



AGENDA

REGULAR PLANNING COMMISSION MEETING COUNCIL CHAMBERS, 380 CIVIC DRIVE, GALT THURSDAY, SEPTEMBER 12, 2013, 6:30 P.M.

NOTE: Speaker Request Sheets are provided inside the Council Chambers. If you wish to address the Commission during the meeting, complete a Speaker Sheet and give to the Secretary of the Commission. A maximum of three (3) minutes is allowed for each speaker.

NOTE: If you need disability-related modifications or accommodation, including auxiliary aids or services, to participate in this meeting, please contact the Community Development Dept., 209-366-7230, 495 Industrial Drive, at least two days prior to the meeting.

CALL MEETING TO ORDER

ROLL CALL: COMMISSIONERS: Dees, Erickson, Morris, Sandhu, Rodriguez

PUBLIC COMMENTS: Under Government Code §54954.3 members of the audience may address the Commission on any item of interest to the public or on any agenda item before or during the Commission's consideration of the item.

INFORMATION/CONSENT CALENDAR

(1)1. **SUBJECT:** Minutes of the August 8, 2013 meeting.

RECOMMENDATION: That the Planning Commission approve the minutes of the Aug. 8, 2013 meeting.

PUBLIC HEARING

(3) 1. **SUBJECT:** ZONING ORDINANCE AMENDMENT TO ADD SECTION 18.82 REASONABLE ACCOMMODATION

RECOMMENDATION: That the Planning Commission:

- 1) Conduct public hearing to receive testimony; and
- 2) Recommend that City Council introduce Ordinance 2013 -___ adding Section 18.82 Reasonable Accommodation

2. **SUBJECT:** CITY ATTORNEY PRESENTATION – “PLANNING COMMISSION RULES, PROCEDURES AND BEST PRACTICES, PART 2”.

DEPARTMENT REPORTS – None.

ADJOURN

CATHY KULM, PLANNING COMMISSION SECRETARY: Agenda Report. The agenda for this Galt Planning Commission Meeting was posted in the following listed sites before the close of business at 5:00 p.m. on the Monday preceding the meeting:

1. City Hall Lobby, 380 Civic Drive
2. U. S. Post Office, 600 N. Lincoln Way
3. Marian O. Lawrence Library, 1000 Caroline Avenue

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MINUTES

**Planning Commission Regular Meeting
City Council Chambers, 380 Civic Drive, Galt, California
Thursday, August 8, 2013, 6:30 p.m.**

The meeting was called to order at 6:30 p.m. by Chairperson Dees. Commissioners present: Dees, Rodriguez, Sandhu and Morris. Erickson was absent.

Staff members present: Community Development Director Kiriou, Senior Planner Erias, City Attorney Rudolph, City Engineer Forrest, and PC Secretary Kulm.

PUBLIC COMMENTS – None.

INFORMATION/CONSENT CALENDAR

1. **SUBJECT:** Minutes of the July 11, 2013 meeting.

ACTION: Rodriguez moved to approve the consent calendar; second by Morris. Motion was unanimously carried by those Commissioners present. (Dees, Morris, Rodriguez, and Sandhu.)

Chairperson Dees moved agenda item #3 to the first item on agenda.

PUBLIC HEARING

1. **SUBJECT:** THE CHANCELLOR ESTATES UNIT 6 SUBDIVISION REVISED ARCHITECTURAL PLANS

RECOMMENDATION: That the Planning Commission:

1. Conduct public hearing to receive testimony; and
2. Adopt Resolution 2013 - _____ (PC) approving the revised Architectural Plans for The Chancellor Estates Unit 6 Subdivision.

Erias gave the staff report and a power point presentation.

Chairperson Dees opened the public hearing.

Rodriguez asked what's the most significant change and Erias explained that the home sizes are changing from approximately 4,000 sq. ft. to 3,000 sq. ft., but that is probably the most significant. Other than that the home design is very similar. Sandhu asked about the lot sizes, number of models and cost benefits to building the original plans. Erias said that the lot sizes remained the same, the numbers of models decreased by two and that in most cases a new developer prefers to build their own plans.

Chairperson Dees closed the public hearing.

ACTION: Rodriguez moved to approve staff's recommendation as presented; second by Sandhu. A roll call vote was taken by those commissioners present: Sandhu – Yes; Dees – Yes; Rodriguez – Yes; Morris - Yes. **Motion was unanimously carried.**

PUBLIC MEETING**2. SUBJECT: PUBLIC WORKSHOP FOR THE 2013-2021 HOUSING ELEMENT UPDATE**

PURPOSE OF WORKSHOP: The purpose of the workshop is to provide an overview of the Housing Element Update process and discuss housing needs, potential barriers to affordable housing, and policies to address these needs and barriers in the 2013-2021 Housing Element. The public is invited and encouraged to participate in the discussion.

Erias gave the staff report. Chelsea Norton, consultant from Mintier Harnish, conducted the public workshop. After the powerpoint presentation by Ms. Norton, the Commission had some general discussion and questions. For example: strategies used by the city to meet the housing needs, barriers (unemployment), affordable homes (size & sales price), density, and next steps. There was no action necessary.

PUBLIC HEARING**3. SUBJECT: PROPOSED AMENDMENT TO THE GALT ZONING ORDINANCE (GALT MUNICIPAL CODE SECTIONS 18.16, 18.20 AND 18.92) RELATED TO EMERGENCY SHELTERS, TRANSITIONAL HOUSING AND SUPPORTIVE HOUSING****RECOMMENDATION:**

1. Conduct a public hearing to receive testimony; and
2. Recommend that the City Council introduce Ordinance 2013-__ approving the proposed zoning text amendments to allow Emergency Shelters by right in the Light Manufacturing (LM) and Public/Quasi Public (PQ) zones, adding Section 18.20.035 Emergency Shelter Development Standards, and adding definitions for Transitional Housing and Supportive Housing amending Section 18.16.030 permitted and conditionally permitted uses, adding footnote 21.

Erias gave the staff report and a powerpoint presentation. Erias explained that this code amendment will bring the City in compliance with the requirements of State Law. In addition, the amendments will qualify the City for expedited review of the Housing Element Update by the Department of Housing and Community Development (HCD). Dees noted that he was not in agreement rushing this through just to qualify for an expedited review. Rudolph explained that the item before the Commission is not about the streamlining process but complying with State Law and the obligation to submit a Housing Element that is in compliance and if we don't do that our Housing Element will not be certified by the State.

ACTION: Morris moved to approve staff's recommendation as presented; second by Rodriguez. A roll call vote was taken by those commissioners present: Sandhu – Yes; Dees – Yes; Rodriguez – Yes; Morris – Yes. **Motion was unanimously carried.**

DEPARTMENT REPORTS:

Meeting adjourned at 7:30 p.m.

Respectfully submitted by:

Cathy Kulm, Planning Commission Secretary



PLANNING COMMISSION AGENDA REPORT

Meeting Date: September 12, 2013

FROM: Chris Erias, Senior Planner

SUBJECT: Zoning Ordinance Amendment to add Section 18.82 Reasonable Accommodation

RECOMMENDATION

- 1) Conduct public hearing to receive testimony; and
- 2) Recommend that City Council introduce Ordinance 2013 - ___ adding Section 18.82 Reasonable Accommodation

LOCATION Citywide

PROJECT SPONSOR: City of Galt Planning Department
495 Industrial Drive
Galt, CA 95632
Phone: (209) 366-7230

PROJECT DESCRIPTION:

Federal and State fair housing law prohibits cities and counties from discriminating against individuals with disabilities through land use and zoning decisions and procedures. The proposed Reasonable Accommodation Ordinance would provide a procedure to consider whether a land use designation or development standard can be modified or exempted in order to allow an individual with a disability to occupy their home. Procedures such as variances and special permits in such cases have been found to be inconsistent with fair housing law. Adoption of the proposed ordinance would bring the City into compliance with federal and state fair housing laws.

DISCUSSION

Background

Both the Federal Fair Housing Act and the California Fair Employment and Housing Act (Fair Housing Laws) impose an affirmative duty on local governments to make reasonable accommodation (modifications or exceptions) in their land use regulations and practices when such accommodation may be necessary to afford disabled persons an equal opportunity to housing. The intent of the proposed ordinance is to establish a formal procedure for persons with disabilities seeking equal access to housing to request

reasonable accommodation in the application of the City's land use regulations and to establish criteria to be used when considering such requests.

In addition, the California State Department of Housing and Community Development (HCD) requires State entities to implement a Reasonable Accommodation ordinance in order to be eligible for Streamlined Review Requirements and Requirements for the 2013-2021 Housing Element Certification.

Proposed Amendment Analysis

Many jurisdictions in California have relied upon existing variance and/or conditional use permit procedures to handle requests for reasonable accommodation in place of establishing a specific review procedure. However, the criteria for granting or denying requests for reasonable accommodation made through a variance or conditional use permit process may be insufficient to justify the decision when judged in the light of the fair housing laws' reasonable accommodation mandate.

The proposed ordinance addresses this concern by establishing a specific procedure for persons with disabilities to request reasonable accommodation in the application of the City's land use regulations and relevant criteria to be used when considering such requests. The proposed ordinance has been developed using the State Department of Housing and Community Development's "model ordinance" and other reasonable accommodation ordinances that have been adopted by other communities in California. Provisions of the proposed ordinance are summarized below.

Request for Accommodation

A request for reasonable accommodation may be made by any person with a disability, or an authorized representative of a disabled person, when a modification or exception to the rules, standards and practices for the siting, development and use of housing or housing-related facilities would eliminate regulatory barriers and provide an individual with a disability equal opportunity to housing of choice.

The types of reasonable accommodation requests that would be appropriate under the proposed ordinance could range from modifications or exceptions from site development standards such as yard setbacks or parking requirements to relief from certain use permit conditions. Examples of the types of requests that may be made are provided below.

Example No. 1: Yard Setbacks

Wheelchair ramps are classified as a structure under the California Building Code and must comply with applicable setback requirements. Under the proposed ordinance, a request could be made to allow for a modification or exception to the setback requirement to allow for construction of ramp.

REASONABLE ACCOMMODATION

- Example No. 2: Parking

In most residential zoning districts required off-street parking cannot be located in the front or side yard setback areas. Under the proposed ordinance, a request could be made to allow for parking improvements to be made within the front or side yard setback area to accommodate access to and use of a wheelchair ramp.

Review Procedure

Applications requesting reasonable accommodation will be reviewed under one of two tracks set forth in the proposed ordinance. In situations where no other City approval is being sought, the decision to grant a request for reasonable accommodation will be made by the Community Development Director (or designee). If the request for reasonable accommodation is part of a project that requires some other discretionary land use review by the City, the request will be reviewed by the authority responsible for reviewing the discretionary land use application.

Decisions made by the Community Development Director may be appealed to the Planning Commission. Decisions made as part of a discretionary land use review may be appealed to the City Council.

Approval Criteria

The proposed ordinance sets forth the following list of findings to be considered when reviewing a request for reasonable accommodation, all of which shall be required for approval:

1. The housing, which is the subject of the request, will be used by a disabled person under Fair Housing Laws;
2. The request for reasonable accommodation is necessary to make specific housing available to a disabled person under Fair Housing Laws;
3. The requested reasonable accommodation will not impose an undue financial or administrative burden on the City; and
4. The requested reasonable accommodation will not require a fundamental alteration in the nature of a City program or law, including but not limited to land use and zoning; and
5. The requested reasonable accommodation will not result in a direct threat to the public health or safety of other individuals or substantial physical damage to the property of others.

In considering and granting a request, the reviewing authority can also impose reasonable conditions, such as including a condition that requires an alternative reasonable accommodation that provides an equivalent level of benefit.

Environmental Status

This action has been reviewed in accordance with the California Environmental Quality Act. CEQA Guidelines Section 15061(b)(3), the “general rule” exemption, states that where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is exempt from CEQA. The City has determined that the activity in question, Municipal Code amendments establishing a procedure for persons with disabilities seeking equal access to housing to request reasonable accommodation in the application of land use regulations, will not have an impact on the environment and therefore is exempt from CEQA under the general rule.

ATTACHMENTS:

Ordinance 2013 -___ adding Section 18.82 Reasonable Accommodation

ORDINANCE NO. 2013-**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GALT, CALIFORNIA,
ADDING CHAPTER 18.82 OF THE GALT MUNICIPAL CODE
REGARDING REASONABLE ACCOMMODATION**

THE CITY COUNCIL OF THE CITY OF GALT hereby ordains as follows:

Section 1. Purpose. The purpose of this ordinance is to provide a procedure for individuals with disabilities to request reasonable accommodation in seeking equal access to housing under the Federal Fair Housing Act and the California Fair Employment and Housing Act (hereafter “Acts”) in the application of zoning laws and other land use regulations, policies, and procedures.

Section 2. Authority. The City Council enacts this ordinance under the authority granted to cities by Chapter XI, Section 7 of the California Constitution.

Section 3. Addition of Chapter 18.82. Chapter 18.82 of the Galt Municipal Code, titled “Reasonable Accommodation”, is hereby added as follows:

**Chapter 18.82
REASONABLE ACCOMMODATION**

Sections:

18.82.010 Purpose

18.82.020 Applicability

18.82.030 Procedure

18.82.040 Approval findings

18.82.050 Conditions of approval

18.82.010 Purpose

This purpose of this Chapter is to provide a procedure for individuals with disabilities to request reasonable accommodation in seeking equal access to housing under the Federal Fair Housing Act and the California Fair Employment and Housing Act (hereafter “Acts”) in the application of zoning laws and other land use regulations, policies, and procedures.

18.82.020 Applicability

A. A request for reasonable accommodation may be made by any person with a disability or their representative, when the application of a requirement of this zoning code or other City requirement, policy, or practice acts as a barrier to fair housing opportunities. For the purposes of this chapter, a “person with a disability” is any person who has a physical or mental impairment that limits or substantially limits one or more major life activities, anyone who is regarded as having such impairment or anyone who has a record of such impairment. This chapter is intended to apply to those persons who are defined as disabled under the Acts.

B. A request for reasonable accommodation may include a modification or exception to the rules, standards, and practices for the siting, development, and use of housing or housing-related facilities that would eliminate regulatory barriers and provide a person with a disability equal opportunity to housing of their choice.

C. A reasonable accommodation is granted only to the household that needs the accommodation and does not apply to successors in interest to the site.

D. A reasonable accommodation may be granted in compliance with this Chapter without the need for the approval of a variance.

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18.82.030 Procedure

A. A request for reasonable accommodation shall be submitted on an application form provided by the Community Development Department or in the form of a letter to the Director of Community Development Department, and shall contain the following information:

1. The applicant's name, address, and telephone number;
2. Address of the property for which the request is being made;
3. The current use of the property;
4. The basis for the claim that the individual is considered disabled under the Acts, including verification of such claim;
5. The zoning code provision, regulation, or policy from which reasonable accommodation is being requested; and
6. Why the reasonable accommodation is necessary to make the specific property accessible to the individual.

B. If the project for which the request for reasonable accommodation is being made requires some other discretionary approval (including use permit, design review, etc.), then the applicant shall file the information required by subsection (A) of this section for concurrent review with the application for discretionary approval.

C. A request for reasonable accommodation shall be reviewed by the Director of Community Development Department or his/her designee, if no approval is sought other than the request for reasonable accommodation. The Director or his/her designee shall make a written determination within 45 days of the application being deemed complete and either grant, grant with modifications, or deny a request for reasonable accommodation.

D. A request for reasonable accommodation submitted for concurrent review with another discretionary land use application shall be reviewed by the Planning Commission. The written determination on whether to grant or deny the request for reasonable accommodation shall be made by the Planning Commission in compliance with the applicable review procedure for the discretionary review.

18.82.040 Approval findings

The written decision to grant or deny a request for reasonable accommodation will be consistent with the Acts and shall be based on consideration of the following factors:

- A. Whether the housing in the request will be used by a person with a disability under the Acts;
- B. Whether the request for reasonable accommodation is necessary to make specific housing available to a person with a disability under the Acts;
- C. Whether the requested reasonable accommodation would impose an undue financial, administrative or enforcement burden on the City;
- D. Whether the requested reasonable accommodation would require a fundamental alteration in the nature of a City program or law, including but not limited to land use and zoning;
- E. Potential impact on surrounding uses;
- F. Physical attributes of the property and structures; and
- G. Other reasonable accommodations that may provide an equivalent level of benefit.

18.82.050 Conditions of approval

In granting a request for reasonable accommodation, the Director of Community Development Department or his/her designee, or the Planning Commission as the case might be, may impose any conditions of approval deemed reasonable and necessary to ensure that the reasonable accommodation would comply with the findings. The conditions shall also state whether the accommodation granted shall be removed in the event that the person for whom the accommodation was requested no longer resides on the site.

18.82.060 Appeals

A. Any person dissatisfied with any action of the Director of the Community Development Department pertaining to this Chapter may appeal to the Planning Commission within 10 days after written notice of the Director's decision is sent to the applicant. The appeal is taken by filing a written notice of appeal with the

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Director of Community Development Department and shall specify the reasons for the appeal and the grounds asserted for relief.

B. Any person dissatisfied with any action of the Planning Commission pertaining to this Chapter may appeal to the City Council within 10 days after the rendition of the decision of the Planning Commission. The appeal is taken by filing a written notice of appeal with the Director of Community Development Department and shall specify the reasons for the appeal and the grounds asserted for relief.

C. The City Council shall, by resolution, adopt and from time to time amend a fee for the filing of appeals. Such fee shall be for the sole purpose of defraying costs incurred for the administration of appeals. The fee for an appeal shall be paid at the time of and with the filing of an appeal. No appeal shall be deemed valid unless the prescribed has been paid.

D. If an appeal is not filed within the time or in the manner prescribed in this section, the right to review of the action against which the complaint is made shall be deemed to have been waived.

E. After filing an appeal, the appropriate hearing body shall conduct a public hearing for the purpose of determining whether the appeal should be granted. Written notice of the time, date and place of hearing shall be given to the appellant, and to any other persons who have filed a written request for notice. Such notices shall be mailed to the appellant and the applicant at least ten days prior to the hearing.

F. The Planning Commission or City Council shall review de novo the entire proceeding or proceedings relating to the decision, and may make any order it deems just and equitable, including the approval of the application. Any hearing may be continued from time to time.

G. At the conclusion of the hearing, the hearing body shall prepare a written decision which either grants or denies the appeal and contains findings of fact and conclusions. The written decision, including a copy thereof shall be provided to the appellant and the project applicant.

Section 4. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is determined by a court of competent jurisdiction to be unlawful, unenforceable or otherwise void, that determination shall have no effect on any other provision of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each section, subsection, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unlawful.

Section 5. Effective Date. This Ordinance shall take effect thirty days after its final adoption as provided by Government Code Section 36937. Within 15 days after its final passage, the City Clerk shall cause a summary of this Ordinance to be published and posted in accordance with Section 36933(c)(1) of the California Government Code.

The foregoing Ordinance was introduced and the title thereof read at a meeting of the City Council on the 1st day of October, 2013 and by *unanimous* vote of the City Council members present, further reading was waived.

On motion by Council Member _____, seconded by Council Member _____, the foregoing Ordinance was duly passed and adopted by the City Council of the City of Galt at a regular meeting thereof, this ____ day of _____, 2013 by the following vote, to wit:

- AYES: Council members:
- NOES: Council members:
- ABSTAIN: Council members:
- ABSENT: Council members:

MAYOR, City of Galt

ATTEST:

City Clerk, City of Galt