



COUNTY OF LAKE
COMMUNITY DEVELOPMENT DEPARTMENT
Planning Division
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Item #5
9:25 AM
MAY 26, 2022

STAFF REPORT

TO: Planning Commission

FROM: **Mary Darby**, Community Development Director
Eric Porter, Associate Planner

DATE: May 26, 2022

SUBJECT: **General Plan Conformity, GPC 22-05, CE 22-19**
Supervisor District 1

ATTACHMENTS: 1. Vicinity Map
2. Elijah House Project Description

I. EXECUTIVE SUMMARY

Lake County owns a 4.29 acre property located at 1111 Whalen Way, Lakeport. The Elijah House seeks to purchase the property to convert the juvenile hall building into a homeless shelter. This General Plan of Conformity is the first step prior to the rezone and major use permit being undertaken by the County.

Staff recommends approval of the General Plan Conformity, GPC 22-05, and adoption of the Categorical Exemption to CEQA, CE 22-19.

II. PROJECT DESCRIPTION

Applicant: County of Lake

Location: 1111 Whalen Way, Lakeport, CA 95453

APN: 004-029-41

General Plan: Public Facilities, Resource Conservation

Zoning: "O – SC – FF - WW" Open Space – Scenic Combining – Floodway
Fringe - Waterway

III. PROJECT SETTING

Existing Uses and Improvements: The property has historically been used as a juvenile hall facility. The juvenile hall was closed and the property is considered as surplus county property. The Elijah House now seeks to purchase the property, however a rezone is required prior to the property being used as a homeless shelter per Article 27

of the Lake County Zoning Ordinance, and a major use permit will be required for the establishment of the homeless shelter. The General Plan of Conformity is the first step required prior to the zone change and major use permit being considered.

Topography: The site is mostly flat.

Soils: According to the soil survey of Lake County, prepared by the U.S.D.A., the soil on the developed portion of the site is unit type 233 Still loam, stratified substratum. This soil type occurs on land that is between 0 and 2% slope. The permeability is moderately slow, surface runoff is slow, and the hazard of erosion is slight.

Fire Protection: Lakeport Fire Protection District

IV. BACKGROUND

The subject site had historically been used as the Lake County Juvenile Hall. The Juvenile Hall closed recently, and the land became surplus to the County.

The Elijah House Foundation currently leases the subject site, located at 1111 Whalen Way in Lakeport, CA from Lake County and provides emergency shelter services through a contract with Lake County Behavioral Health. Acquisition and investment in this property would help the Elijah House Foundation provide a permanent location to offer emergency shelter services. In addition, this acquisition would also allow for the expansion of services that Elijah House Foundation service providers have recognized are highly needed by those who are homeless or at risk of homelessness served at the temporary Emergency Shelter. In addition to providing emergency shelter services, some of these new services may include Transitional Mental Health treatment, Mental Health Housing, Behavioral Health Counseling, Healthcare Navigation and stabilization, Reentry for Justice Involved, Job Development and on the job training, and independent living skill development.

General Plan of Conformity. In order for the County to sell this surplus land for eventual permanent use as a homeless shelter, the County must first determine that the homeless shelter use is (a) allowed by the General Plan designation; (b) permitted in the zone that it is proposed for, and (c) meets all applicable General Plan, Area Plan and Zoning Ordinance regulations for the use that is intended. This is the first step in these three steps necessary to establish the homeless shelter on the subject site.

V. PROJECT DETAILS

This project is ultimately a three-step process;

1. Approval of this General Plan of Conformity application.
2. Rezone the property from "O – SC – FF - WW" Open Space – Scenic Combining – Floodway Fringe – Waterway to "RL – SC – FF – WW", Rural Lands - Scenic Combining – Floodway Fringe – Waterway. Homeless shelters are a permitted use in the RL zoning district with a major use permit.

3. Apply for and receive approval for a Major Use Permit with Early Activation to allow immediate use of the property as a homeless shelter during the major use permit review process.

The applicant can do any necessary interior improvements during or after the County review process(es) that are required to establish the use are completed.

VI. GENERAL PLAN CONFORMANCE

The County is seeking to sell the property to enable this property to be used as a homeless shelter within the greater Lake County. There is a substantial need for homeless shelters within Lake County based on General Plan, Housing Element goals and policies, and based on discussions previously held by the Board of Supervisors on this subject. The sale of this property is also consistent with the following Lake County General Plan Policies:

- **Policy HE-1.15**, *“The County shall promote infill development on appropriate sites in existing neighborhoods and reuse underutilized parcels throughout the County.”*
- **Policy HE-3.1**, *“The County shall work toward the rehabilitation of the existing housing stock and strive to replace housing units where necessary.”*
- **Policy HE-3.2**, *“The County shall continue to encourage regular maintenance of housing as a means of conserving existing housing stock.”*

Staff asserts that the intent of these policies would be met through reselling this property into private ownership, which in this case will ensure that the existing facility will be utilized; conserving and maintaining the public use of the property in a manner that is consistent with the Housing Section policies of the Lake County General Plan.

Chapter 4 – Housing Element – Definitions and Policies

Emergency Shelters

In accordance with SB 2 amendments to Sections 65582-65589 of the California Government Code, every locality must identify a zone or zones where emergency shelters are allowed as a permitted use without a conditional use or other discretionary permit. California Health and Safety Code Section 50801(c) defines emergency shelters as: “housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. No individual or household may be denied emergency shelter because of inability to pay.” The identified zone or zones must include sufficient capacity to accommodate the need for emergency shelter as identified in the housing element, except that all local governments must identify a zone or zones to accommodate at least one year-round shelter. Adequate sites/zones can include existing facilities that can be converted to accommodate the need for emergency shelters. (Source: Lake County General Plan, Chapter 4, Housing Element.)

The Lake County Zoning Ordinance includes provisions for the use of community care facilities, which are defined as any facility, place, or building which is maintained and operated to provide non-medical residential care, emergency shelters, adult day care, or home finding agency services for children, adults, or children and adults, including, but not limited to, the physically handicapped, mentally impaired, or incompetent persons. Community care facility shall include residential facility, residential care facility for the elderly, adult day care facility, home finding agency, and social rehabilitation facility, as defined in Section 1502 of the Health and Safety Code. *(Source: Lake County General Plan, Housing Element, page 3-32)*

Community care facilities, which by the zoning definition includes emergency shelters, are allowed with a use permit in RL, RR, SR, R1, R2, R3, C1, C2 and C3 Zoning Districts. State law requires the consideration of emergency shelters within residential districts that must only be subject to the same restrictions that apply to similar housing types in the same zone.

Response: *The property will undergo a rezone and a major use permit in order to establish the emergency shelter as a permitted use. The first step in this permit process is to evaluate the use of the land as a homeless shelter under the current designation of Public Facility land as it is identified in the General Plan.*

Definition: Homeless: Lake County accepts the HUD Definition, as follows:

For purposes of this chapter, the term "homeless" or "homeless individual or homeless person" includes: an individual who lacks a fixed, regular, and adequate nighttime residence; and an individual who has a primary nighttime residence that is:

- A. A Supervised publicly or privately operated shelter designed to provide temporary living accommodations (including welfare hotels, congregate shelters, and transitional housing for the mentally ill);
- B. An institution that provides a temporary residence for individuals intended to be institutionalized; or
- C. A public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.

(Source: Lake County General Plan, Chapter 4, Housing Element)

According to HUD's definition, a person who is "chronically homeless" is an unaccompanied homeless individual with a disabling condition (e.g., substance abuse, serious mental illness, developmental disability, or chronic physical illness) who has either been continuously homeless for a year or more, or has had at least four episodes of homelessness in the past three years. In order to be considered chronically homeless, a person must have been sleeping in a place not meant for human habitation and/or in an emergency homeless shelter.

Lake County further acknowledges that:

Homeless persons are those in need of temporary or emergency shelter. They are individuals who lack a regular nighttime residence. Some are in need of short-term (immediate crisis) shelter, while others have long-term (chronic) needs. The homeless represent a broad category including single men and women, couples, families, displaced youths without parents, and seniors. They can include individuals who are victims of economic dislocation, physically disabled, teen parents with their children, veterans, hospital and jail discharges, alcohol and drug abusers, survivors of domestic violence, persons with AIDS, immigrants, refugees, and farm labor workers.

- **Policy HE-4.6 Emergency Housing Tenure.** The County shall amend the Zoning Ordinance to allow stays in emergency shelters up to 180 days.

Response: *This General Plan policy will be used if the shelter is able to be approved through the processes stated previously.*

- **Policy HE-4.7 Increased Emergency Housing Locations.** The County shall amend the Zoning Ordinance to remove the requirement that emergency shelters not be located within 300 feet from each other.

Response: *The site is not located within 300 feet of another similar shelter.*

General Plan, Chapter 3 – Land Use

Public Facilities

This land use category establishes areas for services and facilities which are necessary to maintain the welfare of the community and the natural environment. Typical uses include parks, public marinas, schools, civic centers, hospitals, liquid and solid waste disposal and recycling sites, cemeteries, and public utility facilities including water and wastewater treatment facilities. This designation does not preclude future facilities from being located outside noted locations. This designation is located both inside and outside of Community Growth Boundaries.

Response: *Based on HUD's definition of emergency shelters, and based on the County deferral to HUD's definition of emergency shelters, the County finds that the emergency shelter use of the property is appropriate under the category of Public Facilities.*

Lakeport Area Plan Conformance

5.2 Housing

State planning law requires counties and cities to revise and update their housing elements every five years. The Lake County Housing Element was last updated in 1992 and sets overall goals, objectives and programs. This document must be updated in 2003 as required by Senate Bill 256, Chapter 819. State law requires that Lake County address statewide housing goals (*note: the Housing Element was last updated in 2019; this update occurred after the Lakeport Area Plan was adopted*):

Goals:

- ◆ To assist in the development of housing for all income groups, particularly low and moderate income households;
- ◆ To provide adequate and sufficient sites for the development of all types of housing, particularly multi-family rentals and housing for the homeless

Policies:

- 5.2.1.e Provide a wider variety of accommodations for the homeless.

Implementation Programs/Strategies	Responsible Agency/Agencies	Impact on County Budget	None
Develop strategic program to coordinate and develop additional services	Administration & Non-profit providers	Funding Source	None
		Priority	Moderate
		Timeframe	Continuous

Response: *The Elijah house has a grant that will enable the non-profit agency to purchase the site from the County as surplus land.*

VII. ZONING ORDINANCE CONFORMANCE

The Lake County Zoning Ordinance does not have any Articles that address General Plan Conformity. Article 27 lists 'permitted uses' in various zones; Emergency Shelters are listed as permitted uses in several zones. However, this particular use is not listed as a permitted use in the 'O' Open Space zoning district; therefore a rezone is necessary.

VIII. ENVIRONMENTAL REVIEW

This project will allow the Lake County Juvenile Hall building and site to be permitted as a homeless shelter. No site disturbance is needed. The California Environmental Quality Act Guidelines Section 15312, Class 12, exempts the sale of surplus government property if the land does not have significant values for wildlife habitat or other environmental purposes from environmental review. This project qualifies for a categorical exemption from CEQA since the site is already developed with what had previously been the Lake County Juvenile Hall facility, and since the applicant does not request any additional site improvements or any further site disturbance.

IX. RECOMMENDATIONS

Staff recommends that the Planning Commission:

A. Adopt Categorical Exemption CE 22-19 for GPC 22-05 with the following findings:

1. Potential environmental impacts related to the General Plan of Conformity will not occur due to the nature of the action, which is to evaluate the property for future use as a homeless shelter.
2. That no changes to the site appear to be necessary to convert the interior of the existing building for use as a homeless shelter.
3. This project is consistent with the Lake County General Plan, Lakeport Area Plan and Zoning Ordinance.
4. That this project will not result in any significant adverse environmental impacts, including impacts on cultural or historic resources.

B. Approve GPC 22-05 with the following findings:

1. The project is compatible with surrounding land uses.
2. The project is consistent with the Lake County General Plan goals and policies related to Transportation and Circulation and to the health and safety of the residents and property of Lake County.
3. The use of the land as a homeless shelter is consistent with the Lakeport Area Plan, updated Housing Element policy to develop adequate emergency shelter provisions within Lake County; and,
4. An evaluation for compliance with the California Environmental Quality Act has been performed pursuant to CEQA requirements, and a Categorical Exemption to CEQA has been determined to be appropriate for this action under CEQA section 153012.

Sample Motions:

Categorical Exemption

I move that the Planning Commission find and report that, on the basis of the lack of site disturbance associated with this project, and due to the lack of future site improvements associated with this property, that a Categorical Exemption to CEQA shall be adopted pursuant to CEQA Section 153012, and that this project, located at 1111 Whalen Way, Lakeport, CA and known as APN: 004-029-41, will not have a significant effect on the environment with the findings listed in the staff report dated May 26, 2022.

General Plan Conformity

I move that the Planning Commission find and report that General Plan Conformity GPC 22-05, applied for by the Lake County Administration Department and the Community Development Department for the property located at 1111 Whalen Way, Lakeport, CA and

known as APN: 004-029-41, is in conformity with the Lake County General Plan with the findings listed in the staff report dated May 26, 2022.

Reviewed by: Mary Darby, Community Development Director