



**DATE:** February 24, 2015

**TO:** Mayor and Members of the City Council

**FROM:** Craig Whittom, Assistant City Manager  
Andrea Ouse, Planning Manager  
Michelle Hightower, Senior Planner  
Marcus Adams, Associate Planner

**SUBJECT:** PUBLIC HEARING AND ADOPTION OF ORDINANCE AMENDING TITLE 16 OF THE VALLEJO MUNICIPAL CODE (ZONING ORDINANCE) REGARDING EMERGENCY SHELTERS FOR THE HOMELESS AND TRANSITIONAL AND SUPPORTIVE HOUSING

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#### **RECOMMENDATION**

Hold the public hearing and upon conclusion, by motion, adopt the Resolution of Intention and hold on first reading ordinances amending the Vallejo Municipal Code (VMC) Zoning Code regarding the following: 1) allowance of emergency shelters for the homeless which meet objective locational, development, operational and management standards by right (without a discretionary permit) in Intensive Use (IU) zoned districts; and (2) establishment of definitions and regulations in accordance with state law for “supportive and transitional housing types”.

#### **REASONS FOR RECOMMENDATION**

In July 2011, the City Council adopted the 2009-2014 City of Vallejo Housing Element Update, a state mandated document which addresses how the City will meet current and future housing needs. Included in the Council adopted, and State-certified, Housing Element were programs addressing the homeless population through compliance with Senate Bill 2 (SB 2). These programs required the following amendments to the zoning code:

1. Allow emergency shelters for the homeless in at least one zoning district by right (without a requirement for a discretionary permit, such as a use permit); and,
2. To define transitional and supportive housing uses to be consistent with State statute, and to treat such uses as residential uses in all residential zoning districts.

In compliance with SB 2, the Planning Division is proposing to amend the VMC to allow emergency shelters as a permitted use by right in Intensive Use (IU) zoned districts. Also in compliance with SB 2, staff proposes to incorporate a definition for transitional and supportive housing in the zoning code, and permit these uses within

zoning districts that allow residential uses. On Wednesday, January 21, 2015, the City Planning Commission voted unanimously (6-0) recommending that Council adopt the ordinances.

## **BACKGROUND AND DISCUSSION**

On September 21, 2011, the Department of Housing and Community Development (HCD) certified the City of Vallejo's 2009-2014 Housing Element. The Housing Element "Needs Assessment" identified that the City's municipal code did not comply with the two components of SB 2 related to emergency shelters and transitional and supportive housing, passed in 2008 (Government Code §65583 and 65589.5).

In the Winter of 2012, staff initiated a code text amendment proposal to address the above-mentioned requirements. Staff's proposal at that time regarding emergency shelters was to permit the facilities by right in the CL (Linear Commercial) zoning district, to include definitions for transitional and supportive housing types and allow such uses in districts that permit residential uses. Staff hosted two community meetings to receive input on the proposed code changes and based on numerous public comments and concerns, staff determined that the amendments related to emergency shelters should be re-evaluated. As such, the proposed amendments were deferred.

In anticipation of HCD's upcoming Housing Element update planning period (January 31, 2015-January 31, 2023) and HCD certification of the update by May 2015, as well as the need to comply with SB 2 and the 2009-2014 Housing Element, staff recently re-analyzed the proposed amendments. Certification of the 2015-2023 Housing Element by May 2015 allows the City to extend the update period from a four to eight year cycle.

The re-analysis specifically addressed assessing the commercial, industrial, and public zoning districts to determine which would be most appropriate to allow the establishment of emergency shelters by right. Based on the analysis, staff determined that the Intensive Use (IU) zoning district best achieves HCD's recommended attributes as follows:

- The IU district has multiple potential development opportunities including vacant and underutilized land and reuse of existing buildings.
- Although known as the city's industrial zoning district, the majority of IU zoned parcels are located along major or minor arterials in close proximity to transit, job centers and services.
- When compared to other zoning districts, the IU district presents the least impact to sensitive land uses (i.e. parks, schools, residences, day care centers).

As proposed, the amendments would accomplish the following:

### **Emergency Shelters for the Homeless**

1. Provide a definition for "Emergency shelters for the homeless".

2. Permit shelters which meet objective development and management standards without discretionary action in the Intensive Use (IU) zoned districts. (Maps identifying IU Zoning Districts are provided in Attachment 4.)

#### Supportive and Transitional Housing

1. Provide definitions in accordance with state law for “supportive housing” and “transitional housing” as “Family Residential” use types.
2. Permit supportive and transitional housing in zoning districts that permit residential use, subject to the same restrictions as other residential uses within the same zoning district.

The proposed Supportive and Transitional Housing amendment would treat such land uses the same as other residential uses within the applicable zoning district, i.e., if a residential land use is permitted by right in a zoning district, Supportive and Transitional Housing would be permitted by right as well. If a residential use required a use permit in a zoning district, Supportive and Transitional Housing in the same zoning district would also require a use permit.

On November 20, 2014, staff held a community meeting to present the above amendments, and respond to comments and questions from meeting attendees. The primary discussion centered on the emergency shelter ordinance, specifically the siting of facilities, the size and location of the waiting/intake area, and the type of emergency shelters that could be permitted under SB 2. Overall, the public expressed support for the proposed amendments.

#### **Planning Commission Action**

The Planning Commission held a public hearing regarding the proposed amendments during their January 21, 2015 meeting. Prior to the hearing, staff received questions from a Commissioner regarding the public meeting held in November 2014 and the emergency shelter ordinance. The Commissioner also submitted fact sheets regarding SB 2 legislation as well as the legislation text itself, and examples of staff reports from other bay area cities regarding emergency shelters, all of which was forwarded to the entire Planning Commission and provided to the public at the hearing. A written response to the Commissioner's concerns was included as an attachment to the January 21, 2015 Planning Commission staff report. (See attachment 5)

During the public hearing, multiple speakers commented on the minimal amount of time provided for the public to digest the staff report, and having only one opportunity in November to publicly comment on the draft ordinances prior to the Planning Commission hearing. Several speakers also requested that staff pursue the possibility of allowing tent cities as an emergency shelter option. The subject staff report and presentation to the Planning Commission addressed this issue by indicating that staff had not found any jurisdiction in California that met the SB 2 requirements, in whole or in part, through the provision of tent cities. Additionally, it is unknown if tent cities would meet the City's statutory requirements under SB 2. Therefore, while tent cities were not included as a “by right” use in the IU District through the proposed code amendments, staff indicated that this topic could be raised and addressed in further detail at a later time.

Highlighting the concerns expressed by other speakers, a representative from Vallejo Together, a local social service organization, requested an additional opportunity to work with staff and “fine tune” the proposed management standards for emergency shelters. The Planning Manager committed to meet with representatives of Vallejo Together prior to the City Council hearing to collaborate on a management standards template for homeless shelter providers. After additional deliberation and public input, it was determined that only minor changes to the proposed code amendment were necessary to satisfy the Commission and members of the public.

Several Commissioners requested more detail regarding the proposed development and management standards, such as required parking and storage/office space areas. Questions concerning the timeline needed to comply with SB 2 were also raised. Staff provided the additional detail as requested and conveyed that a recommendation from the Planning Commission was needed immediately in order to meet the deadline for adopting the 2015-2023 Housing Element and receiving certification from HCD by May 2015, as previously discussed in this staff report. As such, the Commission directed staff to meet with Vallejo Together prior to the City Council public hearing to collaborate on a refinement of the emergency shelter standards.

Following Planning Commission discussion, the members voted 6-0 to adopt the Resolution recommending that the City Council do the following: (a) adopt the proposed emergency shelter ordinance with the following modifications to the standards: 1) sufficient storage space for personal belongings shall be provided, 2) on-street parking shall be prohibited, 3) staff inspection of emergency shelters during normal operating hours shall be allowed, and 4) a minimum of one-staff person or agent shall be on-duty and awake when the facility is in operation; (b) adopt the proposed transitional and supportive housing ordinance; and (c) continue the proposed clinic services ordinance to a future Planning Commission meeting. In addition, the Planning Commission stated that minor changes to the proposed ordinance to reflect input by Vallejo Together need not return to the Planning Commission.

### **Vallejo Together**

On January 29, 2015, the Planning Manager met with Vallejo Together representatives to review and discuss the code amendments, focusing on the standards for development, operation and management. After discussing the code amendments in detail, additional revisions were made to the Management Plan standards, as shown below. No changes were made to the proposed transitional/supportive housing code amendments.

### **PROPOSED AMENDMENTS**

Based on the Planning Commission action on January 21, 2015 and a follow-up meeting with Vallejo Together representatives, the proposed code text amendments are provided in bold below. (Proposed Ordinances are provided as Attachment 2 - Emergency shelters and Attachment 3 – Transitional/Supportive Housing.)

#### Emergency Shelters for the Homeless

Staff recommends the following amendment to Section 16.06.490 [Transient habitation] of the Vallejo Municipal Code:

- E. Emergency Shelter for homeless.** A facility providing short-term transient shelter typically on a less than weekly basis but limited to a six month period for homeless persons. These facilities may include, but are not limited to, incidental support functions such as food service, counseling and laundry facilities.

Staff also recommends amending Section 16.34.030 (“Uses subject to limitations”) of Chapter 16.34 (“Intensive Use District”) of the Vallejo Municipal Code to permit, subject to limitations, emergency shelters. Suggested revisions provided by Vallejo Together after the Planning Commission’s vote to recommend approval of the ordinance are indicated with strike-out and underline in the text below:

- FF. Emergency Shelter for Homeless.** Any application for an emergency shelter facility that meets the following performance, development, design and managerial standards shall not require a discretionary permit, per Section 65583(a)(4) of the California Government Code:
- a. Emergency shelters shall obtain and maintain in good standing all required licenses, permits and approvals from City, County, State and Federal agencies or departments and demonstrate compliance with all applicable building and fire codes.*
  - b. The emergency shelter shall conform to all property development standards of the zoning district in which it is located, except as modified by these performance standards.*
  - c. The length of stay of an individual client shall not exceed six (6) months within a twelve (12) month period.*
  - d. ~~Emergency shelters shall be located within 1/2 mile of a bus stop with regularly scheduled public bus service.~~ (Recommended deletion by Vallejo Together)*
  - e. The maximum number of beds for emergency shelters shall be fifty (50) unless a major conditional use permit approved to permit additional beds.*
  - f. External lighting shall be provided for security purposes. The lighting shall be stationary and directed away from adjacent properties and the public right-of-way.*
  - g. No more than one emergency shelter shall be permitted within a radius of 300 feet from another such shelter when measured from the closest property lines. An exception to this separation requirement may be granted if significant physical features act as barriers from said sensitive uses, such as a freeway, railroad right-of-way.*

- h. Parking facilities shall be designed to provide security for residents, visitors, and employees with parking spaces provided in the following ratios: one space per ten beds plus one space per staff member. A covered and secured area for bicycle parking shall be provided for use by staff and client, commensurate with demonstrated need, but no less than a minimum of eight (8) parking spaces. No on-street parking shall be allowed.*
- i. A client waiting and intake area shall be provided as interior space and contain a minimum of ten (10) square feet per bed provided at the facility, and a minimum size of 100 square feet of floor area.*
- j. Outdoor charitable food distribution, ~~outdoor toilets and outdoor public telephones, are prohibited~~ shall be conducted entirely on private property in a covered area, during times that are approved by the City, and shall not block accessible pathways.*  
*(Recommended revision by Vallejo Together)*
- k. Outdoor toilets and outdoor public telephones shall not be visible from the public right-of-way or public property. (Recommended revision by Vallejo Together)*
- l. No signs are present on the property relating to its use as a shelter for the homeless.*
- m. Donation/collection bins and areas shall be screened from public view and shall be open to the public between the hours of 9:00 a.m. to 6:00 p.m. A sign stating hours of operation shall be placed in a clear, visible location and shall be no larger than 15 square feet.*
- n. Adequate storage for personal belongings shall be provided.*
- o. The City may inspect the facilities during business hours for compliance with the management plan and any other applicable regulations and standards.*
- p. A minimum of one-staff person or agent shall be on-duty and awake when the facility is in operation.*
- q. Management Plan: The applicant or operator shall submit a Management and Operation plan for the Emergency Shelter review and approval by the Planning Manager prior to approval of a business license. The Plan shall include, but not be limited to, the following:*
  - 1. Security*
  - 2. Staff training*
  - 3. Neighborhood relations*
  - 4. Pet Policy*
  - 5. Client intake process*
  - 6. List of services provided*
  - 7. Facility maintenance*
  - 8. Refuse control*
  - 9. Amenities, such as hours of operation, cooking/dining facilities, laundry facilities and activity policies.*



## **10. Anti-discrimination policies**

**The plan may be reviewed as needed by the City with revisions made by the operator.**

### Transitional and Supportive Housing

Staff recommends the following definitions be added to the VMC regarding transitional and supportive housing:

#### **Section 16.06.089 - Transitional housing and Supportive housing:**

**The transitional housing use type mean buildings configured as rental housing developments, but operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six months.**

**The supportive housing residential use type means housing with no limit on length of stay, that is occupied by the target population, and that is linked to onsite or offsite services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community.**

#### **Section 16.04.570.5 - Target population:**

**“Target population” means persons, including persons with disabilities, and families who are “homeless,” as that term is defined by Section 11302 of Title 42 of the United States Code, or who are “homeless youth,” as that term is defined by paragraph (2) of subdivision (e) of Section 11139.3 of the Government Code. Individuals and families currently residing in supportive housing meet the definition of “target population” if the individual or family was “homeless,” as that term is defined by Section 11302 of Title 42 of the United States Code, when approved for tenancy in the supportive housing project in which they currently reside.**

Amendments to the following sections of the VMC are also recommended to permit by right, subject to limitations or with a major use permit, transitional housing and supportive housing use types in all of the zoning districts that allow residential use:

- 16. 10.020 - Resource Conservation (RC)
- 16. 12.020 - Rural Residential (RR)
- 16. 14.040 - Low Density Residential (LDR)
- 16. 16.040 - Medium Density Residential (MDR)
- 16. 17.040 - High Density Residential (HDR)
- 16. 18.040 - Limited Office (LO)
- 16. 20.030 - Neighborhood Shopping and Service (CN)
- 16. 22.030 - Linear Commercial (CL)
- 16. 24.030 - Pedestrian Shopping and Service (CP)

- 16. 26.040 - Waterfront Shopping and Service (CW)
- 16. 33.040 - Intensive Use-Limited (IU-L)
- 16.106.020- Planned Development Residential (PDR)

Table 1 summarizes the land use regulations for transitional and supportive housing.

**Table 1. Proposal for Transitional and Supportive Housing**

<b>Zoning Districts</b>	<b>RC</b>	<b>RR</b>	<b>LDR</b>	<b>MDR</b>	<b>HDR</b>	<b>LO</b>	<b>CN</b>	<b>CL</b>	<b>CP</b>	<b>CW</b>	<b>IU-L</b>	<b>PDR</b>
<b>Permitted “By Right”</b>	X	X	X	X								X
<b>Permitted w/Limitations*</b>					X		X	X	X	X		
<b>Major Use Permit</b>						X					X	

\*See VMC for Details Regarding Limitations

## **FISCAL IMPACT**

The proposal code text amendments regarding permitting by-right emergency shelters and transitional and supportive housing does not have any direct fiscal impacts on the City.

## **ENVIRONMENTAL REVIEW**

The proposed project is covered by the general rule that the California Environmental Quality Act (CEQA) applies only to projects which have the potential for causing a significant effect on the environment, pursuant to Section 15061(b)(3) of Title 14 of the California Code of Regulations. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

The minor amendments to the zoning code would (1) add a definition for emergency shelters for the homeless and permit such uses with the IU zoning district; and (2) add transitional and supportive housing as a residential use classification and permit such uses by right or upon issuance of a major use permit. The amendments are being undertaken to comply with State law. The project does not change the zoning designation on any individual property and does not affect existing land use or density. The proposed uses are similar in intensity to other allowed uses in the zoning district. It also does not propose or require any specific development project. All future projects would be subject to discretionary review and CEQA. After thorough review and analysis of future proposals, mitigation measures or conditions of approval may be applied to minimize or eliminate a project's potential impact on the environment, to neighboring properties, and on the public.



## **ATTACHMENTS**

1. Resolution of Intention to Amend the VMC
2. Proposed Ordinance Amending the VMC Regarding Emergency Shelters for the Homeless
3. Proposed Ordinance Amending the VMC Regarding Transitional and Supportive Housing
4. Maps Identifying IU Zoning Districts
5. Planning Commission Resolution, Draft Meeting Minutes and Staff Report with Attachments, and Documents Presented at Dais Dated January 21, 2015

## **CONTACT**

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**CITY OF VALLEJO CITY COUNCIL**

**RESOLUTION NO.**

**A RESOLUTION OF THE CITY COUNCIL EXPRESSING INTENT TO ADOPT  
ORDINANCES AMENDING TITLE 16 OF THE VALLEJO MUNICIPAL CODE  
ZONING ORDINANCE REGARDING EMERGENCY SHELTERS FOR THE  
HOMELESS AND TRANSITIONAL AND SUPPORTIVE HOUSING**

\* \* \* \* \*

BE IT RESOLVED by the City Council of the City of Vallejo as follows:

WHEREAS, staff has initiated amendments to the Vallejo Municipal Code in compliance with 2008 Senate Bill 2 and the 2009-2014 Housing Element that would (1) allow emergency shelters for the homeless which meet objective locational, development, operational and management standards by right (without a discretionary permit) in Intensive Use (IU) zoned districts; and (2) establish definitions in accordance with state law for “transitional and supportive housing types”; and

WHEREAS, staff believes amendments to the Vallejo Municipal Code are appropriate to facilitate the establishment of emergency shelters and transitional and supportive housing and for compliance with Senate Bill 2; and

WHEREAS, this resolution of intention is only a precursor to the possible adoption of an ordinance at a future time, and therefore it is an action which may not cause either a direct physical change in the environment or a reasonable foreseeable indirect physical change in the environment, it is therefore not a ‘project’ within the meaning of CEQA guidelines 21065.

NOW, THEREFORE, BE IT RESOLVED, that the City Council hereby directs staff to prepare ordinances regarding emergency shelters and transitional and supportive housing.

BE IT FURTHER RESOLVED, that the City hereby declares its intention to revise Title 16 of the Vallejo Municipal Code to accommodate this request.

ADOPTED by the City Council of the City of Vallejo at a regular meeting held on February 24, 2015 by the following vote:

ORDINANCE NO. \_\_\_\_\_ N.C. (2d)

AN ORDINANCE OF THE CITY OF VALLEJO AMENDING  
SECTION 16.06.490 OF CHAPTER 16.06 OF PART IV OF  
TITLE 16 OF THE VALLEJO MUNICIPAL CODE REGARDING  
“EMERGENCY SHELTER FACILITIES”

THE COUNCIL OF THE CITY OF VALLEJO DOES ORDAIN AS FOLLOWS:

New text shown in **bold italic**.

SECTION 1: Section 16.06.490 (Transient habitation) of Chapter 16.06 (Use Classifications) of Article IV. (“Commercial Use Types”) of Title 16 (“Zoning”) of the Vallejo Municipal Code is hereby amended to add as follows:

***“E. Emergency Shelter for homeless. A facility providing short-term transient shelter typically on a less than weekly basis but limited to a six month period for homeless persons. These facilities may include, but are not limited to, incidental support functions such as food service, counseling and laundry facilities.”***

SECTION 2: Section 16.34.030 (“Uses subject to limitations”) of Chapter 16.34 (“Intensive Use District”) of Part II (“Basic Zoning Districts”) of Title 16 (“Zoning”) of the Vallejo Municipal Code is hereby amended to read as follows:

The following use types are permitted subject to complying with the intent and purpose of this chapter and to the applicable provisions of Chapter 16.57 (the letter in parenthesis following the use type refers to the subsection of Section 16.57.020 which applies):

- B. Commercial Use Types.
1. Animal sales and services: kennels (D);
  2. Animal sales and services: veterinary (small animals-outdoor kennels and runs) (E);
  3. Automotive and equipment; cleaning (F);
  4. Eating and drinking establishments (J), (K);
  5. Food and beverage retail sales (L);
  - 6. Transient habitation: emergency shelter for homeless. (FF).***

**SECTION 3:** Section 16.57.020 (“Applicability”) of Chapter 16.57 (“Limitations on Permitted Uses”) of Part IV (“General Regulations”) of Title 16 (“Zoning”) of the Vallejo Municipal Code is hereby amended to read add follows:

**“FF. Emergency Shelter for Homeless. Any application for an emergency shelter facility that meets the following performance, development, design and managerial standards shall not require a discretionary permit, per Section 65583(a)(4) of the California Government Code:**

- a. Emergency shelters shall obtain and maintain in good standing all required licenses, permits and approvals from City, County, State and Federal agencies or departments and demonstrate compliance with all applicable building and fire codes.**
- b. The emergency shelter shall conform to all property development standards of the zoning district in which it is located, except as modified by these performance standards.**
- c. The length of stay of an individual client shall not exceed six (6) months within a twelve (12) month period.**
- d. ~~Emergency shelters shall be located within 1/2 mile of a bus stop with regularly scheduled public bus service.~~** (Recommended deletion by Vallejo Together)
- e. The maximum number of beds for emergency shelters shall be fifty (50) unless a major conditional use permit approved to permit additional beds.**
- f. External lighting shall be provided for security purposes. The lighting shall be stationary and directed away from adjacent properties and the public right-of-way.**
- g. No more than one emergency shelter shall be permitted within a radius of 300 feet from another such shelter when measured from the closest property lines. An exception to this separation requirement may be granted if significant physical features act as barriers from said sensitive uses, such as a freeway, railroad right-of-way.**
- h. Parking facilities shall be designed to provide security for residents, visitors, and employees with parking spaces provided in the following ratios: one space per ten beds plus one space per staff member. A covered and secured area for bicycle parking shall be provided for use by staff and client, commensurate with demonstrated need, but no less than a minimum of eight (8) parking spaces. No on-street parking shall be allowed.**
- i. A client waiting and intake area shall be provided as interior space and contain a minimum of ten (10) square feet per bed provided at the facility, and a minimum size of 100 square feet of floor area.**
- j. Outdoor charitable food distribution, outdoor toilets and outdoor public telephones, are prohibited shall be conducted entirely on private property in a covered area, during times that are approved by the City, and shall not block accessible pathways.** (Recommended revision by Vallejo Together)

- k. Outdoor toilets and outdoor public telephones shall not be visible from the public right-of-way or public property. (Recommended revision by Vallejo Together)***
- l. No signs are present on the property relating to its use as a shelter for the homeless.***
- m. Donation/collection bins and areas shall be screened from public view and shall be open to the public between the hours of 9:00 a.m. to 6:00 p.m. A sign stating hours of operation shall be placed in a clear, visible location and shall be no larger than 15 square feet.***
- n. Adequate storage for personal belongings shall be provided.***
- o. The City may inspect the facilities during business hours for compliance with the management plan and any other applicable regulations and standards.***
- p. Management Plan: The applicant A minimum of one-staff person or agent shall be on-duty and awake when the facility is in operation.***
- q. or operator shall submit a Management and Operation plan for the Emergency Shelter review and approval by the Planning Manager prior to approval of a business license. The Plan shall include, but not be limited to, the following:***
  - 1. Security***
  - 2. Staff training***
  - 3. Neighborhood relations***
  - 4. Pet Policy***
  - 5. Client intake process***
  - 6. List of services provided***
  - 7. Facility maintenance***
  - 8. Refuse control***
  - 9. Amenities, such as hours of operation, cooking/dining facilities, laundry facilities and activity policies.***
  - 10. Anti-discrimination policies***

***The plan may be reviewed as needed by the City with revisions made by the operator.***

#### **SECTION 4: Compliance with the California Environmental Quality Act.**

This project is exempt under the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines Section 15061(b)(3), which indicates that “the activity is covered by the general rule that CEQA applies only to projects, which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.”

#### **SECTION 5: Severability.**

If any section, subsection, sentence, clause, phrase, or word of this Ordinance is for any

reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed and adopted this Ordinance, and each and all provisions hereof, irrespective of the fact that one or more provisions may be declared invalid.

SECTION 6: Effective Date.

This Ordinance shall take effect and be in full force and effect from and after (30) days after its final passage.

## ORDINANCE NO. \_\_\_\_\_ N.C. (2d)

AN ORDINANCE OF THE CITY OF VALLEJO AMENDING  
TITLE 16 OF THE VALLEJO MUNICIPAL CODE  
“REGARDING “TRANSITIONAL AND SUPPORTIVE  
HOUSING”

THE COUNCIL OF THE CITY OF VALLEJO DOES ORDAIN AS FOLLOWS:

New text shown in ***bold italic***.

SECTION 1: Section 16.06.089 - “Transitional housing and supportive housing” of Chapter 16.04 (Definitions) of Part I. (“Basic Provisions”) of Title 16 (“Zoning”) of the Vallejo Municipal Code is hereby incorporated to read as follows:

***The transitional housing use types mean buildings configured as rental housing developments, but operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six months.***

***The supportive housing residential use type means housing with no limit on length of stay, that is occupied by the target population, and that is linked to onsite or offsite services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community.***

SECTION 2: Section 16.04.570.5 - “Target population” of Chapter 16.04 (Definitions) of Part I. (“Basic Provisions”) of Title 16 (“Zoning”) of the Vallejo Municipal Code is hereby incorporated to read as follows:

***16.04.570.5: “Target population” means persons, including persons with disabilities, and families who are “homeless,” as that term is defined by Section 11302 of Title 42 of the United States Code, or who are “homeless youth,” as that term is defined by paragraph (2) of subdivision (e) of Section 11139.3 of the Government Code.***

***Individuals and families currently residing in supportive housing meet the definition of “target population” if the individual or family was “homeless,” as that term is defined by Section 11302 of Title 42 of the United States Code, when approved for tenancy in the supportive housing project in which they currently reside.***



SECTION 3: Subsection A of Section 16.10.020 (“Permitted Uses”) of Chapter 16.10 (“Resource Conservation District”) of Part II (“Basic Zoning Districts”) of Title 16 (“Zoning”) of the Vallejo Municipal Code is hereby amended to read as follows:

The following use types are permitted:

- A. Residential Use Types.
  - 1. Family residential;
  - 2. Farm employee residential;
  - 3. Guest residential;
  - 4. Transitional housing and supportive housing.**

SECTION 4: Subsection A of Section 16.12.020 (“Permitted Uses”) of Chapter 16.12 (“Rural Residential District”) of Part II (“Basic Zoning Districts”) of Title 16 (“Zoning”) of the Vallejo Municipal Code is hereby amended to read as follows:

The following use types are permitted:

- A. Residential Use Types.
  - 1. Family residential;
  - 2. Guest residential, except in R-R zoned lands, as defined in Section 16.12.060, where this use type is prohibited;
  - 3. Transitional housing and supportive housing.**

SECTION 5: Subsection A of Section 16.14.020 (“Permitted uses”) of Chapter 16.14 (“Low Density Residential District”) of Part II (“Basic Zoning Districts”) of Title 16 (“Zoning”) of the Vallejo Municipal Code is hereby amended to read as follows:

The following use types are permitted:

- A. Residential Use Types.
  - 1. Family residential;
  - 2. Transitional housing and supportive housing.**

SECTION 6: Subsection A of Section 16.16.020 (“Permitted uses subject to limitation”) of Chapter 16.16 (“Medium Density Residential District”) of Part II (“Basic Zoning Districts”) of Title 16 (“Zoning”) of the Vallejo Municipal Code is hereby amended to read as follows:

The following use types are permitted:

- B. Residential Use Types.**
  - 1. Transitional housing and supportive housing.**

SECTION 7: Subsection A of Section 16.17.020 (“Permitted uses”) of Chapter 16.17 (“High Density Residential District”) of Part II (“Basic Zoning Districts”) of Title 16 (“Zoning”) of the Vallejo Municipal Code is hereby amended to read as follows:

The following use types are permitted subject to the applicable provisions of Chapter 16.57 (the letter in parentheses following the use type refers to the subsection of Section 16.57.020 which applies):

The following use types are permitted:

***C. Residential Use Types.***

***1. Transitional housing and supportive housing.***

SECTION 8: Subsection A of Section 16.18.040 (“Uses subject to a major use permit”) of Chapter 16.18 (“Limited Office District”) of Part II (“Basic Zoning Districts”) of Title 16 (“Zoning”) of the Vallejo Municipal Code is hereby amended to read as follows:

The following use types are permitted upon issuance of a major use permit, as provided in Chapter 16.82:

A. Residential Use Types.

1. Family residential;

***2. Transitional housing and supportive housing.***

SECTION 9: Subsection A of Section 16.20.030 (“Permitted uses subject to limitations”) of Chapter 16.20 (“Neighborhood Shopping and Service District”) of Part II (“Basic Zoning Districts”) of Title 16 (“Zoning”) of the Vallejo Municipal Code is hereby amended to read as follows:

The following use types are permitted subject to the applicable provisions of Chapter 16.57 (the letter in parentheses following the use type refers to the subsection of Section 16.57.020 which applies):

A. Residential Use Types.

1. Family residential (B);

***2. Transitional housing and supportive housing (B).***

SECTION 10: Subsection A of Section 16.22.030 (“Permitted uses subject to limitations”) of Chapter 16.22 (“Linear Commercial District”) of Part II (“Basic Zoning Districts”) of Title 16 (“Zoning”) of the Vallejo Municipal Code is hereby amended to read as follows:

The following use types are permitted subject to the applicable provisions of Chapter 16.57 (the letter in parentheses following the use type refers to the subsection of Section 16.57.020 which applies):

A. Residential Use Types.

1. Family residential (B);

***2. Transitional housing and supportive housing (B).***

SECTION 11: Subsection A of Section 16.24.040 (“Uses subject to a major use permit”) of Chapter 16.24 (“Pedestrian Shopping and Service District”) of Part II (“Basic Zoning

Districts”) of Title 16 (“Zoning”) of the Vallejo Municipal Code is hereby amended to read as follows:

The following use types are permitted subject to the applicable provisions of Chapter 16.57 (the letter in parentheses following the use type refers to the subsection of Section 16.57.020 which applies):

A. Residential Use Types.

1. Family residential (B);

**2. Transitional housing and supportive housing (B).**

SECTION 12: Subsection A of Section 16.26.050 (“Uses subject to a major use permit”) of Chapter 16.26 (“Pedestrian Shopping and Service District”) of Part II (“Basic Zoning Districts”) of Title 16 (“Zoning”) of the Vallejo Municipal Code is hereby amended to read as follows:

The following use types are permitted upon issuance of a major use permit, as provided in Chapter 16.82:

A. Residential Use Types.

1. Family residential (B);

**2. Transitional housing and supportive housing (B).**

SECTION 13: Subsection A of Section 16.33.040 (“Uses subject to a major use permit”) of Chapter 16.33 (“Intensive Use-Limited District”) of Part II (“Basic Zoning Districts”) of Title 16 (“Zoning”) of the Vallejo Municipal Code is hereby amended to read as follows:

The following use types are permitted upon issuance of a major use permit, as provided in Chapter 16.82:

A. Residential Use Types.

1. Family residential (when accessory to a permitted use);

**2. Transitional housing and supportive housing (when accessory to a permitted use).**

SECTION 14: Subsection A of Section 16.106.020 (“Uses subject to planned development permit”) of Chapter 16.106 (“Planned Development Residential District”) of Part VI (“Planned Development Districts, Regulations and Procedures”) of Title 16 (“Zoning”) of the Vallejo Municipal Code is hereby amended to read as follows:

The following use types are permitted:

A. Residential Use Types.

1. Family residential;

2. Guest residential;

**3. Transitional housing and supportive housing.**

SECTION 15: Compliance with the California Environmental Quality Act.

This project is exempt under the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines Section 15061(b)(3), which indicates that "the activity is covered by the general rule that CEQA applies only to projects, which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA."

SECTION 16: Severability.

If any section, subsection, sentence, clause, phrase, or word of this Ordinance is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed and adopted this Ordinance, and each and all provisions hereof, irrespective of the fact that one or more provisions may be declared invalid.

SECTION 17: Effective Date.

This Ordinance shall take effect and be in full force and effect from and after (30) days after its final passage.



# City of Vallejo - Intensive Use Zones

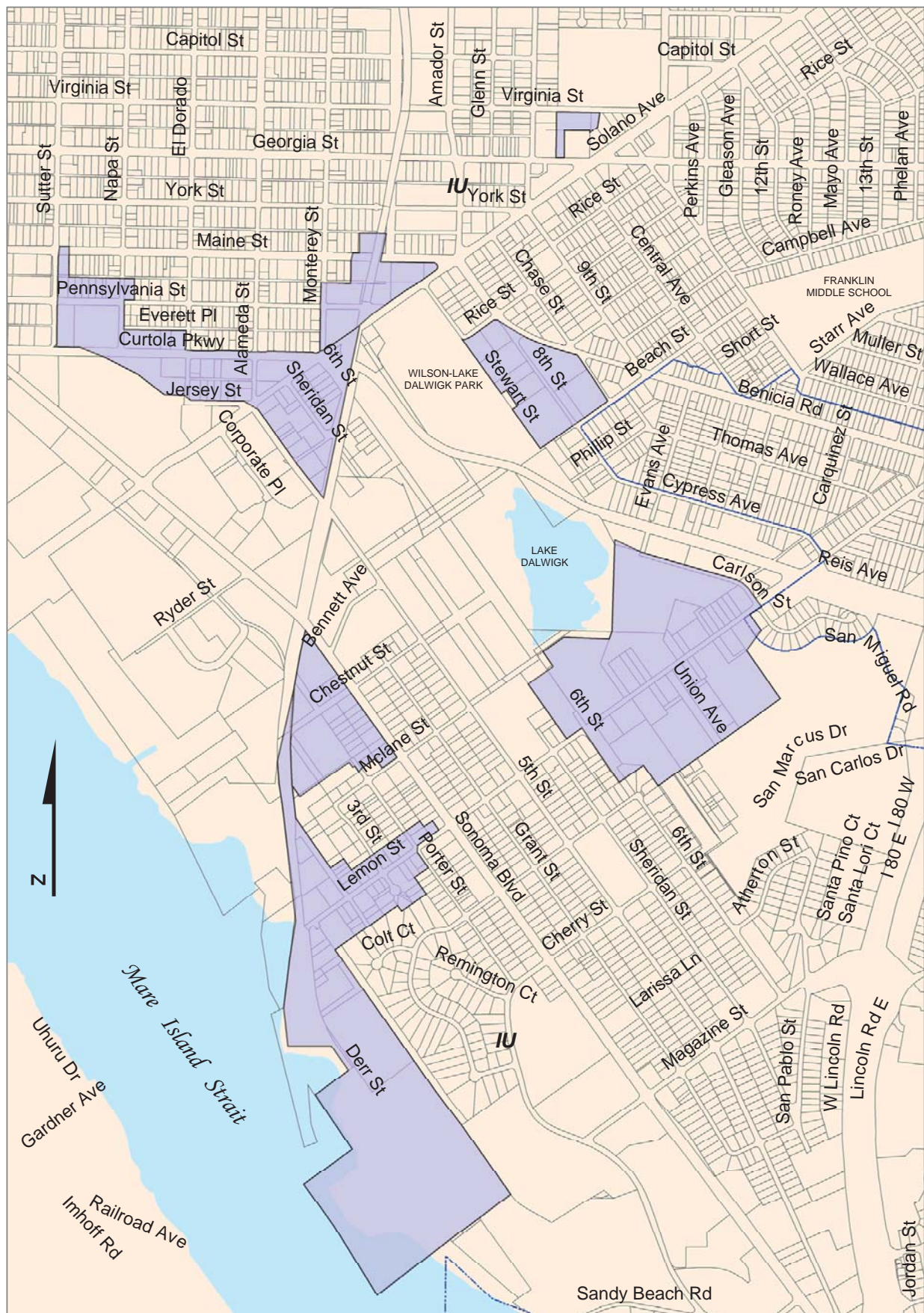


## Legend

IU IU: Intensive Use



# City of Vallejo - Intensive Use Zones

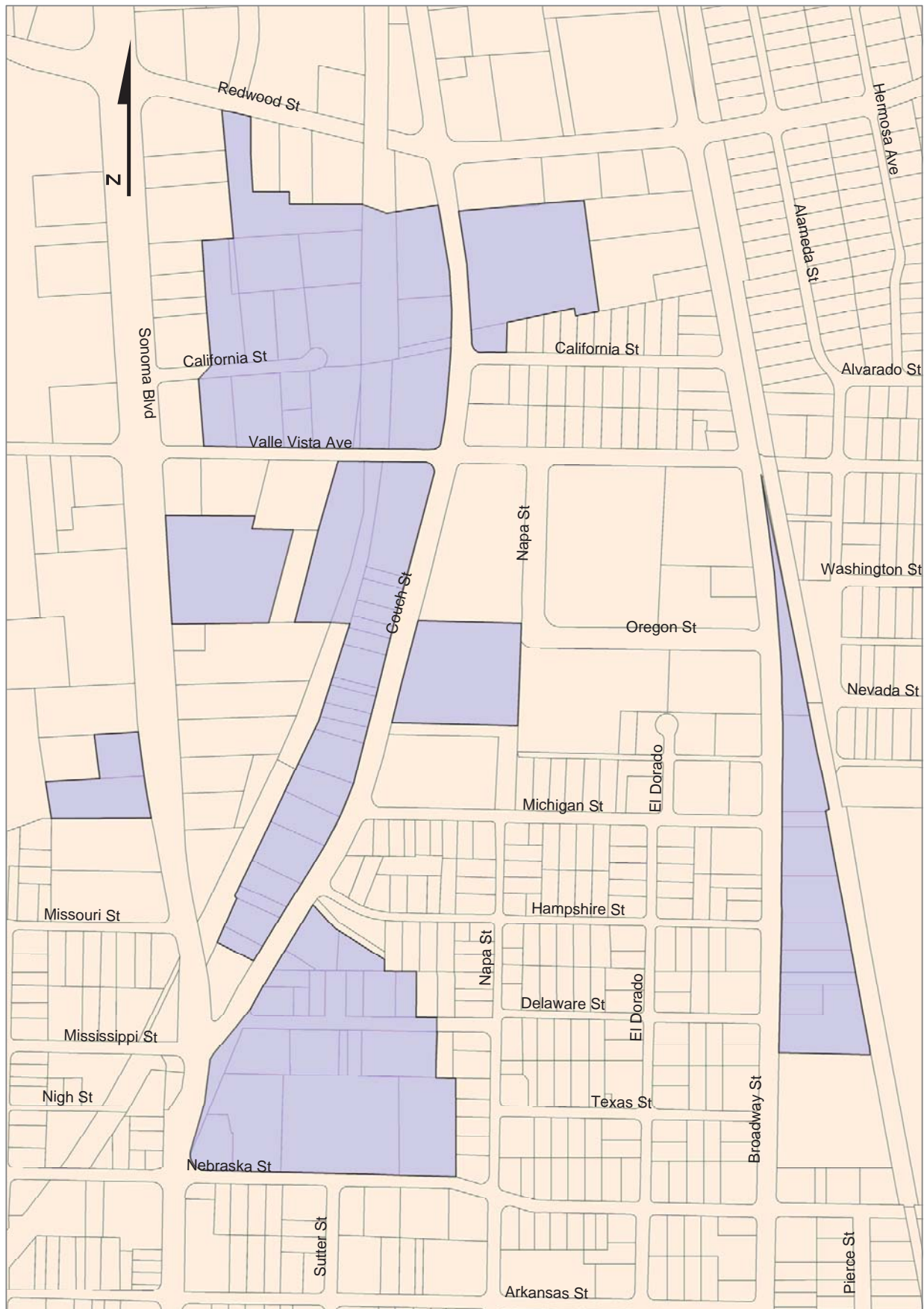


## Legend

 IU: Intensive Use



# City of Vallejo - Intensive Use Zones



## Legend

 IU: Intensive Use





23

## **ATTACHMENT 5**

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**PLANNING COMMISSION RESOLUTION, DRAFT  
MEETING MINUTES, STAFF REPORT AND  
ATTACHMENTS, AND DOCUMENTS PRESENTED AT THE  
DAIS DATED JANUARY 21, 2015**

**CITY OF VALLEJO PLANNING COMMISSION**

**RESOLUTION NO. PC 15-04**

**A RESOLUTION OF THE PLANNING COMMISSION  
APPROVING AN AMENDMENT TO TITLE 16 OF THE VALLEJO MUNICIPAL  
CODE ZONING ORDINANCE (CTA #12-0004) REGARDING EMERGENCY  
SHELTERS FOR THE HOMELESS, TRANSITIONAL AND SUPPORTIVE  
HOUSING, AND CLINIC SERVICES**

\*\*\*\*\*

BE IT RESOLVED by the City Planning Commission of the City of Vallejo as follows:

**I. GENERAL FINDINGS**

WHEREAS, staff has initiated amendments to the Vallejo Municipal Code in compliance with 2008 Senate Bill 2 and the 2009-2014 Housing Element that would (1) allow emergency shelters for the homeless which meet objective locational, development, operational and management standards by right (without a discretionary permit) in Intensive Use (IU) zoned districts; and (2) establish definitions in accordance with state law for “transitional and supportive housing types”; and

WHEREAS staff conducted research of Bay Area and California cities and has determined that the proposed amendments related to emergency shelters and transitional and supportive housing are consistent with the state’s guidelines regarding written objective development and management standards described in statute; and

WHEREAS, staff has initiated an amendment to the Vallejo Municipal Code “clinic services” land use category to (1) include “counseling and social service for the homeless,” (2) prohibit the use in residential zoning districts; and (3) require a major conditional use permit in the Pedestrian Shopping and Service (CP) zoning district; and

WHEREAS, staff hosted a public meeting on November 20, 2014 to receive comment regarding the proposed code text amendments and have incorporated public comments into the staff report; and

WHEREAS, staff believes the amendments to the Vallejo Municipal Code are appropriate to facilitate the establishment of emergency shelters and transitional and supportive housing and for compliance with Senate Bill 2; and

WHEREAS, staff believes the “clinic services” amendment to the Vallejo Municipal Code is appropriate to encompass the wide variety of services offered under the land use type and to provide regulation to protect public and private investments in the community; and



WHEREAS, on January 21, 2015 the Planning Commission conducted a duly noticed public hearing to consider the proposed amendments at which testimony and evidence, both written and oral, was presented to and considered by the Planning Commission; and

WHEREAS, based on evidence received at the public hearing, the Planning Commission makes the following factual findings:

## **II. CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS**

The Planning Commission finds that on the basis of the whole record before it that the project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of Title 14 Public Resources. The proposed uses contemplated in the ordinances are similar to those permitted in the areas and have no potential for a significant effect on the environment.

## **III. FINDINGS RELEVANT TO CODE TEXT AMENDMENT (CTA) #12-0004 AND FOR DETERMINATION OF PROJECT CONSISTENCY WITH THE GENERAL PLAN**

1. The Code Text Amendment is consistent with the goals and policies of the Vallejo General Plan, specifically, the "Housing Affordability Goal," "Housing Special Needs Goal," "Housing Choice Goal," and "Continuing Housing Program Goal."
2. The Code Text Amendment will not be detrimental to health, safety, and general welfare of the public as the Amendment will not eliminate project public notification or the project review process related to mitigating land use impacts and design review for project proposing new construction.
3. The Code Text Amendment will not adversely affect the orderly development or the preservation of property values as the Amendment will encourage the production of emergency temporary housing on vacant and/or under-utilized parcels.

## **IV. RESOLUTION TO APPROVE CODE TEXT AMENDMENT (CTA) #12-0004**

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission hereby APPROVES Code Text Amendment (CTA) #12-0004 herein attached to this Resolution as Exhibit A and Exhibit B to Attachment 2, and recommends forwarding to City Council for adoption, with the following modifications to the standards provided in Exhibit B:

- 1) Sufficient storage space for personal belongings shall be provided
- 2) On-street parking shall be prohibited
- 3) Staff inspection of emergency shelters during normal operating hours shall be allowed.

- 4) A minimum of one-staff person or agent shall be on-duty and awake when the facility is in operation.

BE IT FURTHER RESOLVED that the Planning Commission determined that CTA #12-0004 be modified to defer a recommendation regarding “clinic services”, attached hereto as Exhibit C to Attachment 2, and continue the ordinance to a future Planning Commission meeting.

ADOPTED by the City Planning Commission of the City of Vallejo at a regular meeting held on January 21, 2015 by the following vote:

AYES: Vice-Chair Kinney, Commissioners Adams, Cortez, Scoggin,  
Schussel, Karah  
NOES: None  
ABSENT: Chair Graden

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LANDIS GRADEN, CHAIRPERSON  
City of Vallejo Planning Commission

Attest:

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ANDREA J. OUSE, AICP, SECRETARY  
City of Vallejo Planning Commission

**CITY OF VALLEJO PLANNING COMMISSION  
REGULAR MEETING MINUTES  
COUNCIL CHAMBERS  
JANUARY 21, 2015**

**1. CALL TO ORDER**

The meeting was called to order by Commissioner Cortez at 7:00 p.m.

**2. PLEDGE OF ALLEGIANCE**

**3. ROLL CALL**

**Present:** Vice-Chair Kinney (arrived late), Commissioners Adams, Cortez, Karah, Scoggin, and Schussel

**Absent:** Chair Graden

**Staff present:** Planning Manager Ouse, Planning Secretary Trybull and Assistant City Attorney Khalsa

**4. APPROVAL OF THE MINUTES**

A. January 5, 2015

**Action:** Moved by Commissioner Scoggin and carried to adopt the minutes of the January 5, 2015 meeting (Absent – Kinney, Graden).

**5. WRITTEN COMMUNICATIONS – None**

**6. REPORT OF THE SECRETARY**

A. Upcoming Meetings:

February 2, 2015

This meeting is proposed to be canceled

February 18, 2015

Use Permit for a Day Center at 1020 Colusa  
(Tentative)

Draft Housing Element Review (Tentative)

Planning Manager Ouse provided a report covering item A as noted above, including changes to the January 21, 2015 meeting. Planning Manager Ouse also invited the commissioners to participate in the League of California Cities Planning Commissioners Academy.

**7. CITY ATTORNEY REPORT – None**

**8. REPORT OF THE PRESIDING OFFICER AND MEMBERS OF THE PLANNING COMMISSION AND LIAISON REPORTS**

A. Report of the Presiding Officer and Members of the Planning Commission

B. Council Liaison to Planning Commission

Councilmember McConnell gave a reminder of the City Council Goal Setting

meetings and invited commissioners to give input. He also strongly advised all commissioners to attend the Planning Commissioners Academy.

C. Planning Commission Liaison to the General Plan Working Group

Commissioner Adams announced a joint study session on January 26, 2015 at 6:30 p.m. at the Mare Island Conference Center.

D. Planning Commission Liaison to City Council

**9. COMMUNITY FORUM – None**

**10. CONSENT CALENDAR AND APPROVAL OF THE AGENDA**

**Action:** Moved by Commissioner Schussel and carried to approve the Consent Calendar and the Agenda, switching the Public Hearing items (Absent – Graden, Kinney).

**11. PUBLIC HEARING**

A. Use Permit Review #13-0014 (Glen Cove Marina Banquet Facility)

Staff presented the project and the proposed recommendation.

The applicant presented the project and responded to commissioner questions.

Commissioners asked questions and provided comments.

Staff responded to questions.

Commissioner Cortez opened the Public Hearing.

**Speakers:** Stan Freeman, Lisa Lombardi, Kate Hodgdon, Neal Zimmerman, Steve Hall, Pamela Watkins, Nima Gabbay

Commissioner Cortez closed the Public Hearing.

Commissioners provided additional comments.

**Action:** Moved by Commissioner Karah to approve Use Permit Review #13-0014, with a change to the closing hours. The proposed hours for Sunday – Thursday would be 11:00 p.m. Friday and Saturday closing hours would remain the same as originally approved.

Commissioners discussed the proposed closing hours change.

**Vote:** Ayes: Commissioners Karah, Adams; Noes: Commissioners Cortez, Schussel, Scoggin. The motion did not carry.

**Action:** Moved by Commissioner Schussel and carried to approve Use Permit Review #13-0014 as proposed and stated in PC Resolution PC 15-02.



**B. Code Text Amendment #12-0004 (SB2 Housing Element)**

Ex Parte Communications: Commissioner Schussel stated that he sent the agenda to members of the public. Commissioner Karah stated that she spoke with staff and members of the public regarding this item.

Staff presented the project and proposed recommendations.

Commissioners asked questions and provided comments.

The commission took a short recess.

Vice-Chair Kinney opened the Public Hearing.

**Speakers:** Maria Guevara, Demetra Stall-Nash, Doug Darling, Jean Likover, Donna Pratt

Vice-Chair Kinney closed the Public Hearing.

Commissioners provided additional comments and asked additional questions.

Vice-Chair Kinney re-opened the Public Hearing.

**Speaker:** Maria Guevara

Commissioners asked additional questions and had a discussion of the item.

**Action:** Moved by Commissioner Adams and carried to approve Code Text Amendment 12-0004 (Resolution PC 15-04):

- A. Approving the emergency shelters ordinance with the following provisions:
  - Storage for personal belongings is to be provided
  - No on-street parking is to be allowed
  - The City may inspect the facilities at any time during business hours
  - A minimum of one staff member or agent shall be awake and on duty when the facility is in operation
- B. Approving the transitional and supportive housing ordinance
- C. Continuing the clinic services ordinance to a future Planning Commission meeting.

Ayes: Vice-Chair Kinney, Commissioners Adams, Cortez, Scoggin, Schussel, Karah

Noes: None

Absent: Chair Graden

**12. ADJOURNMENT**

The meeting adjourned at 11:22 p.m.

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ROBERTO CORTEZ, COMMISSIONER

ATTEST:

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LESLIE TRYBULL  
PLANNING SECRETARY