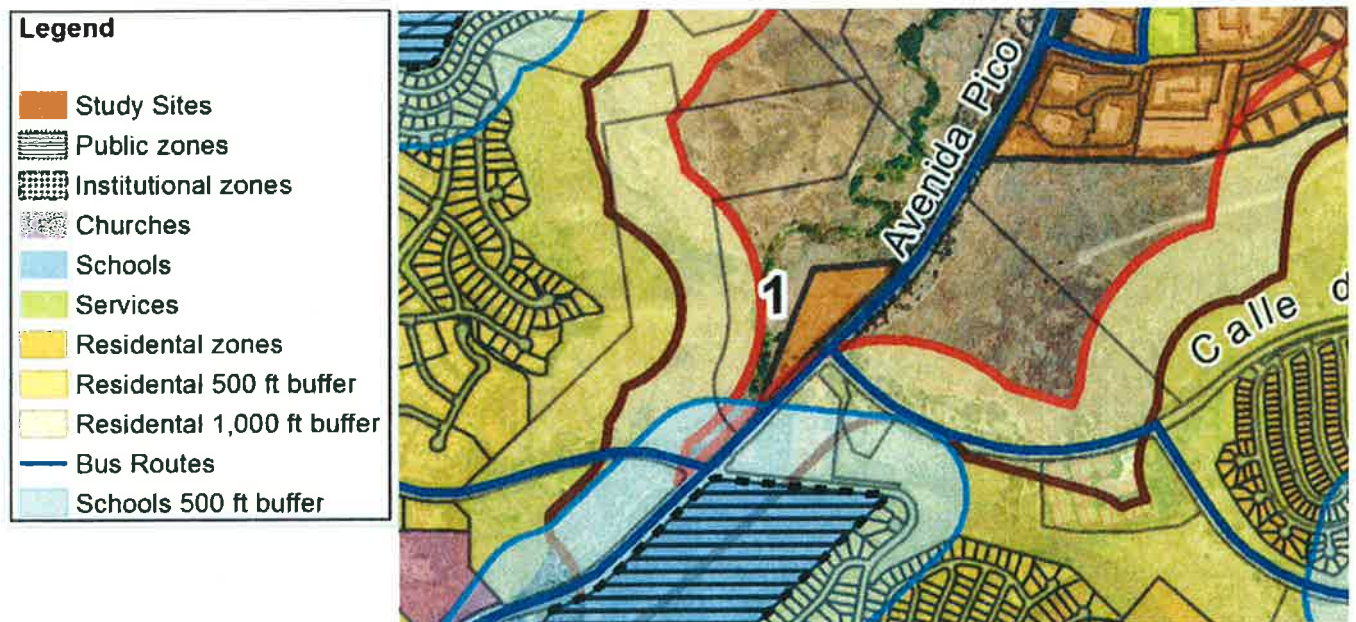
Following are narrative descriptions that explain Table 1, including detailed site/area maps for six study sites and summaries of how the sites meet State and City location criteria. **Attachment 8** is an SB 2 Opportunities and Constraints map showing locations of study sites and areas in relation to public transportation, residential zones, schools, job centers, and services.

Site Number 1 - Rancho San Clemente Specific Plan (RSCSP) “Triangle Site”

1. *Zoning:* Rancho San Clemente Specific Plan area. Zoning is OS2 – Open Space, Private.
2. *Size:* About six acres of a 10.25 acre parcel.
3. *Allowed Uses:* Passive recreational uses, golf courses and ancillary uses. It consists of a gently sloping benched area within Pico Canyon, located approximately 10-15 feet below Avenida Pico finished grade.
4. *Distance to Public Transit:* Adjacent to public bus route and bicycle lane along Avenida Pico. Bus stop located within ¼ mile at intersection of Ave Pico and Ave Vera Cruz.
5. *Proximity to Public Services:* Nearest public and community services – (groceries, mail services, banking located in Gateway Village commercial center at Ave Pico and Calle del Cerro, about 500 feet away.

6. *Distance from residences/schools:* about ¼ of a mile from the nearest residential use, about 300 feet from Gateway Village community commercial area, and 750 feet from the nearest school (SC High School).
7. *Near Job Center:* The site is located less than ¼ mile from RSC Business Park, a large job center.
8. *Potential Environmental Constraints:* City GIS and resource maps and the General Plan designate this area as a Landslide Hazard Zone. The Landslide Hazard zone applies to most of Rancho San Clemente Specific Plan Area. These are areas where previous occurrence of landslide movement or local topographic, geological, geotechnical and subsurface water conditions indicate a potential for permanent ground displacements such that mitigation as defined in Public Resources Code Section 2693(c) would be required.

Figure 1 – Triangle Site



9. *Other Planning Factors:*
 - a. The RSCSP calls for a Class 1 Bicycle Trail paralleling the north side of Avenida Pico and traversing the “triangle site.”
 - b. Development of the site for an SB 2 shelter would require excavating and engineered fill, installing utilities, adding a signal at the Pico/Del Cerro intersection, and extending street access from Avenida Pico at Calle de Cerro, and installing a sewer lift station.

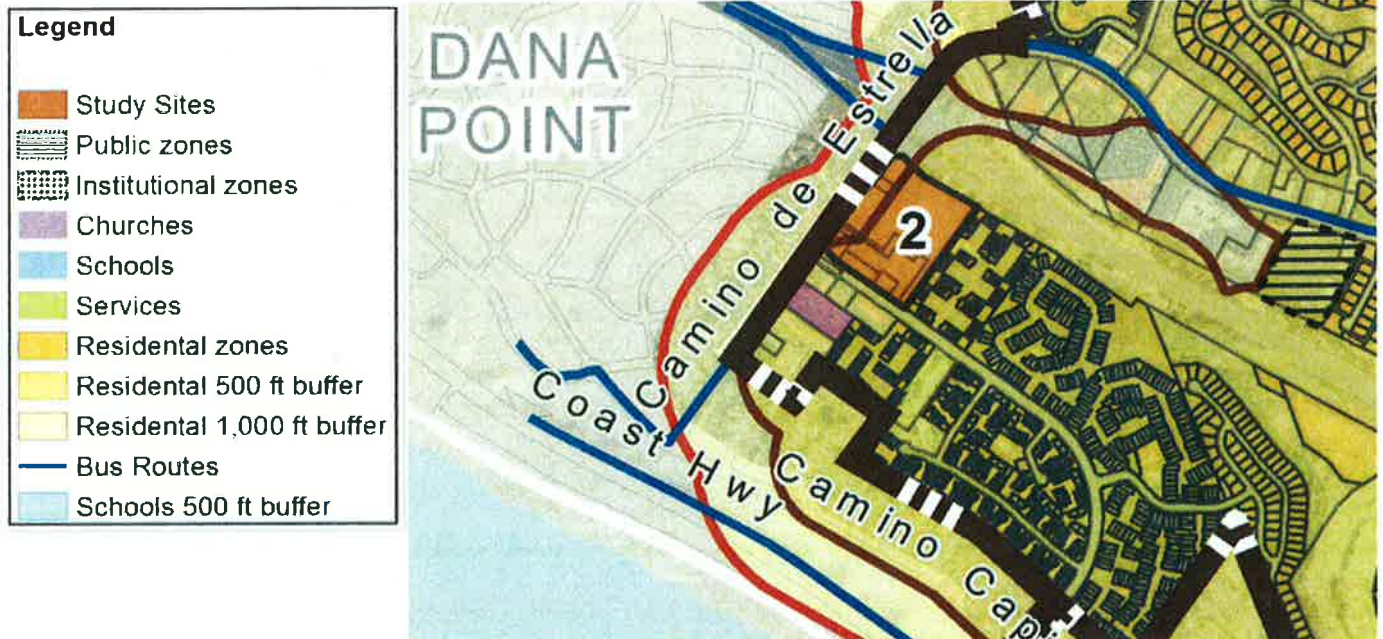
c. According to the Assistant City Attorney, development of the site would require approval of a majority vote of registered city voters (per citizens’ Open Space initiative, Measure V, adopted on November 4, 20018), and doing a “lot split” to create a one acre site to allow an exception to the public vote requirement for changing Open Space uses would not be legally advisable.

d. According to the RSCSP, these areas constitute “significant biological and visual resources.” No development, except for the existing tennis club shall be permitted within the OS2 zone.

Site Number 2 – K Mart/Big Lots Commercial Center

1. *Zoning:* CC-2 (Community Commercial)
2. *Size:* About 12 acres.
3. *Allowed Uses:* The CC-2 zone allows churches (with a conditional use permit), lodging (hotels and motels), and a broad range of retail sales and services. Also, Medical Overlay allows medical and health care uses.
4. *Distance to Public Transit:* The site is adjacent to I-5 and to a public bus route and bus stops on Camino de Estrella.

Figure 2 – K-Mart Center



5. *Proximity to Public Services:* Nearest public and/or community services are about ¼ mile away (Calle de Los Mares retail centers). The site is located within about 300 feet of Palisades Methodist Church.
6. *Distance from residences/schools:* The site is adjacent to RML-PRD (Residential, Medium-Low) zone on the southeast, with offices, services and residential uses in the City of Dana Point, across Camino de Estrella to the northwest and west. There are no public schools within 500 feet.
7. *Near Job Center:* The site is located within ¼ mile of a job center – Calle de Los Mares retail, general services and medical services.
8. *Potential Environmental Constraints:* City GIS and resource maps do not show this area as having environmental constraints.
9. *Other Planning Factors:*
 - a. The site is served with utilities and has street access from Camino de Estrella and Camino Mir Costa.
 - b. General Plan designates this site as Community Commercial with “Medical Office Overlay” to encourage medical office development.

Site Number 3 – Calle de Industrias Area (behind Denny’s Restaurant on Avenida Pico @ I-5)

1. *Zoning:* The area is zoned CC-2 (Community Commercial) in the West Pico Corridor Specific Plan.
2. *Size:* The study site has about 5 acres, not including frontage lots. It includes 14 Assessor’s parcels, ranging in size from about 3000 square feet to over one acre. All of the parcels, except one 6500 SF vacant parcel, are developed with service commercial/light industrial uses.
3. *Allowed Uses:* The CC-2 zone conditionally allows churches, lodging (hotels and motels), auto-related uses, certain light industrial uses, and a broad range of retail sales and services.
4. *Distance to Public Transit:* The area is adjacent to a public bus route and bus stops on Avenida Pico.
5. *Proximity to Public Services:* Nearest public and/or community services are within 500 feet (US Postal Service, Pico Pavilion).

6. *Distance from residences/schools:* The area is located about ¼ of a mile from the nearest residential property and about 1000 feet from the nearest school (San Clemente High School).
7. *Potential Environmental Constraints:* City GIS maps do not show this area as having environmental constraints.
8. *Other Planning Factors:*
 - a. The General Plan shows the area as Community Commercial (CC 2) with a “Professional Office Overlay” to promote redevelopment.
 - b. The area is served with utilities and has street access from Calle de Industrial and Avenida Navarro.

Figure 3 - Calle de Industrias Area



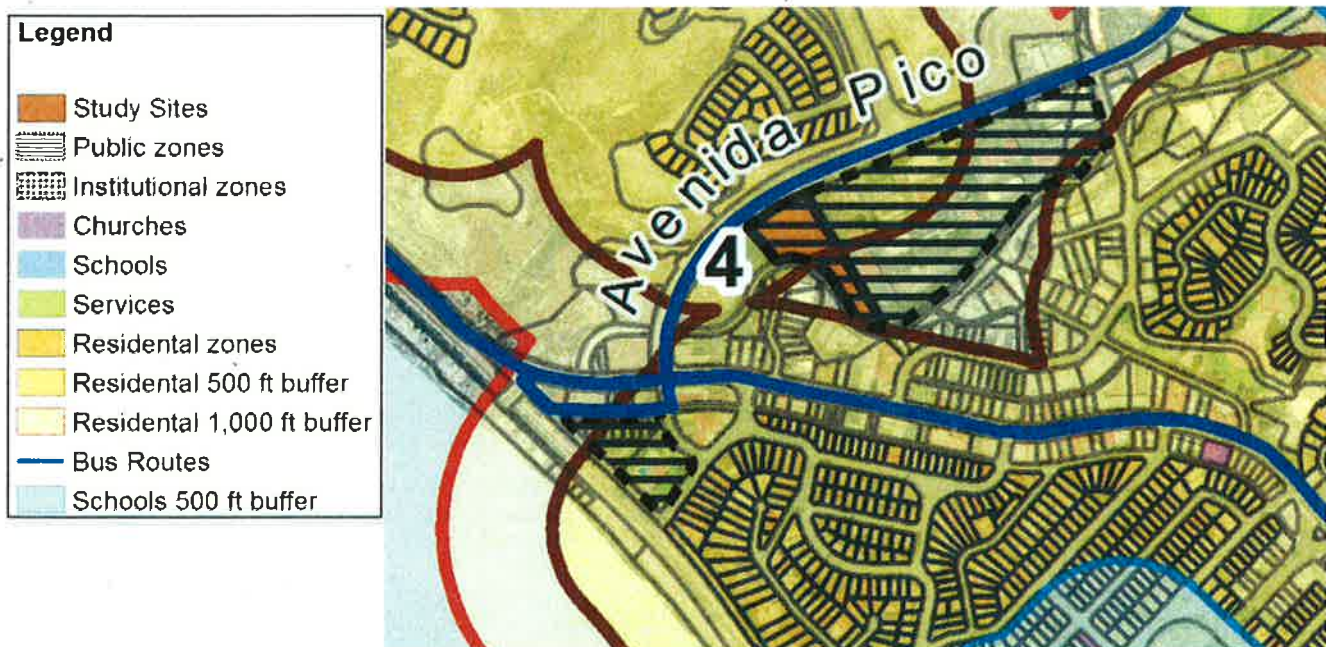
Site Number 4 – Vacant City-owned lot adjacent to Water Treatment Facility

1. *Zoning:* The site is zoned P (Public), in the West Pico Specific Plan Area and adjacent to MU 3.1 zone (Mixed Use, Pedestrian Overlay). Formerly, the site of the City animal shelter. It is located across Avenida Pico from the Residential portion of the Marblehead Coastal Specific Plan. The site is located within the Coastal Zone.
2. *Size:* About 2 acres; mostly level, irregularly shaped vacant site which is currently used for storage. The site is bordered by the City Corporation Yard on the north, a drainage channel on the east, service-commercial/light industrial uses to the south

and vacant, low-density residential land to the west, across Avenida Pico. The site is partially paved.

3. *Allowed Uses:* Broad range of public facilities on public lands. This zone is the more intense of the public zones established in the General Plan, allowing a greater range of public uses, including governmental administrative, public recreational, cultural (such as public libraries and museums), educational (public schools), and institutional facilities, public and private parking, and undeveloped parks.
4. *Distance to Public Transit:* The site is adjacent to a public bus route and bus stops on Avenida Pico.

Figure 4 – Vacant lot near Treatment Facility



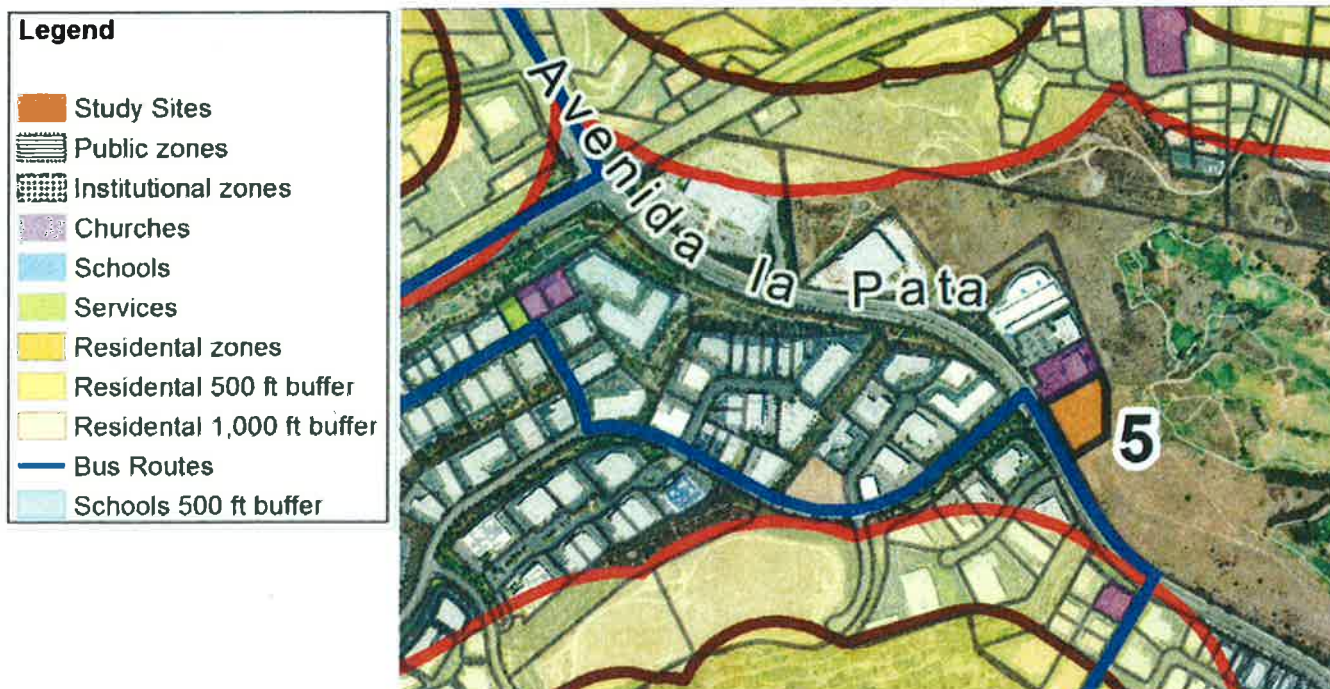
1/3 mile away, near the intersection of I-5 and Avenida Pico.

6. *Distance from residences/schools:* The site is not within 500 feet of residential uses. However, with eventual development of Marblehead Coastal residential uses, it will be. There are no public schools within 500 feet.
7. *Near Job Center:* The site is located within ¼ mile of a job center – Los Molinos and El Camino Real, with a range of light manufacturing and retail sales and services.
8. *Potential Environmental Constraints:* City GIS and resource maps show this site as being partially located in “Seismic Liquefaction” and “Seismic Landslide” areas. The previous CASA facility was moved, in part, due to geotechnical reasons.

Site Number 5 – Vacant site adjacent to Heritage Church, Rancho San Clemente Business Park

1. *Zoning:* The site is zoned “Business Park” in the Rancho San Clemente Specific Plan and is owned by and located adjacent to the Heritage Church on the eastern edge of the Rancho San Clemente Business Park (RSCBP).
2. *Size:* The vacant site covers about 2 acres. It is bordered by the Heritage Church on the north, open space to the east, light industrial/service commercial uses to the south and west. The site is served by utilities and has street access from Avenida La Pata.
3. *Allowed Uses:* Broad range of business park, light industrial and service commercial uses, public assembly and churches, government and utility offices. Religious and “Civic” uses are allowed with approval of a conditional use permit.
4. *Distance to Public Transit:* The site is adjacent to a public bus route and bus stops on Avenida La Pata.
5. *Proximity to Public Services:* The site is located within ¼ mile of a US Post office, FAM, three churches and other community services.
6. *Distance from residences/schools:* The site is located about 1/3 mile from the nearest residential property, about ¾ mile from Steed Park, and over one mile from the nearest public school.
7. *Near Job Center:* The site is located within a job center – the Rancho San Clemente Business Park.
8. *Potential Environmental Constraints:* City GIS maps do not show this site as being located within area having environmental constraints; however it is located within ¼ mile of “Very High Fire Hazard” area.

Figure 5 – Vacant site adjacent to Heritage Church, Business Park



Site Number 6 – Rancho San Clemente Business Park

1. *Zoning:* The Business Park consists of three zones: Business Commercial, Business Park and Industrial Park, within the 1,943 acre Rancho San Clemente Specific Plan area. Most Business Park uses are located close to Avenida Pico and Avenida La Pata and are vertically and horizontally separated from the residential area above by the gateway knoll and ridgeline, as shown in Figure 6.
2. *Size:* The Business Commercial zone is 28 acres, the Business Park zone is 245 acres and the Industrial Park is 35 acres. Lot sizes range from a minimum of 10,000 square feet to over 12 acres. All lots are with utilities and have street access.
3. *Allowed Uses:* Broad range of business park, light industrial and service commercial uses, public assembly and churches, government and utility offices. Religious and “Civic” uses are allowed with approval of a conditional use permit. Civic use means publicly or privately owned and managed facilities for meetings, conventions or exhibitions and other community, social, and multi-purpose uses.
4. *Distance to Public Transit:* A public bus route runs through the Business Park zone with multiple bus stops.
5. *Proximity to Public Services:* The Business Park includes a US Post office, FAM, three churches, and government offices.

6. *Distance from residences/schools:* Distances from adjacent residential areas vary from about 60 feet near the northeast corner of the Business Park, to at least 500 feet for most properties in the Business Park. There are three public schools in the vicinity, all located at least ½ mile away from the Business Park.
7. *Near Job Center:* The site is a job center – the Rancho San Clemente Business Park.

Figure 6 – RSC Business Park and Residential Areas

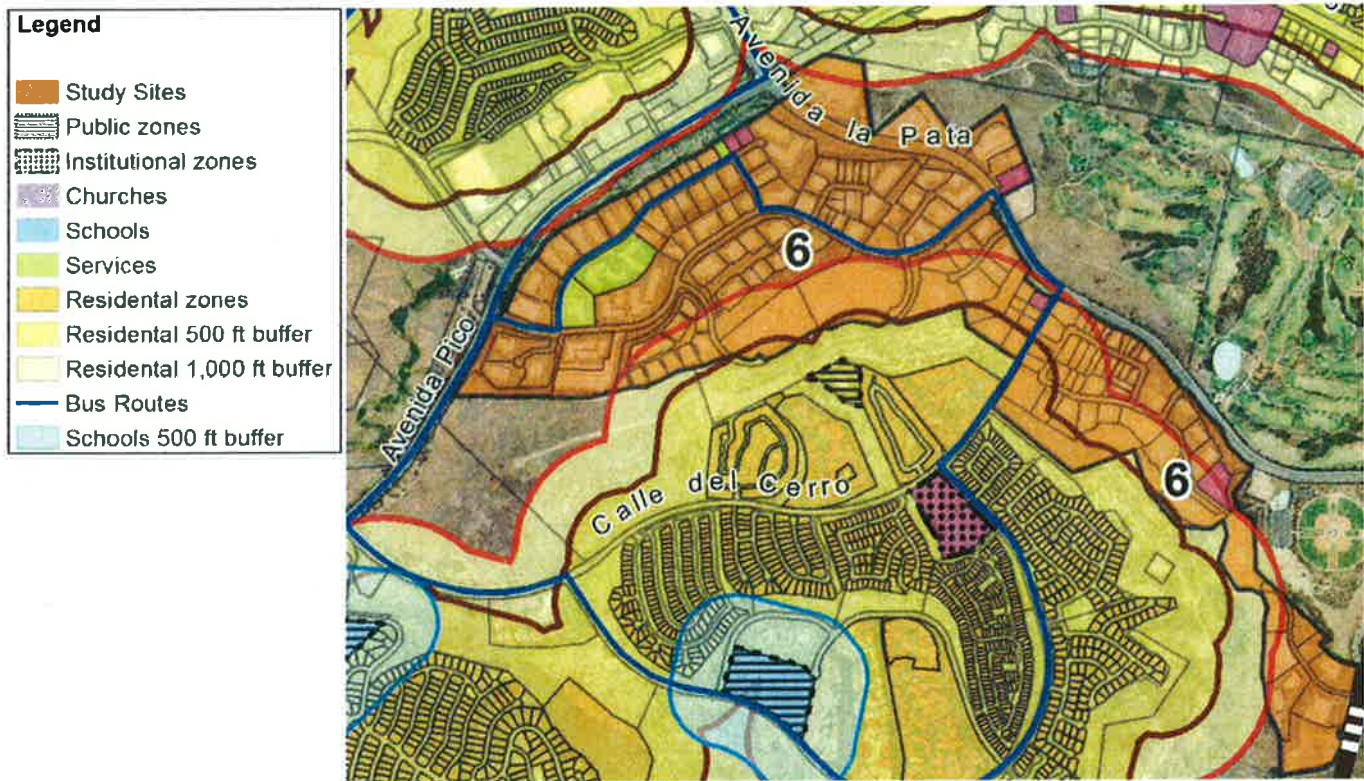


RSC Business Park shown in bordered area, bird's eye view looking south

8. *Potential Environmental Constraints:* City GIS, General Plan and resource maps show portions of the Business and Industrial Park zones as being located within "Very High Fire Hazard" and "Landslide Hazard" Zones." The Fire Hazard zone applies mainly to the Industrial Park zone and to open space slopes between the Business Park and adjacent, upslope residential areas. The Landslide Hazard zone applies to most of Rancho San Clemente Specific Plan Area. These are areas where previous occurrence of landslide movement or local topographic, geological, geotechnical and subsurface water conditions indicate a potential for permanent ground displacements

such that mitigation as defined in Public Resources Code Section 2693(c) would be required.

Figure 7 – Rancho San Clemente Business Park



Churches and other Places of Worship. Historically, churches and other places of worship have provided seasonal shelter and services for the homeless persons. The City of Dana Point specifically includes churches as part of its zoning strategy to meet SB 2 requirements. The City of Dana Point allows churches to operate shelters as an accessory use, with a 10-bed limit per church in residential areas to minimize potential land use compatibility issues. At its March 19th meeting, the Planning Commission expressed interest in discussing how churches might fit into San Clemente’s overall SB 2 strategy.

In a recent meeting between City staff and local clergy, the consensus of those present was that many local churches consider it their spiritual duty to help meet the needs of homeless persons; however, they understand that this is only part of a broader-based community solution. Faith based leaders stated their clergy will help support, fundraise, recruit and help find volunteers, and provide meals to the homeless. In summary, those present supported churches serving in a support role to help meet SB 2 needs and stressed that churches should not be expected to provide the only solution to meeting SB 2 requirements. They felt a site needed to be identified where a homeless shelter could be accommodated.

Staff identified 22 churches and other places of worship in San Clemente. Churches are allowed or conditionally allowed in almost every zone, and existing churches are distributed throughout most areas of the City, including both residential and commercial areas, as shown in a map, **Attachment 9** and listed in **Attachment 9A**. The zoning of City churches is summarized in Table 2.

Table 2 – Number of San Clemente Churches, By Zone

Zone	Number of Churches
Residential	9
Mixed Use	1
Commercial/Industrial	9
Public and Institutional	3

Church properties range in area from relatively small neighborhood churches, such as St. Clement’s Episcopal Church (about 20,000 square feet), to large church campuses in residential and commercial areas, such as St. Andrews Methodist Church (about nine acres) and San Clemente Presbyterian Church (about five acres). Despite varying site and floor areas, churches often include facilities which are adaptable for shelter use. Some churches are located adjacent to residential uses, near schools and parks – uses which may pose land use compatibility issues with year-around homeless shelters. In San Clemente, 14 churches are located at least partly adjacent to residential or mixed-use zoned properties; four churches are located in the Rancho San Clemente Business Park and two are in the Talega Business Park. One church is located in the Institutional Zone.

Public and Institutional Zones.

Two zones are being considered as part of San Clemente’s SB 2 zoning strategy: the Public zone (P) and the Institutional zone (Inst). Among Orange County’s other 34 cities, six designate public and/or institutional zones to meet SB 2 requirements. The cities of Dana Point, San Juan Capistrano, and Newport Beach, designate public or institutional zones to meet at least part of each city’s estimated homeless needs. As a social service, homeless shelters may be appropriate uses in the San Clemente’s Public and/or Institutional zones.

San Clemente’s Public Zone has a diverse mix of uses, including public utility sites, public schools, the City buildings, fire stations, water tanks, SDG&E corporation yard, and City-owned properties. Most public uses, such as schools, cultural facilities and utility sites are under public control and unlikely to change uses. A few vacant or underutilized P zoned sites were identified that could meet or help meet SB 2 requirements. Public and Institutional-zoned sites are shown in **Attachment 10**.

The General Plan states that “Public and institutional uses include governmental offices, hospitals, social services, recreational and cultural facilities, schools and libraries. To effectively serve the public, such uses are located throughout the City. The goal of Public and Institutional zoning is to provide a variety of public and institutional uses, such as governmental, administrative, recreation, cultural, religious, social services and educational uses that help meet the broader community’s needs and that are designed to be compatible with surrounding neighborhoods, and with the architectural character of the areas in which they are located.”

Draft SB 2 Development and Management Standards

At its March 19th meeting, the Commission endorsed all of the draft development standards except 17.08.110(C) regarding maximum number of beds and shelter floor area. Commissioners wanted to study potential SB 2 locations and implementation strategies before deciding on this standard. This standard is discussed below. The draft development and management standards that the Commission endorsed, along with explanations, are included as ***Attachment 11***.

SB 2 allows local governments to adopt development and management standards to regulate emergency shelters by establishing:

- 1) a nightly maximum number of beds or persons
- 2) on-site parking and site lighting requirements
- 3) size and location of exterior/interior on-site waiting and client intake areas
- 4) on-site management and security requirements
- 5) spacing from other emergency shelters in the same zone
- 6) maximum length of stay.

The development standards “must be designed to encourage and facilitate the development of, or conversion to, an emergency shelter” and may not be so restrictive as to “unduly impair shelter operations.” (California State Department of Housing and Community Development, “HCD”).

Maximum Number of Beds. By setting a standard for the maximum number of shelter beds, or the minimum required building (or site) square footage per bed, cities can regulate the “intensity” of a homeless shelter use. That is, the number of homeless persons served and the intensity of the use in terms of parking demand, trip generation, noise and other impacts related to shelter use. Allowing a higher maximum number of beds allows SB 2 requirements to be met with a single, larger facility. Alternatively, setting a lower maximum number of beds will require several smaller facilities to meet the

estimated homeless needs, thereby promoting a dispersal strategy. Following is recommended wording showing how this standard could be addressed:

17.08.110 Homeless Shelters. Development Standards. (DRAFT)

“C. Maximum Number of Beds and Building Area. Maximum number of beds per facility shall not exceed 65 beds, or 10 beds for churches and other places of worship.”

Comment: This wording would allow the estimated homeless population to be served with one shelter in a designated zone, or in multiple church sites allowing up to 10 shelter beds per facility. Some cities set a lower maximum number of beds, depending upon estimated need and/or location strategy. The Commission could set a lower maximum number of beds if determined appropriate.

The maximum of 10 beds for churches is based on the City’s experience with churches accommodating up to 10 persons for cold weather, seasonal shelters. The Commission could also consider allowing a “two-tiered” standard for churches, limiting the number of beds to 10 for churches in Residential and Mixed-Use Zones, and allowing a higher number of beds for churches in non-residential zones.

Alternative Strategies to Meet SB 2 Requirements

There is no “one size fits all” strategy for complying with SB 2. Each city and county must meet SB 2 requirements in a manner that addresses its own land use patterns, environmental constraints, and estimated homeless needs. Specific tools to accomplish this include:

- 1) Designating an existing City zone and amending the Zoning Ordinance to allow a homeless shelter by right, subject to development and operational standards; or
- 2) Creating a new “SB 2 Overlay Zone” to be applied to one or more parcels that are suitable for a homeless shelter, subject to the same development and operational standards as in 1) above, or
- 3) Amending the Zoning Ordinance to allow a homeless shelter as an accessory use to some other allowed or conditionally allowed use, such as Churches, or
- 4) Some combination of these

Following is a “menu” of possible strategies, in random order, that balance multiple objectives in addressing SB 2. The Commission may consider these approaches, or a variation of these, to provide guidance for preparation of a draft SB 2 ordinance. Recommendations on specific SB 2 locations are not included; several areas or sites may

work. The Commission should select locations based on the characteristics and compatibilities of the sites and areas analyzed, and on the preferred SB 2 strategy below.

Alternative 1: “Dana Point Model”

Emergency shelters shall be allowed by right: 1) as an accessory use to legal, conforming churches, synagogues or other religious institution (subject to a 10 bed limit), or 2) located in the Public or Institutional zone.

Comments:

- Similar approach used by the City of Dana Point was approved by the State
- Emphasizes dispersed approach; may require multiple small sites to meet need
- Allows small shelters in residential zones (churches); larger facilities near or adjacent to residential zones (Public and Institutional)
- Public and Institutional sites typically controlled by public agencies
- Avoids commercial and business park areas

Alternative 2: “Overlay Zone and Religious Institutions”

Emergency shelters shall be allowed by right 1) as an accessory use to legal, conforming churches, synagogues or other religious institutions, and 2) in the areas and sites located within the “SB 2 Overlay” zone, as shown in the Official City Zoning Map. The SB 2 Overlay includes designated sites or areas.

Comments:

- Modified “Dana Point” approach; more sites and areas available to meet SB 2
- Allows decentralized or focused approach; or combination of these
- Allows small shelters in residential zones (churches)
- SB 2 Overlay zone applicable to wide variety of individual or contiguous sites

Alternative 3: “Modified Mission Viejo Model”

Emergency shelters shall be allowed by right in the areas and sites located within the “SB 2 Overlay” area, as shown in the Official City Zoning Map. The SB 2 Overlay Area includes designated Commercial, Industrial and Business Park zoned areas, Public, and Institutional zones.

Comments:

- Approach has been used by many cities and approved by State
- Uses SB 2 Overlay to focus on commercial, industrial or business park properties
- Allows decentralized or focused approach; or combination of these
- Allows greater separation from residential areas, schools and parks
- Churches in residential areas excluded

- SB 2 Overlay zone applicable to wide variety of individual or contiguous sites

Alternative 4: “Designated Zone or Area”

Emergency shelters shall be allowed by right in the _____ Zone(s).

Comments:

- Simplest approach; has been used by many cities and approved by State
- Uses existing zone boundaries
- May be used to allow shelters in one or more existing zones

RECOMMENDATION

Staff recommends that the Planning Commission:

- 1) Consider the Draft SB 2 Development Standards and provide direction on Draft Standard 17.08.110 (C).
- 2) Provide direction to staff regarding SB 2 sites or zones where homeless shelters shall be allowed by right, subject to development standards.
- 3) Continue the item to a specific Planning Commission meeting date with direction to staff to prepare a draft Zoning Ordinance and Map amendment to meet SB 2 requirements.

ATTACHMENTS

1. Planning Commission Minutes – March 19, 2014
2. Summary of Clergy Meeting – April 4, 2014
3. Planning Commission SB 2 Questions
 - A. Survey of South OC Cities and Summary of OC Cities SB 2 Requirements and Ordinances
 - B. Description of SC’s Homeless
 - C. Conceptual Architectural Program and Bubble Diagram
 - D. City Attorney Opinion
 - E. City Engineer’s Development Analysis – “Triangle Parcel”
 - F. Safe Routes to Schools Figures
4. OC HMIS Data for Sheltered Clients
5. Email from SC Police Services re: Homeless Population Estimate
6. Map of SB 2 Study Sites
7. Residential “Buffer” Map
8. Opportunities and Constraints Map
9. San Clemente Churches and Places of Worship Map
 - A. Summary List of Churches and Zoning
10. Map Showing Public and Institutional Zoning
11. Draft SB 2 Development and Management Standards

12. State HCD - SB 2 Guidelines
13. Information provided by citizen

**MINUTES OF THE ADJOURNED REGULAR MEETING
OF THE CITY OF SAN CLEMENTE
PLANNING COMMISSION
May 7, 2014 @ 6:00 p.m.
City Council Chambers
100 Avenida Presidio
San Clemente, CA**

1. CALL TO ORDER

Chair Darden called the Regular Meeting of the Planning Commission of the City of San Clemente to order at 6:07 p.m.

2. PLEDGE OF ALLEGIANCE

Commissioner Eggleston 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
Jeff Hook, Principal Planner
Amber Gregg, Associate Planner
Denise Obrero, Housing Programs Planner
Zachary Ponsen, Senior Civil Engineer
Ajit Thind, Assistant City Attorney
Eileen White, Recording Secretary

4. SPECIAL ORDERS OF BUSINESS - None

5. MINUTES

A. Minutes from the Planning Commission Regular Study Session of April 16, 2014

IT WAS MOVED BY VICE CHAIR BROWN, SECONDED BY COMMISSIONER RUEHLIN, AND UNANIMOUSLY CARRIED to receive and file the minutes of the Regular Study Session of April 16, 2014, as submitted by staff.

B. Minutes from the Planning Commission Regular Meeting of April 16, 2014

IT WAS MOVED BY COMMISSIONER RUEHLIN, SECONDED BY COMMISSIONER KAUPP, AND UNANIMOUSLY CARRIED to receive and file the minutes of the Regular Meeting of April 16, 2014, as submitted by staff.

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

7. **CONSENT CALENDAR** - None

8. **PUBLIC HEARING**

A. SB 2 Emergency Shelter Ordinance (Obrero)

The Planning Commission will consider alternative strategies for complying with a State law, "SB 2" the Emergency Shelter Act. This is a continued item from the March 19, 2014 Planning Commission meeting. At this meeting, the Commission is expected to review SB 2 requirements, locational criteria for identifying areas or zones where shelters could be allowed, possible development and operation standards, and alternative strategies for meeting SB 2.

SB 2 requires that cities 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. It allows cities to establish standards to regulate emergency shelters' location, size, parking, and proximity to other emergency shelters, length of stay, lighting, security and management. The City completed an evaluation of possible sites and zones to meet SB 2 requirements and, based on that evaluation, has identified six sites and two zones that may meet SB 2 criteria. The Planning Commission will also consider the possibility of allowing churches to provide seasonal or year around shelter for homeless persons to help meet SB 2 requirements. Frequently asked questions about SB 2 and a map showing possible sites or areas being considered are available on the City's website at www.san-clemente.org/SB2homelessshelter.

Chair Darden welcomed all attendees to the meeting and explained that the purpose of tonight's meeting is to review potential sites for a homeless shelter and provide input to staff. Under Senate Bill 2 (SB 2) the City is required to identify a land use zone in which homeless shelters will be allowed by right. She clarified that at this time there are no applications submitted to the City for an emergency shelter or plans to construct a shelter in the foreseeable future. In addition, under SB 2, the City is not required to actually build an emergency shelter; just identify a zone that would allow its existence by right. Staff will make a presentation followed by Commission question and answer period. The public will then have an

opportunity to speak. She requested that those present refrain from clapping, speaking out of turn, or disrupting the meeting in any way in order to show respect for all speakers and allow the meeting to continue in orderly fashion. She encouraged members of the public to indicate agreement with previous speakers rather than come up to the podium and repeat the same comments. In addition, she requested the public respect staff for the hours spent seeking solutions and preparing reports for the public, and noted that the three-minute time limit for individual public testimony would be strictly enforced in fairness to all. She advised that the Planning Commission's final recommendation will go to City Council for their consideration, and asked for the public's cooperation in finding a solution that will meet the needs of the homeless as well as the community.

Commissioner Kaupp established from the Commission that at a prior meeting, there was no consensus of Commissioner support for including the former K-Mart/Big Lots Shopping Center as a potential SB 2 location. He asked staff to make a brief presentation on that study site to determine if it were possible to eliminate the site from consideration. In this way, property owners present for that specific site can be assured of the Commission's intention and not have to remain in Council Chambers for the entire meeting.

Ajit Thind, Assistant City Attorney, suggested the Commission consider bifurcating the K-mart/Big Lots Shopping Center segment from the staff report, hear the staff report on that issue as well as public testimony, and take action on that study site separately from the other SB 2 study sites and areas.

IT WAS MOVED BY VICE CHAIR BROWN, SECONDED BY COMMISSIONER KAUPP, AND UNANIMOUSLY CARRIED TO DIRECT STAFF TO BIFURCATE CONSIDERATION OF THE K-MART/BIG LOTS SHOPPING CENTER AS POTENTIAL ZONE FOR EMERGENCY HOMELESS SHELTER FROM THE STAFF REPORT.

K-Mart/Big Lots Shopping Center Consideration

Jim Pechous, City Planner, reviewed the staff report with regard to potential inclusion of the K-Mart/Big Lots Shopping Center as a zone where emergency homeless shelters would be allowed by right. While discussing the State criteria for potential sites, he noted that the K-Mart/Big Lots site is adjacent to residential zones; advised the site does not meet the City's primary goal of separating potential shelter locations from residential zones; recommended the Commission consider removing this location from consideration.

Chair Darden opened the public hearing.

Norma Rhue, Capistrano Beach resident, supported welcoming a homeless shelter in the community that would provide shelter for adults, single parents, and families, as well as providing rehabilitation, job skills instruction, medical assistance, and giving homeless people back their dignity. Although a homeless shelter would be a wonderful addition to the community, she expressed concern about this site as it is located near at least three liquor stores.

Marika Segal, resident, stated that she recognizes that there is a need for a homeless shelter and would have no objection to a homeless shelter at the K-Mart/Big Lots Shopping Center.

Bill Sandre, Los Angeles, representing the K-Mart/Big Lots Shopping Center property owner, opposed rezoning/applying an overlay to the property to allow emergency homeless shelter by right, noting that the owners' vested rights in the property may be compromised, including the ability to attract/retain existing tenants and/or the imposition of restrictions, if the property is rezoned or an overlay is applied. He advised that the property owner is currently in negotiations with major national retailers to subdivide the site for new uses.

Naomi Segal, resident, commented that the existing K-Mart/Big Lots Shopping Center site has deteriorated since its last tenants moved out and is not currently an asset to the City. She acknowledged adjacent residents' concerns regarding locating a homeless shelter adjacent to their homes, but commented that the community as a whole has a responsibility to address the homeless living in their city. As a mother of sons with drug dependency, she understands the frustration of finding help/shelter/rehabilitation services nearby. She tried for years to get her sons into a nearby homeless shelter in Laguna Beach, and was repeatedly told that the center was full of Laguna Beach residents and had no room for others from outside Laguna Beach. She occasionally called the police to arrest her sons to remove them from their drug sources and force them into rehab while in jail. The homeless and drug dealers are everywhere in San Clemente, which puts a stress on the police department and the City's taxpayers. She implored the community to do the right thing for its homeless population and address them lovingly and compassionately for the sake of all.

Chair Darden closed the public hearing.

IT WAS MOVED BY COMMISSIONER KAUPP, SECONDED BY VICE CHAIR BROWN, AND UNANIMOUSLY CARRIED TO REMOVE THE K-MART/BIG LOTS SHOPPING CENTER SITE FROM DELIBERATIONS.

[DECISION FINAL. SUBJECT TO APPEAL OR CALL UP BY COUNCIL]

Chair Darden suspended the meeting at this time to allow members of the public attending the meeting for that singular issue to exit the meeting room if they desired. She re-adjourned the meeting approximately 15 minutes afterwards.

SB 2 Emergency Shelter Ordinance

Chair Darden described the format of the remainder of the meeting. The Commission will hear information presented by the various staff members, pose questions following each segment of the staff report, hear public testimony, and then take straw votes for each of the potential options identified by staff. The agenda item will be continued to a date certain, at which time staff will present the revised plans for Planning Commission action, which will be a recommendation to City Council.

Jim Pechous, City Planner, outlined the staff report; introduced staff members doing presentations; introduced specialists also present to provide information. Staff recommended the Commission hear the presentations, take public testimony, discuss options, and take straw votes for each of the alternatives presented.

Denise Obrero, Housing Programs Planner, narrated portions of the PowerPoint Presentation, entitled, "SB 2 Emergency Shelter Ordinance, dated May 7, 2014." summarized the progress of the proposal to date; described Senate Bill 2 (SB 2) which sets forth requirements for all cities and counties to designate at least one zone where emergency shelters are allowed by right; summarized the Council Subcommittee formation, process, and direction; described the purpose of tonight's meeting; discussed how adjacent communities have addressed SB 2 and listed the consequences the City would face if it does not comply with SB 2.

Amber Gregg, Associate Planner, described each of the sites/areas being reviewed for potential sites, and reviewed how each site met State criteria, including public transport within ¼ mile, proximity to services, prescribed distance away from residential zones, proximity to a job center, and freedom from environmental constraints.

Jeff Hook, Principal Planner, reviewed the process used to estimate the number of residents living in San Clemente; recommended the Commission use the number established using data supplied by San Clemente Police Services, local homeless services providers, and County social services providers, which is an estimate of between 65 to 70 homeless persons. He clarified that SB 2 addresses the need for "emergency shelter for homeless persons" and as such, is intended to allow an overnight homeless shelter by right in at least one specific zone.

Jim Pechous, City Planner, reviewed the alternative strategies to meet SB 2 requirements as identified by staff. He described the specific tools that

can be used to accomplish this goal, and listed 3 alternative solutions that would meet the required goals for their consideration. In addition, he encouraged the Commission to use the information contained in the staff report, review the models adopted by nearby cities, and study the potential sites identified in the staff report to develop a solution unique to San Clemente. He recommended the Commission 1) consider the Draft SB 2 Development Standards and provide direction on Draft Standard 17.08.110 (C) regarding the number of beds per facility, 2) provide direction to staff regarding SB 2 sites or zones where homeless shelters shall be allowed by right, subject to development standards, and 3) Continue this item to a specific Planning Commission meeting date with direction to staff to prepare a draft Zoning Ordinance and Map Amendment to meet SB 2 requirements. In their deliberations, he advised the Commission to consider from a reasonable point of view whether the amount of property in the form of zoned/overlaid areas designated by the city for establishment of shelters could conceivably meet the emergency shelter needs for the estimated 65 to 70 homeless persons in the City. The "reasonable man standard" will be the standard by which the SB 2 plans in the Housing Element will be reviewed. Once the Housing Element has been revised to meet SB 2, the City's new General Plan will be deemed complete and legally adequate.

In response to comments from the Commissioners regarding the excellent GIS maps that clearly show location criteria for each site, Mr. Pechous noted that staff planner Christopher Wright had prepared the maps for Commission review.

In response to questions from the Commissioners, various staff advised that approximately half of the Saddleback Church property is located within 500 feet of residential homes, with the other half of the property outside that boundary; provided estimation that 10,000 square foot of property would be needed to accommodate a two-story emergency homeless shelter large enough to accommodate 65 to 70 homeless persons; assured the Commissioners that residents/businesses in the Pier One Shopping Plaza, Talaga, and Calle de Industrias areas were properly notified about tonight's meeting; advised that with regard to churches, maximum number of bed limits can be set on a case by case basis.

Deputy Joel Bull, Orange County Sheriff's Department, advised that as much security as possible should be installed on site; noted calls/disturbances may be more common in the areas around any shelter, as the presence of homeless people traveling to and from the shelter in nearby businesses may generate calls.

Karen Williams, OC Homeless Partnership, explained how the 2013 "point in time" homeless persons count was taken, including regulations that must be followed in order for the County to continue to receive HUD money to fund programs for the homeless. She described the process to

physically count the homeless, noted the next count will be on January 24, 2015, and advised that the homeless people hired to help with the last count were excellent and dependable workers that were delighted when they were given references following termination of their employment with the County. For the upcoming count, the County hopes to double the amount of volunteers to go out there, and run a parallel job training program at the same time. With the County as a whole, the focus is now on rapid re-housing, a program intended to help homeless persons back on their feet. At emergency shelters in Fullerton and Santa Ana, single homeless adults are housed in the emergency shelters, and families are directed to churches. She noted extensive and thorough searches must be done in order to ensure an accurate count; the count should be performed at night to reflect an accurate number of homeless without a place to sleep. Heat sensing equipment may also be used for the next count to increase odds that none are missed; results of the next count should be available in May or June of next year. Regulations and methodologies regarding the count must adhere to Federal rules. In response to questions, she noted that an infusion of Federal money in 2009 for homeless veterans, plus improvements in the local economy have improved the homeless situation; advised no dramatic increases or decreases have been seen based on seasonality; advised original documents or information from the last count are not available, and would have to remain confidential even if they were. During the last count, she speculated that pockets of homeless were counted at Trestles, the State park, and the Beach Trail. The homeless at Doheny State Park were not included in the San Clemente counts as it is part of Dana Point. It is important to establish a county-wide count of beds and central information point to ensure that homeless advocates/workers are aware of where empty beds are located. Within the County there are many programs for mothers and families with children, but not so many for individual adults. Because the rapid re-housing program has shown a significant success rate, the County is considering ways to expand that program in lieu of the more traditional 2-year program.

In response to questions from the Commissioners, Deputy Bull noted there was a very small number of homeless persons in San Clemente with small children; stated he was unaware if homeless people that must be registered as sex offenders were unable to live in the San Clemente area due to Megan's Law restrictions. He is unable to speculate as to just what percentage of homeless persons would prefer to stay where they are rather than stay in an emergency shelter at night. Those abusing drugs or alcohol are aware they will not be allowed in the shelter, and sometimes choose not to use shelters or take advantage of other available homeless resources. With regard to security for a homeless shelter, he recommended fencing, lighting, security staff, and surveillance video cameras. He speculated that there may be more homeless in the City during the summer months because they come here to vacation and enjoy

the beaches and parks. Consequently, they are more visible in the parks and beaches and their presence increases call volume to Police Services.

Commissioner Ward asked Deputy Bull, 'Did you encounter people that were homeless that you deemed to be new to our town that told you that they were here because of IHope services? Did you ever encounter that, (and how often)?' Deputy Bull responded, 'Yes, when IHope came to town, we did see an influx. I don't have those hard numbers, but in polling my fellow deputies and being approached by them, they told me there is a new one in town, here is his name, date of birth, and he states he was from another location outside the city and he got word of IHope and he wanted to utilize these services that they offered. I've come in contact personally with people who came to our city specifically because they heard of IHope and were also utilizing their address to receive mail.'

In response to questions from the Commissioners, Jeff Hook, Principal Planner, noted that as the Commission agreed at its March 19th meeting, the draft SB 2 Development Standards require one parking space for every five homeless clients. He added that although this is on the high end of homeless shelter parking requirements among OC cities, he believes it is necessary as there are many homeless that are still in possession of their cars. He advised that Commissioners could set a different standard if they so desire; noted that although SB 2 requires the shelter to have a management plan, he doubted that requiring homeless persons to arrive and depart only by shuttle (as part of the management plan) would meet SB 2 requirements.

Ajit Thind, Assistant City Attorney, advised that SB 2 states that the City can only apply the same standards to homeless shelters as the ones that are required by other uses in the same zone. He cautioned against establishing standards or requirements for homeless shelters that are not applied to other uses in the same zone.

Jeff Hook, Principal Planner, explained that SB 2 requires cities to zone sufficient land to meet their estimated homeless need; that is, the total estimated average number of unsheltered homeless persons residing there. Each jurisdiction must show in its housing element that it has zoned land to allow the development of an emergency shelter by right in an amount to meet or exceed the number of homeless living there. Cities can accomplish this several ways: they can centralize homeless services by allowing up to the estimated total number of homeless in one shelter, or disperse homeless services by setting a lower maximum number of beds per shelter. If and when the City allows enough shelter capacity to be built by right to meet its estimated need, any further homeless shelter facilities may be subject to discretionary approval (i.e. conditional use permits).

Jim Pechous, City Planner, advised it would be prudent for the City to overestimate the number of homeless rather than underestimate it. The City should have more zoned capacity than the minimum required in order to comply with State law and to be able to accommodate additional shelter beds if needed. The number of beds required may fluctuate annually, as indicated, in part, by the County's "point in time" count.

Chair Darden opened the public hearing.

Public Testimony:

Letters from three residents opposed to rezoning K-Mart/Big Lots Shopping Center to allow an emergency homeless shelter; letter from resident urging the Commission to follow recommendations in the staff report.

Bob Adams, president of the Rancho San Clemente Business Park (RSCBP) opposed zoning the entire business park to allow emergency homeless shelters due to potential loss in business property values, presence of an element of society generally rejected by the majority, and potential loss of sales tax revenues for the City. He supported establishment of a facility in the triangle area because it is a more suitable location and the homeless are already camping there.

Lee Miller, Lake Forest resident, supported allowing an emergency homeless shelter at the triangle site. As a civil engineer and general contractor, he believes there are reasonable solutions to the topographical challenges to the site, including constructing a pervious parking lot to handle the drainage, and additionally room on site for a community garden. In addition, he supported a "local preference" policy to give preference to San Clemente residents to use the shelter, similar to Laguna Beach's policy.

Jack Kulp, Dana Point resident, read a letter describing how he built his business from the ground up in RSCBP.

Tom Mauriello, resident, is the attorney for RSCBP, supported allowing the homeless shelter on the triangle site as it is legally viable, meets all criteria, and is isolated from the community in a good way, whereas the remainder of the entire business park is isolated in a bad way.

Tom Alexander, resident, opposed rezoning the business park because allowing a homeless shelter to be built there would put an undue burden on businesses and create problems for the surrounding community, whereas constructing it in the triangle area sounds ideal to meet the needs of the community with minimal negative impacts.

Sandra Weaver, resident, commented that it is sad that the City has to be forced by legislation to provide compassion and morality to those less fortunate in the community; noted the homeless are humans like us just down on their luck, with potentially no family or friends to help them or take them in. IHope does a wonderful job helping the homeless get back on their feet. Jesus said, "Whatever you do to the least of me, you do to me."

Ed Connor, San Juan Capistrano resident and IHope Board member, supported allowing the homeless shelter on the triangle site and requested the Commission allow IHope to work with the RSCBP to construct the homeless shelter in that location. He warned the Commission that if they do not allow them to put 65 homeless in this one location, he will go to Sacramento and challenge the Housing Element. IHope has no desire to be in the business park, and would prefer this site. He believes the site is workable and that obstacles associated with it can be overcome; commented that existing churches do not seem to be equipped to shelter the homeless overnight, even if it is only 10 beds; requested the Commission support the triangle site.

Nancy McIntyre, resident, commended the Commission and staff for their efforts to do the right thing for the entire community and support the most vulnerable. She supported the City working with a coalition of people to find the most reasonable and logical solution; commented that with the management plan, it will be possible to come up with a win-win solution that will provide a safe environment for the homeless with the least negative impacts on the surrounding community.

Robert Searle, resident, thanked the homeless shelter advocates for all their hard work on behalf of the homeless; cautioned there may be unintended consequences. As a retired police officer, he volunteered his time in the past to help those less fortunate, until he was cautioned by an administrator at the Los Angeles Downtown Mission that he was incurring personal liability due to shady lawyers filing lawsuits. He cautioned that increasing numbers of the homeless on the street will lead to increased crime, plummeting property values, and loss of quality of life. He recommended the City work with homeless advocates to establish the best locations for emergency homeless shelters.

Vonne Barnes, resident and president of the Rancho San Clemente Homeowners Association, advised that the triangle site, which is not irrigated, is in a very high fire hazard severity zone. She displayed photos of existing encampments in and around the triangle site, as well as discarded propane tanks and other flammable materials scattered throughout. She speculated that allowing the homeless shelter in the triangle site will lead to more camp sites as well as chronic alcohol and drug issues.

Lindy O'Toole, resident, suggested staff add additional buffering around the fire danger areas that could be dangerous to residents as well as significant buffer around Richard Steed Memorial Park and the skate park in order to protect area children. As a firefighter's wife, she has seen firsthand what can happen with fast moving fires, and taken in victims whose homes have been destroyed.

Reverend Patrick Crerar, resident, stated a preference that the City allow 65 to 70 beds in one location because there are economies of scale; it is harder to run many shelters with small number of beds than it is to run just one shelter with a larger number of beds. The triangle location would be advantageous if by sheltering the homeless in a shelter it would eliminate the need for the homeless to light fires to cook food or stay warm in a high fire danger area. As a pastor with experience in running a shelter, he supported allowing larger shelters to be built in areas that meet the State criteria, with churches in the area providing overflow temporary bed space with perhaps a meal. Churches cannot do the same thing that IHope can do out of a large facility, which is help people regain their self sufficiency, address substance abuse, provide mental health support, and partner with social services. In response to questions, he speculated that maybe 10 to 20 percent of the homeless he has dealt with in the past prefer not to go into established shelters.

Georgette Korsen, resident, supported establishing a shelter away from schools, parks and homes; questioned why RSCBP was opposed to having a shelter within the park itself but willing to allow it in the triangle area; advised those in shelters must be willing to abide by its rules: i.e. no drugs or alcohol, willingness to take mental health medications, etc., to ensure it does not promote enabling. In addition, the ideal program should support and provide kennel space for pets.

Alan Korsen, resident, opposed allowing the homeless shelter in the triangle site as it is too close to the high school, adjacent shopping center which is frequented by high school students and near housing tracts. Using the site for a homeless shelter will require a citywide vote to change its zoning from open space, its grassy canyon locale will always be subject to fire hazards, and it would require access from Pico. The Rancho San Clemente Homeowners Association CC&R's clearly state that it is intended to be a passive area. The site is not suitable for engineering, fire safety, and access reasons, and is too close to adjacent residences and schools.

Tamara Perras, resident and former RSCBP property manager for many years, supporting allowing the triangle site an emergency homeless shelter; noted proactive leadership from RSCBP board members will help ensure that it will happen.

Thomas O'Keefe, resident, former Mayor and Councilmember, submitted a card read aloud by Chair Darden. He suggested the use of the old Miramar Theater as a potential property for the homeless. Funds available for housing the homeless could be used to help restore and preserve this historical landmark. The use should not require much parking, and the theater location is convenient for local transients and the homeless without having to provide transportation anywhere else.

Chair Darden closed the public hearing.

Commission Discussion Regarding City's Estimated Number of Homeless Persons

The Commissioners discussed the best number to use as the City's estimated homeless need and concurred that the high of 70 persons was appropriate because it was derived from multiple sources, which helps validate it.

IT WAS MOVED BY VICE CHAIR BROWN, SECONDED BY COMMISSIONER RUEHLIN AND UNANIMOUSLY CARRIED TO SET THE CITY'S HOMELESS AT A COUNT OF 70.

Commission Discussion Regarding Strategy Determination:

Commissioner Kaupp supported allowing churches to have a prescribed number of beds available for the homeless as an ancillary use; supported the triangle site and commended RSCBP board members for their support and efforts to encourage its use as an SB 2 site. He commented that the site has challenges such as a required public vote before it can be changed to a non-open space use, as well as expensive topographical and engineering issues to develop it. If the property is donated for the use, the absence of site purchase costs might help defray its development costs. In addition, he suggested there may be public and institutional parcels that may emerge as favorable after further study and supported the Heritage Church site as a potential stand-alone homeless shelter site.

Vice Chair Brown supported the triangle site as well and commented that if it is supported by the Commission, should go to Council with the caveat that it go to a vote of the people. In addition, he also supported the Calle Industrias (Behind Denny's) site but questioned the vacant parcel adjacent to the City's Water Treatment Plant on Pico due to pending development of Marblehead Coastal. He suggested the Commission consider a number of options, including the Calle Industrias site, triangle site with caveat that it must be put to a citywide vote, churches in non-residential areas with a 10 bed maximum, and use of public and institutional parcels to make up the numbers.

Commissioner Eggleston acknowledged that although the City has a legal, ethical and moral obligation to care for its homeless, it is important that no decision be made that compromises the City's Mission Statement which states that our number one priority is the 'health and safety of this community' which is my guiding principal. He questioned whether the Heritage Church site was viable, commenting that the Commission has not heard from them. He thanked the RSCBP board members for stepping up to the plate and suggesting the triangle site as a viable alternative to the entire business park, but he does not support that site as a viable alternative. He knows many people that supported Measure V, which enacted the vote of the people requirement to approve the use of open space for another use, and he predicts a proposal to turn the triangle space to a homeless shelter site would be overwhelmingly defeated. Additionally he believes that construction of a homeless shelter at the triangle site may encourage additional campers and turn the site into a huge homeless encampment. He supported the Calle Industrials site, commenting that many of the existing warehouses could be reasonably turned into homeless shelters, and a maximum of 10 beds in churches that are not in or adjacent to residential areas. He believes those two site choices more than satisfy the required number of beds.

Commissioner Ruehlin commented that there are many advantages connected with the triangle site, including site availability as well as RSCBP and IHope support, but he felt that supporting this option would be setting a bad precedent and create the perception that the City is receptive to reducing open space areas. He is concerned with installing a homeless shelter in the Calle Industrials area, as that area features narrow streets, a lot of retail, and is used by students walking to and from the high school. He believes the Heritage Church site may be viable as there is a large buffer around it and Heritage Church officials have supported construction of a homeless shelter there at a previous meeting. Using churches located in non-residential areas with limited beds would also be a good overflow option. With regard to the former Animal Shelter site located adjacent to the Water Treatment Facility, he speculated that because the site was deemed too hazardous to house animals, it seems to follow that it would be too hazardous for the homeless as well.

Bruce Wagner, one of the pastors at Heritage Church, stated that the Church supports zoning its vacant property for use as an emergency and/or full time homeless shelter. His church and many others signed a letter submitted by IHope because they also want to be in partnership with other churches to provide shelter.

Chair pro tem Crandell supported putting an overlay zone on the vacant site next to Heritage Church; speculated that although the triangle site may be viable in many ways, he is doubtful that the City's residents would support changing the site from open space to homeless shelter use in a citywide vote; noted that although the Calle Industrials site meets all

criteria, its location in the City's major gateway and view corridor make it problematic. Although there is space in the RSCBP, he is concerned about protecting the children that visit the studios, gyms, and group teaching facilities etc., which have been approved by this Commission to operate in the park. He is concerned that locating a shelter may not be as much of a problem as controlling access to and from, and making sure the homeless are not out wandering about or causing trouble in areas where they should not be. He established from staff that requiring shelter operators to provide shuttle service, or requiring that the homeless are dropped off in the same location they were picked up from may not be workable options in terms of SB 2 law.

In response to questions from Chair pro tem Crandell, Deputy Bull commented that if the City elects to designate an area for pick up and drop off, eventually the homeless seeking shelter will become acclimated to it as a standard procedure. Although this may help prevent the homeless from loitering at the shelter, the pick up/drop off area may attract a crowd milling about waiting for pick up or loitering after drop off.

Commissioner Ward is opposed to including the RSCBP as a potential homeless shelter location because a homeless shelter does not fit in with the goals of a premier business park with its acres of open space, golf course, and safe environment for families. It is also not fair to install a homeless shelter in an area where businesses and landowners have spent years building up businesses and weathering downturns, and then have a homeless shelter potentially negatively affect business. She thanked the RSCBP for offering up the triangle site as a potential homeless shelter location, but questioned whether it is a good idea to continue allowing the homeless in open space areas where fire danger is of major concern. She suggested that two to three smaller shelters, rather than one large 70-bed shelter would be preferable because not all the homeless people get along, and they themselves may prefer not to be housed with a large number of homeless. In addition, constructing just one large shelter poses an undue burden on a single area. She supported the Calle Industrials site as the most compatible and tolerant of the other sites. It is in a business area, with fenced off businesses, and a secure and fenced off homeless shelter would fit better there. She has some concerns regarding negative impacts on the retail located in the nearby center, and anticipates swift police action in response to any calls. She believes that providing the homeless with food and lodging may result in less need to panhandle. In addition, she supported designating the 13 churches located outside of residential areas as potential overflow, with no more than 10 allowed for each site. She did not support any of the remaining sites.

Chair Darden agreed with Commissioner Ward that a large number of homeless in one site may result in higher likelihood of problems requiring intervention from Police Services. She favors 35 or 40 for the maximum

number at one shelter, commenting that a smaller amount would be easier to control, and result in less impacts to just one area than would a larger number such as 65 to 70. She supported the Calle Industrias site with the caveat that the amount is controlled. She supported 30 to 35 at the Heritage Church site, and a maximum higher than 10 for non residential church sites. Although the triangle site is a perfect example of cooperation, with the RSCBP willing to donate the land, she is not sure that that is the best use for open space, and is concerned that the community may agree. If the majority of the Commission feels it is a good idea to bring this idea to Council for further discussion and public input, she can support that action. She supports limits to the large shelter sites of 30-35 and is agreeable to reconsidering the numbers and sites if it is determined more beds are needed. She clarified that none of the public entities would be required to sell or lease their property for use as a homeless shelter.

Vice Chair Brown supported including the triangle site as a potential location despite the fact that it would need a citywide vote because it is a win-win proposal. He also supported the Heritage Church site, Calle Industrias site, and churches in non residential areas used for overflow. He supported looking at each of the public/industrial sites to determine if they meet the criteria outlined in SB 2.

Assistant City Attorney Thind speculated that the triangle site would be brought to the attention of Council for discussion, whether or not the Planning Commission recommends it. In addition, he cautioned against considering requiring CUPs for homeless shelters at this point in the process.

Chair pro tem Crandell pointed out that the information provided by staff on what other cities have done to satisfy SB 2 regulations indicates that other cities have exceeded their reported homeless need by up to 400%.

Associate Planner Gregg pointed out for the record that although the Saddleback Church site located in Talega is within 500 feet of a residential area, the church itself is outside the area.

Assistant City Attorney Thind advised that the Commission has the option of establishing one or more overlays to establish how many beds could be allowed on site, and then designating churches according to overlays.

Action on Lois Berg Rule:

Noting that the time was past 11:00 p.m., Commissioner Kaupp moved, Commissioner Ward seconded, and it was carried 6-1, with Commissioner Eggleston opposed, to continue deliberations for another 30 minutes.

Straw Votes:

Churches - Allow by right shelters as ancillary uses to a church up to 30 beds, when located 500 ft away from the nearest residential use (Passed 5-2 with Commissioners Ward and Eggleston not in favor)

In a preliminary straw vote without the discussion of the number of beds, the Commission were unanimously in favor of including the church option to address SB 2 requirements. They then discussed the number of beds that could be provided at church sites, including discussion of potentially lower numbers for those located with 500 feet of residential areas and higher numbers for those located in non residential areas. It was noted that there were some churches with the capacity and desire to house up to 30 beds, while others may struggle to provide 10. Additionally, it was pointed out during discussion that allowing several churches with only 10 beds apiece may actually confuse the homeless, and end up with them traveling from church to church looking for one that has an available bed. Allowing more beds at fewer churches might eliminate some of that confusion. The majority of the Commission agreed that churches in non residential areas should have the option of providing beds for up to 30 homeless on an emergency shelter basis. Planning staff will review the churches and perform more analysis for their consideration, including potential that a larger number could be allowed with approval of a Conditional Use Permit. Staff will bring options for consideration at their May 28 meeting. The final vote allowing up to 30 beds at each church site was 5-2, with Commissioner Ward and Commissioner Eggleston not supporting the proposed number of maximum beds.

Public and Institutional Parcels - Allow by right shelters up to 35 beds in either Public /Institution Zones (Passed 5-2, with Commissioner Eggleston and Commissioner Ruehlin not in favor)

The majority of the Commissioners supported a 35-bed limit in either the public or institutional zones, with staff bringing back an inventory of the subject properties for review at the meeting of May 28.

Calle Industrials - Allow by right an emergency homeless shelter with up to 35 beds in the area behind Denny's (Passed with 5 in favor, with Commissioner Kaupp and Commissioner Ruehlin not in favor)

Heritage Church Lot - Allow by right an emergency homeless shelter at the Heritage Church site with up to 45 beds (Passed with 5 in favor, with Commissioner Ward and Commissioner Eggleston not in favor)

Commissioner Eggleston commented that these votes will allow hundreds of emergency shelter beds to be provided in these areas by right and Assistant City Attorney Thind agreed that that was his understanding as well. Principal Planner Hook and City Planner Pechous stated that their

understanding was that only 70 beds would be allowed by right in these areas, with any additional beds proposed subject to discretionary review.

For the record, the Commissioners concurred that they made the preceding votes based on direction from staff indicating that the homeless shelters would be allowed by right at the aforementioned locations until the number of available beds actually built reaches 70. After the City has reached its goal of 70 emergency shelter beds by right, any additional beds proposed would require discretionary approval. City Planner Pechous agreed to research this understanding and report back.

IT WAS MOVED BY COMMISSIONER RUEHLIN, SECONDED BY COMMISSIONER KAUPP, AND UNANIMOUSLY CARRIED TO CONTINUE SB 2 EMERGENCY SHELTER ORDINANCE TO THE MEETING OF MAY 28, 2014.

[ITEM CONTINUED. PLANNING COMMISSION DECISION PENDING.]

9. NEW BUSINESS - None

10. OLD BUSINESS – None

11. REPORTS OF COMMISSIONERS/STAFF

- A. Tentative Future Agenda
- B. Minutes from the Zoning Administrator meeting of April 16, 2014
- C. Staff Waiver 14-145, 704 Calle Puente
- D. Staff Waiver 14-147, 145 and 147 Avenida Del Mar
- E. Staff Waiver 14-151, 412 Avenida Victoria
- F. Staff Waiver 14-153, 328 Avenida Santa Margarita
- G. Staff Waiver 14-155, 110 Avenida La Pata
- H. Staff Waiver 14-160, 401 S. El Camino Real
- I. Staff Waiver 14-161, 267 W. Marquita

12. ADJOURNMENT

IT WAS MOVED BY COMMISSIONER RUEHLIN, SECONDED BY VICE CHAIR BROWN, AND UNANIMOUSLY CARRIED to adjourn at 11:35 p.m. to the Study Session on May 21, 2014, at 6:00 p.m. in Council Chambers at City Hall located at 100 Avenida Presidio, San Clemente, CA.

Respectfully submitted,

Julia Darden, Chair

Attest:

Jim Pechous, City Planner