

City of Sebastopol Planning Commission Staff Report

Meeting Date:	July 27, 2020
Agenda Item:	7A
To:	Planning Commission
From:	Jeffrey Setterlund, Contract Planner
	Kari Svanstrom, Planning Director
<u>Subject</u> :	Temporary Use Permit, Temporary Shelters
Recommendation:	Approval with Conditions
Applicant / Owner:	Robert Curtis, Community Church of Sebastopol
File Number:	2021-030
<u>Address:</u>	1000 Gravenstein Highway North
CEQA Status:	Class 4, Categorical Exemption
General Plan:	Medium Density Residential
<u>Zoning:</u>	R4 Single Family Residential

Introduction:

This is a Temporary Use Permit requesting approval to place and operate two Temporary Shelters on a lot currently developed with the Sebastopol Community Church located at 1000 Gravenstein Highway North.

Project Description:

The applicant has requested the Temporary Use Permit (2021-030) in order to place 2 prefabricated micro-shelters in the church parking lot that is adjacent to the church structure for a period of up to five years. Each temporary structure provides 60 square feet of lockable, weatherproof, and insulated space enough for one person or a couple. The temporary shelters will be situated in the parking of the Sebastopol Community Church and are each sized to fit within the parameters of a single separate parking space. The units would be in place for up to five years.

The proposed temporary structures are freestanding and do not provide water, electricity, or any persons staying within the temporary shelters will have access to facilities within the church, including bathroom and showers and limited access to the kitchen.

The Church is located in the R4 zoning district, with General Commercial zoning to the south and Office/Light Industrial (the O'Reilly office complex) to the east. The church also owns the parking lot to the north (across Danmar St). The properties to the west of the site (along Norlee Street) are residential with county residential zoning designations; the western boundary of the site is the City limit.

General Plan Consistency:

The General Plan Land Use Designation for this site is Medium Density Residential. The General Plan describes Medium Density Residential as the following: "Designates areas suitable for single family dwellings at a density of 2.1 to 6.0 units per acre. Smaller existing parcels within this designation would not be precluded from developing one housing unit. Population density for this designation for this density would range from 5.0 to 14.4 persons per acre." The project is consistent with the Medium Density Residential Designation in that it involves the use of a Temporary dwelling in an area that contains an array of residential uses.

Zoning Ordinance Consistency:

The site is located in the R4 Single Family Residential District. The purpose of the R4 District is "to implement the "Medium Density Residential" land use category of the General Plan. This district is applicable to single-family residential areas with densities up to approximately 8.7 units per acre." The R4 District also allows Community Assembly uses such as churches with the approval of a Use Permit.

Section 17.430 of the Zoning Ordinance allows for a Temporary Use Permit for accessory / nonpermanent uses with the approval of the Planning Director (for uses six months or less) and by the Planning Commission for uses longer than six months. This Section also provides that the "decision-making authority may designate such conditions as determined to be necessary in order to secure the purposes of this code, and may require such guarantees and evidence that such conditions are being, or will be, complied with."

Although the shelter units are anticipated to be in place for up to five years, they are considered temporary as they are not proposed to be permanent, nor do they include any site or other improvements to the church property which would be permanent. Additionally, as minor, movable, temporary structures that will not be seen from the street or other properties, these would not be subject to Design Review.

Environmental Review:

The event is categorically exempt from the requirements of CEQA pursuant to Section 15304, Class 4, which includes minor temporary use of land having negligible or no permanent effects on the environment. The event is consistent with this categorical exemption as this is a temporary use and does not require permanent improvements.

City Departmental Comment:

The following City Departments and outside agencies have reviewed the Temporary Use Permit request: Planning, Fire, Public Works, Building and Safety, Police, Engineering, City Manager, City Attorney, and City Clerk. The following comments were received:

- The Fire Department noted that the Temporary Use Permit would require a fire and line safety inspection. Additionally, no open flame, propane, or camp-type stoves are to be utilized for the use.
- The Building Department noted that, since this is temporary in nature, and no utilities or permanent construction will be allowed, as the units will not be subject to a building permit/building codes.

Required Findings:

The Findings required for a Temporary Use Permit are similar to a regular (permanent) Conditional Use Permit, in that it "may only be granted if the establishment, maintenance or operation of the proposed use applied for will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, comfort and general welfare of persons residing or working in the neighborhood of such proposed use or development, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City."

<u>Analysis</u>: The Sebastopol Community Church received a Use Permit for the church in 1991, with an amendment to expand the use/structures in 2009. The church has operated continuously since that time. The Church has operated a "safe parking program" for a small number of homeless individuals living in their vehicles a number of years. The proposed use of temporary use of shelters would be a complementary temporary use (although anticipated for up to five years) to the primary use of Community Assembly (church), as the provision of services to those in need is part of a church's overall mission by providing two shelters for homeless individuals and associated support.

The purpose of the proposed Temporary Shelters is to assist individual and couples experiencing homelessness or at risk of homelessness meet the costs of securing or maintaining permanent housing by temporarily providing shelter until such a time when the assistance in no longer needed or the occupant(s) can utilize other more permanent housing options. As mentioned above, the shelters are anticipated to provide assistance to occupant(s) for up to five years, with no occupant staying longer than a year. The principal use of the Temporary Structures is to provide temporary sleeping accommodations and personal storage limited to incidental items. The shelters will be locked, secured, and monitored to prevent and discourage theft and other illicit activities. It is anticipated that all vehicles and guest residents will be gone from the property and the neighborhood between 8:00am and 8:00pm daily.

In addition, the Community Church of Sebastopol will facilitate the Temporary Shelter program and a member of the church will act as community representative on behalf of the program. With the assistance of Community Church of Sebastopol and the City of Sebastopol, access to social services and homeless assistance programs will also be provided to individuals and couples occupying the shelters.

The temporary shelters are not expected to have a detrimental impact on the welfare of Sebastopol in that the applicant have coordinated with the City to mitigate potential impacts to address staff's concerns regarding safety, noise, odors (smoke, etc.), and compatibility with adjoining uses, and will help to assess homeless issues in the City.

Staff has recommended quiet hours to coincide with the City's Noise ordinance (10 pm to 7 am), however the Commission may wish to review this and potentially set a slightly earlier quiet time (9 or 9:30 pm) given the adjacent residential uses. Staff does not believe there will be excess noise from communal activities associated with this use, as the agreement the applicant has developed restricts occupancy of the shelters form 8 pm to 8 am, so the users will not be on-site other than evening/sleeping hours. Staff has not received any complaints for the safe parking use, which has similar operations. Additionally, staff encourages any casual gatherings by these residents to happen closer to or within the church building and away from the western property lines.

Each individual staying in the Temporary Shelters will be subject to vetting and processing by the Community Church of Sebastopol and must sign an agreement with the church (see attached) in order to adhere to rules and conditions of using the Temporary Shelters. These rules include many of staff's concerns to ensure that the use and site are safe (such as the

concerns about dangerous electrical or camping equipment) as well Staff is also recommending conditions to further minimize any potential adverse impacts, including a number of conditions such as: Requiring the Temporary Shelters to not contain any cooking appliances, or appliance that could be hazardous to health and property; compliance with the City's Noise limits, and ensuring there is a Good Neighbor Policy and contacts with the Church for the public and adjoining neighbors if there are concerns. Staff is also recommending that the use be reviewed after six months of operations and, if any adjustments are necessary, that those be reviewed. This could include things such as providing a port-a-potty located closer to the shelters (since the shelters are proposed to be some distance from the church's restrooms), locating the shelters in other parking spaces on the property/parking lot, or adjusting other operating conditions.

Staff finds that the subject property is physically suitable for the type of use proposed, as the Temporary Shelters will be placed on existing parking in a way that is not visually intrusive to surrounding residences and is setback from the rear property line. Support facilities, such as restrooms and kitchen / cooking facilities will be provided by the Community Church of Sebastopol. There is also adequate parking on-site to accommodate the two shelters given the parking available at this site and across Danmar Street are both under church ownership, and that any additional vehicles associated with the use will likely be on-site only in the evenings given the operational hours proposed.

Lastly, Staff finds that the applicant has demonstrated a need for the Temporary Use in order to assist Sebastopol's homeless residents.

Public Comment:

As prescribed by Section 17.460 of the Zoning Ordinance, the Planning Department completed the following: (1) Provided written notice to all property owners within 600 feet of the external boundaries of the subject property; (2) provided a written notice that was published in the Sonoma West Times.

No public comments have been received as of the writing of this staff report.

Recommendation:

Staff believes the proposed use is compatible with the site, and recommends approval, subject to the following key conditions:

- Applicant shall develop a "good neighbor policy" and provide a project contact to neighbors and the City in case of emergencies or operational concerns.
- No electrical (including extension cords), plumbing, or other utilities will be installed in the micro-shelters.
- No open flame, campfire/stoves, or smoking will be allowed on the site.
- Quiet hours between the hours of between 10 pm and 7 am daily shall be maintained.
- The Church shall screen and require compliance with the written agreement submitted as part of this application.
- Planning staff shall review the use six months after commencement of use to address any operational issues.

If it is the consensus of the Planning Commission that the proposed temporary use is compatible with the site and surrounding uses, staff recommends that the application be approved based on the facts, findings, and analysis set forth in this staff report and subject to any additional or modified conditions the Planning Commission determines is appropriate.

Exhibits: Exhibit A: Recommended Findings for Approval Exhibit B: Recommended Conditions of Approval

Attachments: Application Materials

EXHIBIT A RECOMMENDED FINDINGS OF APPROVAL Temporary Use Permit 1000 Gravenstein Highway North APN 060-270-088, File # 2021-030

Recommended Findings for Approval:

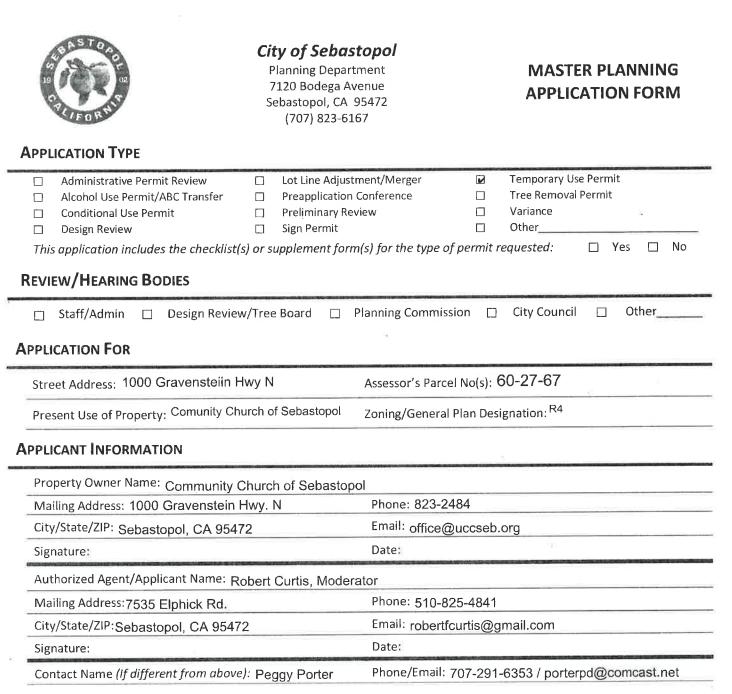
- 1. That the project is categorically exempt from the requirements of CEQA, pursuant to 15304, Class 4, as it involves the minor temporary use of land having negligible or no permanent effects on the environment.
- 2. That the project is consistent with the General Plan and Zoning Ordinance in that it involves the development of a temporary dwelling in an area that contains an array of residential uses, and is consistent with development standards.
- 3. That the project is not found to be detrimental to the health, safety, peace, comfort and general welfare of persons residing or working in the neighborhood or property and improvements in the neighborhood or to the general welfare of the City as the project conditions terms in order to utilize the shelter.
- 4. That the project is physically suitable for the type of development proposed.
- 5. That the applicant has demonstrated a need for the temporary dwelling units.
- 6. That the project provides appropriate utility connections through use of the existing facilities on the project site.

EXHIBIT A RECOMMENDED CONDITIONS OF APPROVAL Temporary Use Permit 1000 Gravenstein Highway North APN 060-270-088, File # 2021-030

- 1. Approval is granted for the Temporary Use Permit submittal described in the application and plans date-stamped May 25, 2021. This Use Permit is valid until July 27, 2026.
- 2. All improvements shall conform to the plans and project description date-stamped May 25, 2021, except as modified herein:
 - a. A minimum 5 foot setback shall be maintained to the rear property line.
 - b. No lighting that shines off-site shall be utilized (battery operated or other).
 - c. The shelters shall be kept in good order/working condition.
- 3. The applicant shall adopt a Good Neighbor Policy, to include:
 - a. Provide the City and neighbors with a contact person available 24-hours a day to address any emergency issues, and a contact person to address any concerns with the Use.
 - b. If issues arise, the Contact Person shall work with staff to adjust operations to address such issues.
 - c. A copy of the Good Neighbor Policy shall be distributed to all persons residing at the site and all staff/congregation members who are assisting with the Use operations.
 - d. Quiet hours as noted in these Conditions.
- 4. The Temporary Use Permit shall be reviewed by the Planning Department or Planning Commission six months after the Use has commenced. The Planning Department shall mail notices to the adjoining property owners to determine if there are issues the Planning Commission needs to address.
- 5. The Temporary Shelters shall be subject to inspection and approval by the City for compliance with all applicable codes. An inspection fee may be required.
- 6. The Temporary Shelters shall not contain any cooking appliances or open flames.
- 7. The Temporary Shelters shall not contain any electrical appliances or electrical wiring.
- 8. The Applicant shall screen all residents as outlined in the application, and shall utilize and enforce the terms of the proposed Agreement for all residents of the site.
- 9. Operator/manager shall ensure compliance with the City's Noise limits:
 - a. No amplified outdoor sound is permitted.
 - b. Quiet hours shall be from 10:00 p.m. to 7:00 a.m.
 - c. The owner/operator shall ensure that quiet hours are included in the Temporary are adhered to.
- 10. Smoking will not be permitted on the premise of the Community Church of Sebastopol or within the Temporary Shelters.
- 11. The City of Sebastopol and its agents, officers and employees shall be defended, indemnified, and held harmless from any claim, action or proceedings against the City,

or its agents, officers and employees to attach, set aside, void, or annul the approval of this application or the environmental determination which accompanies it, or which otherwise arises out of or in connection with the City's action on this application, including but not limited to, damages, costs, expenses, attorney's fees, or expert witness fees.

12. The Planning Director shall interpret applicable requirements in the event of any redundancy or conflict in conditions of approval.



PROJECT DESCRIPTION AND PERMITS REQUESTED (ATTACH ADDITIONAL PAGES IF NECESSARY)

The Community Church of Sebastopol would like to build 2 micro shelters for he church parking lot. Each provides 60 square ft. of lockable, weatherproof, insulated and safe space for one person or couple living in a car. Each temporary shelter fits into a parking space. It is free standing, does not have water or power. People would have access to existing church bathrooms and showers.

CITY USE ONLY

Fill out upon receipt:		Action:	Action Date:
Application Date:	> 2021-030	Staff/Admin:	Date:
Planning File #:	\$ 05.25.21	Planning Director:	Date:
Received By:	ex	Design Review/Tree Board:	Date:
Fee(s):	\$	Planning Commission:	Date:
Completeness Date:	(City Council:	Date:

none collected requesting co waiver.

5 2021

SITE DATA TABLE

If an item is not applicable to your project, please indicate "Not Applicable" or "N/A" in the appropriate box; do not leave cells blank.

SITE DATA TABLE	REQUIRED / ZONING STANDARD	Existing	PROPOSED
Zoning	N/A	R4	1
Use	N/A	none	Temporary shelter
Lot Size		90,340 sp. ft.	n/a
Square Feet of Building/Structures (<i>if multiple structures include all separately</i>)		Sanctuary 6690, Fellowship Hall 3395, classroooms 1780,Pilgrim Center, 3565	2 @ 60 sq. ft.
Floor Area Ratio (F.A.R)	FAR	FAR	FAR
Lot Coverage	% of lot sq. ft.	% of lot	.001% % of lot sq. ft.
Parking		Church parking lot	each unit takes 1 space
Building Height			8 ft.
Number of Stories			1
Building Setbacks – Primary			
Front	n/a	n/a	n/a
Secondary Front Yard (corner lots)	n/a	n/a	n/a
Side – Interior	n/a	n/a	n/a
Rear	n/a	n/a	5 ft.
Building Setbacks – Accessory			
Front	n/a	n/a	n/a
Secondary Front Yard (corner lots)	n/a	n/a	n/a
Side – Interior	n/a	n/a	n/a
Rear	n/a	n/a	n/a
Special Setbacks (if applicable)			
Other ()	2		
Number of Residential Units	Dwelling Unit(s)	Dwelling Unit(s)	2 temp. Dwelling Unit(s)
Residential Density	1 unit per <u>n/a</u> sq. ft.	1 unit per_n/asq.ft.	1 unit per_n/asq. ft.
Useable Open Space	n/a sq. ft.	n/asq. ft.	sq. ft.
Grading	Grading should be minimized to the extent feasible to reflect existing topography and protect significant site features, including trees.	N/A	Total: <u>0</u> cu. yds Cut: <u>0</u> cu. yds. Fill: <u>0</u> cu. yds. Off-Haul: <u>0</u> cu. yds
Impervious Surface Area	N/A	% of lot	
		n/a sq. ft.	n/a sq. ft.
Pervious Surface Area	N/A	n/a % of lot	n/a % of lot
		n/a sq. ft.	sq. ft.



CONDITIONS OF APPLICATION

- 1. All Materials submitted in conjunction with this form shall be considered a part of this application.
- 2. This application will not be considered filed and processing may not be initiated until the Planning Department determines that the submittal is complete with all necessary information and is "accepted as complete." The City will notify the applicant of all application deficiencies no later than 30 days following application submittal.
- 3. The property owner authorizes the listed authorized agent(s)/contact(s) to appear before the City Council, Planning Commission, Design Review/Tree Board and Planning Director and to file applications, plans, and other information on the owner's behalf.
- 4. The Owner shall inform the Planning Department in writing of any changes.
- 5. **INDEMNIFICATION AGREEMENT:** As part of this application, applicant agrees to defend, indemnify, release and hold harmless the City, its agents, officers, attorneys, employees, boards, committees and commissions from any claim, action or proceeding brought against any of the foregoing individuals or entities, the purpose of which is to attack, set aside, void or annul the approval of this application or the adoption of the environmental document which accompanies it or otherwise arises out of or in connection with the City's action on this application. This indemnification shall include, but not be limited to, damages, costs, expenses, attorney fees or expert witness fees that may be asserted by any person or entity, including the applicant, arising out of or in connection with the City's action on this application, whether or not there is concurrent passive or active negligence on the part of the City.

If, for any reason, any portion of this indemnification agreement is held to be void or unenforceable by a court of competent jurisdiction, the remainder of the agreement shall remain in full force and effect.

NOTE: The purpose of the indemnification agreement is to allow the City to be held harmless in terms of potential legal costs and liabilities in conjunction with permit processing and approval.

- 6. **REPRODUCTION AND CIRCULATION OF PLANS:** I hereby authorize the Planning Department to reproduce plans and exhibits as necessary for the processing of this application. I understand that this may include circulating copies of the reduced plans for public inspection. Multiple signatures are required when plans are prepared by multiple professionals.
- 7. **NOTICE OF MAILING:** Email addresses will be used for sending out staff reports and agendas to applicants, their representatives, property owners, and others to be notified.
- 8. **DEPOSIT ACCOUNT INFORMATION:** Rather than flat fees, some applications require a 'Deposit'. The initial deposit amount is based on typical processing costs. However, each application is different and will experience different costs. The City staff and City consultant time, in addition to other permit processing costs, (i.e., legal advertisements and copying costs are charged against the application deposit). If charges exceed the initial deposit, the applicant will receive billing from the City's Finance department. If at the end of the application process, charges are less than the deposit, the City Finance department will refund the remaining monies. Deposit accounts will be held open for up to 90 days after action or withdrawal for the City to complete any miscellaneous clean up items and to account for all project related costs.
- 9. NOTICE OF ORDINANCE/PLAN MODIFICATIONS: Pursuant to Government Code Section 65945(a), please indicate, by checking the boxes below, if you would like to receive a notice from the City of any proposal to adopt or amend any of the following plans or ordinances if the City determines that the proposal is reasonably related to your request for a development permit:

🗌 A general plan

A specific plan

A zoning ordinance

An ordinance affecting building permits or grading permits

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Certification

I, the undersigned owner of the subject property, have read this application for a development permit and agree with all of the above and certify that the information, drawings and specifications herewith submitted are true and correct to the best of my knowledge and belief and are submitted under penalty of perjury. I hereby grant members of the Planning Commission, Design Review Board and City Staff admittance to the subject property as necessary for processing of the project application.

Property Owner's Signature:

Date:	5/2	\$/200	1

I, the undersigned applicant, have read this application for a development permit and agree with all of the above and certify that the information, drawings and specifications herewith submitted are true and correct to the best of my knowledge and belief and are submitted under penalty of perjury.

App	licant's	Signature

Date: May 13, 2021 Outreach - Leadership Council

Moderator

NOTE: It is the responsibility of the applicant and their representatives to be aware of and abide by City laws and policies. City staff, Boards, Commissions, and the City Council will review applications as required by law; however, the applicant has responsibility for determining and following applicable regulations.



Neighbor Notification

In the interest of being a good neighbor, it is highly recommended that you contact those homes or businesses directly adjacent to, or within the area of your project. Please inform them of the proposed project, including construction activity and possible impacts such as noise, traffic interruptions, dust, larger structures, tree removals, etc.

Many projects in Sebastopol are remodel projects which when initiated bring concern to neighboring property owners, residents, and businesses. Construction activities can be disruptive, and additions or new buildings can affect privacy, sunlight, or landscaping. Some of these concerns can be alleviated by neighbor-to-neighbor contacts early in the design and construction process.

It is a "good neighbor policy" to inform your neighbors so that they understand your project. This will enable you to begin your construction with the understanding of your neighbors and will help promote good neighborhood relationships.

Many times, development projects can have an adverse effect on the tranquility of neighborhoods and tarnish relationships along the way. If you should have questions about who to contact or need property owner information in your immediate vicinity, please contact the Building and Safety Department for information at (707) 823-8597, or the Planning Department at (707) 823-6167.

I have informed site neighbors of my proposed project: 🛛 🗹 Yes 🔅 🗆 No

If yes, or if you will inform neighbors in the future, please describe outreach efforts:

Several months ago, the attached flyer was left at the residence across the street from the church on Danmar and on both sides of Norlee from Danmar to Tocchini. We have had three calls regarding the flyer. One was very supportive, one was supportive once her questions were answered, and one still has some concerns.

Website Required for Major Projects

Applicants for major development projects (which involves proposed development of **10,000 square feet of new floor area** or greater, or **15 or more dwelling units/lots)**, are required to create a project website in conjunction with submittal of an application for Planning approval (including but not limited to Subdivisions, Use Permits, Rezoning, and Design Review). Required information may be provided on an existing applicant web site.

The website address shall be provided as part of the application. The website shall be maintained and updated, as needed until final discretionary approvals are obtained for the project.

Such website shall include, at a minimum, the following information:

- **V** Project description
- V Contact information for the applicant, including address, phone number, and email address
- **V** Map showing project location
- **∨** Photographs of project site
- ▼ Project plans and drawings



January, 2021

Dear Friends and Neighbors of the Community Church of Sebastopol,

We have hosted a Safe Parking program at the church, in coordination with Catholic Charities, for approximately 5 years. Participants are screened and registered to have a safe place to park and spend the night. We are planning to place two Conestoga Huts in the parking lot to serve as overnight shelter for two of the safe parkers.





These weatherproof huts fit in one parking place, have a bed, window and locking door. These clients will be subject to the same screening process and rules as our safe parkers. They will have access to church bathrooms, showers and limited access to a kitchen.

These huts offer some additional security and a slight step up in circumstance which will hopefully help them transition into housing.

If you have any questions or concerns, please e-mail us at the church office at <u>office@uccseb.org</u>.

Thank you

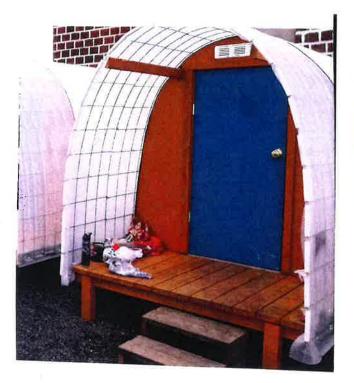
Peggy Porter

Outreach Committee







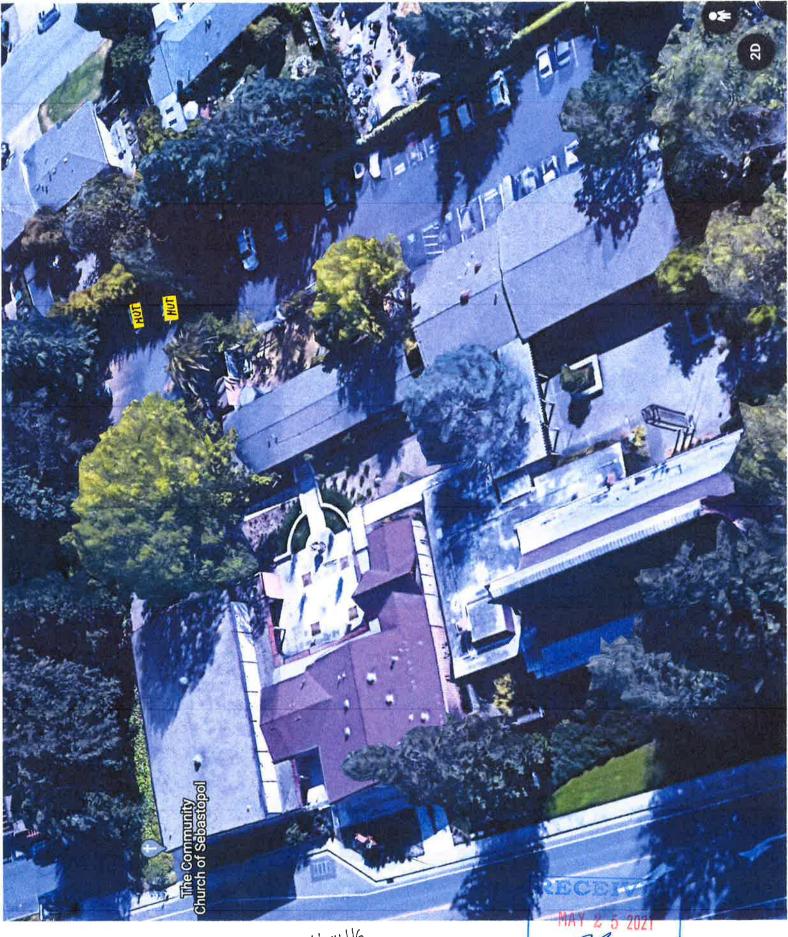








Community Church of Sebastopol [1007] = shows proposed placement



Hwy 116