



Culver CITY

MIKE BALKMAN COUNCIL CHAMBERS
9770 CULVER BOULEVARD
CULVER CITY, CALIFORNIA 90232-0507
CITY HALL Tel. (310) 253-5710
FAX (310) 253-5721

**PLANNING COMMISSION
MEETING AGENDA
WEDNESDAY, FEBRUARY 13, 2013
7:00 P.M.**

PUBLIC COMMENT

The Planning Commission will listen to the public on any item on the agenda or item of interest that is not on the agenda. The Planning Commission cannot legally take action on any item not scheduled on the agenda. Such items may be referred for administrative action or scheduled on a future agenda.

If you wish to speak to the Commissioners, please complete a Speaker's Card and present it to the Secretary before the agenda item is called. You will be called to the podium by name when it is your turn to speak to the Commissioners.

PUBLIC COMMENT FOR ITEMS ON THE AGENDA

Persons wishing to speak on agenda items will be called at the time the agenda item is brought forward. Comments will generally be limited to five minutes per speaker; however, a three-minute limit may be declared by the Chairperson for agenda items for which many Speaker Cards have been submitted.

PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA

A total of twenty minutes shall be devoted to audience participation at the beginning of the agenda. Speakers will be called on in the order cards were received by the Secretary. If additional time is needed, the Chairperson will allow for same at the end of the agenda.

When the Secretary calls your name, please advance to the podium and state your name and city of residence. Speakers must limit their comments to five minutes. A three-minute limit may be declared by the Chairperson if there is a large number of individuals desiring to address the Commissioners.

NOTE: AT OR ABOUT 11:00 P.M., COMMISSION MEMBERS WILL DETERMINE WHETHER TO CONTINUE WITH DISCUSSION OF REMAINING ITEMS ON THE AGENDA OR TO CARRY SOME/ALL OF THE ITEMS OVER TO A FUTURE MEETING DATE.

CELL PHONES AND OTHER DISTRACTIONS

Use of cell phones, pagers and other communication devices is prohibited while the Planning Commission Meeting is in session. Please turn all devices off or place on silent alert and leave the Chambers to use. During the meeting, please refrain from applause or other actions that may be disruptive to the speakers or the conduct of City business.

City Council/Agency/Commission meetings can be viewed live on Channel 35 by Time Warner subscribers. To view the Planning Commission meetings on line please visit <http://www.culvercity.org/webcast>

ALD

Assisted Listening Devices are available through the Secretary.



Culver CITY

Agendas are available on the web at:
www.culvercity.org

AGENDA
Planning Commission
Wednesday, February 13, 2013
7:00 p.m.
Mike Balkman Council Chambers

CALL TO ORDER & ROLL CALL

Scott Wyant, Chair
John Kuechle, Vice Chair
Linda Smith Frost, Commissioner
Anthony Pleskow, Commissioner
Kevin Lachoff, Commissioner

PLEDGE OF ALLEGIANCE

PUBLIC COMMENT – Items Not On The Agenda

PH-1 ***(Continued from January 23, 2013)*** Zoning Code Amendment, ZCA P-2012006:
Consideration of Zoning Code Text Amendments Affecting Single Room
Occupancy Housing, Reasonable Accommodations, and Definition of Family.
**Recommended Action: Adopt Resolution recommending approval of Zoning
Code Amendment to the City Council**

CONSENT CALENDAR. *Note: Consent Calendar items are considered to be routine in nature and may be approved by one motion. Public requests to discuss Consent Calendar items must be filed with the Secretary before the Consent Calendar is called.*

ITEMS FROM STAFF

ITEMS FROM PLANNING COMMISSION

ADJOURN

Upcoming Public Meeting Schedule –Tentative – 2013

Date	Day	Time	Location
<i>City Council</i>			
February 25	Monday	7:00PM	Council Chambers
<i>Civil Service Commission</i>			
March 6	Wednesday	7:00PM	Council Chambers
<i>Cultural Affairs Commission</i>			
March 12	Tuesday	7:00PM	Council Chambers
<i>Parks & Recreation Commission</i>			
March 5	Wednesday	7:00PM	Patacchia Room
<i>Planning Commission</i>			
March 13	Wednesday	7:00PM	Council Chambers

Meetings may be added or changed.

City of Culver City, California
Planning Commission Agenda Item Report

Meeting Date: February 13, 2013		Item Number: PH-1	
AGENDA ITEM: Zoning Code Amendment, ZCA P-2012006: Consideration of Zoning Code Text Amendments Affecting Single Room Occupancy Housing, Reasonable Accommodations, and Definition of Family. (Continued From January 23, 2013)			
Contact Person/Dept.: Jose Mendivil, Associate Planner		Phone Number: (310) 253-5757	
Public Hearing: ☒		Attachments: ☒	
Action Item: ☐			
Public Notification: Publication in Culver City News (January 10, 2013). Mailed to the Always List (January 10, 2013), Emailed to the Master Notification List (January 10, 2013).			
Planning Approval: Thomas Gorham, Planning Manager		Department Approval: Sol Blumenfeld, Community Development Director	

RECOMMENDATION:

That the Planning Commission adopt Resolution No. 2013-P001 (Attachment No. 1) recommending to the City Council approval of Zoning Code Amendment, ZCA P-2012040.

PROCEDURES:

1. Chair calls on staff for a brief staff report and Commission poses questions to staff as desired.
2. Chair opens the public hearing, providing the general public the opportunity to speak. Chair seeks a motion to close the public hearing after all testimony has been presented.
3. Commission discusses the matter and arrives at its decision.

BACKGROUND:

California State housing law requires cities and counties to provide procedures and standards that allow various types of housing options with the objective of providing affordable housing for persons with special needs. Persons with special needs include those in residential care facilities, persons with disabilities, persons needing emergency shelters or transitional or supportive housing, and those living in single room occupancy (SRO) units. The Zoning Code provides procedures for residential care facilities but is lacking in appropriately addressing persons with disabilities, persons needing emergency shelters or transitional or supportive housing, and those living in single room occupancy (SRO) units.

The City of Culver City Housing Element for 2008-2014, was adopted by the City Council on June 10, 2010 and certified by the State of California Department of

City of Culver City, California
Planning Commission Agenda Item Report

Housing and Community Development (HCD) in August 11, 2010. The Housing Element includes the following measures to amend the Zoning Code: include reference to and procedures for SRO's (Measure 2K); incorporate State requirements for emergency shelters, transitional housing and supportive housing (Measure 2L); provide for a definition of family (Measure 2M) that is consistent with fair housing law; and provide reasonable accommodation procedures for persons with disabilities (Measure 2N) (Attachment No. 3).

On February 22, 2012, the Planning Commission approved Zoning Code Amendment ZCA P-2012006 recommending amendments to the Zoning Code that address Measure 2L – emergency shelters and transitional and supportive housing. The proposed ZCA presented herein addresses Housing Element Measures 2K (SRO's), 2M (definition of "family"), and 2N (Reasonable Accommodation Procedures).

DISCUSSION:

Proposed text changes are outlined in Exhibit A (Attachment No. 2) in "striketrough/underline" format and as described below:

Single Room Occupancy Housing

Single Room Occupancy Housing (SRO) is a dwelling type that pursuant to HCD definitions is a small residential unit between 200 to 350 square feet located in a multi-family building. These dwelling units may have full kitchen or full bathroom facilities and are offered on a monthly basis or longer. These units provide a valuable source of affordable housing for lower-income individuals, seniors, and persons with disabilities and can serve as an entry point into the housing market for formerly homeless people. In order to ensure that this type of housing is available as an affordable housing tool, HCD has required that cities include Housing Element measures that commit cities to amending zoning codes to identify SRO units as a specific land use with its own definition and allowance procedure.

Nothing in State or Federal housing law prohibits a local jurisdiction from requiring a discretionary review as part of the SRO development process. Further, specific development standards different from multi-family housing can be imposed. Given the small size of SRO units (200-350 square feet), they typically have a high density per acre and as such, would not fit in with the character of the City's residentially zoned neighborhoods which are characterized by low to medium density development. Given, the relative high density of an SRO development the appropriate zone to permit them would be a commercial

City of Culver City, California
Planning Commission Agenda Item Report

zone where high density residential development is allowed as part of a mixed use project. Since stand-alone residential development is not permitted in the commercial zones the proposed text amendments would allow SRO units only as part of a mixed use development in the same commercial zones where mixed use projects are permitted: Commercial Neighborhood (CN); Commercial General (CG); Community Commercial (CC) and Commercial Downtown (CD) zones. Housing is not permitted in the Industrial zones.

Specific development standards for SRO units are proposed in new Zoning Code Section 17.400.106 as outlined in Exhibit A and as follows:

- A. Location. Single Room Occupancy (SRO) units shall only be located in a Mixed Use Project and shall be subject to all applicable provision of Section 17.400.065 (Mixed Use Development Standards)
- B. Density. SRO residential density shall not exceed the density standards as may be permitted in Section 17.400.065 (Mixed Use Development Standards) and in no case shall the number of SRO units exceed more than 25% of a Mixed Use Project's total number of residential units.
- C. Unit Size. The minimum size of an SRO unit shall be 200 square feet and the maximum size shall be 350 square feet.
- D. Kitchen Facilities. Each SRO unit shall be equipped with a kitchen sink with a garbage disposal and a counter top measuring a minimum of 48 inches wide by 24 inches deep; and shall be provided with a minimum of a refrigerator and a microwave oven.
- E. Bathroom Facilities. Each SRO unit shall include a bathroom with a toilet and a shower stall in an enclosed compartment with a door. The bathroom shall be a minimum of 25 square feet in area.
- F. Open Space. Each SRO unit shall be provided with open space in compliance with Section 17.400.065 (Mixed Use Development Standards).
- G. Parking. One parking space shall be provided for each SRO unit.
- H. Occupancy. SRO units shall be occupied by no more than two persons and shall be offered on a monthly rental basis or longer.

City of Culver City, California
Planning Commission Agenda Item Report

Hypothetical Development

Using the approved Washington Boulevard/Marcasel Avenue mixed use project as an example, incorporating SRO units within the project would yield 7 SRO units within the 30 dwelling unit approved mixed use project:

Originally approved project:	30 units at 50 dwelling units per acre.
SRO Component:	7 of 30 units (25% X 30 = 7.5).*

*The Zoning Code requires that when fractional remainders result in dwelling unit density calculations, the result of the calculation must be rounded down to the next whole number regardless of whether or not the fraction is above or below 0.5.

These units would be required to be designed so that they are compatible with the rest of the mixed use project and will be subject to all applicable mixed used development standards.

Exhibit A (Attachment 2) contains the proposed zoning text changes regarding SRO's as follows: Zoning Code Section 17.220.015, Table 2-5 (allowed uses in Commercial Zones); Parking Standards for SRO units are listed in Section 17.320.020.H, Table 3-3 (parking requirements by land use); Specific standards for SRO units will be added to Article 4 – Standards for Specific Land Uses – and will include Section 17.400.106 that provides standards as noted above; and a new definition for SRO units will be added in the Definitions section (Section 17.700.010.S).

Reasonable Accommodation Procedures

A series of Federal and State laws have been enacted over the past several decades to prohibit housing discrimination against individuals with disabilities. Both the Federal Fair Housing Amendments Act of 1988 (FHAA) and the California Fair Employment and Housing Act (FEHA) define discrimination as, among other things, a refusal to make reasonable accommodations in rules, policies, practices, or services, when these accommodations may be necessary to afford an individual with a disability equal opportunity to use and enjoy a dwelling. Subsequent legislation expands upon the intent of the fair housing laws. The State Housing Element law (65583(c)(3)) requires local housing elements to include programs that “provide reasonable accommodations for housing designed for, intended for occupancy by, or with supportive services for, persons with disabilities.” In May 2001, the State Attorney General issued a letter (Attachment No. 4) to local governments advising of their affirmative duty under fair housing laws to provide reasonable accommodation and encouraging

City of Culver City, California
Planning Commission Agenda Item Report

local governments to establish prompt and efficient processes for handling such requests.

Reasonable Accommodation means a waiver or modification to regulations, policies, procedures and standards that may be necessary for a person with a disability to have an equal opportunity to use and enjoy a residential use. State and Federal fair housing laws require that cities and counties provide this flexibility where the requested accommodation is reasonable and necessary under the law. Examples of reasonable accommodations include the following:

- An elevator in a townhome is needed that encroaches into the required garage parking spaces. Reasonable accommodation is requested to allow a reduction in the parking space size requirement.
- A handicapped ramp needs to encroach further into a setback than what is typically allowed for stairs and ramps. Reasonable accommodation is requested to waive the setback requirement.
- A wheelchair-bound person has a van and other equipment related to his disability that he needs to have available at his home. He wants to build a garage and storage area to accommodate the van and equipment. Unfortunately, the proposed garage exceeds the allowable square footage and height for an accessory structure. Reasonable accommodation is requested to exceed the development standard.
- An individual who is mobility impaired cannot go up the stairs anymore and needs to add a first floor bedroom or bathroom. This would require that the home's footprint expand into a side yard setback. Reasonable accommodation is requested to waive the setback requirement.

In the last HCD review of the City's Housing Element, HCD required the City to include a measure (Measure 2N) that would commit the City to adopting a reasonable accommodations procedure thereby assuring the Zoning Code's further compliance with Federal and State fair housing legislation and policies.

The proposed amendment creates an administrative procedure for individuals with disabilities to request reasonable accommodation from zoning regulations when those regulations are a barrier to equal housing access. The proposed amendment would create a procedure that allows an individual with a disability to request relief from any land use regulation in the Zoning Code that if implemented, would not allow that person to use the property in a manner equal to those property owners that do not have disabilities. Relief from Zoning Code

City of Culver City, California
Planning Commission Agenda Item Report

regulations would only apply to residential uses (either in residential zones or in commercial zones). Definitions for disability, individual with a disability, and reasonable accommodations that are consistent with state and/or federal law are also included in the proposed text language and will be added to the definitions section of the Zoning Code.

Reasonable Accommodation request will be processed similar an Administrative Modification. Noticing requirements will be the same as that required for Administrative Modifications (all property owners and occupants adjacent to the subject property for a 15 day public comment period). The Director will conduct an administrative review of the request and render a written decision based on the findings as noted in the draft text language. The administrative decision could be appealed to the Planning Commission and/or City Council.

The State regulations permit the City to impose conditions on any reasonable accommodation and the proposed amendments include as a condition of any reasonable accommodation a covenant may be required of the property owner acknowledging and agreeing to comply with the terms and conditions established in the decision. The covenant shall be required if the Director finds that a covenant is necessary to provide notice to future owners that a reasonable accommodation has been approved. This may result in certain structures installed to make properties accessible to persons with disabilities to be removed once that structure is no longer needed. This requirement ensures that the accommodation is tied to the person(s) for whom it was granted, and that it does not run with the land. Any accommodation granted in regard to relief from development standards of the Zoning Code would be considered a legal nonconforming use or structure and may continue to be used and maintained by the individual with a disability for the duration of his or her tenancy in the dwelling. However, within 60 days of the termination of the tenancy by the individual with a disability, the Reasonable Accommodation shall be removed unless the Director finds that the modification is physically integrated into the property and cannot feasibly be removed or altered, or if a subsequent property owner applies for and is granted the same accommodation, the new property owner will be required to bring the property into compliance with applicable zoning regulations. These provisions are consistent with State requirements and have been adopted by other cities.

Exhibit A (Attachment 2) contains the proposed zoning text changes regarding Reasonable Accommodations as follows: Reasonable Accommodations Procedures will be added to Article 5 – Land Use and Development Permit Procedures – of the Zoning Code, specifically, Chapter 17.550 – Variances and Administrative Modifications - will be amended to include language addressing Reasonable Accommodations;); Table 5-1 (Review Authority); Table 6-3 (Mailed

City of Culver City, California
Planning Commission Agenda Item Report

Notification Requirements for Administrative Discretionary Review Applications); and Sections 17.700.010.D, I and R will be amended to include definitions for “Disability”, “Individual with a Disability”, and “Reasonable Accommodations” that are consistent with State Law and ensure the Reasonable Accommodation is granted to an individual or individuals with a true disability.

Definition of Family

State law requires that there be no distinction in the definition of family between related or unrelated people. Ideally, the definition should include one or more persons, related or unrelated, living together in a dwelling unit, with common access to, and common use of all living, kitchen, and eating areas within a dwelling unit, including the joint use of common areas of the premises which they occupy.

After the February 22, 2012 Planning Commission meeting wherein the Planning Commission asked this issue be carried over to the second set of Housing Element related amendments, staff conducted a survey of eleven (11) different cities with definitions for family. All these definitions included language that defined family as an individual or 2 or more persons related, or not related, by blood and living together. Beyond that cities varied in their definitions with some cities including a maximum number of people per household and other cities adding other words to the definition that required their own definition.

The key concern by the Planning Commission is a definition for family that is too broad which could invite an abuse of residential development standards such as establishment of boarding houses without proper review (resulting in negative impacts to single family neighborhoods). Planning staff in conjunction with the City Attorney’s office has crafted a definition for family that addresses HCD’s concern that the definition not discriminate against unrelated people living together while narrowing the scope of the definition. The definition of family recommended by staff is as follows:

Family. One or more persons living together in a dwelling unit and functioning as a single housekeeping unit, with common access to, and common use of all living, kitchen, and eating areas within the dwelling unit. A “single housekeeping unit” is evidenced by an intentionally structured nontransient relationship between occupants of a dwelling unit who share household activities and responsibilities (e.g., meals, chores and expenses).

The clarification of single housekeeping unit focuses the definition to a collection of people that are intimately related to each other. This clarification further

City of Culver City, California
Planning Commission Agenda Item Report

reduces the potential for the definition to be applied to renters living independent of each other under the same roof as may be found in a boarding house.

Exhibit A (Attachment 2) contains the proposed zoning text changes regarding a new definition for Family which will be added in the Definitions section (Section 17.700.010.F).

ENVIRONMENTAL DETERMINATION:

Pursuant to Sections 15162 and 15168 of the California Environmental Quality Act (CEQA), ZCA P-2012040 is within the scope of the Culver City General Plan Update Program EIR approved on September 24, 1996 (PEIR 1), the Culver City Redevelopment Plan Amendment and Merger Program Subsequent EIR approved on November 16, 1998 (PEIR 2), and the Negative Declaration approved on June 7, 2010 for the 2008-2014 Housing Element Update. The circumstances under which PEIR 1, PEIR 2, and Negative Declaration were prepared have not significantly changed and no new significant information has been found that would impact either PEIR 1, PEIR 2, and the Negative Declaration and therefore no new environmental analysis is required.

CONCLUSION:

Consistent with State Housing Law and the Culver City Adopted and State certified Housing Element, staff recommends the Commission recommend to the City Council approval of proposed amendments as shown on Exhibit A of Resolution No. Resolution No. 2013-P001 (Attachment 1). Staff believes that direction from the Commission on the final recommended language should not vary much from what is proposed. Failure to provide a definition for family; to provide allowances, procedures, and development standards for SRO's; and provide a reasonable accommodation procedures for persons with disabilities will place the City in non-compliance with State Housing law and will subject the City to potential civil litigation and greater scrutiny by HCD during the next Housing Element review cycle (set to begin in October of 2013 through October of 2014).

City of Culver City, California
Planning Commission Agenda Item Report

ALTERNATIVE OPTIONS:

The following alternative actions may be considered by the Planning Commission:

1. Recommend that the City Council approve the proposed amendments if the required findings for a Zoning Code Amendment can be made.
2. Recommend that the City Council approve the proposed amendments with additional or different amendment language if deemed necessary to meet the required findings for a Zoning Code Amendment.
3. Disapprove the amendment request if it does not meet the required findings.
4. Continue the Agenda Item and request staff to conduct additional analysis prior to arriving at a final recommendation.

ATTACHMENTS:

1. Resolution No. 2013-P001
2. Exhibit A – Proposed Text Changes in “strikethrough/underline” format
3. Excerpt From Housing Element - Chapter V, Housing Programs
4. State of California Office of the Attorney General May 15, 2001, Letter to California Mayors on Reasonable Accommodations

1 RESOLUTION NO. 2013-P001

2 A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF
3 CULVER CITY, CALIFORNIA, RECOMMENDING APPROVAL TO THE CITY
4 COUNCIL OF ZONING CODE AMENDMENT, ZCA P-2012040 AMENDING
5 TITLE 17, ZONING, OF THE CULVER CITY MUNICIPAL CODE (CCMC),
6 AFFECTING SINGLE ROOM OCCUPANCY UNITS, REASONABLE
ACCOMMODATIONS, AND DEFINITION OF FAMILY AS SET FORTH IN
EXHIBIT "A" ATTACHED HERETO.

7 (Zoning Code Amendment P-2012040)

8 WHEREAS, on June 10, 2010, the City of Culver City City Council adopted the
9 Culver City Housing Element for 2008-2014 and on August 11, 2010, the State of
10 California Department of Housing and Community Development certified said Housing
11 Element; and,
12

13 WHEREAS, said adopted and certified Housing Element includes measures to
14 incorporate State legislative requirements addressing allowances, development standards,
15 and/or definitions for single room occupancy housing (Measure 2K of said Housing
16 Element) and Reasonable Accommodation Procedures (Measure 2N of said Housing
17 Element) into the City of Culver City Zoning Code consistent with State Housing Law; and,
18

19 WHEREAS, said adopted and certified Housing Element includes a measure to
20 incorporate Federal and State fair housing legislative requirements addressing the
21 definition of "Family" (Measure 2M of said Housing Element) into the City of Culver City
22 Zoning Code consistent with Federal and State Fair Housing Law; and,
23

24 WHEREAS, in order to implement said Housing Element measures, on
25 February 13 2013, the Planning Commission conducted a duly noticed public hearing on
26 City-initiated Zoning Code Amendment, ZCA P-2012040 regarding single room occupancy
27
28
29

1 housing, reasonable accommodation procedures, and definition of family, fully considering
2 all reports, studies, testimony, and environmental information presented; and

3 WHEREAS, following conclusion of the public discussion and thorough
4 deliberation of the subject matter, the Planning Commission determined by a vote of __ to
5 __ that Zoning Code Amendment, ZCA P-2012040 should be recommended for approval
6 to the City Council as set forth herein below.
7

8 NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF
9 CULVER CITY, CALIFORNIA, RESOLVES AS FOLLOWS:
10

11
12 **SECTION 1.** Pursuant to the foregoing, the following findings are hereby
13 made:

14 1. ZCA P-2012040 ensures and maintains internal consistency with the goals,
15 policies, and strategies of the General Plan and will not create any inconsistencies with the
16 Zoning Code. This Zoning Code Amendment will implement General Plan Housing
17 Element Measures 2K, 2M, and 2N addressing respectively Single Room Occupancy
18 (SRO) Housing, Definition of Family, and Reasonable Accommodation Procedures.
19 Further, implementation of these measures through this zoning code amendment will
20 compliment and implement General Plan Land Use Element Objective 3 by encouraging
21 the provision of housing opportunities for varied members of the community.
22

23
24 2. ZCA P-2012040 is not detrimental to the public interest, health, safety,
25 convenience and welfare of the City. The amendments will establish SRO housing as a
26 residential use allowed within a mixed use project. This allowance will provide a process
27 and opportunity for this type of affordable housing while assuring such housing is
28
29

1 consistent with the fabric of the community and is designed in such a manner that
2 potential impacts are minimized to a level of insignificance. The amendments pertaining to
3 residential parking requirements for SRO units will ensure the continued provisions for on-
4 site parking in commercial neighborhoods where this type of housing is allowed as part of
5 a mixed use project. The amendments regarding Standards for Specific Land Uses will
6 establish specific standards for SRO units which will ensure compatibility with adjacent
7 land uses.
8

9 The amendments regarding Reasonable Accommodation Procedures will establish
10 an administrative process that allows an individual with a disability to seek reasonable
11 accommodation in Zoning Code regulations to ensure equal access to housing. These
12 amendments will facilitate development of housing for individuals with disabilities as
13 provided by the Federal Fair Housing Amendments Act of 1988 and the California Fair
14 Employment and Housing Act. The administrative review process will ensure flexibility in
15 the application of land use and zoning regulations in order to eliminate barriers to housing
16 opportunities while ensuring compatibility with and minimizing potential impacts to
17 adjacent land uses.
18

19 The amendment regarding the definition of family will be consistent with State Law
20 thereby diminishing any potential scrutiny in dwelling units that may or may not have
21 related people living as a family unit.
22

23 3. Pursuant to Sections 15162 and 15168 of the California
24 Environmental Quality Act (CEQA), ZCA P-2012040 is within the scope of the Culver City
25 General Plan Update Program EIR approved on September 24, 1996 (PEIR 1), the Culver
26 City Redevelopment Plan Amendment and Merger Program Subsequent EIR approved on
27
28
29

1 November 16, 1998 (PEIR 2), and the Negative Declaration approved on June 7, 2010 for
2 the 2008-2014 Housing Element Update. The circumstances under which PEIR 1, PEIR
3 2, and Negative Declaration were prepared have not significantly changed and no new
4 significant information has been found that would impact either PEIR 1, PEIR 2, and the
5 Negative Declaration and therefore no new environmental analysis is required.
6
7

8 **SECTION 2.** Pursuant to the foregoing recitations and findings, the
9 Planning Commission of the City of Culver City, California, hereby recommends approval
10 of Zoning Code Amendment (ZCA P-2012040) to the City Council as set forth in Exhibit A
11 attached hereto and made a part thereof.
12

13 ///

14 ///

15 ///

16 APPROVED and ADOPTED this 13th day of February, 2013.
17
18

19
20 _____
21 SCOTT WYANT, CHAIRPERSON
22 PLANNING COMMISSION
23 CITY OF CULVER CITY, CALIFORNIA

24 Attested by:

25 _____
26 Yvonne Hunt
27 Administrative Secretary
28
29

Exhibit A
Zoning Code Amendment ZCA P-2012040

TABLE 2-5 Allowed Uses and Permit Requirements for Commercial Zoning Districts	P Permitted Use CUP Conditional Use Permit required AUP Administrative Use Permit Required - Use not allowed						
	PERMIT REQUIREMENT BY DISTRICT						See Specific Use Regulations:
LAND USE (1)	CN	CG	CC	CD	CRR	CRB	

INDUSTRY, MANUFACTURING & PROCESSING

Cosmetic product manufacturing	-	-	-	-	-	P	
Electronics and equipment manufacturing	-	-	-	-	-	P	
Fabric products manufacturing	-	-	-	-	-	P	
Handcraft industries	-	-	-	-	-	P	
Media production - Indoor support facilities	-	P	-	-	-	P	
Media production - Soundstages	-	-	-	-	-	P	
Printing and publishing	-	P	P	-	P	P	
Recycling facility - Incidental small collection	-	P	P	-	-	P	17.400.090
Recycling facility - Small collection	-	AUP	AUP	-	-	AUP	17.400.090
Research and development (R&D)	-	-	-	-	-	P	
Warehousing and distribution facilities	-	-	-	-	-	P(2)	

RECREATION, EDUCATION & PUBLIC ASSEMBLY

Arcade	-	AUP	AUP	P(3)	AUP	-	
Clubs, lodges, and private meeting halls	-	P	P	P(4)	-	P	
Health/fitness facilities	-	P	P	P(4)	P	P	
Indoor amusement/entertainment facilities	-	P	P	P	P	-	
Outdoor commercial recreation	-	CUP	CUP	-	CUP	CUP	
Public recreational and cultural facilities	P	P	P	P	P	P	
Public Schools	P	P	P	P	P	P	
Private Schools (5)	CUP	CUP	CUP	CUP	-	CUP	
Religious places of worship	CUP	P	P	-	-	P	
Studios - Art, dance, music, photography, etc.	P	P	P	P	P	P	
Theaters	P	P	P	P	P	P	

RESIDENTIAL

Home occupations	P	P	P	P	-	-	17.400.055
Live/work units	P	P	P	P	-	-	17.400.060
Mixed use projects	P	P	P	P	-	-	17.400.065
Residential care facilities, 6 or fewer clients	P	P	P	P	-	-	
Residential care facilities, 7 or more clients	CUP	CUP	CUP	-	-	-	
Senior citizen congregate care housing	CUP	CUP	CUP	-	-	-	
Single Room Occupancy units (8)	P	P	P	P	-	-	17.400.106
Supportive Housing, 6 or fewer residents (7)(8)	P	P	P	P	-	-	
Supportive Housing, 7 or more residents (8)	CUP	CUP	CUP	CUP	-	-	
Transitional Housing (7)(8)	P	P	P	P	-	-	

RETAIL TRADE

Accessory food service	P	P	P	P	P	P	
Accessory retail uses	P	P	P	P	P	P	
Adult businesses (6)	-	P	P	-	-	-	
Artisan shops	P	P	P	P	P	P	

Notes:

- (1) See Article 7 for definitions of the land uses listed.
- (2) 10,000 sf maximum floor area.
- (3) Up to 10 amusement devices are allowed in conjunction with a multiplex movie theater subject to Section 17.230.030
- (4) Subject to ground floor restrictions; see Section 17.220.035 (CD District Requirements).
- (5) AUP required for schools up to 1,500 square feet in area.
- (6) Use only allowed subject to approval of an Adult Use Development Permit (See CCMC Chapter 11.13).
- (7) Use is subject to only those restrictions that apply to other residential uses of the same type in the same zone.
- (8) Use only allowed as part of a mixed use project

EXHIBIT A
ZONING CODE AMENDMENT ZCA P-2012040

H. Table 3-3. Parking Requirements by Land Use.

1. Residential uses.

Table 3-3A

Land Use Type: Residential	Vehicle Spaces Required
Accessory dwelling units	1 uncovered space in addition to that required for the primary dwelling unit(s).
Mobile home parks	1 space in conjunction with each mobile home site, plus 1 space for each 2 mobile home sites for guest parking located as approved by the City.
Live / Work unit	Up to 900 sf - 2 spaces.
	Greater than 900 up to 1500 sf - 3 spaces.
	Greater than 1500 sf – 4 spaces.
Multi-family dwellings and residential component of Mixed-use development, includes supportive housing and transitional housing units (1)	Studio and 1 bedroom, less than 900 sf - 1 space.
	Studio and 1 bedroom, greater than 900 sf - 2 spaces.
	2-3 bedroom units - 2 spaces.
	4 bedroom units - 3 spaces.
	1 space for every additional bedroom greater than 4.
	Guest parking - 1 space for every 4 residential units.
Residential Care Facilities	1 space for each 3 patient beds.
Senior citizen congregate care housing	1 space per each 2 residential units, plus one space for each 4 units for guests and employees.
Senior housing	1 space per unit, plus one guest parking space for each 10 units.
Single family, duplex and triplex units, includes supportive housing and transitional housing units (1)	2 spaces per dwelling unit.
<u>Single Room Occupancy Units</u>	<u>One (1) parking space per unit.</u>

Notes:

(1) See Section 17.320.035.M.(Special Requirements for Residential Uses)

Exhibit A
Zoning Code Amendment ZCA P-2012040

17.400.106 – Single Room Occupancy (SRO) Units

This Section provides density, development, and operating standards for single room occupancy units in compliance with Article 2 (Zoning Districts, Allowable Land Uses and Zone-Specific Development Standards):

- A. **Location.** Single Room Occupancy (SRO) units shall only be located in a Mixed Use Project and shall be subject to all applicable provision of Section 17.400.065 (Mixed Use Development Standards).
- B. **Density.** SRO residential density shall not exceed the density standards as may be permitted in Section 17.400.065 (Mixed Use Development Standards) and in no case shall the number of SRO units exceed more than 25% of a Mixed Use Project's total number of residential units.
- C. **Unit Size.** The minimum size of an SRO unit shall be 200 square feet and the maximum size shall be 350 square feet.
- D. **Kitchen Facilities.** Each SRO unit shall be equipped with a kitchen sink with a garbage disposal and a counter top measuring a minimum of 48 inches wide by 24 inches deep; and shall be provided with a minimum of a refrigerator and a microwave oven.
- E. **Bathroom Facilities.** Each SRO unit shall include a bathroom with a toilet and a shower stall in an enclosed compartment with a door. The bathroom shall be a minimum of 25 square feet in area.
- F. **Open Space.** Each SRO unit shall be provided with open space in compliance with Section 17.400.065 (Mixed Use Development Standards).
- G. **Parking.** One parking space shall be provided for each SRO unit.
- H. **Occupancy.** SRO units shall be occupied by no more than two persons and shall be offered on a monthly rental basis or longer.

Exhibit A
Zoning Code Amendment ZCA P-2012040

Table 5-1
Review Authority

Type of Permit or Decision	Procedure is in Section	Role of Review Authority (1)			
		Director	Board of Zoning Adjustment	Planning Commission	City Council

Administrative and Amendments

General Plan Amendments	17.620			Recommend	Decision
Interpretations	17.120	Decision	Appeal	Appeal	Appeal
Time Extensions	17.595	Decision		Appeal	Appeal
Zoning Map Amendments	17.620			Recommend	Decision
Zoning Text Amendments	17.620			Recommend	Decision

Land Use Permits/Development Approvals

Administrative Use Permits	17.530	Decision		Appeal	Appeal
Administrative Site Plan Review	17.540	Decision		Appeal	Appeal
Administrative Modifications	17.550	Decision		Appeal	Appeal
Comprehensive Plans	17.560			Recommend	Decision
Conditional Use Permits	17.530			Decision	Appeal
Development Agreements	17.590			Recommend	Decision
Height Exemptions	17.300			Recommend	Decision
Master Sign Program	17.330	Decision		Appeal	Appeal
<u>Reasonable Accommodations</u>	<u>17.550</u>	<u>Decision</u>		<u>Appeal</u>	<u>Appeal</u>
Site Plan Review	17.540			Decision	Appeal
Specific Plans	17.570			Recommend	Decision
Special Event/Temporary Event Permits	17.520	Decision (2)		Appeal	Appeal
Temporary Use Permits	17.520	Decision		Appeal	Appeal
Tentative Parcel Map	15.10			Decision	
Tentative Tract Map	15.10			Recommend	Decision
Variances	17.550			Decision	Appeal
Zoning Clearances	17.510	Decision		Appeal	Appeal

Notes:

- (1) "Recommend" means that the review authority makes a recommendation to a higher decision-making body; "Decision" means that the review authority makes the final decision on the matter; "Appeal" means that the review authority may consider and decide upon appeals to the decision of an earlier decision-making body, in compliance with Chapter 17.640 (Appeals).
- (2) Decisions on Special Events permits may be referred to the Committee on permits and licenses for review and approval per CCMC Chapter 11.01. (General Licensing).

Exhibit A
Zoning Code Amendments ZCA P-2012040

**CHAPTER 17.550 – VARIANCES, AND ADMINISTRATIVE
MODIFICATIONS AND REASONABLE
ACCOMMODATIONS**

Sections:

- 17.550.005 - Purpose
- 17.550.010 - Applicability
- 17.550.015 - Application Filing, Processing, and Review
- 17.550.020 - Findings and Decision
- 17.550.025 - Conditions of Approval
- 17.550.030 - Post Approval Procedures

17.550.005 - Purpose

The provisions of this Chapter allow for:

- A. Administrative Modification of specific development standards of this Title when the strict application of those standards creates an unnecessary, involuntarily created hardship or unreasonable regulation which makes it impractical to require compliance with the development standards.
- B. Variances from the development standards of this Title only when, because of special circumstances applicable to the property, including location, shape, size, surroundings, topography or other conditions, the strict application of this Title denies the property owner privileges enjoyed by other property owners in the vicinity and in identical zoning districts.
- C. Reasonable Accommodations for an individual with a disability to seek reasonable accommodation in regard to relief from development standards of this Title when the strict application of those standards deny an individual with a disability an equal opportunity to use and enjoy a dwelling unit.

17.550.010 - Applicability

- A. **Administrative Modification.** The Director may grant an Administrative Modification for only the development standards identified in Table 5-2 (Administrative Modifications). An Administrative Modification may be granted only once for a specific type of request per parcel. A request which exceeds the limitations identified in Table 5-2 (Administrative Modifications) shall require the filing of an application for a Variance.

Exhibit A
Zoning Code Amendments ZCA P-2012040

Table 5-2
Administrative Modifications

Types of Administrative Modification Allowed	Maximum Adjustment
1. Dwelling unit size. A decrease in the minimum square footage requirements for dwelling units	10%
2. Fence, walls, or retaining walls. Fences, gates, pilasters, or walls in the side or rear yards that exceed 6 ft in height.	Not to exceed 8 ft
3. Distances between structures. A decrease in the minimum distance between a detached accessory structure and the main structure.	10%
4. Open space. A decrease in the minimum open space requirements.	10%
5. Parking. A decrease in the minimum number of parking spaces and parking lot and loading dimensions (e.g. aisle, driveway, and space widths)	10%
6. Projections. An increase in the allowed projections into setbacks in compliance with Section 17.300.020 (Setback Regulations and Exceptions)	10%
7. Setbacks. A decrease in the minimum required setbacks.	10%
8. Structure height. An increase in the maximum allowable structure height; provided that the increase complies with the height limitation established by the 1990 City of Culver City initiative.	10%

B. Variance. The Commission may grant a Variance from the requirements of this Title; except that a Variance shall not allow a use of land not otherwise allowed in the applicable zoning district by Article 2 (Zoning Districts, Allowable Land Uses and Zone-Specific Standards).

C. Reasonable Accommodation. The Director may grant Reasonable Accommodations from the requirements of this Title that may be necessary to ensure equal access to housing for an individual with a disability.

17.550.015 - Application Filing, Processing, and Review

A. Filing. An application for an Administrative Modification, ~~or a Variance,~~ or a Reasonable Accommodation shall be completed, filed, and processed in compliance with Chapter 17.500 (Applications, Processing, and Fees). The application package shall include all information specified in the application, any applicable Division handout, and any additional information required by the Director in order to conduct a thorough review of the proposed project. It is the responsibility of the applicant to establish evidence in support of the findings required by Section 17.550.020 (Findings and Decision), below.

B. Notice and Hearings. Notice and hearings regarding an application for a Variance, ~~or an Administrative Modification,~~ or a Reasonable Accommodation shall be provided in compliance with Chapter 17.630 (Public Hearings and Administrative Review), and as follows:

- 1. Administrative Modification.** The Director shall conduct an administrative review of an application for an Administrative Modification.

Exhibit A
Zoning Code Amendments ZCA P-2012040

2. **Variance.** The Commission shall conduct a public hearing on an application for a Variance.

3. **Reasonable Accommodation.** The Director shall conduct an administrative review of an application for a Reasonable Accommodation.

17.550.020 - Findings and Decision

- A. **Administrative Modification Findings.** The Director shall record the decision in writing with the findings on which the decision is based. The Administrative Modification may be approved, with or without conditions, only after making all of the following findings:

1. The strict application of the applicable development standard creates an unnecessary, involuntarily created hardship or unreasonable regulation which makes it obviously impractical to require compliance with the development standards.
2. Approval of the Administrative Modification would not be detrimental to the public health, interest, safety, or general welfare and would not be detrimental or injurious to property or improvements in the vicinity and in the same zoning district.
3. The project is consistent with the General Plan and complies with all other applicable provision of this Title.

- B. **Variance Findings.** The Commission shall record the decision in writing with the findings on which the decision is based. The Variance may be approved, with or without conditions, only after making all of the following findings:

1. There are special circumstances applicable to the property (e.g., location, shape, size, surroundings, and topography), or to the intended use of the property, so that the strict application of this Title denies the property owner privileges enjoyed by other property owners in the vicinity and under identical zoning districts.
2. The strict application of the applicable development standard creates an unnecessary, involuntarily created hardship or unreasonable regulation which makes it obviously impractical to require compliance with the development standards.
3. The Variance is necessary for the preservation and enjoyment of substantial property rights possessed by other property owners in the same vicinity and zoning district and denied to the property owner for which the Variance is sought.
4. The project is consistent with the General Plan and complies with all other applicable provisions of this Title.
5. Approval of the Variance would not be detrimental to the public health, interest, safety, or general welfare and would not be detrimental or injurious to property or improvements in the vicinity and in the same zoning district.

- C. **Reasonable Accommodation Findings.** The Director shall record the decision in writing with the findings on which the decision is based. The Reasonable Accommodation may be approved, with or without conditions, only after making all of the following findings:

1. The dwelling, which is the subject of the request for reasonable accommodation, will

Exhibit A
Zoning Code Amendments ZCA P-2012040

be used by an individual with a disability.

2. The requested accommodation is necessary to make the dwelling available to an individual with a disability.
3. There is no reasonable alternative accommodation that is compliant with this Title that may provide an equivalent level of benefit.
4. The requested accommodation will not negatively impact surrounding uses or properties.
5. Approval of the reasonable accommodation would not be detrimental to the public health, interest, safety, or general welfare and would not be detrimental or injurious to property or improvements in the vicinity and in the same zoning district.

17.550.025 - Conditions of Approval

In approving an Administrative Modification, ~~or~~ Variance, or Reasonable Accommodation the review authority may impose reasonable and necessary specific design, locational, and operational conditions which may include, but are not limited to, the City's "Comprehensive Standard Conditions of Approval for Site Plan Review and Other Discretionary Planning and Zoning Applications," as adopted by the Commission to ensure that the approval will be in compliance with the findings required by Section 17.550.020 (Findings and Decision), above.

A. Reasonable Accommodation Conditions of Approval. The following shall apply to the approval of a reasonable accommodation:

1. Approval of a reasonable accommodation shall be granted to an individual and shall not run with the land unless the Director also finds that the modification is physically integrated into the structure and cannot be easily removed or altered to comply with the requirements of this Title.
2. Prior to the issuance of any permits relative to an approved reasonable accommodation, the Director may require the applicant to record a covenant in the County Recorder's Office acknowledging and agreeing to comply with the terms and conditions established in the decision. The covenant shall be required only if the Director finds that a covenant is necessary to provide notice to future owners that a reasonable accommodation has been approved and may not apply to future owners and/or tenants.

B. Duration of Reasonable Accommodation. A reasonable accommodation shall not be considered permanent and shall be subject to the following:

1. The Reasonable Accommodation may continue to be used and maintained by the individual with a disability for the duration of his or her tenancy in the dwelling subject to the findings in Section 17.550.020.C.
2. Within 60 days of the termination of the tenancy by the individual with a disability, the Reasonable Accommodation shall be removed unless the Director has determined that the Reasonable Accommodation may remain as provided in Section 17.550.025.A.2.
3. A Reasonable Accommodation request shall be null and void if an individual with a disability fails to take advantage of said approval within one year or if said individual

Exhibit A
Zoning Code Amendments ZCA P-2012040

with a disability terminates tenancy prior to installing Reasonable Accommodation related structures.

17.550.030 - Post Approval Procedures

Procedures relating to appeals, notices, revocations and modifications as identified in Article 6 (Zoning Code Administration), in addition to those identified in Chapter 17.595 (Permit Implementation, Time Limits, and Extensions), shall apply following the approval of an Administrative Modification, or a Variance, or a Reasonable Accommodation application.

Exhibit A
Zoning Code Amendment ZCA P-2012040

17.630.010 - Notice of Public Hearings and Administrative Review

- D. Notice of Administrative Use Permits, Administrative Site Plan Review, ~~and~~ Administrative Modification, and Reasonable Accommodation Applications.**

Table 6-3 (Mailed Notification Requirements for Administrative Discretionary Review Applications) identifies the noticing requirements for administrative actions by the Director.

Table 6-3
Mailed Notification Requirements For Administrative
Discretionary Review Applications

Type of Administrative Review	See Chapter	Notice Requirement	
		Mailed Notice	Mailing Deadline
A. Administrative Use Permits.	17.530	All property owners and occupants within a 300-foot radius	15 days before the anticipated date of decision by Director
B. Administrative Modifications.	17.550	All adjacent property owners and occupants	15 days before the anticipated date of decision by Director
C. Administrative Site Plan Reviews.	17.540	All adjacent property owners and occupants	15 days before the anticipated date of decision by Director
<u>D. Reasonable Accommodations.</u>	<u>17.550</u>	<u>All adjacent property owners and occupants</u>	<u>15 days before the anticipated date of decision by Director</u>

1. In addition to all persons notified in compliance with Table 6-3 (Mailed Notification Requirements for Administrative Discretionary Review Applications) above, a notice of decision on the Administrative Site Plan Review, Administrative Modification, ~~and~~ Administrative Use Permit and Reasonable Accommodation applications shall be mailed to the applicant and other parties directly involved with the application, in compliance with Section 17.630.040 (Mailing of the Notice of Decision), below.
- E. Additional Notice.** In addition to the types of notice required by Subsections 17.630.010.A. (Mailed Notice) through Subsection 17.630.010.D. (Notice of Administrative Use Permits, Administrative Site Plan Review, ~~and~~ Administrative Modification and Reasonable Accommodation Applications), above, the Director may provide additional notice with content or using a distribution method as the Director determines is necessary or desirable (e.g., on the Internet).
- F. Effect of Notification Requirements.** Nothing in the public notification requirements identified in this Section is intended to supersede the procedures established in this Chapter for other discretionary reviews.

Exhibit A
Zoning Code Amendment ZCA P-2012040

17.700.010 Definitions

Definitions, “D”.

Disability. The definition of Disability shall be consistent with California Government Code Sections 12900- 12996 and the regulations promulgated thereunder.

Definitions, “F”.

Family. One or more persons living together in a dwelling unit and functioning as a single housekeeping unit, with common access to, and common use of all living, kitchen, and eating areas within the dwelling unit. A “single housekeeping unit” is evidenced by an intentionally structured nontransient relationship between occupants of a dwelling unit who share household activities and responsibilities (e.g., meals, chores and expenses).

Definitions, “I”.

Individual with a disability. The definition of an individual with a disability shall be consistent with California Government Code Sections 12900- 12996 and the regulations promulgated thereunder.

Definitions, “R”.

Reasonable Accommodations. Reasonable accommodation means providing an individual with a disability, or developers of housing for individuals with disabilities, flexibility in the application of land use and zoning regulations or policies, including the modification or waiver of certain requirements, when necessary to eliminate barriers to housing opportunities.

Definitions, “S”.

Single Room Occupancy (SRO) Unit. A dwelling unit with a minimum floor area of 200 square feet and a maximum floor area of 350 square feet. These dwelling units shall have kitchen and bathroom facilities. Each dwelling unit is restricted to occupancy by no more than two persons and is offered on a monthly rental basis or longer.

Table V-1
Quantified Objectives (2008-2014) –
Culver City

	Income Category					Totals
	Ex-Low	V-Low	Low	Mod	Upper	
New Construction*	0	129	80	85	211	504
Rehabilitation	0	13	12	15	0	40
Conservation	100**	1	7	4	0	112

* Quantified objective for new construction is for the period 1/1/2006 - 6/30/2014 per the RHNA

**Through the use of Redevelopment Agency Housing Set Aside funds, tenant based rental assistance will be made available to extremely-low-income households through the Rental Assistance Program (RAP). Funding supports up to 100 households annually.

B. Housing Programs

Government Code §65583(b) requires that the Housing Element set forth a six-year schedule of actions for the 2008 to 2014¹⁵ planning period that the city intends to undertake to implement its stated policies and objectives. The following section describes the measures that the city plans to implement consistent with its identified policies and objectives described above. Table V-2, Program Implementation Summary – 2008-2014 (page V-14), identifies the time-frame, responsible agency, and funding source for implementation of housing programs and their quantitative objectives.

Several of the Housing Element measures identified below are based on the Comprehensive Housing Strategy (CHS). On March 17, 2008, the Redevelopment Agency reviewed the CHS in its entirety and authorized implementation of years 1 and 2 of a 7-1/2 year program and instructed staff to return to the Redevelopment Agency with further discussion of the other projects identified in the CHS.

Some of the implementation measures described below call for amendments to the Municipal Code or other policy documents. All such actions will require a public review process that includes public notice, hearings and exercise of legislative discretion by the Planning Commission and City Council.

Measure 1. Continue Current Housing Programs. The Housing Division currently implements a variety of programs that assist city residents with the purchase or rental of housing, promote building maintenance and rehabilitation, and support fair housing practices. Programs currently provided by the city include:

- A. Section 8 Program. Help very-low- and extremely-low-income households secure decent, safe and sanitary affordable housing through the provision of rental subsidies through the Section 8 program and conduct outreach to attract new property owners.
- B. Rental Assistance Program. Assist extremely-low- up to and including moderate-income households to pay for housing through the Rental

¹⁵ For new construction, the planning timeframe is 2006 – 2014 to coincide with the RHNA.

- Assistance Program (RAP) and conduct outreach to attract new property owners.
- C. Shared Housing. Contract with Alternative Living for the Aging (ALA) to facilitate roommate matching for up-to-moderate income residents searching for alternative independent-living situations.
 - D. Existing Covenanted Buildings. Monitor existing covenanted buildings for compliance with affordability restrictions, and with occupancy and maintenance covenants in order to upgrade and maintain the character and condition of the neighborhoods while preserving affordability to residents.
 - E. Homeless Service Referrals. Assist homeless persons and families through referral to temporary shelter facilities and services in the Westside area, providing hotel/motel vouchers as needed, and referrals to the Rental Assistance Program.
 - F. Emergency Shelters. Support the use of the Armory (10808 Culver Boulevard) as an emergency cold weather shelter for homeless persons and families, for so long as the National Guard continues to lease the property. Support efforts by Upward Bound House to complete the conversion of its motel property on Washington Boulevard to a Family Emergency Shelter. (see also Measure 2L)
 - G. Emergency Food Vouchers. Refer needy clients for one-time food vouchers on an emergency basis to the Culver City Area Interfaith Alliance and the SAVES program of St. Augustine Catholic Church.
 - H. Group Homes. Monitor group homes and housing for persons with special needs which are supported by Redevelopment Agency Housing Set Aside Funds to ensure compliance with the Federal Housing Quality Standards (HQS), and City Health and Safety Codes. One of the properties within the TOD district that is proposed by the Exceptional Children's Foundation (ECF) will provide 50 units of low- and very-low-income housing for persons with developmental disabilities. This site is currently owned by ECF.
 - I. Neighborhood Preservation Program. Implement the Neighborhood Preservation Program (NPP) that provides grants, rebates, emergency grants, and deferred loans to qualified low- and moderate-income households, and to owners of multi-family housing with qualified low-income tenants. The purpose of these NPP grants, rebates, and loans is to rehabilitate and maintain sound housing conditions, to make modifications to accommodate persons with disabilities, and to install energy-saving features.

The Housing Division's Neighborhood Preservation Program has been very successful over the years. Since 1992, the NPP has averaged 100 units a year. Through this program, 784 single family homes have been preserved, and 771 multiple-family units have been preserved since 1992. The Housing Division will continue to provide this program and work with a cost estimator to determine the per-square-foot cost of new construction and rehabilitation. This information is used to update the grant amounts offered under NPP and ensure that the grants available are realistic with the current market.

The Neighborhood Preservation Program is marketed on the Culver City website and bi-annually in local newspapers. The main method of advertising is through the placement of door tags specially designed for the NPP. As part of the city's routine monitoring for blight, when Housing Division Inspectors identify a property suffering from deferred maintenance, a door tag is placed on the home and followed up with a letter to the property owner informing them about the NPP and how it can assist in addressing the outstanding issues with their property.

Additionally, in an effort to "put a new face" on affordable housing and help educate the public on the City's efforts to address the affordable housing needs of residents, in 2007 the Housing Division retained a local public relations firm to help develop public outreach and public relations materials. These materials include a property owner outreach tool, an outreach tool to the development community informing them of the benefits of developing affordable housing and how the city can provide financial assistance, and a fact sheet providing an overview of city programs and projects.

- J. Graffiti Removal. Work with property owners to remove graffiti through the Public Works Department and encouraging local monitoring by owners. Continue to help community groups to organize volunteer graffiti removal activities.
- K. Fair Housing Counseling. Contract with the Housing Rights Center (HRC) to provide information and assistance regarding tenant/landlord rights and issues and to address discrimination claims.

The Housing Division has contracted with the HRC for over 10 years. For fiscal year 2008-2009 the HRC contract is approved for \$21,000, while the amount increases to \$21,630 for fiscal year 2009-2010. Since, fiscal year 2000-2001, more than 2,600 clients have contacted HRC for housing information or to file a complaint. When the Housing Division is contacted regarding a fair housing complaint, the client is referred to HRC to obtain information pertaining to their rights and how to file a complaint.

All participants in the Housing Division rental assistance programs are provided the HUD fair housing information booklet during their initial briefing session and annually during the annual recertification process. The Housing Division also has fair housing posters and outreach material posted in the Housing Division lobby. The HRC, through its contract with the Housing Division, is responsible for disseminating information to the general public through the local library and senior center.

Additionally, Housing Division staff attends fair housing training and co-sponsors a fair housing workshop with HRC annually. The most recent workshop was held in September 2008.

- L. Landlord-Tenant Mediation Board. Fund mediations of rent increase issues between landlords and tenants through the Landlord Tenant Mediation Board.

- M. Temporary Emergency Rental and Relocation Assistance Program. Provide funds for security deposit for individuals forced to relocate due to change of use or code enforcement, or for up-to-moderate income tenants involuntarily displaced due to government action such as code enforcement actions or change in land use.
- N. Property Acquisition and Rehabilitation Program. Provide opportunities to create affordable housing through the Property Acquisition and Rehabilitation program by providing assistance for management and preservation of affordable housing to specified problem buildings.
- O. Home Secure. Contract with Jewish Family Services to provide and install security and safety devices and offer education and community resource information.
- P. Affordable Housing Development Assistance. Offer assistance to developers to fund affordable housing projects for property acquisition and rehabilitation.

The Redevelopment Agency's Comprehensive Housing Strategy (CHS) investigated 80 sites throughout the city for their suitability for affordable housing development. Of these, 10 sites were prioritized and placed in four tiers: Redevelopment Agency-Owned Sites, Small Lots, Medium Lots, and TOD. The Redevelopment Agency launched its Outreach/Public Relations Campaign in June 2009, with one of the focuses being the development community. Potential developers were provided information on the 10 priority sites highlighted in the CHS. Two of the sites are owned by the Redevelopment Agency and planning and development will begin during years 1-2 of the 7-1/2-year program. Where financially feasible, the Redevelopment Agency will offer assistance to affordable housing projects.

- Q. Redevelopment Agency Housing Replacement. Use financial resources of the Redevelopment Agency to help replace residential units lost as a result of Redevelopment Agency actions.

Measure 2. Programs to Facilitate Additional Housing. To support the policies of the Housing Element, the Housing and Planning Divisions will implement the following programs.

- A. Density Bonus Program. Provide information on the Density Bonus Ordinance to affordable housing applicants.
- B. West Culver City Residential Rehabilitation Program. Offer rehabilitation grants to eligible property owners in West Culver City and provide grants to affordable housing developers who wish to acquire and rehabilitate units to provide low-income rental housing.

The West Washington Residential Rehabilitation program is approved in the Redevelopment Agency's 2009-2010 Budget for \$300,000. This program had previously been suspended to reallocate funding to other programs and housing production. The guidelines governing this program will be completed

by December 2009. Advertisement of the program to developers and property owners will begin immediately thereafter.

- C. Accessory Dwelling Ordinance. Implement the Accessory Dwelling Ordinance, which allows the construction of accessory dwelling units subject to an Administrative Use Permit.
- D. Design Guidelines. Develop design guidelines for residential zones to ensure that new multiple-family developments will be consistent with the existing low-density character of the neighborhood. The City will ensure that the effect of the Guidelines will not cause an undue burden on housing supply and affordability.
- E. Nine Units per Lot Restriction. Analyze the impact of the nine units-per-lot restriction in the RMD Zone and consider eliminating the restriction.
- F. Comprehensive Housing Strategy (CHS)/Redevelopment Site Study. As part of the CHS, a study of Redevelopment Agency-owned sites will be undertaken to analyze opportunities for housing or mixed-use developments with affordable housing components. This will include a review of sites located along commercial corridors that are currently used only for parking to determine if small-scale parking garages combined with housing would be feasible. The Redevelopment Agency will review implementation programming on a project by project basis. Additionally, where financially feasible, the Housing Division will include extremely-low-income units in the mix of potential projects identified in the CHS beyond years 1 and 2.

Preliminary analysis of Redevelopment Agency-owned sites was conducted from early 2007 to early 2008. This information was incorporated in the CHS, which was reviewed by the Redevelopment Agency. The Redevelopment Agency authorized implementation of years 1 and 2 and instructed staff to return to the Redevelopment Agency with further discussion of the other projects identified in the CHS. Community Development staff from the Building Safety, Housing, Planning and Redevelopment Divisions collaborated in evaluating the Redevelopment Agency-owned sites using six criteria:

- Financial Feasibility – The project is cost effective and makes sound financial sense.
- Implementation – The project is suitable for the area without rezoning, can quickly move through the entitlement process, and has limited construction constraints.
- Timing – The project can be accomplished in a reasonable timeframe.
- Neighborhood Impact – The project make sense for the neighborhood and is compatible in terms of density, housing type, parking, mix of incomes, and impact on traffic. The project addresses blight and nuisance and improves the appearance of the neighborhood.
- Economic Benefit – The project increases the tax base and solves other fiscal needs of the city.

- Community Impact – The project site is near transit, creates open space, promotes sustainability goals, removes blight and nuisance, and substantially improves the appearance of the community.

In addition to these criteria, prototype affordable projects were identified and preliminary site plans were prepared. These prototype projects were then priced using industry standard construction cost estimating techniques. The CHS details the financial feasibility, site analysis and timeframe for each Redevelopment Agency-owned site.

- G. Comprehensive Housing Strategy and Infill Development Programs. Monitor applications for mixed-use developments along commercial corridors and for residential developments in the RMD zone and encourage developers to apply for DOBI applications in order to include affordable units within development projects. If proposed developments are part of the CHS, work with the developer to ensure an affordable housing component. Maintain the city's site inventory of underutilized or vacant residential and commercial lots which are appropriate for infill or mixed-use development, to be used as an informational tool for the city's CHS.
- H. Comprehensive Housing Strategy/Housing Priority List. As part of the CHS, acquire sites identified in the city's housing priority list and build affordable housing commensurate with the quantified objectives. The Redevelopment Agency has acquired two sites for implementation in years 1 and 2. To the extent possible, based upon market conditions, economic forces and property availability, the Redevelopment Agency may initiate the process to acquire additional sites identified in the CHS.

The CHS identifies strategies and timeframes for development of both for-sale and rental affordable housing over the 7-1/2 year program by using Redevelopment Agency-owned sites, small-lot development (4-6 units), medium-lot development (20-30 units) and transit-oriented development.

The funding strategy to develop these units is threefold. First, when financially feasible, Housing Set Aside Funds will be directly utilized. Second, the Redevelopment Agency will discount or donate Redevelopment Agency-owned land to a developer for the production of affordable housing. To date, the Redevelopment Agency has committed use of housing set aside funds as available to produce affordable housing units.

- I. Washington/Venice Land Use. Washington Place and Venice Blvd. are two sites identified for potential development of multi-family affordable housing in the CHS. A full analysis of these sites will be conducted to determine project feasibility.
- J. Work Force Housing. The City of Culver City staff collaborated with staff from other jurisdictions in the Westside Council of Governments (COG) to complete a Workforce Housing Study. The target households for workforce housing are those that are above the eligible income levels for traditional affordable housing programs (typically 120% of median income) but still cannot afford

housing. The study provides suggestions on how to create workforce housing using various private sector/government ventures and creative financing. Money and programs set aside for traditional affordable housing cannot be used due to income restrictions on these programs. To bring awareness to the local Culver City community regarding the need for Workforce Housing, a presentation will be given to the Culver City City Council in Spring 2009. Additionally, staff will review the CHS to incorporate Workforce Housing into proposed projects where feasible. This review will be after years 1 and 2 of the CHS. Because funding for Workforce Housing cannot come from redevelopment set-aside funds and requires private sector collaboration and/or creative financing, implementation of workforce housing measures is difficult and cannot easily be included in housing programs or strategies that normally can be expected to rely on Redevelopment Agency set-aside funds.

- K. Single Room Occupancy (SRO) Housing. The Municipal Code will be amended to include a specific reference to and development standards and permit procedures for SROs with the purpose of encouraging and facilitating SRO housing; additionally a definition of SRO Housing will be included in the amendment.
- L. Zoning for Emergency Shelters and Transitional/Supportive Housing. The city will amend the Municipal Code within one year of the 2008-2014 Housing Element adoption in compliance with SB 2, including development standards that will apply to emergency shelters. At this time, the city is evaluating the creation of an overlay zone in the eastern portion of the city generally bounded by Ballona Creek on the west, Jefferson Storm Drain on the south, Fairfax Avenue on the east and Washington Boulevard on the north to accommodate emergency shelters by right. This area includes parcels zoned IG (General Industrial) and CG (General Commercial) and encompasses approximately 30 acres. The area is well-served by bus transit and is located near a variety of services. However, as part of the evaluation process the City Council may determine that another area is better suited for this purpose. Any alternate location that may be determined to be better suited for emergency shelters shall comply with the requirements of SB 2. As part of the Municipal Code amendment, appropriate findings and development standards will be adopted in compliance with SB 2.

In addition, within one year of Housing Element adoption the Code will be amended to include a specific reference to and development standards and permit procedures for transitional and supportive housing that are no different than for other residential uses of the same type in the same zone. This will include a revision to the definition of Residential Care Facilities.

- M. Definition of "Family". The Municipal Code will be amended to include a definition of "family" consistent with state law.
- N. Reasonable Accommodation Procedures. Consistent with state law (Government Code §65583.c.3), the Municipal Code will be amended to include reasonable accommodation procedures for persons with disabilities.

- O. Reduced Parking For Affordable Units. The city will amend its parking standards such that, upon a developer's request and when a required percentage of units are reserved for very-low- (including extremely-low-) and lower-income households, only one parking space will be required for studio and 1-bedroom units.
- P. Surcharge Fee for New Construction. The city will offset the New Construction Surcharge fee for affordable units assisted by the Redevelopment Agency with housing set-aside funds.

Measure 3. Housing Division Administrative Activities. To assist affordable housing developers and preserve affordable housing opportunities, the city's Housing Division will provide the following administrative services.

- A. Financial Support and Technical Assistance. Provide financial support and technical assistance to organizations that develop housing for populations with special needs.

To encourage the inclusion of affordable housing units in new housing development, the Housing Division will work in partnership with Planning and Redevelopment to offer density bonuses and financial assistance where appropriate to developers. The city will continue to inform developers when they first contact Redevelopment or Planning that the Redevelopment Agency may be able to provide some financial assistance to their project in exchange for affordability commitments. Additionally, Planning will continue to inform developers about the benefits of density bonus when projects are submitted for review.

- B. Financing Negotiations for Affordable Housing Development. Work with local banks and lending agencies, on behalf of public and private developers, to assist developers with the acquisition of financing for low-income and moderate-income rental housing.
- C. Facilitate Financing Negotiations for Home Purchases. Work with private lenders to provide mortgage financing to facilitate home ownership.

Due to market conditions, the Redevelopment Agency no longer offers the Mortgage Assistance Program (MAP). The MAP program was introduced in 1993 and 124 up-to-moderate-income households were able to achieve homeownership through this program. However, Culver City is a high-cost area and the second trust deed of \$60,000 provided through the MAP program became inadequate as home prices escalated. A combination of rental and ownership housing is a key to success for any community. Because ownership for up-to-moderate households is very difficult in Culver City, the CHS addresses this issue through the production of ownership units through the Redevelopment Agency. Years 1 and 2 of the CHS proposes to create 18 ownership housing units from very-low-income to market rate income households over the next planning period. Where appropriate, these households will be assisted with a second trust deed to keep their mortgage payments affordable.

- D. Preserve At-Risk Affordable Housing Units. There are a total of 101 affordable units at risk during the next planning period. The first covenants will start to expire in 2009. The Housing Division is contacting property owners one year before the covenant expiration date to inquire about their interest in extending their covenants. In exchange for extending covenants the city offers property owners funding assistance for rehabilitation to address deferred maintenance through the Neighborhood Preservation Program (NPP) and rental assistance to qualified households through the Rental Assistance Program. Coupling funds for rehabilitation with funds for rent subsidy enhances the financial feasibility of maintaining affordability covenants. In addition, non-profit organizations that assist in preserving at-risk units may include the following: Menorah Housing Foundation of the Jewish Federation Council of Greater Los Angeles, Upward Bound, Alternative Living for the Aging, Mercy Housing, and Home Ownership Made Easy (H.O.M.E.).

Measure 4. Regulatory Incentives. To foster the development of affordable housing, the city will make available the following regulatory incentives.

- A. Development Incentives. The city will work with developers who wish to process a Density or Other Bonus Incentive (DOB) application which makes available appropriate incentives in exchange for dedicating a percentage of dwelling units to low-income and/or moderate-income households.
- B. Streamline Permit Approval Process. While adhering to public review periods, the city will give priority processing to applications that provide extremely-low-, very-low-, low-, and moderate-income housing in order to reduce development costs associated with time delays.
- C. Consultant Priority Processing Program. The city will make available the "Fee for Service" Program that allows applicants the option to utilize planning consultants to process project applications.

Measure 5. Distribute Public Information. The preparation and distribution of public information material is an effective measure for informing residents and developers about housing programs and activities of benefit to themselves and the community. Providing this information to the public effectively fosters the policies and objectives adopted by the city.

- A. Promotion of Housing Programs. Market the availability of housing rehabilitation and maintenance programs with brochures, flyers, and other public information materials.
- B. Distribution of Anti-Graffiti Design Information. Provide developers with information regarding architectural designs, building materials and landscaping that serve to deter graffiti.
- C. Distribution of Noise Abatement Information. Distribute information about noise abatement practices, and materials including landscape elements such as walls or berms that may reduce noise impacts to the community.

- D. Database of Housing Opportunities. As a tool for the city's Comprehensive Housing Strategy, maintain a database of housing development opportunities on commercial lots which are appropriate for mixed-use and affordable housing development.



STATE OF CALIFORNIA

OFFICE OF THE ATTORNEY GENERAL

BILL LOCKYER
ATTORNEY GENERAL

May 15, 2001

To: All California Mayors:

Re: Adoption of A Reasonable Accommodation Procedure

Both the federal Fair Housing Act ("FHA") and the California Fair Employment and Housing Act ("FEHA") impose an affirmative duty on local governments to make reasonable accommodations (*i.e.*, modifications or exceptions) in their zoning laws and other land use regulations and practices when such accommodations "may be necessary to afford" disabled persons "an equal opportunity to use and enjoy a dwelling." (42 U.S.C. § 3604(f)(3)(B); see also Gov. Code, §§ 12927(c)(1), 12955(1).¹ Although this mandate has been in existence for some years now, it is our understanding that only two or three local jurisdictions in California provide a process specifically designed for people with disabilities and other eligible persons to utilize in making such requests. In my capacity as Attorney General of the State of California, I share responsibility for the enforcement of the FEHA's reasonable accommodations requirement with the Department of Fair Employment and Housing. Accordingly, I am writing to encourage your jurisdiction to adopt a procedure for handling such requests and to make its availability known within your community.²

¹Title II of the Americans with Disabilities Act (42 U.S.C. §§ 12131-65) and section 504 of the Rehabilitation Act (29 U.S.C. § 794) have also been found to apply to zoning ordinances and to require local jurisdictions to make reasonable accommodations in their requirements in certain circumstances. (See *Bay Area Addiction Research v. City of Antioch* (9th Cir. 1999) 179 F.3d 725; see also 28 C.F.R. § 35.130(b)(7) (1997).)

²A similar appeal has been issued by the agencies responsible for enforcement of the FHA. (See Joint Statement of the Department of Justice and the Department of Housing and Urban Development, *Group Homes, Local Land Use and the Fair Housing Act* (Aug. 18, 1999), p. 4, at < <http://www.bazelon.org/cpthalcpfha.html>> [as of February 27, 2001].)

It is becoming increasingly important that a process be made available for handling such requests that operates promptly and efficiently. A report issued in 1999 by the California Independent Living Council makes it abundantly clear that the need for accessible and affordable housing for Californians with disabilities will increase significantly over the course of the present decade.³ The reports major findings include the following:

- Between 1999 and 2010, the number of Californians with some form of physical or psychological disability is expected to increase by at least 19 percent, from approximately 6.6 million to 7.8 million, and may rise as high as 11.2 million. The number with severe disabilities is expected to increase at approximately the same rate, from 3.1 million to 3.7 million, and may reach 63 million.⁴ Further, most of this increase will likely be concentrated in California's nine largest counties.⁵
- If the percentages of this population who live in community settings—that is, in private homes or apartments (roughly 66.4 percent) and group homes (approximately 10.8 percent)—is to be maintained, there will have to be a substantial expansion in the stock of suitable housing in the next decade. The projected growth of this population translates into a need to accommodate an additional 800,000 to 3.1 million people with disabilities in affordable and accessible private residences or apartments and an additional 100,000 to 500,000 in group homes.

I recognize that many jurisdictions currently handle requests by people with disabilities for relief from the strict terms of their zoning ordinances pursuant to existing variance or conditional use permit procedures. I also recognize that several courts called upon to address the matter have concluded that requiring people with disabilities to utilize existing, non-

³See Tootelian & Gaedeke, *The Impact of Housing Availability, Accessibility, and Affordability On People With Disabilities* (April 1999) at <<http://www.calsilc.org/housing.html>> [as of February 27, 2001].

⁴The lower projections are based on the assumption that the percentage of California residents with disabilities will remain constant over time, at approximately 19 percent (*i.e.*, one in every five) overall, with about 9.2 percent having severe disabilities. The higher figures, reflecting adjustments for the aging of the state's population and the higher proportion of the elderly who are disabled, assume that these percentages will increase to around 28 percent (*i.e.*, one in every four) overall, with 16 percent having severe disabilities. (*Ibid.*)

⁵These are: Alameda, Contra Costa, Los Angeles, Orange, Riverside, Sacramento, San Bernardino, San Diego, and Santa Clara. (*ibid.*)

discriminatory procedures such as these is not of itself a violation of the FHA.⁶ Several considerations counsel against exclusive reliance on these alternative procedures, however.

Chief among these is the increased risk of wrongfully denying a disabled applicant's request for relief and incurring the consequent liability for monetary damages, penalties, attorneys' fees, and costs which violations of the state and federal fair housing laws often entail.⁷ This risk exists because the criteria for determining whether to grant a variance or conditional use permit typically differ from those which govern the determination whether a requested accommodation is reasonable within the meaning of the fair housing laws.⁸

Thus, municipalities relying upon these alternative procedures have found themselves in the position of having refused to approve a project as a result of considerations which, while sufficient to justify the refusal under the criteria applicable to grant of a variance or conditional use permit, were insufficient to justify the denial when judged in light of the fair housing laws' reasonable accommodations mandate. (See, e.g., *Hovsons Inc. v. Township of Brick* (3rd Cir. 1996) 89 F.3d 1096 (township found to have violated the FHA's reasonable accommodation mandate in refusing to grant a conditional use permit to allow construction of a nursing home in a "Rural Residential—Adult Community Zone" despite the fact that the denial was sustained by the state courts under applicable zoning criteria); *Trovato v. City of Manchester, N.H.* (D.N.H. 1997) 992 F.Supp. 493 (city which denied disabled applicants permission to build a paved parking space in front of their home because of their failure to meet state law requirements for a variance found to have violated the FHA's reasonable accommodation mandate).

⁶See, *US. v. Village of Palatine, Ill.* (7th Cir. 1994) 37 F.3d 1230, 1234; *Oxford House, Inc. v. City of Virginia Beach* (E.D.Va. 1993) 825 F.Supp. 1251, 1262; see generally Annot. (1998) 148 A.L.R. Fed. 1,115-121, and later cases (2000 pocketsupp.)P. 4.)

⁷See 42 U.S.C. § 3604(f)(3)(B); Gov. Code, §§ 12987(a), 12989.3(f).

⁸Under the FHA, an accommodation is deemed "reasonable" so long as it does not impose "undue financial and administrative burdens" on the municipality or require a "fundamental alteration in the nature" of its zoning scheme. (See, e.g., *City of Edmonds v. Washington State Bldg. Code Council* (9th Cir. 1994) 18 F.3d 802, 806; *Turning Point, Inc. v. City of Caldwell* (9th Cir. 1996) 74 F.3d 941; *Hovsons, Inc. v. Township of Brick* (3rd Cir. 1996) 89 F.3d 1096, 1104; *Smith & Lee Associates, Inc. v. City of Taylor, Michigan* (6th Cir. 1996) 102 F.3d 781, 795; *Erdman v. City of Fort Atkinson* (7th Cir. 1996) 84 F.3d 960; *Shapiro v. Cadman Towers, Inc.* (2d Cir. 1995) 51 F.3d 328,334; see also Gov. Code, § 12955.6 [explicitly declaring that the FEHA's housing discrimination provisions shall be construed to afford people with disabilities, among others, no lesser rights or remedies than the FHA].)

Further, and perhaps even more importantly, it may well be that reliance on these alternative procedures, with their different governing criteria, serves at least in some circumstances to encourage community opposition to projects involving desperately needed housing for the disabled. As you are well aware, opposition to such housing is often grounded on stereotypical assumptions about people with disabilities and apparently equally unfounded concerns about the impact of such homes on surrounding property values.⁹ Moreover, once triggered, it is difficult to quell. Yet this is the very type of opposition that, for example, the typical conditional use permit procedure, with its general health, safety, and welfare standard, would seem rather predictably to invite, whereas a procedure conducted pursuant to the more focused criteria applicable to the reasonable accommodation determination would not.

For these reasons, I urge your jurisdiction to amend your zoning ordinances to include a procedure for handling requests for reasonable accommodation made pursuant to the fair housing laws. This task is not a burdensome one. Examples of reasonable accommodation ordinances are easily attainable from jurisdictions which have already taken this step¹⁰ and from various nonprofit groups which provide services to people with disabilities, among others.¹¹ It is, however, an important one. By taking this one, relatively simple step, you can help to ensure the inclusion in our communities of those among us who are disabled.

Sincerely,

(To see a copy of his signature go to: http://ag.ca.gov/civilrights/pdf/reasonab_1.pdf)

BILL LOCKYER
Attorney General

⁹Numerous studies support the conclusion that such concerns about property values are misplaced. (See Lauber, *A Real LULU: Zoning for Group Homes and Halfway Houses Under The Fair Housing Amendments Act of 1988* (Winter 1996) 29 J. Marshall L. Rev. 369, 384-385 & fn. 50 (reporting that there are more than fifty such studies, all of which found no effect on property values, even for the homes immediately adjacent).) A compendium of these studies, many of which also document the lack of any foundation for other commonly expressed fears about housing for people with disabilities, is available. (See Council of Planning Librarians, *There Goes the Neighborhood. . . A Summary of Studies Addressing the Most Often Expressed Fears about the Effects Of Group Homes on Neighborhoods in which They Are Placed* (Bibliography No. 259) (Apr. 1990).)

¹⁰Within California, these include the cities of Long Beach and San Jose.

¹¹Mental Health Advocacy Services, Inc., of Los Angeles for example, maintains a collection of reasonable accommodations ordinances, copies of which are available upon request.