



DATE: August 24, 2021

TO: PLANNING COMMISSION

FROM: Tina Wilson, Associate Planner (879-6807, tina.wilson@chicoca.gov)

RE: Modification 21-02 to Use Permit 01-09-B (Torres Shelter), 101 Silver Dollar Way, APN 005-560-037

Files: MOD 21-02,
UP 01-09-B

SUMMARY

The applicant proposes to modify a previously approved conditional use permit to change the number of guests at the Torres Shelter from 125 to 195 people. The modification application also requests updates to the previous conditions of approval. No significant changes to the exterior of the existing facilities are proposed at this time. The 1.15acre project site is located on the south side of Silver Dollar Way, approximately 500 feet west of Dr. Martin Luther King Jr. Parkway. No project issues have been identified. Planning staff recommends approval, subject to conditions.

Recommendation:

Planning staff recommends adoption of Resolution No. 21-07 (**Attachment A**), approving the modification to the conditional use permit, subject to the attached conditions.

Proposed Motion:

I move that the Planning Commission adopt Resolution No. 21-07 approving the modification to the conditional use permit, subject to the attached conditions.

BACKGROUND

On April 19, 2001, the Planning Commission approved Use Permit 01-09-B, authorizing a permanent, year-round emergency shelter to accommodate sleeping quarters for approximately 100 men, 25 women and four families, as well as ancillary uses, including, but not limited to, office uses, medical exams, counseling and related services, vocational training, showers, laundry facilities, a commercial kitchen, a banquet/conference facility with a dining area for approximately 125 guests, a children's play room, child care for guests, self-help auto and bike repair, storage space, a community garden area, and meeting rooms.

The applicant proposes to increase the number of guests at the Torres Shelter by 70 people, for a total of up to 195 people. The site is located on the south side of Silver Dollar Way (see Location/Notification Map, **Attachment B**). The site is designated Manufacturing and Warehousing (MW) on the City of Chico General Plan Land Use Diagram and zoned ML (Light Manufacturing). The site is currently developed with the existing shelter facilities. Surrounding land uses include Costco to the north, Valley View Apartments to the south, California Water Service facilities to the east, and recreational uses to the west.

DISCUSSION

Planning staff forwarded the application to the Building Official and Fire Prevention Officer for review. The Building Official noted that there is an occupant load of 407 according to the Certificate of Occupancy and it is a sprinklered building. The Fire Prevention Officer had no comments regarding the increase in guests and noted that the Fire Department inspects this occupancy annually. No additional conditions were recommended for the modification to the use permit.

The applicant has also requested updates to the original conditions of approval. The modified recommended conditions of approval are included in **Attachment A, Exhibit II** and have been renumbered to reflect the changes noted herein. Planning staff recommends the following changes to the original conditions (*italicized*) for UP 01-09-B (deletions noted by strike-through and additions noted by underlining) below:

1. *The emergency shelter shall be developed in substantial accord with the project description included under Section II of the staff report dated April 12, 2001.*
2. *The operator shall comply with all other State and local Code provisions, including those of the Building Division, Fire Department and the Department of Public Works. The operator is responsible for contacting these departments to verify the need for permits.*
3. *Prior to operation of this use, the operator shall install a six foot masonry wall between the subject site and the proposed BMX park to the south if it has not already been installed. Additional fencing shall be installed around the remaining perimeter of the site. All fencing shall be subject to architectural review and approval.*

~~*Prior to operation of this use, the operator shall install a six foot masonry wall between the subject site and the proposed BMX park to the south if it has not already been installed. Additional fencing shall be installed around the remaining perimeter of the site. All fencing shall be subject to architectural review and approval.*~~

Condition No. 3 above has been deleted since the Valley View Apartments have been built where the wall would have been located. The applicant also states that fencing should not be required and Planning staff agrees.

4. *Guests of the shelter shall be required to arrive by 9:00 p.m. each night.*

~~*Guests of the shelter shall be required to arrive by 9:00 p.m. each night.*~~

Condition No. 4 above has been deleted since the Torres Shelter is a 24-hour facility, which is required by Federal funding for "low barrier shelters."

5. *For the emergency shelter, parking shall be provided based on one space for every four seats that can be accommodated in the dining hall plus one space for every 300 square feet of floor area devoted to office use.*

~~*For the emergency shelter, parking shall be provided based on one space for every five beds one space for every four seats that can be accommodated in the dining hall plus one*~~

~~space for every 300 square feet of floor area devoted to office use.~~

Condition No. 5 above has been modified to reflect that the parking requirement has been changed to one parking space per five beds, which is a ratio used at other shelters.

6. *The facility is subject to architectural review and approval prior to issuance of building permits.*

In the event there are substantial exterior alterations proposed to the shelter facilities in the future, Planning staff recommends keeping Condition No. 6, which would require site design and architectural review and approval.

7. *Staff of the emergency shelter shall be present 24 hours a day to provide supervision of shelter guests and activities.*
8. *The operator shall provide daily monitoring and patrolling of the subject site, adjacent area and residential neighborhood located to the west (area bounded by 21st, 23rd, Fair and Mulberry Streets) to ensure that guests of the shelter are not loitering, littering, creating any disruptive nuisances, or engaging in any unlawful activities. Such monitoring shall be conducted as often as necessary to accomplish this purpose. The site and adjacent right of way shall also be cleared of litter on a daily basis. The operator shall provide area residents and businesses with the name(s) and phone number(s) of shelter personnel who should be contacted in the event problems arise.*
9. *Prior to operation of the shelter, the operator shall provide the Planning Division with a current list of rules and regulations for shelter guests. These rules and regulations shall be in substantial compliance with the Chico Community Shelter Partnership's list for 2000-2001 (on file with the Planning Division).*

~~Prior to operation of the shelter, the operator shall provide the Planning Division with a current list of rules and regulations for shelter guests. Guests are subject to shelter rules and regulations. These rules and regulations shall be in substantial compliance with the Chico Community Shelter Partnership's list for 2000-2001 (on file with the Planning Division).~~

Condition No. 9 above has been modified to clarify that Planning staff does not need to retain a copy of the shelter's current list of rules and regulations for shelter guests.

10. *Prior to the operation of the shelter, the operator shall submit a plan for transporting guests to and from the shelter. In order to discourage foot traffic through the residential neighborhood to the west, the operator shall provide either a shuttle service to and from the shelter, shall offer guests free bus passes for the Chico Area Transit Services (CATS), and/or shall provide vouchers for use with local taxi companies.*

Prior to the operation of the shelter, the operator shall submit a plan for transporting guests to and from the shelter. In order to discourage foot traffic through the residential neighborhood to the west, the operator shall provide either a shuttle service to and from the shelter, shall offer guests free bus passes for Butte Regional Transit (Butte County Association of Governments, BCAG) ~~the Chico Area Transit Services (CATS)~~, and/or shall

provide vouchers for use with local taxi companies.

Condition No. 10 above has been modified to clarify the current transit agency (i.e., Butte Regional Transit) that will assist in transporting guests to and from the Torres Shelter.

11. *The operator shall provide reports of monitoring and any problems encountered on a monthly basis for the first six months of operation, and on a quarterly basis thereafter.*

~~*The operator shall provide reports of monitoring and any problems encountered on a monthly basis for the first six months of operation, and on a quarterly basis thereafter.*~~

Condition No. 11 above has been deleted because Housing Division staff already receives these reports pursuant to funding agreements with the operator.

12. *The applicant shall defend, indemnify, and hold harmless the City of Chico, its boards and commissions, officers and employees against and from any and all liabilities, demands, claims, actions or proceedings and costs and expenses incidental thereto (including costs of defense, settlement and reasonable attorney's fees), which any or all of them may suffer, incur, be responsible for or pay out as a result of or in connection with any challenge to or claim regarding the legality, validity, processing or adequacy associated with: (i) this requested entitlement; (ii) the proceedings undertaken in connection with the adoption or approval of this entitlement; (iii) any subsequent approvals or permits relating to this entitlement; (iv) the processing of occupancy permits and (v) any amendments to the approvals for this entitlement. The City of Chico shall promptly notify the applicant of any claim, action or proceeding which may be filed and shall cooperate fully in the defense, as provided for in Government code section 66474.9.*

Condition No. 12 is a new condition that has been added to the modification request. It is a standard condition of approval for discretionary projects such as use permits.

GENERAL PLAN CONSISTENCY

The following General Plan policies apply to the proposed modification to a previously approved use permit request:

Goal H.4: Encourage the creation of housing for persons with special needs.

Policy H.4.5: Seek to provide temporary housing for persons who are recently homeless or at risk of becoming homeless.

Policy H.4.6: Encourage the development of housing for homeless and extremely low-income persons.

Policy LU-4.2 (Infill Compatibility) - Support infill development, redevelopment, and rehabilitation projects that are compatible with surrounding properties and neighborhoods.

Action LU-2.3.1: City incentives, including but not limited to: Priority project processing, Deferral of development impact or permit fees, Flexibility in development standards such as parking, setbacks, and landscaping requirements, Density and intensity bonuses; Support for infrastructure upgrades.

Policy PPF5-7.2 (Health and Social Services) – Support efforts to improve and expand health and social services for all segments of the community.

MUNICIPAL CODE CONFORMANCE

Emergency shelters are defined by CMC Chapter 19.04 as “A facility which provides emergency shelter to homeless individuals and/or groups or others in need of shelter. Such accommodations include lodging and may in addition include meals, laundry facilities, bathing, counseling, and other basic support services.”

Pursuant to Chico Municipal Code Chapters 19.44 and 19.46 allow emergency shelters in the ML zoning district, subject to use permit approval. This use permit has been processed in accordance with the requirements of Chapter 19.24 (*Use Permits*).

FINDINGS

Environmental Finding

The project has been determined to be categorically exempt under CMC Section 1.40.220 and pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15301 (Existing Facilities). Consistent with this exemption, the modification to the previously approved conditional use permit involves negligible expansion of an existing use.

Use Permit Findings

Following a public hearing, the Planning Commission may approve a use permit application, with or without conditions, only if all of the following findings can be made:

- A. *The proposed use is allowed within the subject-zoning district and complies with all of the applicable provisions of Chapter 19.24 (Use Permits).*

Chico Municipal Code Chapters 19.44 and 19.46 allow emergency shelters in the ML zoning district, subject to use permit approval. This use permit has been processed in accordance with the requirements of Chapter 19.24 (*Use Permits*).

- B. *The proposed use would not be detrimental to the health, safety, and general welfare of persons residing or working in the neighborhood of the proposed use.*

Operation of an emergency shelter use with up to a total of 195 beds at the existing Torres Shelter site on Silver Dollar Way would not be detrimental to the health, safety, or general welfare of persons residing or working in the neighborhood because it represents a combination of residential uses and office uses, and the area is developed with a combination of residential, commercial and light manufacturing uses. The facility has operated successfully for nearly two decades with no major disruptions or disturbances to the neighborhood.

- C. *The proposed use will not be detrimental and/or injurious to property and improvements in the neighborhood of the proposed use, as well as the general welfare of the City.*

The existing emergency shelter use with up to a total of 195 beds will not be detrimental or injurious to property and improvements in the neighborhood of the proposed modification to the existing use, or the general welfare of the City because it will involve relatively low levels of traffic as a residential facility with onsite services and management staff. The proposed modification to the existing use is conditioned to comply with all applicable building and development standards. No other impacts to property or improvements outside of the project site have been identified.

- D. *The proposed use will be consistent with the policies, standards, and land use designations established by the General Plan.*

The proposed modification to the previously approved conditional use permit is consistent with the General Plan policies that promote temporary housing for homeless persons (LU-5, LU-5.1, H.4.5). The use is further supported by General Plan Policies PPFS-7.2 and H.4.1, which encourage efforts to improve and expand social services for all segments of the community, and is consistent with General Plan Goal H.4, which encourages the creation of housing for those with special housing needs.

- E. *The design, location, size, and operating characteristics of the proposed use are compatible with the existing and future land uses in the vicinity.*

Authorizing up to 195 beds at the existing Torres Shelter will result in a land use that has been and will continue to be compatible with surrounding development.

As supported by the Conditions of Approval (Exhibit I to **Attachment A**), and this staff report, the proposed modification to a previously approved conditional use permit conforms with the requirements of Title 19 of the Chico Municipal Code and would be consistent with the Chico General Plan.

PUBLIC CONTACT

A 10-day public hearing notice was mailed to all landowners and residents within 500 feet of the site, and a legal notice was published in the *Chico Enterprise Record*. As of the date of this report no correspondence has been received in response to the public notice.

DISTRIBUTION:

PC Distribution
AP Tina Wilson
Files: MOD 21-02, UP 01-09-B

External

Russell, Gallaway, Associates Inc., Attn: Matt Gallaway, 115 Meyers Street, Suite #110, Chico, CA 95928, Email: matt@rgachico.com
True North Housing Alliance / Torres Shelter, 101 Silver Dollar Way, Chico, CA 95928

ATTACHMENTS:

- A. Planning Commission Resolution No. 21-07
Exhibit I Conditions of Approval for MOD 21-02 to UP 01-09-B
- B. Location/Notification Map
- C. Existing Site Plan
- D. Letter from applicant

1 **RESOLUTION NO. 21-07**

2 **RESOLUTION OF THE CITY OF CHICO PLANNING COMMISSION**
3 **APPROVING MODIFCATION 21-02 TO CONDITIONAL USE PERMIT 01-09-B**
4 **(TORRES SHELTER)**

5 WHEREAS, an application has been submitted to modify a previously approved
6 conditional use permit to change the number of guests from 125 to 195 people and update previous
7 conditions of approval for the Torres Shelter located at 101 Silver Dollar Way, identified as
8 Assessor’s Parcel No. 005-560-037 (the “Project”); and

9 WHEREAS, the Planning Commission considered the Project, staff report, and comments
10 submitted at a noticed public hearing held on September 2, 2021; and

11 WHEREAS, the Project has been determined to be categorically exempt pursuant to the
12 Guidelines for the California Environmental Quality Act, 14 CCR Section 15301 (Existing
13 Facilities) because the Project involves negligible expansion of an existing use.

14 NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF
15 THE CITY OF CHICO AS FOLLOWS:

- 16 1. With regard to the modification to the use permit the Planning Commission finds that:
- 17 A. The proposed emergency shelter use is allowed within the subject zoning district (ML)
18 and complies with all of the applicable provisions of Chapter 19.24 (Use Permits) in that,
19 pursuant to Chico Municipal Code (CMC) Sections 19.44.020 and 19.46.020, emergency
20 shelters may be allowed in the ML (Light Manufacturing) zoning district, subject to use
21 permit approval. This modification to the original use permit has been processed in
22 accordance with CMC 19.24; and
 - 23 B. Operation of an emergency shelter use with up to a total of 195 beds at the existing Torres
24 Shelter site on Silver Dollar Way would not be detrimental to the health, safety, or general
25 welfare of persons residing or working in the neighborhood because it represents a
26 combination of residential uses and office uses, and the area is developed with a
27 combination of residential, commercial and light manufacturing uses. The facility has
28 operated successfully for nearly two decades with no major disruptions or disturbances to

1 the neighborhood; and

2 C. The existing emergency shelter use with up to a total of 195 beds will not be detrimental
3 or injurious to property and improvements in the neighborhood of the proposed
4 modification to the existing use, or the general welfare of the City because it will involve
5 relatively low levels of traffic as a residential facility with onsite services and management
6 staff. The proposed modification to the existing use is conditioned to comply with all
7 applicable building and development standards. No other impacts to property or
8 improvements outside of the project site have been identified; and

9 D. The proposed modification to the previously approved conditional use permit is consistent
10 with the General Plan policies that promote temporary housing for homeless persons (LU-
11 5, LU-5.1, H.4.5). The use is further supported by General Plan Policies PPFS-7.2 and
12 H.4.1, which encourage efforts to improve and expand social services for all segments of
13 the community, and is consistent with General Plan Goal H.4, which encourages the
14 creation of housing for those with special housing needs; and

15 E. Authorizing up to 195 beds at the existing Torres Shelter will result in a land use that has
16 been and will continue to be compatible with surrounding development.

17 2. Based on all of the above, the Planning Commission hereby approves the Project, subject to
18 the conditions set forth in Exhibit I, attached hereto.

19 3. The Planning Commission hereby specifies that the materials and documents which constitute
20 the record of proceedings upon which its decision is based are located at and under the custody
21 of the City of Chico Community Development Department.

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1 THE FOREGOING RESOLUTION WAS ADOPTED at a meeting of the Planning
2 Commission of the City of Chico held on September 2, 2021, by the following vote:

3 AYES:

4 NOES:

5 ABSENT:

6 ABSTAIN:

7 DISQUALIFIED:

8 ATTEST:

APPROVED AS TO FORM:

9

10

11 _____
12 Bruce Ambo
13 Planning Commission Secretary

Vincent C. Ewing, City Attorney*

13

14

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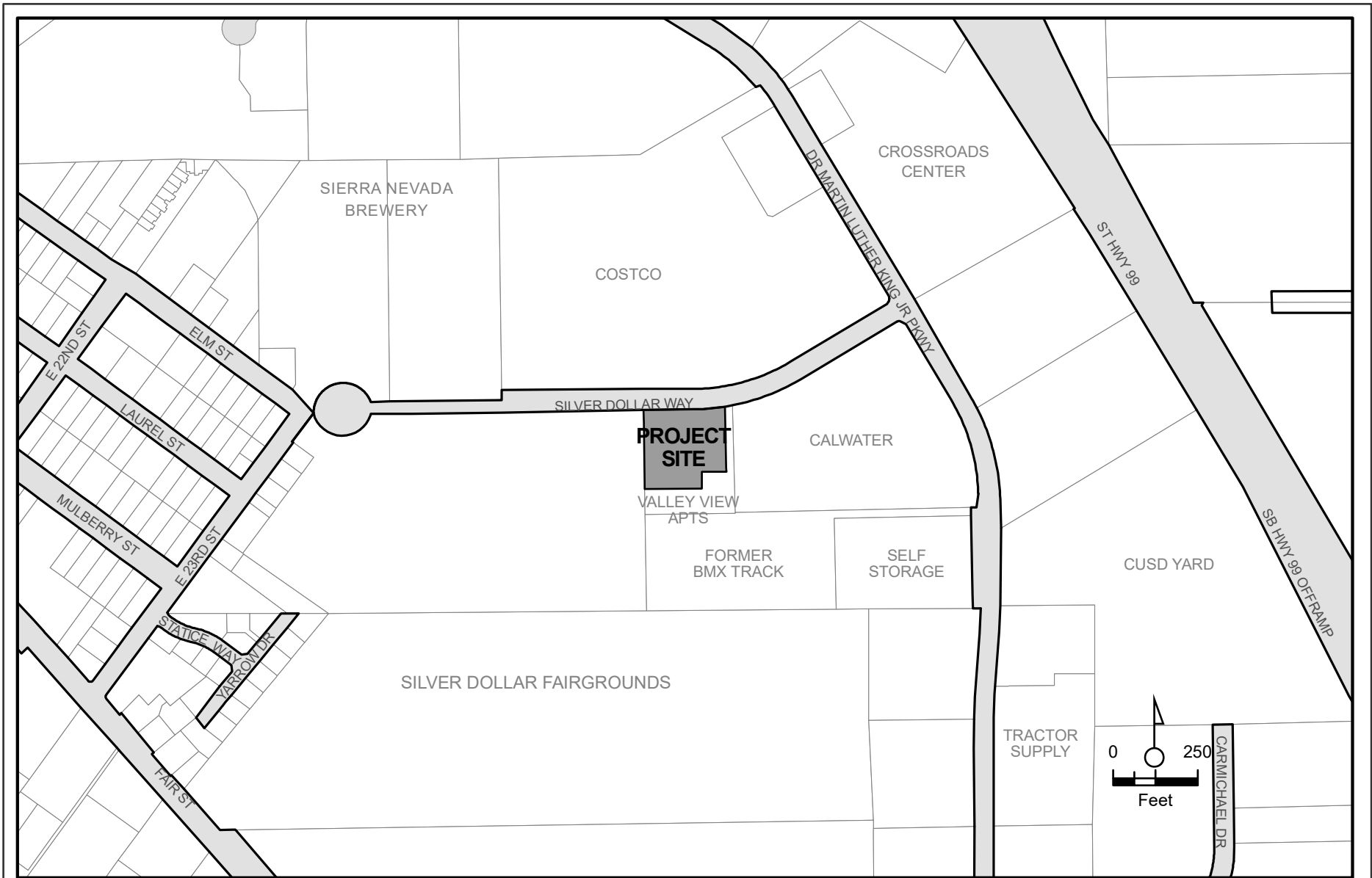
*Pursuant to The Charter of
the City of Chico, Section 906(E)

EXHIBIT "I"
CONDITIONS OF APPROVAL FOR MODIFICATION 21-02 TO USE PERMIT 01-09-B
(TORRES SHELTER)

1. The emergency shelter shall be developed in substantial accord with the project description included under Section II of the staff report dated April 12, 2001.
2. The operator shall comply with all other State and local Code provisions, including those of the Building Division, Fire Department and the Department of Public Works. The operator is responsible for contacting these departments to verify the need for permits.
3. For the emergency shelter, parking shall be provided based on one space for every five beds.
4. The facility is subject to architectural review and approval prior to issuance of building permits.
5. Staff of the emergency shelter shall be present 24 hours a day to provide supervision of shelter guests and activities.
6. The operator shall provide daily monitoring and patrolling of the subject site, adjacent area and residential neighborhood located to the west (area bounded by 21st, 23rd, Fair and Mulberry Streets) to ensure that guests of the shelter are not loitering, littering, creating any disruptive nuisances, or engaging in any unlawful activities. Such monitoring shall be conducted as often as necessary to accomplish this purpose. The site and adjacent right of way shall also be cleared of litter on a daily basis. The operator shall provide area residents and businesses with the name(s) and phone number(s) of shelter personnel who should be contacted in the event problems arise.
7. Guests are subject to shelter rules and regulations. These rules and regulations shall be in substantial compliance with the Chico Community Shelter Partnership's list for 2000-2001 (on file with the Planning Division).
8. Prior to the operation of the shelter, the operator shall submit a plan for transporting guests to and from the shelter. In order to discourage foot traffic through the residential neighborhood to the west, the operator shall provide either a shuttle service to and from the shelter, shall offer guests free bus passes for Butte Regional Transit (Butte County Association of Governments, BCAG), and/or shall provide vouchers for use with local taxi companies.
9. The applicant shall defend, indemnify, and hold harmless the City of Chico, its boards and commissions, officers and employees against and from any and all liabilities, demands, claims, actions or proceedings and costs and expenses incidental thereto (including costs of defense, settlement and reasonable attorney's fees), which any or all of them may suffer, incur, be responsible for or pay out as a result of or in connection

Exhibit "I"

with any challenge to or claim regarding the legality, validity, processing or adequacy associated with: (i) this requested entitlement; (ii) the proceedings undertaken in connection with the adoption or approval of this entitlement; (iii) any subsequent approvals or permits relating to this entitlement; (iv) the processing of occupancy permits and (v) any amendments to the approvals for this entitlement. The City of Chico shall promptly notify the applicant of any claim, action or proceeding which may be filed and shall cooperate fully in the defense, as provided for in Government code section 66474.9.



MOD 21-02 to UP 01-09 (Torres Shelter)
 101 Silver Dollar Way
 APN 005-560-037-000





RUSSELL,
GALLAWAY
ASSOCIATES inc.

115 MEYERS STREET
SUITE 110
CHICO, CA 95928
530 342 0302

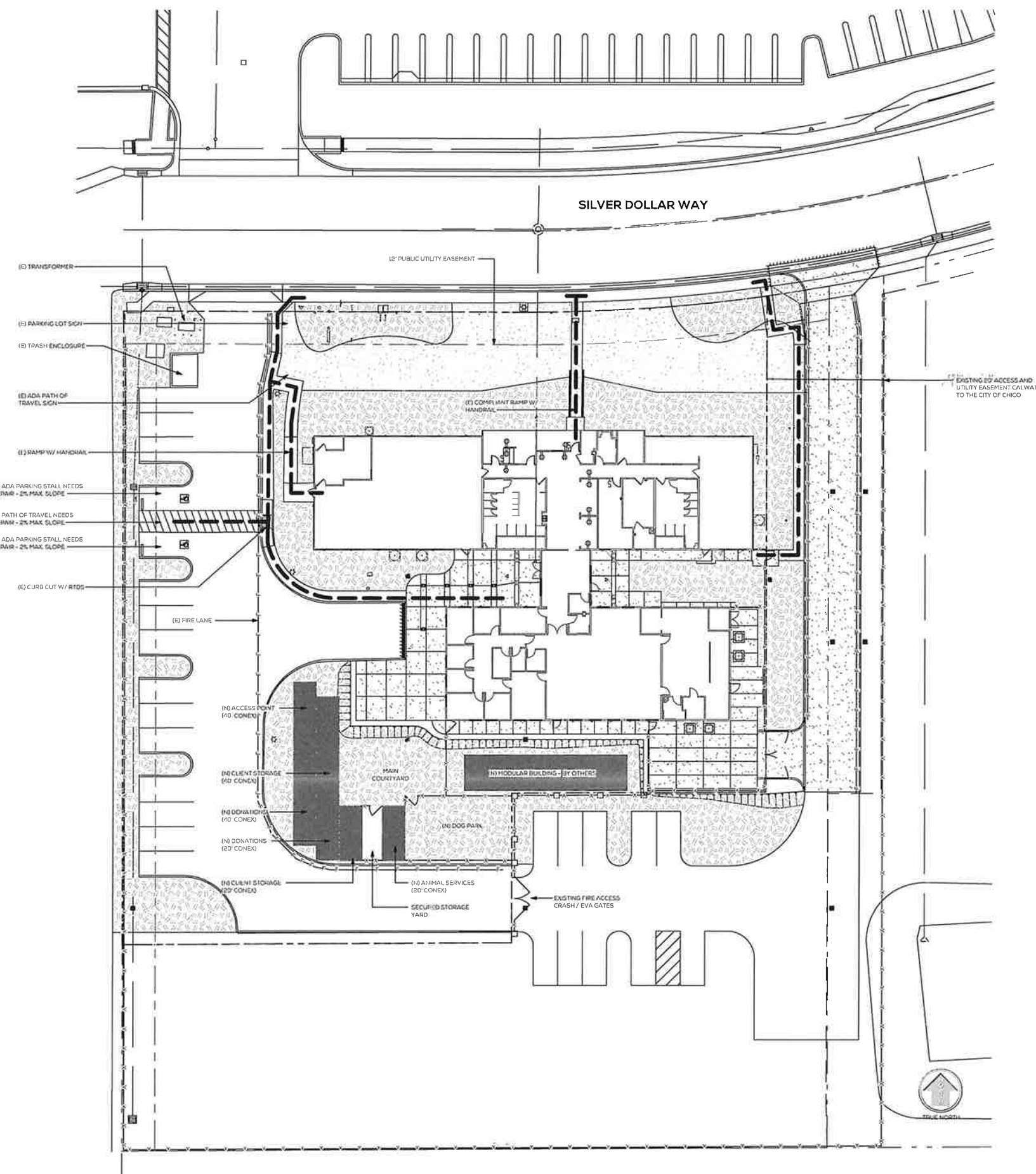
www.rgachico.com

PROJECT
**TORRES
SHELTER**

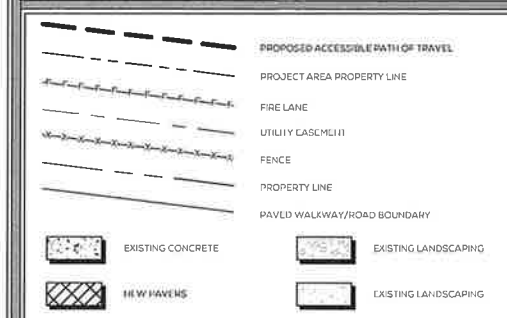
OWNER
**TRUE NORTH
HOUSING
ALLIANCE**

PROJECT ADDRESS
**101 SILVER
DOLLAR WAY
CHICO, CA
95928**

ASSESSORS PARCEL
NUMBER
005-560-037



CC - OVERALL SITE PLAN
SCALE: 1/16" = 1'-0"



PATH OF TRAVEL NOTES:
"PATH OF TRAVEL" (P.O.T.), AS INDICATED, IS A COMMON BARRIER-FREE ACCESS ROUTE WITHOUT ANY ABRUPT VERTICAL CHANGES EXCEEDING 1/8" BEVELED AT 1:2 MAXIMUM SLOPE, EXCEPT THAT LEVEL CHANGES DO NOT EXCEED 1/4" VERTICAL AND IS AT LEAST 48" WIDE. THE PATH SURFACE IS SLIP RESISTANT, STABLE, FIRM AND SMOOTH. PASSING SPACES (118"-00" G 3) AT LEAST 60" X 60" ARE LOCATED NOT MORE THAN 1200' APART. THE CROSS-SLOPE DOES NOT EXCEED 2% AND SLOPE IN THE DIRECTION OF TRAVEL AND IS LESS THAN 5% UNLESS OTHERWISE INDICATED. (P.O.T.) SHALL BE MAINTAINED FREE OF OVERHANGING OBSTRUCTIONS TO 8" MINIMUM (118"-00"-4) AND PROTRUDING OBJECTS GREATER THAN 4" PROJECTION FROM WALL AND ABOVE 27" AND LESS THAN 80" (118"-307.2).

AA - SITE LEGEND
SCALE: NONE

RG&A PROJECT #	19-478
PLAN CHECK #	800-0348
DRAWN	CD
CHECKED	JRZ
STATUS DATE	2020 03 13
RESUBMITAL	2020 05 28
SUPPLEMENTAL	2021 07 13

**OVERALL
SITE PLAN**

A0.1



07/13/2021

Plan Reviewer
City of Chico - Planning Services Department
411 Main Street
Chico, CA 95927

RE: Torres Shelter
101 Silver Dollar Way
Chico, CA 95928
APN #005-560-037

Dear Planner,

The primary intent of this application is to update the existing Conditional Use Permit to better quantify the number of guests in the facility. At present the number of guests is unclear – somewhere between 125 and 145. The Torres Shelter is adding beds and would like to clarify this number to be 195 guests. Additionally, when reviewing the conditions of the existing Conditional Use Permit we noted several items to be “out of date” and would respectfully request the following changes:

#3. The location request for a fence has been replaced with the Valley View Apartments. No fence should be required.

#4. This is a 24-hour shelter as is required by Federal Funding for “low barrier shelters.”

#5. The Parking Ratio from the old Title 19 requirements is not really applicable to the Torres Shelter. The ration being the ratio used at other shelters is 1:5 beds.

#6. ARB reviewed the project in 2001, there are no significant alterations to the exterior proposed.

#9. It is unclear if the requested “rules and regulations for shelter guests” were provided to the City in 2001. Is it sufficive to state that “guests are subject to shelter rules and regulations?”



115 Meyers Street Suite 110 Chico, California 95928

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t 530 342 0302 f 530 342 1882 www.rgachico.com

#10. CATS is now BCAG. BCAG's shelter to the east is the primary location for public transit and assists guests in not traveling through the residential neighborhood to the west. Additionally in 2009, Sierra Nevada Brewing Company in conjunction with the Fairgrounds fenced off access to the west.

11. The operator has not submitted reports to the City in many years. Should this still be a condition of the Conditional Use Permit.

Sincerely,

Matt Gallaway: AIA, LEED AP
Russell, Gallaway Associates, Inc.