

# PLANNING & REDEVELOPMENT DEPARTMENT STAFF REPORT PLANNING COMMISSION MEETING JANUARY 27, 2011

Prepared by: Tricia Stewart, Associate Planner

ITEM V-A: SB 2 CHURCH STREET REZONE – 311 VERNON STREET – FILE# 2008PL-077; PROJECT# RZ-000057

# **REQUEST**

The City requests approval of a rezone of 22 properties along Church Street between Cedar Street and Hickory Street (704–1122 Church Street). The rezone would change the existing zoning from Industrial Business Park (MP) to Industrial Business Park with a Special Area Overlay (MP/SA). The Special Area Overlay would require approval of a Conditional Use Permit (CUP) before an Emergency Shelter use could locate on any of these properties where currently a CUP is not required.

Applicant – City of Roseville, Planning, Housing & Redevelopment Department Property Owners – Church Street Property Owners between Cedar Street and Hickory Street

# **SUMMARY RECOMMENDATION**

The Planning, Housing & Redevelopment Department recommends that the Planning Commission take the following actions:

- A. Recommend that the City Council consider the Addendum to the Zoning Ordinance Amendment to Comply with SB 2 Negative Declaration as shown in Exhibit A;
- B. Recommend that the City Council adopt the two (2) findings of fact for the Rezone; and
- C. Recommend that the City Council approve the Rezone as shown in Exhibit B.

# **SUMMARY OF OUTSTANDING ISSUES**

There are no outstanding issues associated with this request.

# **BACKGROUND**

Previously, the Planning Commission recommended a zoning change that would allow emergency shelters "by right" in the Industrial Business Park (MP) zone. When the City Council considered the Planning Commission's recommendation they believed that a Conditional Use Permit (CUP) should still be required on the Church Street properties because of the direct residential connection to the neighborhood. Given this change the Council has referred this project back to the Planning Commission for consideration.

Zoning Ordinance Amendment to Comply with SB 2

On November 17, 2010, the City Council approved a Zoning Ordinance Amendment that brought the City's Zoning Ordinance and Downtown Code into compliance with State Law (under Senate Bill 2 (SB 2)) as it related to emergency shelters and transitional and supportive housing. The purpose of SB 2 was to increase opportunities for locating emergency shelters and housing facilities for the homeless. Consistent with State Law, the City established a zone district where emergency shelters could locate by right and clarified that the City considers transitional and supportive housing as a residential use.

The zone district chosen where emergency shelters can locate "by right" is the MP zone. During the entitlement process for the Zoning Ordinance Amendment, a concern was raised by a property owner

regarding the appropriateness of an emergency shelter locating within the Church Street neighborhood given the close proximity to an existing residential neighborhood. At Council's direction, staff evaluated the three areas within the City with MP zoning (Church Street, Kenroy Lane, and Taylor Road) and determined that the properties zoned MP along Church Street are in close proximity to and have a direct link to the existing residential neighborhood. As part of their approval of the Zoning Ordinance Amendment on November 17, 2010, the Council adopted a motion to initiate a rezone on the MP zoned properties along Church Street. The purpose of the rezone is to add a Special Area Overlay (SA Overlay) on the existing MP zoning to require approval of a CUP before an emergency shelter could locate on any of these properties. As part of the CUP process, property owners within a 300 foot radius of the project site would receive notification of a proposed emergency shelter.

As described in the evaluation section of this report, staff has found that the City will maintain compliance with State Law as it relates to emergency shelters with the addition of this SA Overlay.

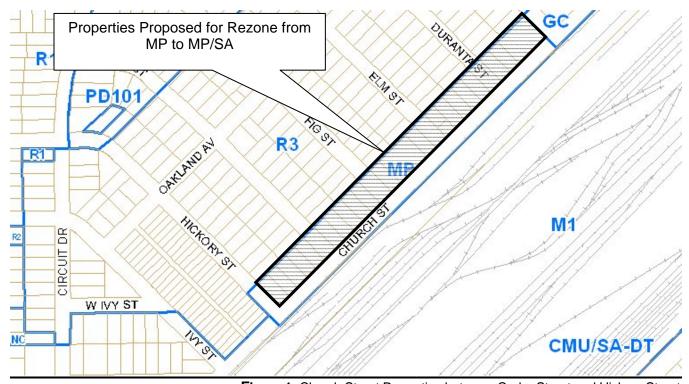


Figure 1: Church Street Properties between Cedar Street and Hickory Street

## <u>EVALUATION</u>

As it relates to emergency shelter uses, SB 2 required local governments to provide at least one zone district where emergency shelters could locate by right. The zone district had to be located in proximity to transit and services, be appropriate for an emergency shelter use, and had to be able to support the local government's unmet needs of emergency shelter beds. During the City's Housing Element Update which was adopted by Council in August 2009, the MP zone district was identified as the zone district that would meet the requirements of SB 2. Additionally, because the City's unmet need of emergency shelter beds is 31 as determined by the Housing Element for the period of 2008-2013, the 69.3 acres of MP zoned property could more than adequately support the City's unmet need.

Because the properties zoned MP along Church Street have a direct connection to the existing neighborhood, the Council was concerned that this area was not appropriate for emergency shelters to be allowed "by right". With the SA Overlay emergency shelters could locate only through approval of a CUP which would allow for discretionary review and public notice. This approach is consistent with

Government Code Section 65583(a)(4)(A) that indicates that local governments can identify additional zones for an emergency shelter use that is subject to approval of a CUP when the local government has provided sufficient capacity to meet the City's unmet need for emergency shelter beds. Staff has found that because the Church Street properties only account for nine percent of the City's properties zoned MP (6.58 of 69.3 acres) that the remaining 62.72 acres of properties zoned MP will adequately provide for opportunities for the development of emergency shelters to support the City's unmet need of emergency shelter beds.

SB 2 indicates that local governments must "encourage" the development of emergency shelters. One way of "encouraging" the development of these facilities is to provide adequate land and building inventories for emergency shelter operators to select from. The remaining 62.72 acres of land zoned MP are located off Kenroy Lane (off Riverside), which accounts for 27.46 acres of land and the Taylor Road properties account for 35.26 acres. Both of these areas provide the opportunity for an emergency shelter to build from the ground up on vacant land or to locate in an existing building.

Section 19.86.050 of the Zoning Ordinance requires that two findings be made in order for the Planning Commission to recommend that the City Council approve a rezone. The two findings are listed below and are followed by an evaluation.

a. The proposed rezone is consistent with the General Plan.

The Church Street properties have a land use designation of Light Industrial. The proposed zoning is consistent with the General Plan.

b. The proposed rezone is consistent with the public interest, health, safety, and welfare of the City.

The impetus of this rezone is based on an adjacent property owner's and Council's concerns that an emergency shelter use is not an appropriate "by right" use in this zone district because of its proximity to a residential neighborhood. While the zoning of these Church Street properties is MP they are directly adjacent to a neighborhood with properties zoned R1, R2 and R3; the majority of which have single family uses located on them. As described in the evaluation above, the City is able to provide an ample supply of MP zoned property elsewhere in the City which meets the State's (SB 2) requirements of allowing emergency shelter uses by right. The addition of the SA Overlay on the MP zoned properties on Church Street is consistent with the public interest, health, safety, and welfare of the City and its residents.

#### **PUBLIC OUTREACH**

Public outreach for this project included:

- A public hearing notice was published in the local paper on January 8, 2011; and
- Copies of the public hearing notice were mailed to all 22 property owners affected by the rezone, to the property owners located within 300 feet of these properties, and to interested persons or organizations who requested copies of hearing notices.

During the Zoning Ordinance Amendment to Comply with SB 2 project, staff had presented the proposed project to the Placer Consortium on Homelessness (PCOH) in August 2010. PCOH was supportive of the changes staff had recommended. PCOH also attended the September Planning Commission and November City Council meetings to speak in support of the project. However, the alternative action to initiate a rezone of the Church Street properties was developed just prior to the

November 2010 City Council meeting, and therefore, the Planning Commission and PCOH were not originally involved in that discussion.

In response to the public hearing notice that was mailed out, staff has received two comments to date.

- The first is from a property owner on Cedar Street near the Church Street properties who indicated that she is opposed to any shelter locating within the neighborhood. Staff explained that an emergency shelter is currently a permitted use by right within the MP zone district; however, approval of the proposed rezone would require an emergency shelter use to obtain a CUP before locating in the area which would allow for public noticing.
- The second is from Bill Boudier (homeless advocate) who shared his concerns that public transportation near the Taylor Road MP zone district is neither safe nor convenient for homeless persons in comparison to the Kenroy Lane and Church Street MP zone districts. Mr. Boudier's comments are provided in Attachment 1. In response to this comment, while the Taylor Road MP zoned properties are not a part of this SB 2 Church Street Rezone, staff has identified that three bus lines (two Roseville Transit Lines (A & B routes) and one Placer County Transit (Auburn to Light Rail route) run in close proximity to the Taylor Road MP properties. While the bus stops are not located directly along Taylor Road they are located less than one mile from any of these bus stops (approximately 0.3 and 0.7 miles for the RT stops and one mile for the Placer County Transit line).

# **ENVIRONMENTAL DETERMINATION**

The proposed SB 2 Church Street Rezone is substantially consistent with the Negative Declaration adopted by the City Council on November 17, 2010 for the Zoning Ordinance Amendment to Comply with SB 2 pursuant to CEQA Section 15164 (Addendum to an EIR or Negative Declaration) and the City of Roseville CEQA Implementing Procedures. An Addendum to the adopted Negative Declaration (Exhibit A) has been prepared for the Planning Commission's consideration prior to taking action on the request.

#### CONCLUSION

In summary, staff has concluded that the reduction in MP zoned "by right" inventory of 6.58 acres will not negatively affect the City's encouragement of emergency shelters or compliance with State Law as it relates to SB 2. Additionally, staff finds that the SA Overlay to require a CUP for an emergency shelter to be a reasonable measure considering the proximity to a single family residential neighborhood.

## **RECOMMENDATION**

The Planning, Housing & Redevelopment Department recommends the Planning Commission take the following actions:

- A. Recommend that the City Council consider the Addendum to the Zoning Ordinance Amendment to Comply with SB 2 Negative Declaration as shown in Exhibit A;
- B. Recommend the City Council adopt the two (2) findings of fact for the Rezone as listed in the staff report; and
- C. Recommend that the City Council approve the SB 2 Church Street Rezone as shown in Exhibit B.

# **ATTACHMENTS**

- 1. Email correspondence from Bill Boudier, Roseville Homeless Advocate
- 2. September 23, 2010 Planning Commission Staff Report (Attachments and Exhibits on File in Planning Department)
- 3. November 3, 2010 Council Communication (Attachments and Exhibits on File in Planning Department)
- 4. November 17, 2010 Council Communication (Attachments and Exhibits on File in Planning Department)

## **EXHIBITS**

- A. Addendum to the Zoning Ordinance Amendment for Compliance with Senate Bill 2 (Attachment on File in Planning Department)
- B. SB 2 Church Street Rezone Map

Note to Applicant and/or Developer: Please contact the Planning, Housing & Redevelopment Department staff at (916) 774-5276 prior to the Commission meeting if you have any questions on any of the recommended conditions for your project. If you challenge the decision of the Commission in court, you may be limited to raising only those issues which you or someone else raised at the public hearing held for this project, or in written correspondence delivered to the Planning, Housing & Redevelopment Director at, or prior to, the public hearing.