

ATTACHMENT 3

City Council Agenda

Memo to: Manteca City Council

From: Chris Erias, Director of Development Services

Prepared by: Brad Wungluck, Deputy Director of Development Services

Date: November 15, 2022

Subject: Conditional Use Permit (CUP) for the operation of a homeless emergency center at 555 Industrial Park Drive (Qualex)

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Conduct a Public Hearing and adopt a resolution approving a Conditional Use Permit (CUP) for the operation of a homeless emergency center at 555 Industrial Park Drive (Qualex) (Categorically exempt from CEQA pursuant to 14 Cal. Code Regs. § 15332, (CEQA Guidelines Section 15332 “Infill Exemption”)).

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Background:

Conditional Use Permit (CUP)

To continue providing services to persons experiencing homelessness at 555 Industrial Park Drive the City must seek a new CUP for the emergency center since the previous CUP recently expired.

555 Industrial Park Drive is designated for Light Industrial (LI) land use within the General Plan and likewise zoned Light Industrial (M-1). The site is 4.91 acres in size and rectangular in shape and had been previously developed with a since abandoned concrete tilt-up building used by a photographic developer (Qualex). The emergency center is proposed to utilize the portable modular buildings currently on site as well as proposed mobile facilities for restrooms, laundry, and cooking until a more permanent facility is constructed.

The facility operates as an emergency center pursuant to Table 17.22.020 of the Manteca Municipal Code (MMC). A homeless emergency center is permitted within the M-1 zone upon issuance of a CUP. MMC Section 17.10.130 requires four (4) findings to approve a CUP. Below is a discussion of the required findings and how the homeless emergency center at 555 Industrial Park Drive is consistent with those findings:

FINDING #1: The proposed use is consistent with the General Plan, any applicable Specific Plan, and all applicable provisions of this Title.

DISCUSSION: The LI description within the Land Use Element of the General Plan provides that this land use designation provides for, “public and quasi-public uses and similar and compatible uses.” A homeless emergency center at 555 Industrial Park Drive is also consistent with the following policies of the General Plan:

Housing Element Policy H-P-43, “The City shall seek to accommodate housing and emergency shelter for residents with special housing needs through appropriate zoning standards and permit processes.” The conditions associated with the CUP reflect appropriate standards to assure that the homeless emergency center continues to be a “good neighbor” to surrounding industrial properties.

Housing Element Policy H-P-45, “The City shall strive to address the shelter needs of its homeless residents by working with service providers.” The CUP provides continued operation of the homeless emergency center which shelters homeless residents; consequently, the CUP directly implements this adopted policy.

Land Use Element Policy LU-P-14, “The City shall promote the development of a variety of housing types and prices to meet the needs of all households, including very low, low, and moderate-income households.” The CUP promotes housing needed to house Manteca’s homeless residents.

FINDING #2: The establishment, maintenance, or operation of the use applied for will not, under the circumstances of the particular case (location, size, design, and operating characteristics), be detrimental to the health, safety, peace, morals, comfort, or general welfare of persons residing or working in the neighborhood of such use or to the general welfare of the city.

DISCUSSION: The operation of a homeless emergency center operated at 555 Industrial Park Drive is not expected to adversely affect the use or enjoyment of the surrounding properties, subject to the implementation of the suggested conditions of approval. With the incorporation and implementation of the conditions of approval, the use will be harmonious with the surrounding land uses. In addition, the use has been in operation and has not been a barrier for surrounding uses to continue operation. Finally, the Manteca Police Department has included conditions of approval to help mitigate any potential law enforcement concerns.

FINDING #3: The proposed use is consistent with the purpose of the applicable district or districts.

DISCUSSION: The LI description within the Land Use Element of the General Plan provides that this land use designation provides for, “public and quasi-public uses and similar and compatible uses.” A homeless emergency center is a public use available to

any of Manteca's homeless residents and conditioned to assure compatibility with surrounding LI-designated properties.

FINDING #4: The proposed use meets the minimum requirements of this Title applicable to the use and complies with all other applicable laws, ordinances, and regulations of the city and state.

DISCUSSION: In addition to the General Plan consistency of the homeless emergency center discussed in Finding #1 above, state housing law requires that each City and County in California provide for emergency shelters within its jurisdiction. California Government Code Section 65589.5, also known as the Housing Accountability Act ("HAA"), limits a local jurisdiction's ability to deny emergency shelters, among other forms of transitional and supportive housing, unless it makes written findings, based upon substantial evidence in the record, as to one of the following:

- The City has met or exceeded the need for emergency shelters.
- The homeless emergency center, as proposed, would have a specific, adverse impact upon public health or safety, and there is no feasible method to satisfactorily mitigate the impact without rendering the homeless emergency center financially infeasible.
- Denial is required in order to comply with specific state or federal law, and there is no feasible method to comply without rendering the homeless emergency center financially infeasible.
- The homeless emergency center is proposed on land zoned for agriculture or resource preservation that is surrounded on at least two sides by land being used for agricultural or resource preservation purposes, or which does not have adequate water or wastewater facilities to serve the project.
- The homeless emergency center is inconsistent with both the jurisdiction's zoning ordinance and general plan land use designation as specified in any element of the general plan as it existed on the date the application was deemed complete, and the jurisdiction has adopted a revised housing element.

Four of the findings are not applicable, as the City has not met or exceeded its need for shelters; there are no specific state or federal laws requiring denial; 555 Industrial Park Drive is not zoned for agricultural uses or resource preservation; and the homeless emergency center is not inconsistent with the zoning ordinance.

As to the fifth finding (bullet point 2 above), since approximately 2019, the City has provided services to persons experiencing homelessness at 555 Industrial Park Drive. To date, there has been no specific, adverse impacts upon public health or safety from the operation of the emergency center. At this time, there are no known public health or safety impacts to mitigate. Therefore, this finding is also inapplicable to the Project, and the City would not be within its authority to deny the CUP.

Therefore, a homeless emergency center at 555 Industrial Park Drive is consistent with applicable laws, ordinances, and regulations of the city and state and staff recommends approval of the Conditional Use Permit.

Fiscal Impact:

There is no fiscal impact with the approval of this Conditional Use Permit.

Documents Attached:

1. Attachment 1 – Resolution
2. Attachment 2 – Exhibit “A” to Attachment 1

RESOLUTION R2022-XX**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
MANTECA, STATE OF CALIFORNIA, APPROVING A
CONDITIONAL USE PERMIT FOR AN EMERGENCY
SHELTER IN THE LIGHT INDUSTRIAL (M-1) ZONING
DISTRICT LOCATED AT 555 INDUSTRIAL PARK DRIVE**

WHEREAS, 555 Industrial Park Drive is a 4.91 acre site (the “Project Site”) previously developed that is surrounded by industrial land uses within the Manteca Industrial Park; and

WHEREAS, 555 Industrial Park Drive is serviced by all utilities and is mapped as Urban environment by the San Joaquin County Multi-Species Habitat Conservation Plan; and

WHEREAS, the City of Manteca is operating an Emergency Center utilizing a previously approved Temporary Use Permit in the paved parking lot area at 555 Industrial Park Drive; and

WHEREAS, the City of Manteca desires to continue to provide needed shelter and support services to Manteca’s homeless residents at 555 Industrial Park Drive; and

WHEREAS, 555 Industrial Park Drive is designated as Light Industrial (LI) in the General Plan and is likewise zoned Light Industrial (M-1); and

WHEREAS, the general plan describes the Light Industrial (LI) land use designation for amongst other uses, “public and quasi-public uses and similar and compatible uses”; and

WHEREAS, an emergency shelter is allowed within the Light Industrial zone upon issuance of a Conditional Use Permit pursuant to Table 17.22.020-1 of the zoning code; and

WHEREAS, the City Council now makes the following findings pursuant to Manteca Municipal Code Section 17.10.130, required for the issuance of a Conditional Use Permit:

1. The proposed use at the Project Site is consistent with the General Plan, any applicable Specific Plan, and all applicable provisions of this Title. The LI description within the Land Use Element of the General Plan provides that this land use designation provides for, “public and quasi-public uses and similar and compatible uses.” A homeless emergency center at 555 Industrial Park Drive is also consistent with the General Plan policies, Housing Element Policy H-P-43, Housing Element Policy H-P-45, and Land Use Element Policy LU-P-14; and

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2. The establishment, maintenance, or operation of the use applied for will not, under the circumstances of the particular case (location, size, design, and operating characteristics), be detrimental to the health, safety, peace, morals, comfort, or general welfare of persons residing or working in the neighborhood of such use or to the general welfare of the city. The implementation of the conditions of approval should alleviate any concerns to health, safety, peace, morals, comfort, or general welfare of persons residing or working in the City. With the incorporation and implementation of the conditions of approval, the use will be harmonious with the surrounding land uses. In addition, the use has been in operation and has not been a barrier for surrounding uses to continue operation. Finally, the Manteca Police Department has included conditions of approval to help mitigate any potential law enforcement concerns; and

3. The proposed use is consistent with the purpose of the applicable district or districts because the LI description within the Land Use Element of the General Plan provides that this land use designation provides for, “public and quasi-public uses and similar and compatible uses.” A homeless emergency center is a public use available to any of Manteca’s homeless residents and conditioned to assure compatibility with surrounding LI-designated properties; and

4. The proposed use meets the minimum requirements of this Title applicable to the use and complies with all other applicable laws, ordinances, and regulations of the City and State because this use is consistent with the requirements of California Government Code Section 65589.5, also known as the Housing Accountability Act (“HAA”). The HAA limits a local jurisdiction’s ability to deny emergency shelters, among other forms of transitional and supportive housing, unless it makes written findings, based upon substantial evidence in the record, as to one of the following:

- The City has met or exceeded the need for emergency shelters.
- The homeless emergency center, as proposed, would have a specific, adverse impact upon public health or safety, and there is no feasible method to satisfactorily mitigate the impact without rendering the homeless emergency center financially infeasible.
- Denial is required in order to comply with specific state or federal law, and there is no feasible method to comply without rendering the homeless emergency center financially infeasible.
- The homeless emergency center is proposed on land zoned for agriculture or resource preservation that is surrounded on at least two sides by land being used for agricultural or resource preservation purposes, or which does not have adequate water or wastewater facilities to serve the project.
- The homeless emergency center is inconsistent with both the jurisdiction’s zoning ordinance and general plan land use designation as specified in any element of the general plan as it existed on the date the application was deemed complete, and the jurisdiction has adopted a revised housing element.

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Four of the findings are not applicable, as the City has not met or exceeded its need for shelters; there are no specific state or federal laws requiring denial; 555 Industrial Park Drive is not zoned for agricultural uses or resource preservation; and the homeless emergency center is not inconsistent with the zoning ordinance.

As to the fifth finding (bullet point 2 above), since approximately 2019, the City has provided services to persons experiencing homelessness at 555 Industrial Park Drive. To date, there has been no specific, adverse impacts upon public health or safety from the operation of the emergency center. At this time, there are no known public health or safety impacts to mitigate. Therefore, this finding is also inapplicable to the Project, and the City would not be within its authority to deny the CUP.

WHEREAS, the City Council now makes the following findings pursuant to CEQA Guidelines, Section 32, Infill Development:

1. The Project Site is consistent with the applicable general plan designation (M-1) and all applicable General Plan Policies (H-P-43, H-P-45, and LU-P-14), and all applicable zoning designation and regulations (LI); and
2. The Project Site is 4.91 acres and within City limits, and is substantially surrounded by other urban uses on land zoned M-1; and
3. The Project Site has no value as habitat for endangered, rare, or threatened species, pursuant to the San Joaquin County Multi-Species Habitat Conservation Plan; and
4. The Project Site would not result in any significant effects relating to traffic, noise, air quality, or water quality, as the site has already been operating as an Emergency Center for persons experiencing homelessness and the level of service provided is anticipated to remain at a same or similar level with the new CUP; and
5. The site is currently adequately served by all required utilities and public services, including without limitation, access to electricity, water, and public transportation.

WHEREAS, the City Council has considered all information related to this matter, as presented at the public meetings of the City Council identified herein, including any supporting reports by City Staff, and any information provided during public meetings.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Manteca, as follows:

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1. The City Council hereby finds that the facts set forth in the recitals to this Resolution are true and correct, and establish the factual basis for the City Council's adoption of this Resolution.
2. The requested Conditional Use Permit is exempt from further environmental review pursuant to CEQA Guidelines Section 15331, Class 32, Infill Development.
3. A public hearing was held in the City of Manteca Council Chambers on November 15, 2022.
4. The requested Conditional Use Permit for the operation of an emergency shelter located at 555 Industrial Park Drive is hereby approved subject to the Conditions of Approval, Exhibit "A" of this resolution.
5. This Resolution shall take effect on the effective date immediately.

I HEREBY CERTIFY that the foregoing Resolution was duly adopted by the City Council of the City of Manteca at a public meeting of said City Council held on the 15th day of November, 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

MAYOR: _____
BENJAMIN J. CANTU
Mayor

ATTEST: _____
CASSANDRA CANDINI-TILTON
City Clerk

EXHIBIT 'A'



CITY OF MANTECA
Development Services Department

Conditions of Approval
November 15, 2022

Project File Numbers: Conditional Use Permit UPN-22-101
Project Name: Emergency Shelter at 555 Industrial Park Drive
Project Address: 555 Industrial Park Drive
APN: 221-190-76

This list of conditions is not intended to be a comprehensive list of City regulations. All conditions are referenced to the Emergency Shelter at 555 Industrial Park Drive which is on file with the City of Manteca, Development Services Department.

Development Services Department Conditions

Planning Division:

1. This project is approved, per the Conditional Use Permit, and as modified by the following conditions of approval, subject to final review and approval by the City of Manteca.
2. All provisions of MMC Chapter 17.76, as amended, shall be complied with during the operation of the emergency shelter, except as amended herein.
3. The emergency shelter facility shall comply with all federal and state licensing requirements.
 4. The emergency shelter facility shall comply with all applicable California Building and Fire Codes, including permits and maximum occupancy restrictions.
 5. If the operational program includes a drug or alcohol abuse counseling component, appropriate state and/or federal licensing shall be required.
 6. The operational program shall identify a transportation system that will provide its clients with a reasonable level of mobility including, but not limited to, access to social services, housing, and employment opportunities.
 7. The emergency shelter shall provide specific mechanisms for residents to contact social services.

EXHIBIT 'A'

8. The operational program shall include clear and acceptable arrangements for facility residents, such as on-site meal preparation or food provision or disbursement.
9. The operational program ensure that school-aged children are enrolled in school during their stay at the facility.
10. The emergency shelter provider shall have a written management plan including, as applicable, provisions for staff training, neighborhood outreach, security, screening of residents to ensure compatibility with services provided at the facility, and for training, counseling, and treatment programs for residents.
11. The operational program may establish written expectations of residents—behavioral, medical, and religious, etc. Expectations of residents will be available to each resident at entry to the shelter and to the public (upon request).
12. The operational program shall have infection control policies in accordance with guidelines of the Centers for Disease Control covering, but not necessarily limited to, COVID-19, HIV/AIDS, hepatitis, and tuberculosis.
13. The emergency shelter shall provide on-site management and support staff at all times during shelter use.
14. They emergency shelter may provide appropriate on-site services as determined by the Director of Development Services and Chief of Police (such services might include laundry facilities, cooking facilities, social or medical facilities or services, etc.).
15. To reduce the possibility of loitering within the public right-of-way, those wishing emergency shelter services shall wait within a designated area within 555 Industrial Park Drive.
16. The Emergency Shelter shall comply with the policies and procedures outlined in the any Management Agreement. Any modifications or deviations from the stated policies and procedures that impact the community shall be approved by the Director of Development Services and Chief of Police. Significant modifications of the approved policies or procedures may require an application for modification of this conditional use permit.
17. It shall be unlawful for any person, who is intoxicated, or under the influence of any illicit drug or controlled substance, to enter, be at, or remain at the emergency shelter.
18. All individuals in the facility are prohibited from possessing or providing alcohol or any illicit drug or controlled substance at any time.
19. Any biomedical waste or contaminated equipment shall be disposed of in accordance with all applicable regulations.
20. Overnight parking shall be limited to the operator and guests. Vehicles shall be kept within the property boundaries at all times.

21. There shall be no stored or abandoned vehicles at any time.
22. There shall be no physical obstruction (at any time) to any on-site drive aisles or parking spaces that may inhibit their use by the operator, employees or guests of the facility to the satisfaction of the Director of Development Services.
23. There shall be no over-night storage (within the parking lot or within the landscape planters) of any vehicles, repair equipment, parts (new or used) or material of any kind, at any time, without obtaining approval from the Director of Development Services.
24. The City and any operator shall make a reasonable effort to work with adjacent businesses to resolve problems associated with the operation of the emergency shelter.
25. The operator shall work cooperatively with the Police Department to resolve any public safety issues that may develop.
26. Security personnel, and other employees and associated staff, shall immediately report to the Manteca Police Department all incidents in which a person could be charged with a felony or misdemeanor, and that are associated with the emergency center operation or guests, when observed by such personnel, or when reported to such personnel by others.
27. Security personnel and staff shall cooperate with city officials and law enforcement personnel, and shall not obstruct or impede their entrance into the premises while in the course of their official duties.
28. These conditions of approval shall be retained on-site at all times. It shall be the operators representative's responsibility to provide these conditions of approval to the Manteca Police Department upon request.
29. The Conditional Use Permit shall be reviewed in one-year (December 2023) and re-reviewed on a yearly (12-month) basis by the Homeless and Housing Manager. If necessary, the City Council may, at any time, consider requesting a public hearing to consider the addition, deletion or of any/all conditions of approval or the revocation of this Conditional Use Permit. The decision to request a hearing to add conditions to the CUP rather than to revoke it shall not preclude the City Council from revoking the CUP in the future or from considering the facts supporting revocation as recited herein from being used in future review and/or revocation proceedings.