

**City of Culver City, California
Agenda Item Report**

Meeting Date: 7/22/2013		Item Number: <u>PH-2</u>	
AGENDA ITEM: PUBLIC HEARING - Introduction of an Ordinance - Housing Element Related Zoning Code Text Amendments: ZCA P-2012006 Affecting Emergency Shelters, Transitional Housing, and Supportive Housing; and Zoning Code Amendment, ZCA P-2012040 Affecting Single Room Occupancy Housing, Reasonable Accommodations, and Definition of Family.			
Contact Person/Dept.: Thomas Gorham, CDD Jose Mendivil, CDD		Phone Number: (310) 253-5710 (310) 253-5757	
Fiscal Impact: Yes ☐ No ☐		General Fund: Yes ☐ No ☒	
Public Hearing: ☒		Action Item: ☐ Attachments: ☒	
Commission Action Required: Yes ☒ No ☐		Date: 02/22/12 and 02/13/13	
Public Notification: Notice Published in the Culver City News (7/4/13); Meetings and Agendas – City Council (07/16/13).			
Department Approval: Sol Blumenfeld (07/10/13)		City Attorney Approval: Carol Schwab (by H. Baker) (07/16/13)	
Fiscal Impact Review: Jeff Muir (by M. Noller) (07/16/13)		City Manager Approval: John Nachbar: (07/16/13)	
<u>RECOMMENDATION:</u> Staff recommends the City Council introduce a proposed ordinance (Attachment No. 1) approving Zoning Code Amendments, ZCA P-2012006 and ZCA P-2012040. <u>PROCEDURE:</u> 1. Mayor seeks motion to receive and file affidavit of mailing and posting of public notice. 2. Mayor seeks motion to declare the public hearing open and calls on staff for a brief staff report and City Council poses questions to staff as desired. (As the City is the applicant in this case, the staff report will also serve as the applicant's presentation and shall be made after the public hearing has been opened.) 3. City Council receives comments from the general public. 4. Mayor seeks a motion to close the public hearing after all testimony has been presented. 5. City Council discusses the matter and arrives at its decision.			

City of Culver City, California
Agenda Item Report

BACKGROUND:

California State 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. Culver City's Zoning Code provides procedures for residential care facilities, but needs to be updated to more appropriately address persons with disabilities, persons needing emergency shelters or transitional or supportive housing, and those living in SRO units.

With the goal of addressing these housing issues, the Housing Element for 2008-2014 of the Culver City General Plan (Housing Element) was adopted by the City Council on June 10, 2010 and certified by the State of California's Department of Housing and Community Development (HCD) on August 11, 2010. The Housing Element includes the following measures to propose amendments to 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
- Provide reasonable accommodation procedures for persons with disabilities (Measure 2N)

DISCUSSION:

Emergency Shelters and Transitional and Supportive Housing

On February 22, 2012, the Planning Commission adopted a resolution recommending to the City Council approval of Zoning Code Amendment ZCA P-2012006 amending provisions of the Zoning Code that address Measure 2L – emergency shelters and transitional and supportive housing.

SROs and Reasonable Accommodation

On February 13, 2013, the Planning Commission adopted a resolution recommending to the City Council approval of Zoning Code Amendment ZCA P-2012040 amending provisions of the Zoning Code that address Measure 2K – Single

City of Culver City, California
Agenda Item Report

Room Occupancy (SRO) Units and Measure 2N - Reasonable Accommodation Procedures.

Definition of Family

The Planning Commission did not provide a recommendation for Measure 2M - Definition of "Family" – because at both Planning Commission meetings the Commission could not reach consensus on staff recommended definitions.

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.

Staff presented definitions consistent with State law at both Planning Commission meetings. However, the Planning Commission felt the proposed definitions were too broad and could invite an abuse of residential development standards (such as establishment of boarding houses without proper review). In addition, the Planning Commission had concerns and divergent views on the following issues: equal treatment of related and unrelated people functioning as a household; married vs. unmarried; permanent vs. non-transient; the functional equivalent of traditional families; criteria that applies to traditional families; transactional living arrangement; intent of the living arrangement; concern that one person does not constitute a family; and concern with having an unlimited number of people considered a family.

The Planning Commission could not reach a consensus and at this time has no recommendation for Housing Element Measure 2M - Definition of "Family." Consequently, the City is deferring taking action on the definition of Family and will revisit the matter this fall as part of the Planning Commission and City Council review of the Housing Element update. The City's final determination on the definition of family will be included in the updated Housing Element that will be sent to the State after adoption by the City Council (expected in early 2014).

Please see Attachment Nos. 2 through 9 for a detailed review of the proposed text amendments.

ENVIRONMENTAL DETERMINATION:

Pursuant to Sections 15162 and 15168 of the California Environmental Quality Act (CEQA), ZCA P-2012006 and ZCA P-2012040 are 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

City of Culver City, California
Agenda Item Report

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 the Negative Declaration were prepared have not significantly changed and no new significant information has been found that would impact PEIR 1, PEIR 2, and/or the Negative Declaration. Therefore no new environmental analysis is required.

CONCLUSION:

Consistent with State Law and the Culver City Adopted and State certified Housing Element, staff recommends the City Council introduce an ordinance adopting the proposed amendments as shown in Attachment No. 1 - Proposed Ordinance and Exhibit A - Proposed Text Changes. Adoption of the proposed Zoning Code Amendments is an important step toward maintaining compliance with State Housing Law and preventing potential challenges to the Housing Element now and during the next Housing Element review cycle (set to begin in October of 2013 through October of 2014).

FISCAL IMPACT:

Introduction of the proposed Ordinance will not create a fiscal impact.

ATTACHMENTS:

1. Proposed Ordinance and Exhibit A - Proposed Text Changes ZCA P-2012006 and Exhibit B - Proposed Text Changes ZCA P-2012040
2. Planning Commission Resolution No 2012-P004, Approving ZCA P-2012006.
3. Planning Commission Resolution No 2013-P001, Approving ZCA P-2012040.
4. Planning Commission February 22, 2012 Staff Report (without attachments).
5. Planning Commission February 13, 2013 Staff Report (without attachments).
6. February 22, 2012 Planning Commission Meeting Minutes
7. February 13, 2013 Planning Commission Meeting Minutes
8. Excerpt from Housing Element - Chapter V, Housing Programs.
9. State of California Office of the Attorney General May 15, 2001, letter to California Mayors on Reasonable Accommodations.

MOTION:

That the City Council:

Introduce the proposed Ordinance approving Zoning Code Amendments, ZCA P-2012006 and ZCA P-2012040.