

Table of Contents

Agenda	2
January 26,2015	
Minutes	4
Update on Multi-Jurisdictional Housing Element (MJHE)	
MJHE Stakeholder Workshop.	8
Initiation of Zoning Ordinance Amendment No. 15-01 Related to Emergency Shelters, Transitional and Supportive Housing for the Homeless	
ZOA No. 15-01 - SB2 Emergency Shelters	9

CITY OF KERMAN PLANNING COMMISSION

AGENDA

REGULAR MEETING

DATE: Monday, February 23, 2015

TIME: 6:30 p.m.

Location: City Council Chambers 850 S. Madera Avenue. Kerman, Ca

Materials related to an item on this agenda that are public documents and are submitted after distribution and posting of the agenda are available for public inspection in the Planning Department at 850 South Madera Avenue, Kerman, during normal business hours. Documents that are public documents provided by others during a meeting will be available at the same location during business hours after the meeting.

Note: Individuals needing special assistance in order to participate should contact Olivia Pimentel, Planning Secretary at (559) 846-9386 for assistance prior to the meeting.

Call to Order – Chairman, Robert D. Epperson

Roll Call – Secretary, Olivia Pimentel

Pledge of Allegiance

Approval of Agenda

1. Approval of Minutes

January 26, 2015

Request to Address Commission

*This portion of the meeting is reserved for members of the public to address the Commission on items of interest that are not on the Agenda and are within the subject matter jurisdiction of the Commission. **Speakers shall be limited to (3) three minutes.** It is requested that no comments be made during this period on items on the Agenda. Members of the public wishing to address the Commission on items on the Agenda should notify the Chairman when that Agenda item is called, and the Chairman will recognize your discussion at that time. It should be noted that the Commission is prohibited by law from taking any action on matters discussed that are not on the Agenda. Speakers are asked to please use the microphone, and provide their name and address.*

2. Presentation(s)

3. Public Hearing(s) / Meeting(s) None Offered

4. Petitions, Resolutions None Offered

5. Administrative Reports

A. Initiation of Zoning Ordinance Amendment No. 15-01 Related to Emergency Shelters, Transitional and Supportive Housing for the Homeless

On January 26, staff presented a PowerPoint presentation regarding a proposed zoning ordinance amendment relating to emergency shelters, transitional and supportive housing for the homeless as required by Senate Bill 2. Staff is requesting that the Planning Commission by motion set a public

hearing for March 23, 2015 to consider initiation of Zoning Ordinance Amendment No. 15-01 relating to emergency shelters, transitional and supportive housing for the homeless. Following a recommendation by the Planning Commission action, the City Council will consider adoption of the Zoning Ordinance Amendment at a subsequent public hearing tentatively scheduled for April 15, 2015.

B. Update on Multi-Jurisdictional Housing Element (MJHE)

The City of Kerman is participating with the County of Fresno and the cities of Clovis, Sanger, Fowler, Kingsburg, Parlier, Reedley, Coalinga, Huron, San Joaquin, and Mendota on the preparation of a Multi-Jurisdictional Housing Element (MJHE). Mintier-Harnish is the planning consultant selected to prepare the MJHE. As part of the MJHE update process, cities must solicit community input on housing issues as well as identifying possible solutions to housing challenges facing the Fresno region. Mintier-Harnish has scheduled a stakeholder workshop in the City of Kerman and in the City of Selma on March 4, 2015. The stakeholder workshop in Selma will be from 10 am to 12 pm at the Selma Council Chambers and the workshop in Kerman will be from 2 pm to 4 pm at the Community Teen Center (flyer attached). Staff encourages members of the Planning Commission to attend the Kerman workshop. The MJHE must be submitted to the state by December 31, 2015.

Communications

A. Commissioners Comments

Adjournment

AGENDA POSTING CERTIFICATION

I, OLIVIA G. PIMENTEL, Planning Secretary for the City of Kerman, do hereby declare under penalty of perjury that I caused the above agenda to be posted at City of Kerman Planning & Development office at 850 So. Madera Avenue, and at Kerman Community/Teen Center, 15100 Kearney Plaza, and emailed to interested parties on February 20, 2015.

Olivia G. Pimentel
Secretary to the Planning Commission

CITY OF KERMAN PLANNING COMMISSION

City Council Chambers 850 S. Madera Avenue, Kerman CA 93630
Minutes Regular Meeting Monday, January 26, 2015 6:30pm

Call to Order – Chairman, Robert D. Epperson called meeting to order at 6:30pm

Roll Call – Secretary, Olivia Pimentel,

Commissioners Present: Epperson, Bandy, Nehring, Kehler, Wettlaufer

Commissioners Absent: None

Staff: Luis Patlan, Planning Director/City Manager
Jerry Jones, City Engineer
Chris Kufis, Interim Building Official

Guests: Alejandra Valdivia, guest
Arthur Valdivia, guest
Marc Magana, guest

Pledge of Allegiance: Performed

Approval of Agenda : Commissioner Nehring made a motion to approve Agenda as presented, second Commissioner Bandy, unanimously approved as presented.

1.Approval of Minutes Commissioner Nehring made a motion to approve Minutes of October 27, 2014 as presented, second Commissioner Bandy, unanimously approved as presented

Request to Address Commission – None offered

2. Presentation(s)

A. Swearing-in of Newly Appointed Planning Commissioners Charlie Jones and Mario Nunez

On December 17, 2014 the City Council appointed Charlie Jones and Mario Nunez to the Planning Commission for a three-year term from January 1, 2015 through December 31, 2017. Olivia Pimentel, deputy City Clerk, administered the oath of office to Mr. Jones and Mr. Nunez. The two new Commissioners took their seats at the dais, each gave a brief introduction.

3.Public Hearing(s) / Meeting(s) None Scheduled

4.Petitions, Resolutions None Scheduled

5. Administrative Reports

A. Request for Abandonment of Public Utility Easement (PUE) at 14647 W. Kearney Blvd

Alexandria and Arthur Valdivia, property owners of a vacant lot located at 14647 W. Kearney Blvd requested that the City of Kerman abandon a public utility easement fronting their property in order to allow them to construct a single family residence on the site. The request was presented to the City Council on January 7. After considering the request, the Council directed staff to present the item to the Planning Commission for their input prior to the public hearing on the matter scheduled for February 4.

The property owners were in the audience to address any questions from the Commission.

City Engineer, Jerry Jones, gave a brief history of this request. Mrs. Valdivia and son Mr. Arthur Valdivia approached the city staff in regards to building a single family residence on the subject property. The proposed residence is 1,700 square feet featuring 3 bedrooms and 2 bathrooms, with a 1,591 square foot garage to store classic cars owned by Arthur Valdivia. The Valdivia's submitted a plot plan for review and

comment by staff. Upon review, staff noted that the proposed residence encroached upon the PUE along the frontage of the property and did not meet zoning setback requirements. The lot is an irregular shaped lot that was created by the dedication of some right-of-way by the Valdivia's to the City in the 1980's for the widening of Kearney and realignment of 'G' Street. The configuration of the lot makes the placement of the proposed residence, including garage, challenging without encroachment into the PUE. The PUE was dedicated as a standard requirement by the City in connection with the parcel map filed by Mr. and Mrs. Fidel Valdivia in June 2005. The specific vacation procedures as set forth by the California Streets and Highways Code (SHC), Section 8320 were reviewed and was presented to the City Council on January 7th, the Council directed staff to present to the Planning Commission for their input prior to their decision at a public hearing scheduled for February 4th. Staff noted that notices were sent out to all interested public agencies and all had responded except for P.G & E who had been contacted by staff and said they would response by the end of the week.

Staff requested input from the Commission:

C/Jones inquired whether this action would set a negative precedence.

C/Nehring asked for clarification on setback requirements and was this a public utility easement or a private easement. Staff noted that this was a public utility easement, that the City is the beneficiary of for any underground uses, such as PG&E, Cable, and Telephone services). Staff noted that the setback requirements was another matter that would have to go thru the Planning Department.

C/ Nehring made a motion to recommend the vacation of the PUE, with the contingency that the PG&E had to approve abandonment request, second by C/Bandy. The commissioners voted unanimously to recommend that the City Council grant the request to abandon the PUE fronting 14647 W. Kearney Blvd, with the approval of the PG&E. Staff would report to the City Council.

AYES: Bandy, Nehring, Kehler, Wettlaufer, Jones, Nunez, Epperson

NAYS: None

ABSENT: None

ABSTAIN: None

B. Proposed Union Pacific Railroad (UPRR)/California Avenue Bicycle and Pedestrian Route Master Plan and Construction of Curb Bulbouts for Increased Safety at Street Crossings

City Staff have developed a proposed Bicycle and Pedestrian Master Plan Route along the Union Pacific Railroad and California Avenue from Siskiyou Avenue to Goldenrod Avenue. The route will provide bicyclists and pedestrians enhanced access between City parks and facilities, schools, and other activity centers. The City has received Federal funding for the segments between Siskiyou and Park and Del Norte and First. In order to provide safe crossings for residents to access the route, curb bulbouts are proposed at the intersection of California and Manor and California and First. The curb bulbouts would be constructed as part of the City's upcoming California Avenue Reconstruction Project. Staff is seeking input from the Planning Commission on the proposed bulbouts.

Staff explained that in an effort to promote bicycling and walking, a proposed Bicycle and Pedestrian Route Master Plan for a route along the UPRR and California Avenue, from Sisklyou to Goldenrod Avenue was prepared. The route will provide a continuous connecting route between the City Center (Plaza Park and City Hall) and the future westside and eastside regional parks. The proposed master plan is considered to be the first phase in the development of a Citywide Bicycle and Pedestrian Route Master Plan. The Citywide Master Plan will provide a planning document for future bicycle and pedestrian facilities within the City's Sphere of Influence. The Citywide Master Plan will include sidewalks, parkways, trails, paseos, and other bicycle friendly facilities. Staff was requesting input from the Commission.

C/Nehring inquired on the type of separation, staff responded that there would be at least a 50 foot distance from railroad tracks with fencing. RR would not allow anyone near the railroad right of way.

C/Epperson inquired about the type of RR crossing. Staff noted that at this issue was quite a while away and at this time, input was requested just on the route. City is applying for future funding.

After much discussion, the Commission was in support of the proposed Master Plan. The Planning Commission's recommendations would be presented to City Council on February 4, 2015.

C. Zoning Ordinance Amendment related to Emergency Shelters, Transitional & Supportive Housing for the homeless

The City of Kerman is in the process of completing the 5th Cycle Housing Element update. The City of Kerman is participating in a Multi-Jurisdictional Housing Element Update (MJHE) with the County of Fresno and the cities of Clovis, Coalinga, Fowler, Huron, Kingsburg, Mendota, Parlier, San Joaquin, Reedley, and Selma. The consultant preparing the 5th cycle housing element update reviewed each jurisdictions housing element to determine compliance with State housing law relating to emergency shelters, transitional and supportive housing for the

homeless as required by Senate Bill 2 (SB2). The consultant determined that Kerman's zoning ordinance is not in compliance with SB2 that was passed in 2008 and a zoning ordinance amendment will be required. The State Department of Housing and Community Development (HCD) will not certify a housing element unless a jurisdiction is in compliance with SB2. The 5th cycle housing element update is due to HCD by December 31, 2015. Staff gave a PowerPoint presentation and was seeking input from the Planning Commission on the proposed zoning ordinance amendment.

Staff reported that the basics of SB2 Housing Element policy were to facilitate Shelters and Housing for homeless persons. Counties and Cities must identify number of homeless persons within it's city/jurisdiction. Identify at least one zone district where Emergency Shelters would be allowed by right to meet local homeless need and Transitional and supportive housing to be added to definitions and to be treated the same as other residential uses.

The U.S. Department of Housing and Urban Development released a 2013 National Street and Shelter Point-in-Time Count of the estimated number of Homeless population. The survey reported Fresno County had an estimated 3,131 homeless persons, 90% of unsheltered homeless in Fresno County were male. Kerman's estimated homeless population was 5 persons.

Key definitions required in the Housing Element:

Emergency Shelters: Housing with minimal support services for no more than 6 months stay.

Transitional Housing: Rentals for at least 6 months, not intended for long term stay.

Permanent Supportive Housing: NO limits to length of stay for intended target population.

The Zoning Ordinance Amendments that would bring the Kerman Municipal Ordinance into compliance with current state law would require the following actions;

- Identify at least one zone district where Emergency Shelters are allowed by right.

- Establish development standards

- Add Emergency Shelters, Transitional and Supportive Housing to definitions

- Possible Zoning District(s): *City would have to decide which zone to allow these uses.*

 - Service Commercial (C-S)

 - Light Industrial (M-1)

Staff explained this was informational and requesting the Commission's input. The next step would be to bring this item back on February 23, 2015 for a formal resolution to initiate a zone ordinance amendment and set a

Kerman Planning Commission Minutes
Monday January 26, 2015
Regular Meeting

public hearing for March 23, 2015 to recommend to City Council for a second public hearing on April 15, 2015, first reading on May 6th and second reading and adoption May 20, 2015. The ordinance would become effective 30 days after City Council adoption.

C/Bandy inquired about how sites were to be funded, staff explained there was no funding, only requirement is the City has to provide a way of allowing it in a particular zone. C/Jones inquired about the number of homeless in Kerman, whether this number was actual or just estimated. Staff responded that this is an estimated figure. C/Epperson inquired whether a specific site could be designated; staff responded it could not be, only the designated zone district and wherever that zone is located this use would be allowed by right.

Staff noted that some cities put conditions such as spacing requirements that would require any of these types of uses to be a certain distance from schools, churches or residential districts. Any control would be for Emergency Shelters only. Transitional and Supportive Housing would be determined by the building code. Staff reported that this item would be brought back with a formal resolution on February 23, 2015, with The Commission's comments incorporated.

Communications

A. Commissioners Comments: None offered

Adjournment, meeting was adjourned at 8:20pm



Olivia G. Pimentel
Secretary to the Planning Commission



Fresno County Multi-Jurisdictional Housing Element Update

Stakeholder Workshops

Two Opportunities to Participate on March 4, 2015

10 a.m. to 12 p.m.
City of Selma

City Council Chambers
1710 Tucker St.
Selma, CA 93662

2 p.m. to 4 p.m.
City of Kerman

Community Center
15101 W Kearney Blvd.
Kerman, CA 93630

Fresno County and 12 of the 15 cities in the county, with the help of the Fresno Council of Governments, are preparing a Multi-Jurisdictional Housing Element. The Multi-Jurisdictional Housing Element provides an opportunity for countywide housing issues and needs to be more effectively addressed at the regional level rather than just at the local level.

The participating jurisdictions are hosting two workshops on March 4, 2015 - one in Selma and one in Kerman. Both workshops will cover the same information.

Your input is important to understanding the community's needs and potential solutions to housing challenges facing the Fresno region.

The workshops are open to the public. Please RSVP in advance.

For more information, reasonable accommodation or translation service requests, please contact Lindsey Chargin 72 hours before the workshop by phone (559-233-4148 ext. 205) or email (lindseyc@fresnocog.org).

To RSVP contact: Lindsey Chargin, Senior Regional Planner, Fresno Council of Governments
Ph. (559) 233-4148 ext. 205 | Email: lindseyc@fresnocog.org

Participating Jurisdictions: Fresno County, Clovis, Coalinga, Fowler, Huron, Kerman, Kingsburg, Mendota, Parlier, Reedley, San Joaquin, Sanger, Selma



City of Kerman

A Place Where "Community Comes First"

Staff Report

PLANNING & DEVELOPMENT

Robert Epperson, Chairperson Kevin Nehring, Vice Chairperson

Commissioners

Robert Bandy Eric Kehler Katy Wettlaufer Charlie Jones Mario Nunez

PLANNING COMMISSION
MEETING OF JANUARY 26, 2015

To: Kerman Planning Commission
From: Luis Patlan, Director of Planning & Development Services
Subject: Initiation of Zoning Ordinance Amendment No. 15-01 Related to Emergency
 Shelters, Transitional and Supportive Housing for the Homeless

Recommendation:

Planning Commission by motion set a public hearing for March 23, 2015 to consider Zoning Ordinance Amendment No. 15-01 relating to emergency shelters, transitional and supportive housing for the homeless.

Executive Summary:

Pursuant to Section 17.26.020(C) of the Kerman Municipal Code, the Director of Planning and Development Services is requesting that the Planning Commission consider initiation of a zoning ordinance amendment related to emergency shelters, transitional and supportive housing for the homeless. The first step is for the Planning Commission to set a date for a public hearing to consider the amendment.

The proposed zoning ordinance amendment is based on the provisions of Senate Bill 2 (SB2), which requires local agencies to identify one or more zones where emergency shelters are allowed as a permitted use "by right" without a conditional use permit, provided that the zone(s) include sufficient number of sites to accommodate the number of homeless individuals in the community.

To comply with SB2 and address homeless needs in Kerman, this zoning ordinance amendment proposes to add definitions for emergency shelters, transitional housing and supportive services to serve the homeless, and identifies emergency shelters as permitted uses in the Service Commercial (C-S) or Light Industrial Zone (M-1) Zone Districts "by right", subject to specific standards.

Background:

The City of Kerman has joined the County of Fresno and the cities of Clovis, Sanger, Selma, Reedley, Parlier, Kingsburg, Fowler, Huron, Mendota, San Joaquin and Coalinga in the preparation of a Multi-Jurisdictional Housing Element Update (MJHE). Mintier-Harnish is the planning consultant selected to prepare the update. The fifth cycle Housing Element must be submitted to the State Department of Housing and Community Development (HCD) by December 31, 2015.

As part of the Housing Element update, Mintier-Harnish conducted a review of the City's zoning ordinance and determined that Kerman's ordinance does not include provisions for emergency shelters, transitional and supportive housing for the homeless as required by Senate Bill 2 (SB2). SB2 was adopted by the California State Legislature and became law in 2008. This Bill requires cities and counties to identify one or more zones in the City where emergency shelters would be allowed as a permitted use without a conditional use permit. The zoning that is identified by the City must be of a sufficient amount of acreage and sites to accommodate the unmet needs of local homeless persons.

In establishing zones, the statute gave local jurisdictions the ability to establish certain operational and development standards for emergency shelters. In addition, SB2 requires that transitional housing and supportive housing be considered a residential use in the City codes, and subject only to those restrictions that apply to other residential dwellings in the same zone.

Zoning Ordinance:

The intent of the zoning ordinance is to preserve and promote the public health, safety and welfare of the city and to facilitate growth and expansion in an orderly manner. The zoning ordinance achieves these goals by setting forth uses permitted and conditionally permitted, establishing densities, setting forth development standards, providing for off-street parking, and prescribing a myriad of other regulatory requirements.

The zoning ordinance is not a static document and, as such, requires periodic updates or amendments in order to clarify intent, add new text, or to comply with state law. Although not every circumstance or situation can be addressed in the zoning ordinance, the goal is to provide reasonable guidance on permitting, land uses and development standards. Thus, amendments or updates to the zoning ordinance are frequently warranted.

Analysis:

The proposed amendment to the zoning code will bring the City into compliance with State housing law outlined in SB2. The City is participating in a Multi-Jurisdictional Housing Element Update, which is due to the State Department of Housing and Community Development by December 31, 2015. Prior to adoption of the Housing Element Update, the City must demonstrate compliance with SB2 requirements. HCD will not certify the fifth cycle Housing Element until programs to implement SB2 have been incorporated in the City's zoning ordinance.

The proposed amendment to the Zoning Ordinance is in response to the provisions of SB2, which requires local jurisdictions to identify one or more zones that allow emergency shelters as a permitted use. The zoning that is identified must include a sufficient amount of acreage and sites to accommodate the unmet need for the shelter of homeless people in the City of Kerman. One key source of information for Fresno County's homeless population is the biennial Fresno Madera Continuum of Care Point-in-Time Count. Every other January, communities across the United States conduct comprehensive counts of their homeless population. The Counties of Fresno and Madera conducted its most recent homeless census in January 2013. The 2013 Point-in-Time Count estimated that there were 2,799 homeless individuals in Fresno County, with 5 homeless persons estimated to be from the City of Kerman.

Due to the estimated low number of homeless individuals in Kerman, there are no emergency shelters, transitional or supportive housing facilities in the City. Homeless individuals would find temporary refuge in local churches or would be referred to such housing facilities in the City of Fresno. There are several emergency shelters in Fresno that serve surrounding cities. These include: Naomi's House, Poverello House, and Fresno Rescue Mission.

Given the low number of homeless individuals estimated in Kerman, it is estimated that a total of 1 acre of land would be more than needed to theoretically provide for enough emergency shelter space to meet Kerman's unmet homeless housing need. The area proposed to allow for emergency shelters, i.e. service commercial and light industrially-zoned properties meeting the criteria, is approximately 100 acres. This indicates that the City has identified enough acreage to meet the requirements of SB2 and also allows for any new emergency shelters to be dispersed over a large area rather than being concentrated in one part of town. The zoning map in Attachment 'A' identifies those areas zoned Service Commercial and Light Industrial.

The proposed zoning ordinance amendment (Attachment 'B') identifies shelters as a permitted use in the Service Commercial (C-S) and Light Industrial Zone District (M-1), provided certain standards are met. These include: maximum occupancy, length of stay, hours of operation, and parking. One key requirement is a Management and Operation Plan. The plan must provide a detailed security plan, operating procedures, staff ratio to clients served, "good neighbor" communication plan, client transportation plan, and a program for ongoing outreach to the Kerman homeless population. The Management and Operation Plan is to be reviewed and approved by the Director of Planning & Development in conjunction with the Police Chief prior to issuance of permit to minimize any impacts on surrounding land uses.

As defined in the ordinance, an emergency shelters for homeless in Kerman would allow up to 30 beds or persons per night and would be permitted by right. By definition, overall occupancy of emergency shelters would be limited to six months or less by a homeless person.

Attachments:

- A. Sites Map
- B. Zoning Ordinance Amendment No. 15-01
- C. SB2 Fact Sheet

Attachment "A"

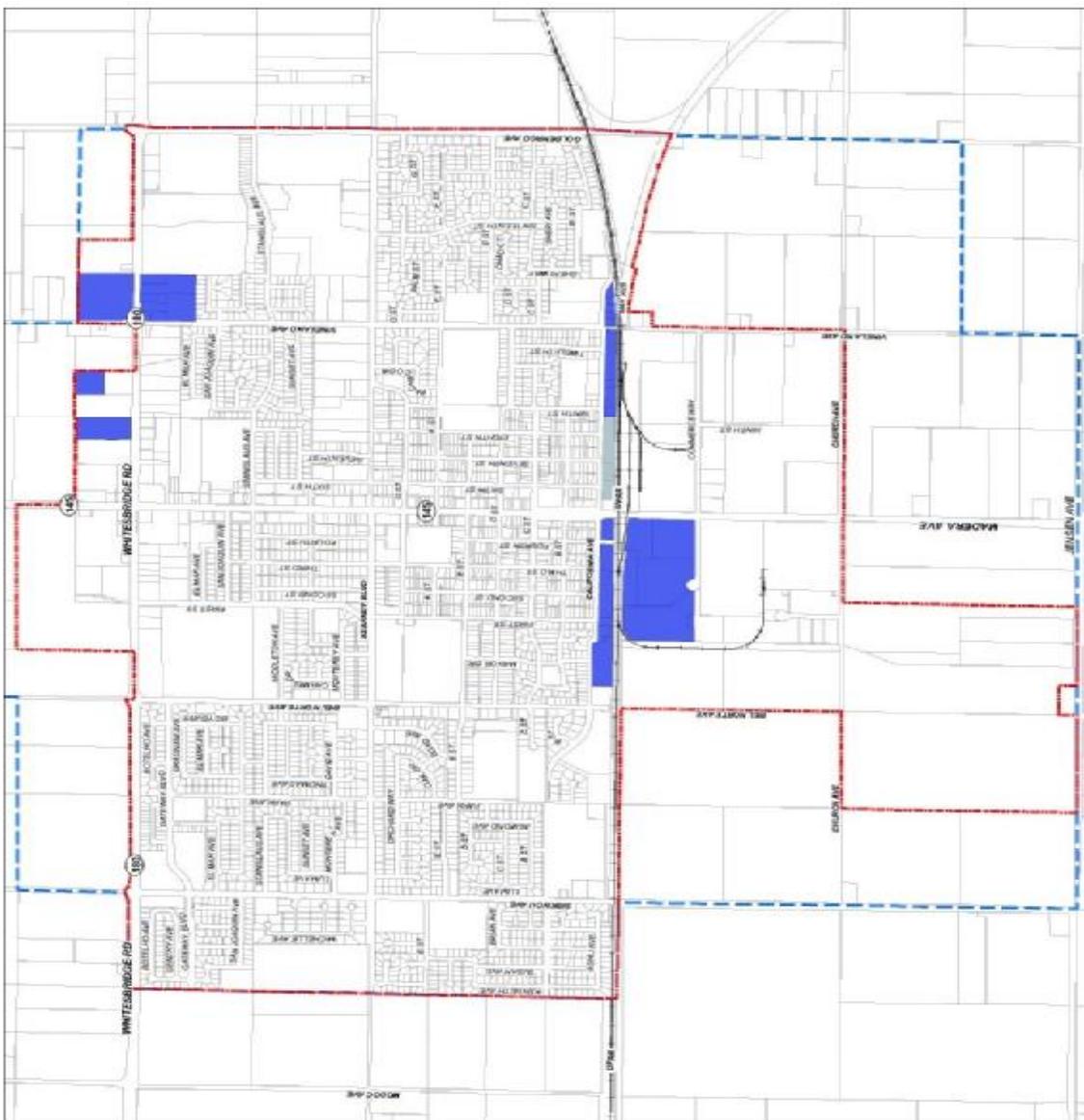
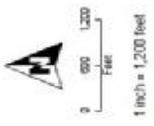
Sites Map



Service Commercial and Industrial Zoning

Legend

- CS, Service Commercial
- M-1, Light Manufacturing
- Parcels
- City Limits
- Sphere of Influence



Attachment 'B'

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KERMAN
AMENDING CHAPTER 17 OF THE KERMAN MUNICIPAL CODE TO ADOPT THE CITY'S
REGULATION OF EMERGENCY SHELTER AND TRANSITIONAL AND SUPPORTIVE HOUSING

THE CITY COUNCIL OF THE CITY OF KERMAN DOES ORDIAN AS FOLLOWS:

Section 1. The City Council of the City of Kerman hereby finds, determines and declares as follows:

- A. That the City of Kerman seeks to be in compliance with the State of California's regulations for the allowance of emergency homeless shelters as required by State Senate Bill 2 (SB2).
- B. That the State of California Legislature passed SB2 (effective January 1, 2008) modifying State Housing Element law to require local planning and zoning regulations to facilitate homeless shelters. Specifically, SB2 requires all cities and counties to provide at least one zoning category in which emergency shelters can be located without discretionary approval from the local government. The zoning category must be identified in the locality's housing element, and include sites with sufficient capacity to meet the local need for emergency shelter.
- C. That after a thorough review the following standards have been developed in order to allow emergency homeless shelters as required, while maintaining those regulations necessary to provide for public health, safety and welfare.
- D. The staff report recommending City Council adoption for this ordinance dated _____, 2015 shall by this reference be incorporated herein, and together with this ordinance, any amendments or supplements and the oral testimony before the City Council at this meeting, shall additionally constitute the necessary findings for this ordinance.

Section 2. Pursuant to the California Environmental Quality Act ("CEQA") and the State CEQA Guidelines, the adoption of this ordinance is exempt from CEQA review pursuant to 14 California Code of Regulations section 15-61(b)(3), and a Notice of Exemption will be filed with the County Recorder upon adoption of this ordinance.

Section 3. Section 17.90.020 Chapter 17 of the Kerman Municipal Code is hereby amended to read as follows:

Section 17.90.020 Definitions.

"Emergency residential shelter" shall be amended to read as follows:

"Emergency residential shelter" means housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person, where no individual or household may be denied emergency shelter because of an inability to pay; as defined and used in Section 508019 of the California Health and Safety Code.

"Transitional housing" shall be added to read as follows:

"Transitional housing" Buildings configured as rental housing developments, but operated under program requirements that require the termination of assistance and recirculating of the assisted unit to another eligible program recipient at a predetermined future point in time that shall be no less than six months from the beginning of the assistance. Transitional housing units are residential uses allowed in all zones that allow residential uses, subject only to those requirements and restrictions that apply to other residential uses of the same type in the same zone.

"Supportive housing" shall be added to read as follows:

"Supportive housing" 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. Supportive housing units are residential uses allowed in all zones that allow residential uses, subject only to those requirements and restrictions that apply to other residential uses of the same type in the same zone.

"Target populations" shall be added to read as follows:

"Target populations" persons with low incomes who have one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health condition, or individuals eligible for services provided pursuant to the Lanterman Developmental Disabilities Services Act (Division 4.5 (commencing with Section 4500) of the Welfare and Institutions Code) and may include, among other populations, adults, emancipated minors, families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, and homeless people.

Section 4. Section 17.92 of Chapter 17 of the Kerman Municipal Code is hereby added to read as follows:

Chapter 17.92. Homeless Shelters

Section 17.92.010. Homeless Shelter – Zones

An emergency shelter for homeless or multiservice center for homeless shall be a permitted use on any parcel within the C-S (Service Commercial) or M-1 (Light Industrial) zones. Each facility shall comply with all of the required development and operational standards of the zone in which it is located.

Section 5. Section 17.92.020 of Chapter 17 of the Kerman Municipal Code is hereby added to read as follows:

Section 17.92.020. Standards

In addition to the development standards in the underlying zoning district, the following standards apply to emergency shelters and each emergency shelter shall comply with the standards set forth in this Section. In the event of conflict between these standards and the

underlying zoning district regulations, the provisions of this Section shall apply. Nothing in this Section modifies the requirements for approval of a religious facility as otherwise provided in this Code.

- (1) Facility Compliance. Federal, State and local licensing as required for any program incidental to the emergency shelter.
- (2) Physical Characteristics.
 - a. Compliance with applicable state and local uniform housing and building code requirements.
 - b. The facility shall have on-site security during all hours when the shelter is open.
 - c. Facilities shall provide exterior lighting on pedestrian pathways and parking lot areas on the property. Lighting shall reflect away from residential areas and public streets.
 - d. Facilities shall provide secure areas for personal property.
- (3) Occupancy. A maximum of 30 beds or persons may be served nightly, with associated support service not open to the public.
- (4) Length of stay. The length of stay of an individual client shall not exceed six (6) months within a twelve (12) month period; days of stay need not be consecutive.
- (5) Parking. On-site vehicle parking spaces shall be provided at a rate of 2 spaces per facility for staff plus 1 space per six (6) occupants or beds allowed at the maximum occupancy. A covered and secured area for bicycle parking shall be provided for use by staff and clients, commensurate with demonstrated need, but no less than a minimum of eight (8) bike parking spaces.
- (6) Waiting and Intake Area. A client waiting area shall be provided sufficient in size to accommodate all persons waiting to enter the facility, and shall contain a minimum of ten (10) square feet per bed provided at the facility.
- (7) Support Services. Emergency shelters that provide support services shall allocate sufficient areas on-site, and properly enclosed within the building. Support services include, but are limited to, the following:
 - a. Food preparation and dining areas.
 - b. Laundry facilities.
 - c. Restrooms and showers.
 - d. Areas to secure and store client belongings.
- (8) Management and Operating Plan. The applicant or operator shall submit a Management and Operation Plan for the Emergency Shelter for review and

approval by the Planning Director in consultation with the Chief of Police in conjunction with the Site Plan Review application and/or prior to the issuance of permits. The plan shall include a floor plan that demonstrates compliance with the physical standards of this chapter. The plan shall remain active throughout the life of the facility, with any changes subject to review and approval by the Planning Director in consultation with the Chief of Police. The plan shall be based on "best practices" and include, but limited to, a security plan, procedures list, list of services, staff training, "good neighbor" communication plan, client transport and active transportation plan, ration of staff to clients, eligibility and intake and check out process, detailed hours of operation, ongoing outreach plan to Kerman homeless population, and participation in data collection for the Fresno Madera Counties Continuum of Care Point-in-Time Report. The City may inspect the facility at any time for compliance with the facility's Management and Operation Plan and other applicable laws and standards.

- (9) Permit Fee. The city council may establish a fee by resolution, to cover the administrative cost of review of the required Management and Operation Plan.

Section 6. Section 17.92.030 of Chapter 17 of the Kerman Municipal Code is hereby added to read as follows:

Section 17.92.030 Transitional and Supportive Housing – Zones.

Transitional housing and supportive housing shall be considered a residential use of property, and shall be subject only to those restrictions that apply to other residential dwellings of the same type in the same zone.

Attachment 'C'

Senate Bill 2 (Cedillo) Fact Sheet

Summary: SB 2 strengthens state law by ensuring that every jurisdiction identifies potential sites where new emergency shelters can be located without discretionary review by the local government. It also increases protections for providers seeking to open a new emergency shelter, transitional housing or supportive housing development, by limiting the instances in which local governments can deny such developments. Applicable to all cities and counties in California, SB 2 takes effect January 1, 2008, and will impact all housing element updates due after this date, as well as those that were due prior to 2008, but are being submitted for the first time after January 1, 2008. Subject to important limitations described below, SB 2:

- Requires all cities and counties ("localities") to provide at least one zoning category in which emergency shelters can be located without discretionary approval from the local government. The zoning category must be identified in the locality's housing element, and include sites with sufficient capacity to meet the local need for emergency shelter.
- Requires that all localities provide at least one such site.
- Expands the Housing Accountability Act, to prohibit localities from denying a proposal to build an emergency shelter, transitional housing or supportive housing if it is needed and otherwise consistent with the locality's zoning and development standards.

Key Elements: The changes created by SB 2 should be thought of in two categories: (1) Planning for emergency shelters; and (2) siting of emergency shelters, transitional housing and supportive housing.

Planning for Emergency Shelters

Each locality must identify in its housing element at least one zoning category in which homeless shelters are allowed, without a conditional use permit or other discretionary review. More particularly, the locality must:

- **Identify Need:** Under current law, the housing element must include an estimate of the number of persons in need of emergency shelter in the jurisdiction. SB 2 requires the analysis to consider both seasonal and annual need.
- **Provide sites for new emergency shelters:** SB 2 requires the local government to show in its housing element that it has one or more zoning categories that allow emergency shelters without a conditional use permit or other discretionary review. The local government cannot use discretionary criteria to deny the project; if it meets certain objective criteria, the shelter must be approved.

The identified zone or zones must have sufficient capacity to meet all of the locality's identified need for emergency shelter. For example, if a locality determines that it has an unmet need of 100 persons who are homeless, the zone or zones identified must consist of sites that have sufficient capacity to accommodate a shelter or shelters for 100 people. Regardless of the identified need, each jurisdiction must identify at least one such site.

- **Rezone If Necessary:** If the locality does not currently have such a zone or the zone is not sufficient, it must include a program to amend its zoning ordinance to provide a sufficient zone or zones within one year of the adoption of its housing element.

Attachment 'B' – (Continued)

SB 2 Fact Sheet - Page 2 of 2

- **Eliminate Onerous Standards:** The local government can establish objective development and management standards for the operation of emergency shelters, such as the size, parking standards, lighting, and others set forth in the law. However, the locality must demonstrate that any management or development standards as well as any permit processing standards that it applies are objective and actually encourage the creation of emergency shelters.
- **Exceptions for Compliant Cities:** If the local government can demonstrate that it has an emergency shelter or shelters that meet all of its existing need, it must still designate a zone or zones where emergency shelters are permitted, but it may require a conditional or discretionary use permit. In addition, any city with an existing by-right process for emergency shelters that is in compliance with the standards set forth in SB 2 need only describe its ordinance and how it meets the requirements of the law.

Finally, the bill gives credit to jurisdictions that are successfully implementing a supportive housing program model under the jurisdiction's 10-year plan to End Chronic Homelessness, by allowing a reduction in the need to account for supportive housing units available in the community. To take advantage of this credit, the jurisdiction must show that the units are (1) identified in the plan; and (2) either currently vacant or have all of the necessary funding to allow construction during the planning period.
- **Multi-Jurisdictional Agreements:** Localities may meet some of their need by entering into an agreement with up to two other adjacent local governments to provide a joint facility provided the emergency shelter will be developed within two years of the beginning of the planning period. For example, two adjoining cities and a county may agree to jointly fund an emergency shelter, and count that shelter toward their identified need. The participating jurisdictions must adopt an agreement which, among other things, allocates a portion of the new shelter capacity to each jurisdiction.
- **Transitional and Supportive Housing:** The bill clarifies that the local government must analyze any constraints to the development of supportive housing, transitional housing or emergency shelters. It also provides that transitional housing and supportive housing must be treated the same as any other residential use within the same zone. For example, when supportive housing is allowed in a multifamily residential zone, the local government cannot impose any additional restrictions on supportive housing than what are imposed on other multifamily units.

Siting of Emergency Shelters, Transitional and Supportive Housing

The bill also ensures that local governments do not unreasonably deny approval for needed emergency shelters, transitional housing or supportive housing. The California Housing Accountability Act (formerly referred to as the Anti-NIMBY statute) prohibits discrimination against certain types of permanent housing for lower-income households. SB 2 expands this law to cover emergency shelters, and clarifies that it protects transitional and supportive housing, as well.

As a result, except under very limited exceptions, if a new emergency shelter is proposed on a site that is zoned to allow that use, and the local government has not met the need for emergency shelter identified in its housing element, the local government must approve the shelter. Similarly, transitional or supportive housing projects that are consistent with the zoning for the proposed site may not be denied if the city has not yet met its need for new housing units affordable to the income levels to be served by the proposed project, except under limited circumstances.