



CITY OF RED BLUFF

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PLANNING COMMISSION MINUTES

Date of Meeting: Tuesday, April 22, 2014
Time of Meeting: 5:15 p.m.
Place of Meeting: City Council Chambers
555 Washington Street
Red Bluff, CA

APPROVED
as corrected

Commissioners Present: Doug Dale
Andrew Christ
Dave Dhugge
Jean Moran
Kevin Fitzpatrick

Commissioners Absent: None

Staff Present: Scot Timboe, Interim Community Development Director
Cheryl Smith, Deputy City Clerk
Matt Shobash, Division Chief

Vice Chairperson Christ called the meeting to order at 5:15 p.m.

CITIZENS COMMENTS:

None

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CURRENT BUSINESS:

1. SELECTION/APPOINTMENT OF NEW CHAIR AND VICE-CHAIR

M/S/C Commissioners Fitzpatrick and Moran nominating Commission Dale to serve as Chairperson.

AYES: Commissioners Christ, Dhugge, Fitzpatrick and Moran

NOES: Commissioner Dale

ABSENT OR NOT VOTING: None

Motion by Commissioner Dale nominating Commissioner Christ to serve as Chairperson did not receive a second.

M/S/C Commissioners Dale and Moran nominating Commissioner Christ to serve as Vice Chairperson.

AYES: Commissioners Christ, Dale, Dhugge, Fitzpatrick and Moran

NOES: None

ABSENT OR NOT VOTING: None

2. APPROVAL OF MINUTES

December 10, 2013

M/S/C Commissioners Christ and Fitzpatrick to approve the minutes of December 10, 2013 as written.

AYES: Commissioners Christ, Dale, Fitzpatrick and Moran

NOES: None

ABSENT OR NOT VOTING: Commissioner Dhugge – Abstained (not a member of the Commission at that time)

3. PUBLIC HEARING; RESOLUTION NO. 2014-001; GENERAL PLAN AMENDMENT 2013-001; ADOPTION OF 2014-2019 HOUSING ELEMENT OF THE GENERAL PLAN AND APPROVAL OF RELATED NEGATIVE DECLARATION

Scot Timboe, Interim Community Development Director, reviewed the staff report highlighting the various steps and public participation opportunities related to the 201-2019 Housing Element update, including the June 2103 Housing Condition Survey process and acceptance (study required for Housing Element update) along with the October 29, 2013 Housing Element update workshop where P.A.T.H. requested a program for staff to review properties in town for consideration of a rezone of those identified properties or consider creating another zone that permits homeless shelters without discretion- staff responded by creating program HD.1.12 (In response to input and comment received during public hearings and public workshops, the City will review available parcels of land within Commercial Zoning districts every 2 years for potential rezoning opportunities that would accommodate a Homeless Shelter and M-2 Zoning based on the following Criteria: A) The available parcels may or may not have a structure erected upon the lot. B) The potential sites for a Homeless Shelter and M-2 rezoning shall not be any closer than 2,640 feet or a half mile to any type of school, as M-2 Zoned Land Uses conflict with children. C) The site must have access to available services and utilities. The results of the parcel search and the identified parcels that meet the criteria above shall be included in the same year's Annual Housing Element Report; it should be noted: . It should also be noted that M-2 Zone include more uses than Homeless Shelters, which requires consideration for rezoning purposes of which Schools have a large amount of children in a concentrated area all day 5 days a week that may conflicts with M-2 zoned land uses.) and then followed up with staff's recommendations that the Planning Commission:

1. Conduct the Public Hearing.
2. Consider all public testimony, the Negative Declaration, and all other information relating to the 2014-2019 Housing Element of the General Plan.
3. Adopt Resolution No. 2014-001, recommending City Council adoption of the 2014-2019 Housing Element General Plan Amendment 13-001 with revisions as identified within the City of Red Bluff Memo Dated April 4, 2014 to HCD and approving the related Negative Declaration.

Mr. Timboe then highlighted the extensive work with the State Department of Housing and Community Development regarding their review of the City's Draft 2014-2019 Housing Element, of which, meets the statutory requirements of the Housing Element Law (Compliance with Article 10.6 once adopted), that was received for review on February 5, 2014, with additional revisions on March 19, 2014, March 21, 2014, April 1, 2014 and April 4, 2014, then staff was asked by Commissioner Dale to provided the Commission and citizen in the audience with a review of the memo prepared by staff addressing some of the concerns listed in the letter received from Legal Services on April 18, 2014 and read the memo to the Planning Commission. A summarized version of the event is provided below:

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A brief discussion took place and noted the Department of Fish and Game Letter Received April 21, 2014 (CEQA related SCH No. 2014032058)

Content Summary: Acknowledges the Housing Element is a Policy document and expected future development projects subject to CEQA to be processed and mitigated as necessary per CEQA Statutes.

City Response: So noted.

and

Public Utilities Commission (Rail Crossing Engineer Section) Letter Received April 9, 2014 (CEQA related SCH No. 2014032058).

Content Summary: RCES recommends that the City add language to the Housing Element so that any future development adjacent to or near the rail road right of way (ROW) is planned with the safety of rail corridor in mind. Summary of suggested language:

City Response: should be covered in Circulation Element. No Action recommended.

Start of Legal Services comments and City discussion responses:

Legal Services believes that 79 units were actually constructed between 2008 and 2014, then references that 76 units were actually constructed between 2009 and 2014.

City Response: No action recommended-These statements are correct as there were only 3 units constructed in 2008 thus 3 plus 76 is 79 units from 2008 to 2014.

Legal Services believes that the City should identify specific sites in the M-2 and M-1 zones and analyze the suitability and availability of those sites for shelters and transitional housing-including existing infrastructure, environmental constraints, economic feasibility of development during the current planning period, and access to basic services. Then continue in a summary of content Second Paragraph in City April 22, 2014 Memo-.... Capacity for emergency shelters must be suitable and available and account for physical constraints (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).

City Response: No Action recommended-Under SB 2 the State does not have the authority to dictate where these emergency shelters should be located. In fact, the previous sentence of Section 1-paragraph (e) in Ch. 633 indicates "It is the responsibility of cities and counties to plan and identify areas for emergency shelters. Cities and counties should include this as part of their planning process and locate emergency shelters where most appropriate in their community".

Regarding the summary of content in first paragraph of this comment related (1) (d) "as one can see from the section below the portion of SB 2 quoted relates to development

applications not Housing Element parameters (The Housing Element is not project/development application specific), and with the Homeless Shelter and inventory analyses, the City has proven that capacity/amount of land (acreage) exist to meet the Housing Element requirements:

65589.5.(a) The Legislature finds and declares all of the following:

(b) It is the policy of the state that a local government not reject or make infeasible housing developments, including emergency shelters that contribute to meeting the need determined pursuant to this article without a thorough analysis of the economic, social, and environmental effects of the action and without complying with subdivision (d).

(d) A local agency shall not disapprove a housing development project, including farmworker housing as defined in subdivision (d) of Section 50199.50 of the Health and Safety Code, for very low, low-, or moderate-income households, or an emergency shelter, or condition approval in a manner that renders the project infeasible for development for the use of very low, low-, or moderate-income households, or an emergency shelter, including through the use of design review standards, unless it makes written findings, based upon substantial evidence in the record, as to one of the following:

Regarding the summary of content in the second paragraph of this comment related to (1)(d) There is no such language in the SB2 statute Ch. 633 (Adopted by the Legislature and signed into Law by the Governor) that states "Capacity for emergency shelters must be suitable and available and account for physical constraints (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)". While these may be good principles to analyze Emergency Shelter zoning capacity (see GC 65583 (a) (4) (A) & (D) and (a) (7)), they are not adopted into Law by the Legislature in SB 2. However, staff was aware of the HCD Memo and did consider these factors in its finding and determination, which is why the lands (acreage exceeding 68,628 sq. ft. or 1.58 acres) in the City Core and other regional locations have been specifically identified for capacity purposes along with Ordinance 988 per section GC 65583 (a) (4)(D). Because the City adopted Ordinance 988 and meets the capacity requirements, Program HD.1.12 is not required for the Housing Element Certification, it should be noted the City added the Program as result of citizen comment and input during the October 29, 2013 Housing Element Workshop. It should also be noted that M-2 Zone include more uses than Homeless Shelters, which requires consideration for rezoning purposes of which Schools have a large amount of children in concentrated area that conflicts with M-2 zoned land uses.

GC 65583

(a) (4) (A) The identification of a zone or zones where emergency shelters are allowed as a permitted use without a conditional use or other discretionary permit. The identified zone or zones shall include sufficient capacity to accommodate the need for emergency shelter identified in paragraph (7), except that each local government shall identify a zone or zones that can accommodate at least one year-round emergency shelter, and (a) (4)(D) that states:

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(D) A local government with an existing ordinance or ordinances that comply with this paragraph shall not be required to take additional action to identify zones for emergency shelters. The housing element must only describe how existing ordinances, policies, and standards are consistent with the requirements of this paragraph.

Along with (7) An analysis of any special housing needs, such as those of the elderly, persons with disabilities, large families, farmworkers, families with female heads of households, and families and persons in need of emergency shelter. The need for emergency shelter shall be assessed based on annual and seasonal need. The need for emergency shelter may be reduced by the number of supportive housing units that are identified in an adopted 10-year plan to end chronic homelessness and that are either vacant or for which funding has been identified to allow construction during the planning period.

Content Summary (1) (d) pg. 5: Finally, the City implies that because it permits Single Room Occupancy Units as "Lodging Housing" in the R-4 District (high density residential) pursuant to Ordinance No. 1022, these units are available to address homeless needs. See current Draft at pgs. 61-62. The "Lodging Housing" that the City permits in the R-4 zone, however, only permits "Group homes" with up to 5 guest rooms. (Other housing in the R-4 zone is not subjected to the same restriction which renders the City's "Group homes" policy deficient under Housing Element Law and Fair housing laws) (Copy of relevant section of the Red Bluff Zoning Code Attached as Attachment B).

City Response: No action recommended-The City adopted Ordinance 1022, which allows a "Lodging House" Land Use in Commercial and R-4 zoned areas, with an example of less than six guest rooms, Single Room Occupancy. As indicated in the interested parties comment the Lodging House charges individuals in money, goods, labor or otherwise, which may very well benefit person such as the homeless that may have little to no financial resources. Staff believes there may be a misunderstanding regarding the content of the Zoning Code as there is not a Land Use category for group homes, the only thing that came to mind relating to the group home comment is the Residential Care facility, 8 or less clients with and example of 24 hours; less than 9 persons; nonmedical care.

Content Summary (2) pg. 8: The City states that its land use controls are not a constraint because the City "may" allocate a density bonus and it "may" allow second units. See current Draft at pg. 77. Moreover, Table 37 at pg. 84 indicates that "Cottage Homes" or "Granny Houses" are only permitted in two residential zones, and then only with a Conditional or Administrative use permits. The City's compliance with state density bonus and second unit laws in not optional.

City Response: No action recommended-The City adopted an Ordinance for Cottage Dwelling that includes a definition and Administrative approval process (Non-Discretionary) as indicated in the zoning code for the only Land Use category that does not allow a second unit and that lands are zoned as. Basically, the City does not have

any land zoned RE Residential Estate so it cannot be in conflict with state law regarding the discretionary process that cannot take place, second R-1 Single family is defined in the zoning code as one dwelling per lot, which is why the Administrative non discretionary permit is required for a granny cottage or in legal term "Second Unit". R-2 Zoned lands allow two units a first unit and a second unit, R-3 zoned lands allow a first unit, a second unit, a third unit all the way up to the fifteen unit per acre, and so on with R-4 designated land but up to a 20th unit plus possible density bonus per acre. The density bonus needed a program in the 2014 Housing Element to bring it into compliance, the Program is AH 1.6.

Commissioner Dale requests further clarification on Density Bonus.

Mr. Timboe responded using the south section of the City with mostly R-4 available land that are bounded by So. Jackson Street, Kimball Rd. Montgomery Rd. and Southridge Dr. bisecting some of those portions that all have city facilities and services. A high income condo- project in that area would not be eligible to additional units above the 20 units per buildable acreage, but a low income project would get extra units on top of the 20 units as an incentive to create more low income dwelling units. The states adopted statute is a sliding scale which is why the City would most likely adopt the appropriate ordinance by government code reference.

Content Summary (4) Goals, Policies, and Programs pg. 9: Per City's Memo, it appears that the City has updated portions of this section, however, there are still references to figures from the previous planning period (See Current Draft at pg. 102) where the City states that there are 291 affordable housing units that are at-risk of being lost within the next ten years. Yet in the At-Risk Housing Analysis section, the City states that there are only 46 rental units at-risk of market rate conversion within the next ten years.

City Response: Action recommended-Staff should include the modified language as written below in the Final 2014-2019 Housing Element:

Page 102, as discussed in the section on termination of Federal subsidies, the City has 46 affordable housing units that could be lost from the stock of below-market rate housing in the next ten years if the owners opt out of Federal Subsidy Programs. However, as noted previously, the only reason the units are noted by the California Housing Partnership Corporation as moderately at risk is because the owners are profit motivated, as they do not have a history of not renewing.

After reading and reviewing comment from Legal Services and the City Response memo Commissioner Dhugge requested clarification on how it was differentiated between low income and high income.

Mr. Timboe stated that it was based on the median income for the Red Bluff area.

Chairperson Dale opened the public hearing at 6:05 p.m.

E. C. Ross, P.A.T.H., stated Mr. Timboe has done a very thorough job of going thru the letter the legal services has provided their major concern was locating M-2 zoning that

could be built on as some lots cost too much and others did not have utilities. He would ask that homeless shelters be allowed in an M-1 without the use permit.

Commissioner Dale, P.A.T.H. would like it in M-1 without use permit process, what is the term for that.

Mr. Timboe stated that currently they would need a conditional use permit and what they are requesting is that it would be permitted in an M-1 zone without the use permit, permitted outright. For example if they were in a zone that was permitted outright, the project would directly to Design review of which staff has routinely waved the fees for P.A.T.H., then go to Building permit

Mr. Ross stated that if allowed as permitted then the Planning Commission would not be involved.

Commissioner Dale indicated an interest on how the Planning Commission could get in the process to recommend fee waiver for Council to grant.

Mr. Dhugge asked if P.A.T.H. had any areas in mind for M-1 zoning.

Mr. Ross stated that at this time they did not, as money was not available.

Commissioner questioned if Mr. Ross felt that the city was being too restrictive to find location.

Mr. Ross stated that the location on Minch Road was abandoned due to the cost of adding the infrastructure and asked that the city allow in M-1 zones.

Commissioner Christ stated that he was hesitant to change the code as citizens may want to have the level of oversight rather than something just being built because it was zoned that way.

Mr. Ross stated that the Breckinridge site was not allowed because of citizens not wanting the shelter in their neighborhood.

Mr. Fitzpatrick questioned if it would be helpful if M-1 was allowed with a use permit.

Mr. Ross stated that was what they currently had and it gets shot down because of citizen input.

Mr. Timboe stated that the City did do extra than the code required by providing M-1 with a conditional use permit, SB 2 only required one zone that allows the Emergency Homeless shelter without discretionary approval and allows the City to add more with discretionary permitting requirements.

Commissioner Moran requested clarification on the Minch Road site.

Mr. Ross stated that the individuals that own the property on Baker Road did not want to render an easement for the project for infrastructure.

Mr. Timboe indicated that both he and Mr. Ross worked on tracking down the property owners for the short cut sewer/water easement thru private property, but it was tied up in trust legal issues.

Chairperson Dale stated that the problem was a political one and that in his judgment the city is doing the minimum required to satisfy state law.

Commissioner Moran stated that if the city started changing the zoning from M-1 to M-2 for P.A.T.H. then what organization would come in next and ask for the same consideration. Then planning is going to start identifying some of those possible properties for rezone.

Mr. Timboe stated that staff did add a program HD 1.12 based on review of all available properties in the City. Take that analyses to Council, if Council wants to take action they can take action, if they don't then they can tell staff to do another analyses, or indicate the analyses criteria needs to change this opens the door to something that hasn't been done.

Mr. Ross you are referring to a document?

Mr. Timboe a program that staff created that requires the city every 2 years to analyze all the available property in the City and bring it to Council, so that opens the door to a whole lot of dialogue and a whole lot of information that you folks will have specific analyses on and can point to.

Mr. Ross ok

Commissioner Moran questioned if the Breckenridge property could be rezoned.

Mr. Timboe stated that Planning Commission and Staff recommended it, but it was in the process, but it did not pass through Council.

Commissioner Moran who will do the analyses.

Mr. Timboe stated that the program has very measurable standards that would be part of the property review process. One every one will be able to see this is the results of the analyses based on the criteria, there won't be any politics involved it will be what it is based on the three analyses criteria and it will be a nice GIS image with blown up pieces of property and index map with the sewer and water lines added to the image of what is existing and it will all be part of the annual housing element report (second and fourth years) that Council can look at it they can look at it in color they can look at it live, it is a program added based on P.A.T.H.'s comments from the Public workshop (October 29, 2014) Mr. E.C. Ross actually made them.

Commissioner Moran good, I like that

Chairperson Dale closed the public hearing at 6:24 p.m.

M/S/C Commissioners Moran and Fitzpatrick to adopt Resolution No. 2014-001, recommending City Council adoption of the 2014-2019 Housing Element General Plan Amendment 13-001 with the revisions as identified within the City of Red Bluff memos dated April 4th, and April 22nd, 2014 along with the October 19 to 29 corrections.

AYES: Commissioners Christ, Dale, Dhugge, Fitzpatrick and Moran

NOES: None

ABSENT OR NOT VOTING: None

STAFF ITEMS/REPORTS:

Mr. Timboe stated that he may have a Planned Development Use Permit coming for property located on So. Jackson Street near the Circle K for a tire and auto mechanic shop.

ADJOURNMENT:

There being no further business Chairperson Dale adjourned the meeting at 6:³³~~23~~ p.m. until the meeting of May 13th, 2014.

Respectfully submitted,



Scot Timboe

Interim Community Development Director