

DATE: 05/18/99 AGENDA ITEM # 60
() APPROVED () DENIED
() CONTINUED

TO: JAMES L. APP, CITY MANAGER
FROM: BOB LATA, COMMUNITY DEVELOPMENT DIRECTOR *Bob*
SUBJECT: ZONING CODE AMENDMENT 99-002 (DOMESTIC VIOLENCE SHELTER); APPLICANT: NORTH COUNTY WOMEN'S SHELTER
DATE: MAY 18, 1999

Needs: That the City Council consider a Zoning Code Amendment that would provide for Domestic Violence Shelters as a permitted use in the Multiple Family Residential Zones.

- Facts:
1. The North County Women's Shelter & Resource Center has requested the City Council to consider initiating a Zoning Code Amendment to provide for Domestic Violence Centers in the Multiple Family Residential Zones. Attached is a copy of the request and background materials.
 2. The City Council considered this request at their meeting of April 20, 1999 and voted unanimously to allow the North County Women's Shelter to apply for the requested Code Amendment. That application has now been filed as Zoning Code Amendment 99-002.
 3. It has been determined that the subject Code Amendment would be Categorically Exempt from the provisions of the California Environmental Quality Act (CEQA).
 4. On May 11, the Planning Commission is scheduled to consider making a recommendation to the City Council regarding this Zoning Code Amendment. A verbal report of the Commission's recommendation will be presented at the May 18 City Council meeting.

Analysis
and
Conclusion:

The attached letter from the North County Women's Shelter describes the purpose and intent of the proposed Zoning Code Amendment. As described in the letter, the desire for confidentiality is what drives the need for a Domestic Violence Shelter to avoid the noticed public hearings involved with a Conditional Use Permit process.

RIMC CODE: Community Development Department
FILE/CAT: Advance Planning
DATE: April 30, 1999
SUBJECT: Zoning Code Amendment 99-002
RETENTION: Permanent

The attachments submitted by the Women's Shelter describe Atascadero's experience with this land use and the operating rules of the Women's Shelter.

Having the land use permitted in the Multi-Family Zone would be consistent with the approach that has been taken in the City of Atascadero. The level of activity that can be anticipated with this type of land use would seem in keeping with the Multi-Family Residential Zone.

The North County Women's Shelter would need to comply with applicable Building Code provisions for the occupancy of whatever structure they propose to use for a Domestic Violence Shelter.

Policy
Reference:

Zoning Code

Fiscal
Impact:

None

Options:

- a. That the City Council introduce for First Reading an Ordinance that would amend the City's Zoning Code with regards to Domestic Violence Shelters and set June 1, 1999 as the date for adoption of said Ordinance.
- b. Amend, modify or reject Option "a"

h:\bob\60\code amend\shelter to CC 30 Apr 99

ORDINANCE NO. ____N.S.
AN ORDINANCE OF THE CITY OF EL PASO DE ROBLES
AMENDING CHAPTER 21.16I et seq. AND TABLE 21.16.200
OF THE MUNICIPAL CODE (ZONING CODE)
(CODE AMENDMENT 99-002 - DOMESTIC VIOLENCE SHELTER)

WHEREAS, the City's Zoning Code does not provide for a Domestic Violence Shelter as a permitted use in the Multi-Family Residential Zone; and

WHEREAS, the North County Women's Shelter & Resource Center has identified the need for providing a Domestic Violence Shelter as a permitted use in order to preserve the confidentiality of the location of this land use; and

WHEREAS, evidence provided regarding the experience of the neighboring City of Atascadero indicates that this type of land use can be provided for as a permitted use in the Multi-Family Zones without having a significant adverse effect on the community; and

WHEREAS, the Paso Robles City Council considered a request to provide for a Domestic Violence Shelter at their meeting of April 20, 1999 and unanimously directed staff to advise the North County Women's Shelter & Resource Center that they may apply for the requested Zoning Code Amendment; and

WHEREAS, Code Amendment 99-002 would Amend the City's Zoning Code to provide for a Domestic Violence Shelter as a permitted use in the Multi-Family Zones (R-2, R-3, or R-4), specifically Amending Chapter 21.16I et seq. and Amending Table 21.16.200 (PERMITTED LAND USES IN ALL ZONING DISTRICTS); and

WHEREAS, at its meeting of May 11, 1999 the Planning Commission took the following actions regarding this ordinance:

- a. Considered the facts and analysis, as presented in the staff report prepared for this project;
- b. Conducted a public hearing to obtain public testimony on the proposed ordinance;
- c. Recommended that the City Council approve the proposed ordinance; and

WHEREAS, at its meeting of May 18, 1999, the City Council took the following actions regarding this ordinance:

- a. Considered the facts and analysis, as presented in the staff report prepared for this project;
- b. Conducted a public hearing to obtain public testimony on the proposed ordinance;
- c. Considered the Commission's recommendation from the Planning Commission's April 27, 1999, public meeting;
- d. Introduced said ordinance for first reading; and

WHEREAS, on June 1, 1999, the City Council held second reading of said ordinance.

NOW, THEREFORE, BE IT KNOWN that the Paso Robles City Council, based upon the substantial evidence presented at the above referenced public hearing, including oral and written staff reports, finds as follows:

1. The above stated facts of this ordinance are true and correct.
2. This code amendment is consistent with the City's General Plan.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES DOES ORDAIN AS FOLLOWS:

Chapter 21.16I, Section 030A (Uses Permitted by Right), is hereby amended to add the following permitted land use in the Multi-Family Residential Zones:

“(8) Domestic Violence Shelter, such as operated by the North County Women’s Shelter & Resource Center.”

Table 21.16.200 is hereby amended to add the following use under “Residential” land uses:

“13. Domestic Violence Center” which shall be reflected in the Table as “P” (Permitted by Right land use) in the R-2, R-3, and R-4 Zones and “N” (Not Permitted) in the balance of the Zone Districts, per the attached Exhibit “A”.

SECTION 1. Publication. The City Clerk shall cause this ordinance to be published once within fifteen (15) days after its passage in a newspaper of general circulation, printed, published and circulated in the City in accordance with Section 36933 of the Government Code.

SECTION 2. Severability. If any section, subsection, sentence, clause, or phrase of the Ordinance is, for any reason, found to be invalid or unconstitutional, such finding shall not affect the remaining portions of this Ordinance.

The City Council hereby declares that it would have passed this ordinance by section, subsection, sentence, clause, or phrase irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases are declared unconstitutional.

SECTION 3. Inconsistency. To the extent that the terms or provisions of this Ordinance may be inconsistent or in conflict with the terms or conditions of any prior City ordinance(s), motion, resolution, rule, or regulation governing the same subject matter thereof and such inconsistent and conflicting provisions of prior ordinances, motions, resolutions, rules, and regulations are hereby repealed.

SECTION 4. Effective Date. This Ordinance shall go into effect and be in full force and effect at 12:01 a.m. on the 31st day after its passage.

Introduced at a regular meeting of the City Council held on May 18, 1999, and passed and adopted by the City Council of the City of El Paso de Robles on the 1st day of June, 1999, by the following roll call vote, to wit:

AYES:
NOES:
ABSENT:
ABSTAINING:

ATTEST:

Duane J. Picanco, Mayor

Madelyn Paasch, City Clerk

h:\code amend \shelter ord 29 Apr 99

North County Women's Shelter



P.O. Box 2155 ■ 7360 El Camino Real ■ Atascadero, CA 93423

& Resource Center

461-1338 ■ FAX 461-8115

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MAR 24 1999

COMMUNITY DEVELOPMENT

Board of Directors:

Barbie Butz
(President)

Alice Sparrow
(Vice President)

Lynn Dotter
(Secretary)

Edie Knight
(Financial Officer)

Larry Putnam
(Member)

Robert M. Jones
(Member)

Sue Torrey
(Member)

Dennis Cassidy
(Member)

S. Richard Snoddy
(Member)

Linda Baker
(Member)

Dennis Hegwood
(Member)

Eileen Allan
(Executive Director)

March 23, 1999

Mayor Duane Picanco & City Council
City of El Paso de Robles
1000 Spring St.
Paso Robles, CA 93446

Dear Mayor & City Council:

The North County Women's Shelter and Resource Center has the opportunity to establish a facility for women and children who are victims of domestic violence in the City of Paso Robles. The possibility of establishing a battered women's shelter in your city has been talked about for some time because of the number of citizens in our Atascadero-based shelter who are from Paso Robles. In fact, approximately 40 percent of the residents in our shelter last year were from the City of Paso Robles.

A shelter such as we operate in Atascadero blends without impact into the neighborhood. Few of the women have their own vehicles, so we don't even have a problem of too many cars on site. Their children go to school in the morning and come home at the end of the day. The use is generally a "quiet" one. Clients are not allowed to have visitors. The only "outsiders" are staff - house manager, therapist, etc. The maximum stay allowed by our guidelines is 60 days, but the average stay per client is about three weeks. We anticipate having a house that would allow only three families at any one time. A "family" can consist of a woman alone, or a woman with one to three children. We often get older women who have no children at all. Families with teenage boys are required to place them with relatives.

In order to make such a shelter a reality, the location must be kept secret. In fact, it is a misdemeanor to reveal the location of a domestic violence shelter under current California Penal Code (Section: 273.7).

Lo-Lo

In order to establish a shelter in a neighborhood in your community, we are asking that you amend your zoning ordinance to make such a facility a permitted use in a multiple family zone. Atascadero was able to avoid the disclosure of the site because such a facility is an allowed use in that city's multiple family zones.

We are respectively asking that your council consider a text change to your zoning ordinance which would make it possible not to reveal the location of the specific site of a shelter. Such an addition could say something such as:

"For a facility which is to be utilized as a battered women's shelter or similar purpose, for which public knowledge of the physical location would be detrimental to the safety of the residents therein, and for which the law provides that the location be kept a secret, no public announcement of the exact site need to be listed in meeting agendas or legal notices of those public hearings where such a facility is to be considered."

Additionally, such text could also contain conditions which must be met, such as "

"...facility for which a need has been documented and is operated by a board of directors, managed by an on-site resident manager and for which strict admission and dismissal guidelines are adhered to."

In the Atascadero shelter, for example, our residents are restricted by such things as a curfew, no visitors and not even guests. (Please note "House Rules" enclosed with this letter). The capacity of our shelter in Atascadero is five bedrooms, and we are planning a smaller scale in Paso Robles. Our residents are not incarcerated, but they are there, frankly, to escape a batterer who has inflicted physical or mental abuse on them and/or their children. As you will note from the enclosed letter from Atascadero Police Chief Dennis Hegwood, the Atascadero shelter has operated without incident for over a decade.

We respect the necessity of public disclosure by local governments, but are asking that there be some way to ensure the safety of such a women's shelter should it become a reality in the City of Paso Robles.

If you have any questions about the operation of the Atascadero shelter, which has been in place for 14 years, please don't hesitate to contact me at 461-1338.

Sincerely,



Eileen Allan
Executive Director

encl: "House Rules" for North County Women's Shelter
Letter from Police Chief Dennis Hegwood

cc: City Manager James L. App
Community Development Director Robert Lata
City Council Members



POLICE SERVICES CITY OF ATASCADERO

March 10, 1999

The Honorable Duane Picanco
Mayor of Paso Robles
1000 Spring
Paso Robles, CA 93446

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MAR 24 1999

COMMUNITY DEVELOPMENT

Dear Sir:

The Women's Shelter has been a viable program operating out of Atascadero for more than a decade. It began first as an organization to provide information and referrals to women but soon developed to a position which it could provide a battered women's shelter for the victims of domestic violence.

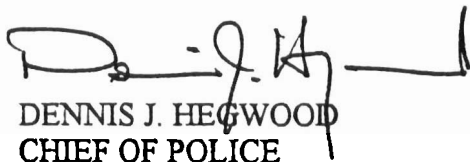
For 14 years women and children have been housed at the shelter which is now a greatly remodeled duplex owned by the North County Women's Shelter and Resource Center, a non-profit corporation. The facility was acquired through a CDBG Grant obtained by the City of Atascadero. This facility works closely with the Atascadero Police Department, as our officers have been able to call them at any time to take in a woman and her children who have been subjected to domestic violence.

I am pleased to inform that there have been no problems reported as a result of their being a women's shelter in a residential neighborhood. This shelter has housed women and children not only from Atascadero, but from Paso Robles, Templeton, Santa Margarita, Creston and the rural areas in between.

I know the shelter has strict guidelines, which apply not only to admissions to the shelter, but to its residents as well. Shelter staff is quick to invite residents to leave who fail to adhere to those guidelines. I believe Eileen Allan, Executive Director of our shelter program, is forwarding those regulations along with her letter to your department.

It is imperative that the location of the shelter be kept confidential. In fact, it is a misdemeanor to reveal the location of the shelter. The secrecy of the shelter contributes even further to the safety of the residents there.

Sincerely,


DENNIS J. HEGWOOD
CHIEF OF POLICE

5505 EL CAMINO REAL • POST OFFICE BOX 911 • ATASCADERO, CA 93423

General Business: (805) 461-5051

Administrative Services: (805) 461-5053

Watch Commander: (805) 461-5055

Investigations: (805) 461-5058

Fax: (805) 461-3702



NORTH COUNTY WOMEN'S SHELTER

RECEIVED

MAR 24 1999

***** HOUSE RULES *****

COMMUNITY DEVELOPMENT

The goal of the Women's Shelter is to offer a safe environment for women & children who are victims of domestic violence, for a maximum stay of 60 days. The program is designed to foster self-reliance and increase self-esteem. The following rules help insure that each resident's confidentiality & safety are maintained.

1. **CONFIDENTIALITY** - The location of the Shelter and the names of other residents **MUST** be kept confidential. Tell **NO ONE** where the Shelter is located or who is staying at the Shelter (even after you leave). It is a **MISDEMEANOR**, under **PENAL CODE SECTION 273.7** to divulge the location of the Shelter and **YOU MAY BE PROSECUTED IF YOU DO SO!** If your husband /boyfriend finds out where the Shelter is located, you will be asked to leave immediately (or transferred if applicable). You may be picked up and dropped off at a public location no closer that three (3) blocks away, and not on the same street as the Shelter. No resident may divulge any information about current residents, ex-residents or staff to anyone outside of the Shelter program!
2. **MANDATED REPORTING** - All Women's Shelter staff and volunteers are required by law to report suspected child abuse to the appropriate agency.
3. **NO EXPRESSIONS OF VIOLENCE** - Acts of violence include physical attacks on or verbal threats towards **ANYONE**. This is a safe place for everyone, including children. **DO NOT** discuss violent incidents in front of your children. This includes **NO YELLING, SPANKING, THREATS OF SPANKING OR CURSING!**
4. **ALCOHOL AND DRUGS** - The use of alcohol and/or drugs, either on or off the premises (other than prescribed) is **PROHIBITED**. IF **DRUG USE IS SUSPECTED**, you may be asked to submit to a drug clearance test AND staff reserves the right to search your belongings. Staff suspicion of such chemical use is cause enough for your stay to be terminated!
5. **CONTACT WITH ABUSER OR ANY OTHER MALES** - You are not to have **ANY** personal, physical contact with the abuser or any other male person other than relatives while at the Shelter. Before telephone contact may be made, it must be arranged with staff or your counselor. We want you to have contact planned in advance so it is in your best interest.
6. **CURFEW** - **YOU MUST RETURN TO THE SHELTER BY 7:00 PM DURING SCHOOL YEAR MONTHS AND BY 8:00 PM DURING THE SUMMER MONTHS. OVERNIGHT STAYS ARE PROHIBITED.** If you are in an emergency situation and are not able to return to the house by curfew, you **MUST CALL HOTLINE** at 1-800-549-8989, have someone from staff paged & explain **BEFORE YOU BECOME LATE !!** Be sure to leave a phone number where you may be reached!!

NOTE: VIOLATION OF ANY OF THE ABOVE ITEMS IS CAUSE FOR YOUR IMMEDIATE DISMISSAL!

General rules and information

1. COMMUNITY HOUSEKEEPING

You will be assigned daily responsibilities which will include keeping your room clean at all times and performing your assigned AM chores by 12:00 NOON and PM chores BY 8:00 PM. Do not leave the Shelter without having completed your chores.

2. RESPONSIBILITIES

In exchange for free room and board, **YOU MUST SAVE YOUR MONEY.** You are not to bring any food from the outside, **fast foods or any other kind.** Our goal is for you to be financially independent when you leave the Shelter. Therefore, you must save 90-95% of all moneys received. Proof will be requested during individual case management.

The Shelter is a cooperative living arrangement. Therefore, you may not make any derogatory, demeaning, harassing or other hostile comments about or to others. If a conflict occurs, the MORNING GROUP MEETING is the appropriate place to discuss it. It is everyone's responsibility to keep the Shelter a safe and supportive environment for all concerned!

3. SMOKING

Smoking is permitted OUTSIDE ONLY - NOT IN THE HOUSE OR GARAGE! All cigarette butts must be properly extinguished and disposed of, so the children are not exposed to them.

4. SIGNING-OUT

Use the sign-out sheet whenever you leave the Shelter.

5. TELEPHONE

DO NOT ALLOW CHILDREN TO ANSWER THE PHONE AT ANY TIME. Our public phone number is (805) 461-1338. If you wish to have calls transferred to you at the Shelter, you must submit to the office a list of those individuals you will accept calls from. If you need to make a long distance call you may use the phone in the Shelter office. Staff will let you know when you may do so. This office phone is only for business related calls and for BRIEF family contact.

The phone in the Shelter house is for local calls and for residents to receive calls coming in from the office. **PLEASE LIMIT ALL CALLS TO 5 MINUTES.** If during your call you hear a beep, **PLEASE HANG UP!** This indicates that someone from the office is trying to get through to the Shelter. We **DO NOT** have call waiting ... you **MUST HANG UP.**

6. MAIL

You may use the Resource Center's box number: P.O. Box 2155, Atascadero, CA 93423. When you leave the Shelter, it is necessary for you to send a change of address to each person you receive mail from.

7. TELEVISION & VCR USE

Both are to be **OPERATED BY ADULTS ONLY!!** Adults are to choose appropriate **NON VIOLENT, NON SEXUAL** displaying programs. Please be considerate with volume and choice of programming. **TV hours are from 3:00 pm to 11:00 pm.** However, due to counseling, the TV set on the office side, should be off during counseling hours.

8. CHILDREN

You are responsible for the supervision of your children at all times unless specific arrangements have been made beforehand with other residents or staff. ANY ARRANGEMENTS MUST BE CLEARLY UNDERSTOOD AND CHILD CARE SLIP MUST BE COMPLETED! Older children are not to baby-sit other children when their mother is not at the house.

You may not spank your children, call their names or yell at them. Physical forms of punishments are absolutely not allowed. If there are behavior problems you must use age appropriate time-outs. Do not hesitate to do this.

9. BEDTIME

Bedtime for children between ages of 1 and 12 is 8:30 pm or earlier. Teenagers bedtime is 9:30 pm. We ask that if the children are not asleep by then, that they be in their room for quiet time and allow the adults some time without children present. If your children will not stay in the room or are being disruptive, you must go in the room and quiet them down. Respect each other's privacy. DO NOT ENTER ANYONE ELSE'S BEDROOM WITHOUT THEIR CONSENT! The living room areas are not for bedtime sleeping. CHILDREN ARE NOT TO PLAY ON THE TOP BUNK BEDS! OLDER CHILDREN SLEEP IN TOP BUNK BEDS, YOUNGER CHILDREN SLEEP BELOW!

10. THERE ARE NO PETS ALLOWED AT THE SHELTER. NO EXCEPTIONS.

11. MEALS

You are responsible for your own breakfast and lunch and the clean-up IMMEDIATELY afterwards. Dinner is communal style with one meal cooked for ALL residents. Meals must be completed by 6:00 PM. Menus will be scheduled weekly. We ask that food not be wasted and that you be as resourceful as possible. THERE IS TO BE NO EATING IN THE LIVING ROOMS OR BEDROOMS AT ANY TIME. CHILDREN MUST STAY OUT OF THE REFRIGERATORS. An adult must get food for them. If you have special dietary needs, please make the staff aware of them.

Breakfast: Must be completed by 9:30 AM (Morning meeting)

Lunch: Personal preference

Dinner: 5:30 PM to 6:00 PM

12. WARNINGS

Residents who violate shelter rules will be given written warnings. If more than 3 violations occur, YOU WILL BE ASKED TO LEAVE THE SHELTER. The staff reserves the right to ask anyone to leave based on resident's evaluation.

VIOLENCE, OR THREATS OF VIOLENCE, TOWARDS STAFF OR OTHER RESIDENTS IS INAPPROPRIATE AND WILL BE GROUNDS FOR IMMEDIATE DISMISSAL.

13. CHECKING OUT

We ask that you exit the Shelter between 9:00 AM and 2:00 PM, Monday -Friday. Before you leave the Shelter, you are asked to clean and vacuum your room, wash sheets, towels and other bedding and to notify staff before you leave so we may check you out.

14. MANDATORY MEETINGS

Attendance to ALL meetings is a requirement for staying at the Shelter. (If you MUST miss a meeting, ADVISE STAFF IN ADVANCE !!)

- A. All house group meetings. Monday - Friday at 9:30 AM.
(Please make sure that you and your children are dressed and have already eaten breakfast before the house meeting starts at 9:30 AM)
- B. Weekly individual counseling for you and your children. (As scheduled)
- C. Support Group. Tuesdays from 6:30 PM - 8:30 PM at the Women's Resource Center.
- D. At least one 12-Step meeting per week. We offer a Co-Dependency group at the Shelter on Sundays at 3:30 PM. With staff approval, you may substitute any 12-Step group meeting (within the same week) at the North County Connections. (See current schedule)
- E. Weekly goal planning with the Shelter Coordinator.

PROOF OF PUBLICATION

LEGAL NEWSPAPER NOTICES

PLANNING COMMISSION/CITY COUNCIL
PROJECT NOTICING


Newspaper: TELEGRAM-TRIBUNE

Date of Publication: April 30, 1999

Meeting Date: May 11, 1999
(Planning Commission)
May 18, 1999
(City Council)

Project: Zoning Code Amendment 99-002
(City-initiated)

I, Lonnie Dolan, employee of the Community
Development Department, Planning Division, of the City of
El Paso de Robles, do hereby certify that this notice is a true
copy of a published legal newspaper notice for the above
named project.

Signed: 
Lonnie Dolan

forms/newsaffi.691

NOTICE OF
PUBLIC HEARINGS
Zoning Code
Amendment 99-002
North County
Women's Shelter

NOTICE IS HEREBY GIVEN that the Planning Commission of the City of El Paso de Robles will hold a Public Hearing to consider recommending a Zoning Code Amendment to the City Council. The proposed Amendment would add provisions to the Zoning Code to allow establishment of a Domestic Violence Shelter as a permitted land use in the Multi-Family zones.

The Planning Commission's hearing will take place in the Conference Room of the Library / City Hall at 1000 Spring Street, Paso Robles, California, at the hour of 7:30 PM on Tuesday, May 11, 1999 at which time all interested parties may appear and be heard. The Commission's action will be a recommendation for City Council consideration.

NOTICE IS ALSO HEREBY GIVEN that the City Council of the City of El Paso de Robles will hold a Public Hearing to consider an ordinance amending the Paso Robles Municipal Code (Zoning Code) for the same purpose.

The City Council's hearing will take place in the Conference Room of the Library / City Hall at 1000 Spring Street, Paso Robles, California, at the hour of 7:30 PM on Tuesday, May 18, 1999, at which time all interested parties may appear and be heard.

The proposed Zoning Code Amendment would be subject to a Categorical Exemption under Section 15301 of the State's Guidelines for implementing the California Environmental Quality Act (CEQA).

Copies of the staff report will be available at the Community Development Department, City Hall, 1000 Spring Street, Paso Robles, CA 93446 from Wednesday, May 5, 1999. Please write to this address or call the Planning Division at (805) 237-3970 should you have questions or comments regarding this notice or related matters.

If you challenge the ordinance in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission at, or prior to, the public hearing.

Bob Lata, Community
Development Director
Apr. 30, 1999 5147536