MEETING DATE: **07.22.13**

AGENDA ITEM: 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.

ATTACHMENTS

	Pages
1. Proposed Ordinance and Exhibit A – Proposed Text Changes	1 - 33
2. Planning Commission Resolution No 2012-P004, Approving ZCA P-2012006	34 - 37
3. Planning Commission Resolution No 2013-P001, Approving ZCA P-2012040	38 - 41
4. Planning Commission February 22, 2012 Staff Report (without attachments)	42 - 50
5. Planning Commission February 13, 2013 Staff Report (without attachments)	51 - 59
6. February 22, 2012 Planning Commission Meeting Minutes	60 - 65
7. February 13, 2013 Planning Commission Meeting Minutes	66 - 70
8. Excerpt from Housing Element - Chapter V, Housing Programs	71 - 80
9. State of California Office of the Attorney General May 15, 2001, letter to California Mayors on Reasonable Accommodations	81 - 84

ORDINANCE NO. 2013 - ____

A ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CULVER CITY, CALIFORNIA, AMENDING TITLE 17, ZONING, OF THE CULVER CITY MUNICIPAL CODE (CCMC), BY (1) AMENDING SECTIONS 17.210.015, TABLE 2-2; 17.220.015, TABLE 2-5; 17.230.015, TABLE 2-8; 17.260.035, TABLE 2-11; 17.320.020, TABLES 3-3 AND 3-3B; 17.500.010, TABLE 5-1; 17.550.005; 17.550.010, TABLE 5-2; 17.550.015 THROUGH 17.550.030; 17.630.010, TABLE 6-3; AND 17.700.010; AND (2) ADDING NEW SECTIONS 17.400.046 AND 17.400.106, RELATING TO EMERGENCY SHELTERS, TRANSITIONAL AND SUPPORTIVE HOUSING, SINGLE ROOM OCCUPANCY UNITS, AND REASONABLE ACCOMMODATIONS AS SET FORTH IN EXHIBITS "A" AND 'B" ATTACHED HERETO.

(Zoning Code Amendment P-2012006 and
Zoning Code Amendment P-2012040)

WHEREAS, on June 10, 2010, the City Council adopted the Culver City Housing Element for 2008-2014 of the Culver City General Plan and on August 11, 2010, the State of California Department of Housing and Community Development certified said Housing Element (the "Housing Element"); and,

WHEREAS, the Housing Element includes measures to incorporate State legislative requirements addressing allowances, development standards, and/or definitions for emergency shelters, transitional housing and supportive housing (Measure 2L of the Housing Element) into Title 17, Zoning (the "Zoning Code"), of the Culver City Municipal Code ("CCMC"), consistent with State Housing Law; and,

WHEREAS, the Housing Element includes measures to incorporate State legislative requirements addressing allowances, development standards, and/or definitions for single room occupancy housing (Measure 2K of the Housing Element) and Reasonable Accommodation Procedures (Measure 2N of the Housing Element) into the Zoning Code, consistent with State Housing Law; and,

WHEREAS, on February 22, 2012, the Planning Commission adopted Resolution No. 2012-P004 recommending approval to the City Council of Zoning Code Amendment ZCA P-2012006 amending the Zoning Code to include allowances, development standards, and definitions for emergency shelters, transitional housing and supportive housing; and

WHEREAS, on February 13 2013, the Planning Commission adopted Resolution No. 2013-P001 recommending approval to the City Council of Zoning Code Amendment ZCA P-2012040 amending the Zoning Code to include allowances, development standards, and definitions for single room occupancy housing; and reasonable accommodation procedures; and

WHEREAS, on July 22, 2013, the City Council conducted a duly noticed public hearing on the proposed Zoning Code Amendments, ZCA P-2012040 and ZCA P-2012006, fully considering the Planning Commission's recommendation and all reports, testimony and environmental information presented, and determined by a vote of ___ to ___, that Zoning Code Amendment ZCA P-2012006, regarding emergency shelters, transitional housing, supportive housing, and Zoning Code Amendment ZCA P-2012040, regarding single room occupancy housing, and reasonable accommodation procedures, shall be adopted as set forth herein below.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CULVER CITY, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Pursuant to the foregoing and as outlined in Title 17, Section 17.620.030 of the CCMC, the following findings for ZCA P-2012006 are hereby made:

1. **ZCA P-2012006 ensures and maintains internal consistency with the goals, policies, and strategies of the General Plan and will not create any inconsistencies with the Zoning Code.**

This Zoning Code Amendment will implement General Plan Housing Element Measure 2L addressing Emergency Shelters and Transitional and Supportive Housing. Further implementation of these measures through this Zoning Code amendment will compliment and implement General Plan Land Use Element Objective 3 by encouraging the provision of housing opportunities for varied members of the community.

2. **ZCA P-2012006 is not detrimental to the public interest, health, safety, convenience and welfare of the City.**

The amendments to Zoning Code Sections 17.210.015 – Table 2-2 and 17.220.015 - Table 2-5, regarding allowed uses in residential and commercial zones will establish transitional housing and supportive housing as residential uses similar to other residential uses of the same type in the same zone thereby confirming those uses as housing allowed within the fabric of the community.

The amendments to Zoning Code Sections 17.230.015 - Table 2-8 and 17.260.035 - Table 2-11, regarding allowed uses in the industrial zones and the East Washington Overlay Zone will establish a specific area within the City where emergency shelters will be permitted without a conditional use permit. Establishment of this area will ensure that adequate provisions exist for the ministerial establishment of emergency shelters without impacting residential and commercial uses.

The amendments to Zoning Code Section 17.320.020H, Table 3-3, regarding parking requirements by land use will clarify the residential parking requirements for Transitional and Supportive Housing thereby ensuring the continued provisions for on-site parking in residential neighborhoods. It will further establish parking requirements for Emergency Shelters thereby ensuring that adequate parking is provided for this type of land use.

The amendments to Zoning Code Section 17.400.046, regarding Standards for Specific Land Uses will establish specific standards for Emergency Shelters which will ensure compatibility with adjacent land uses.

The amendments to Zoning Code Section 17.700.010, regarding definitions will help to clarify the distinction between emergency shelters, transitional housing, and supportive housing.

3. **ZCA P-2012006 is in compliance with the provisions of the California Environmental Quality Act (CEQA).**

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

SECTION 2. Pursuant to the foregoing, and as outlined in Title 17, Section 17.620.030 of the CCMC, the following findings for ZCA P-2012040 are hereby made:

1. **ZCA P-2012040 ensures and maintains internal consistency with the goals, policies, and strategies of the General Plan and will not create any inconsistencies with the Zoning Code.**

This Zoning Code Amendment will implement General Plan Housing Element Measures 2K, and 2N addressing respectively Single Room Occupancy (SRO) Housing, and Reasonable Accommodation Procedures. Further, implementation of these measures through this Zoning Code amendment will compliment and implement General Plan Land Use Element Objective 3 by encouraging the provision of housing opportunities for varied members of the community.

2. **ZCA P-2012040 is not detrimental to the public interest, health, safety, convenience and welfare of the City.**

The amendments will establish SRO housing as a residential use allowed within a mixed use project. This allowance will provide a process and opportunity for this type of affordable housing while assuring such housing is consistent with the fabric of the community and is designed in such a manner that potential impacts are minimized to a level of insignificance. The amendments pertaining to residential parking requirements for SRO units will ensure the continued provisions for on-site parking in commercial neighborhoods where this type of housing is allowed as part of a mixed use project. The amendments regarding Standards for Specific Land Uses will establish specific standards for SRO units which will ensure compatibility with adjacent land uses.

The amendments regarding Reasonable Accommodation Procedures will establish an administrative process that allows an individual with a disability to seek

reasonable accommodation in Zoning Code regulations to ensure equal access to housing. These amendments will facilitate development of housing for individuals with disabilities as provided by the Federal Fair Housing Amendments Act of 1988 and the California Fair Employment and Housing Act. The administrative review process will ensure flexibility in the application of land use and zoning regulations in order to eliminate barriers to housing opportunities while ensuring compatibility with and minimizing potential impacts to adjacent land uses.

3. **ZCA P-2012040 is in compliance with the provisions of the California Environmental Quality Act (CEQA).**

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

SECTION 3. Pursuant to the foregoing recitations and findings, the City Council of the City of Culver City, California, hereby adopts Zoning Code Amendments, ZCA P-2012006 and ZCA P-2012040, as set forth in Exhibits A and B attached hereto and incorporated herein by reference.

SECTION 4. Pursuant to Section 619 of the City Charter, this Ordinance shall take effect thirty (30) days after the date of its adoption. Pursuant to Sections 616 and 621 of the City Charter, prior to the expiration of fifteen days after the adoption, the City Clerk shall cause this Ordinance, or a summary thereof, to be published in the Culver City News and shall post this Ordinance or a summary thereof in at least three places within the City.

SECTION 5. The City Council hereby declares that, if any provision, section, subsection, paragraph, sentence, phrase or word of this ordinance is rendered or declared

invalid or unconstitutional by any final action in a court of competent jurisdiction or by reason of any preemptive legislation, then the City Council would have independently adopted the remaining provisions, sections, subsections, paragraphs, sentences, phrases or words of this ordinance and as such they shall remain in full force and effect.

APPROVED and ADOPTED this _____ day of _____, 2013.

JEFFREY COOPER, MAYOR
City of Culver City, California

ATTESTED BY:

MARTIN R. COLE, City Clerk

APPROVED AS TO FORM:

for CAROL A. SCHWAB, City Attorney

A13-00445

Exhibit A
Zoning Code Amendment ZCA P-2012006

TABLE 2-2 **Allowed Uses and Permit Requirements for Residential Zoning Districts**	P Permitted Use CUP Conditional Use Permit Required AUP Administrative Use Permit Required - Use not allowed						
LAND USE (1)	**PERMIT REQUIREMENT BY DISTRICT**						**See Specific Use Regulations:**
	R1	**R2**	**R3**	**RLD**	**RMD**	**RHD**	
RECREATION, EDUCATION, & PUBLIC ASSEMBLY							
Public recreational and cultural facilities	P	P	P	P	P	P	
Private residential recreational facilities	-	-	-	P	P	P	
Religious places of worship	CUP	CUP	CUP	CUP	CUP	CUP	
Public Schools - Kindergarten to 12th grade (2)	P	P	P	P	P	P	
Private Schools - Kindergarten to 12th grade (2)	CUP(3)	CUP(3)	CUP(3)	CUP	CUP	CUP	
RESIDENTIAL							
Accessory dwelling units	AUP	AUP	AUP	-	-	-	17.400.095
Accessory residential structures and uses	P	P	P	P	P	P	17.400.100
Duplex	-	P	P	P	P	P	
Home occupations	P	P	P	P	P	P	17.400.055
Multiple-family dwellings	-	-	-	P	P	P	17.400.105
Residential care facility, 6 or fewer clients	P	P	P	P	P	P	
Residential care facility, 7 or more clients	CUP(4)	CUP(4)	CUP(4)	CUP	CUP	CUP	
Senior citizen congregate care housing	-	-	-	CUP	CUP	CUP	
Single-family dwellings	P	P	P	P	P	P	
Supportive Housing, 6 or fewer residents (6)	P	P	P	P	P	P	
Supportive Housing, 7 or more residents	CUP(4)	CUP(4)	CUP(4)	CUP	CUP	CUP	
Transitional Housing (6)	P	P	P	P	P	P	
Triplex	-	-	P	P	P	P	
SERVICE							
Adult day care facilities	CUP	CUP	CUP	CUP	CUP	CUP	
Child day care centers	-	-	-	CUP	CUP	CUP	17.400.035
Child day care, Large family day care homes	AUP	AUP	AUP	AUP	AUP	AUP	17.400.035
Child day care, Small family day care homes	P	P	P	P	P	P	17.400.035
Public utility or safety facilities	CUP	CUP	CUP	CUP	CUP	CUP	
TRANSPORTATION & COMMUNICATIONS							
Pipelines and utility lines (underground)	P	P	P	P	P	P	
Telecommunications facilities, cellular (5)	CUP	CUP	CUP	CUP	CUP	CUP	17.400.110
Telecommunications facilities, dish antennas	See Section 17.400.110 for permit requirements						17.400.110

Notes:

(1) See Article 7 for definitions of the land uses listed.
(2) Use only allowed on a site designated for such use by the General Plan.
(3) Use only allowed on a site declared surplus by the Culver City Unified School District.
(4) Use only allowed on a site of 5 acres or more.
(5) Use only allowed on a site owned and controlled by the City or other governmental agency.
(6) Use is subject to only those restrictions that apply to other residential uses of the same type in the same zone.

Exhibit A
Zoning Code Amendment ZCA P-2012006

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						
LAND USE (1)	**PERMIT REQUIREMENT BY DISTRICT**						**See Specific Use Regulations:**
	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							
~~Emergency shelters~~	~~CUP~~	~~CUP~~	~~CUP~~	~~-~~	-	-	
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	-	-	-	
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 conjuction 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-2012006

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						
LAND USE (1)	**PERMIT REQUIREMENT BY DISTRICT**						**See Specific Use Regulations:**
	CN	**CG**	**CC**	**CD**	**CRR**	**CRB**	
RETAIL TRADE (cont.)							
Auto and vehicle sales/rental (2)	-	P	P	-	AUP	-	
Auto parts sales, retail	P	P	P	-	P	P	
Bars, night clubs (3)	-	CUP	CUP	CUP	CUP	CUP	
Building material stores	-	P	P	-	P	-	
Convenience stores (3)	P	P	P	-	P	P	
Firearms sales	-	CUP	CUP	-	CUP	CUP	
General retail stores (3)	P	P	P	P	P	P	
Internet Cafe	AUP	P	P	P	P	P	
Mobile home and RV sales	-	CUP	-	-	-	CUP	
Outdoor retail sales and display (4)	AUP	AUP	AUP	AUP	AUP	AUP	17.400.075
Pawnshops	-	CUP	-	-	-	-	17.400.085
Pet Shop	P	P	P	P	P(5)	P	
Plant nurseries, retail	P	P	P	P	P	P	17.400.080
Restaurants, counter service (3)	AUP	P	P	P	P	P	
Restaurants, table service (3)	P	P	P	P	P	P	
Restaurants, outdoor dining (3)	AUP	AUP	AUP	AUP	AUP	AUP	17.400.070
Second hand stores	P	P	-	-	-	-	
Shopping center	P	P	P	-	P	-	
Warehouse retail stores	-	-	-	-	CUP	-	
SERVICE							
Adult day care facilities	CUP	CUP	CUP	-	-	CUP	
Automated teller machines (ATMs)	P	P	P	P	P	P	17.400.025
Banks and financial services	P	P	P	P	P	P	
Business and consumer support services	P	P	P	P(6)	P	P	
Catering services	P	P	P	P(6)	P	P	
Check cashing businesses	-	CUP	CUP	-	CUP	CUP	17.400.030
Child day care centers	CUP	CUP	CUP	CUP	-	CUP	
Child day care, Large family day care homes	AUP	AUP	-	-	-	-	17.400.035
Child day care, Small family day care homes	P	P	-	-	-	-	

Notes:

(1) See Article 7 for definitions of the land uses listed.

(2) Auto sales establishments selling used vehicles exclusively are subject to approval of a Conditional Use Permit (see Chapter 17.530).

(3) For permit requirements related to the sale of Alcoholic Beverages see Section 17.400.015

(4) Ancillary to a primary retail use.

(5) Only one pet shop shall be permitted within any one shopping center. The tenant space shall be located so as to share no more than one common wall with any other tenant.

(6) Subject to ground floor restrictions; see Section 17.220.035 (CD District Requirements)

Continues on next page.

Exhibit A
Zoning Code Amendment ZCA P-2012006

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						
LAND USE (1)	**PERMIT REQUIREMENT BY DISTRICT**						**See Specific Use Regulations:**
	CN	**CG**	**CC**	**CD**	**CRR**	**CRB**	
SERVICE (cont.)							
Construction contractors, no outdoor storage	P	P	P	-	-	P	
Drive-thru facilities or services	-	CUP	CUP	-	CUP	CUP	17.400.045
Emergency shelters	CUP	CUP	CUP	-	-	-	17.400.046
Hotels and motels	P	P	P	P(2)	P	P	
Medical services - Office/Clinics	P	P	P	P(2)	P	P	
Medical services - Labs	-	P	P	P(2)	P	P	
Medical services - Hospitals	-	P	P	P	-	P	
Mortuaries	-	P	P		-	P	
Offices	P	P	P	P(2)	P	P	
Personal services	P	P	P	P(2)	P	P	
Pet day care	-	AUP	AUP	-	AUP(3)	AUP	17.400.020
Public safety facilities	P	P	P	P(2)	P	P	
Public utility facilities	CUP	CUP	CUP	-	CUP	CUP	
Storage, Outdoor	AUP	AUP	AUP	-	AUP	AUP	17.400.080
Vehicle services - Accessories installation	-	P	-	-	P	P	17.400.125
Vehicle services - Car washes	CUP	CUP	CUP	-	CUP	CUP	
Vehicle services - Fueling stations	CUP	P	P	-	P	P	17.400.120
Vehicle services - Fueling, incidental repair,	CUP	CUP	CUP	-	CUP	CUP	17.400.125
Vehicle services - Maintenance/repair	-	CUP	CUP	-	-	CUP	17.400.125
Vehicle services - Towing, no storage	-	P	P	-	-	P	17.400.125
Veterinary clinics and animal hospitals	-	AUP	AUP	-	AUP(3)	AUP	17.400.020
TRANSPORTATION & COMMUNICATIONS							
Broadcast studios	-	P	P	P	-	P	
Parking facilities	P	P	P	P	P	P	
Pipelines and utility lines (underground)	P	P	P	P	P	P	
Telecommunications facilities, cellular	AUP	AUP	AUP	AUP	AUP	AUP	17.400.110
Telecommunications facilities, dish antennas	See Section 17.400.110 for permit requirements						17.400.110

Notes:

(1) See Article 7 for definitions of the land uses listed.

(2) Subject to ground floor restrictions; see Section 17.220.035 (CD District Requirements).

(3) Ancillary to a pet shop only.

Exhibit A
Zoning Code Amendment ZCA P-2012006

TABLE 2-8 Allowed Uses and Permit Requirements for Industrial and Special Purpose Zoning Districts	P CUP AUP -	Permitted Use Conditional Use Permit Required Administrative Use Permit Required Use not allowed	
LAND USE (1)	**PERMIT REQUIREMENTS BY DISTRICT**		**See specific use regulations**
	IL	**IG**	
INDUSTRY, MANUFACTURING & PROCESSING			
Chemical product manufacturing	-	P	
Concrete, gypsum, and plaster products	-	P	
Electronics and equipment manufacturing	P	P	
Fabric products manufacturing	P	P	
Food and beverage manufacturing	-	P	
Furniture/fixtures manufacturing	P	P	
Glass, metal and plastics product manufacturing	-	P	
Handcraft industries	P	P	
Laundries and dry cleaning plants	-	P	
Lumber and wood product manufacturing	-	P	
Machinery manufacturing	-	P	
Media production - Backlots/outdoor facilities	-	P	
Media production - Indoor support facilities	P	P	
Media production - Soundstages	P	P	
Metal products fabrication, machine/welding shops	-	P	
Motor vehicle/transportation equipment manufacturing	-	P	
Paper product manufacturing	-	P	
Paving and roofing material manufacturing	-	P	
Printing and publishing	P	P	
Recycling facility - Processing	-	P	17.400.090
Recycling facility - Large collection	-	P	17.400.090
Recycling facility - Small collection	AUP	P	17.400.090
Recycling facility - Incidental small collection	P	P	17.400.090
Research and development (R&D)	P	P	
Small-scale product manufacturing	P	P	
Stone and cut stone product manufacturing	-	P	
Stone, clay and pottery product manufacturing	-	P	
Warehousing and distribution facilities	P	P	
Wholesaling and distribution facilities	P	P	
RECREATION, EDUCATION , PUBLIC ASSEMBLY			
Arcade	P	P	
Health/fitness facilities	P	P	
Indoor amusement/entertainment facilities	CUP	CUP	
Outdoor Commercial Recreation	CUP	CUP	
Private Schools	CUP	-	
Public recreational and cultural facilities	CUP	CUP	
Public Schools	P	P	
Studios - Art, dance, music, photography, etc.	P	P	
Theaters	P	P	
RESIDENTIAL			
Caretaker and employee housing	CUP	CUP	

Notes: (1) See Article 7 for definitions of the land uses listed.

Continues on next page.

Exhibit A
Zoning Code Amendment ZCA P-2012006

TABLE 2-8 Allowed Uses and Permit Requirements for Industrial and Special Purpose Zoning Districts	P CUP AUP -	Permitted Use Conditional Use Permit Required Administrative Use Permit Required Use not allowed	
LAND USE (1)	**PERMIT REQUIREMENTS BY DISTRICT**		**See specific use regulations**
	IL	**IG**	
RETAIL TRADE			
Accessory retail uses	P	P	
Adult entertainment businesses	P(2)	P(2)	
Artisan Shops	P	P	
Auto and vehicle sales/rental	CUP	CUP	
Building material stores	P	P	
Construction equipment sales	P	P	
Convenience stores (3)	P	P	
General retail stores (3)	P	P	
Mobile home and RV sales	CUP	CUP	
Outdoor retail sales and display	AUP	AUP	17.400.075
Plant nurseries	P	P	
Restaurants, counter service (3)	P	P	
Restaurants, table service (3)	P	P	
Warehouse retail stores	P	P	
SERVICE			
Animal boarding and kennels	P(4)	P	17.400.020
Business and consumer support services	P	P	
Catering Services	P	P	
Child day care centers (4)	CUP	CUP	
Contractor's storage yard	P(5)	P	
Drive-thru facilities or services	CUP	CUP	17.400.045
Emergency shelters	-	P(7)	17.400.046
Offices	P	P	
Public safety facilities	P	P	
Public utility facilities	P	P	
Storage facilities, personal storage	CUP (6)	CUP (6)	
Storage, outdoor	P	P	17.400.080
Vehicle services-Accessories installation	P	P	17.400.125
Vehicle services-Fueling stations	P	P	17.400.120
Vehicle services-Fueling, incidental repair	CUP	CUP	17.400.125
Vehicle services-Impounding/storage	CUP	CUP	17.400.125
Vehicle services-Maintenance/repair	CUP	CUP	17.400.125
Vehicle services-Paint/body	P (5)	P (5)	17.400.125
Vehicle services-Towing, no storage	P	P	17.400.125
Veterinary clinics and animal hospitals	P	P	17.400.020
TRANSPORTATION & COMMUNICATIONS			
Broadcast studios	P	P	
Heliports	CUP	CUP	
Parking facilites	P	P	17.320.
Pipelines and utility lines	P	P	
Telecommunications facilities, cellular	AUP	AUP	17.400.110
Telecommunications facilities, dish antenna	See Section 17.400.110 for permit requirements		

Notes: (1) See Article 7 for definitions of land uses listed.
(2) Use only allowed subject to approval of an Adult Use Development Permit (see CCMC Chapter 11.13).
(3) For permit requirements related to the sale of Alcoholic Beverages see Section 17.400.015
(4) Ancillary to a primary use only.
(5) Use only allowed indoors.
(6) Modifications and/or expansion of existing facilities only
(7) Use only allowed in portions of the IG Zone identified in Section 17.400.046, Map 4.05

Exhibit A
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TABLE 2-11 **Allowed Uses and Permit Requirements** **for the East Washington Boulevard Overlay (-EW)**	P Permitted Use CUP Conditional Use Permit required AUP Administrative Use Permit Required - Use not allowed	
LAND USE (1)	**Permit Requirement**	**See Specific Use Regulations:**
INDUSTRY, MANUFACTURING, & PROCESSING		
Fabric products manufacturing, 5,000 sq.ft. or less	AUP	
Fabric products manufacturing, 5,001 to 10,000 sq.ft.	CUP	
Food and beverage manufacturing, 5,000 sq.ft. or less (2)	AUP	
Food and beverage manufacturing, 5,001 to 10,000 sq.ft (2)	CUP	
Furniture/fixtures manufacturing, 5,000 sq.ft. or less (3)	AUP	
Furniture/fixtures manufacturing, 5,001 to 10,000 sq.ft. (3)	CUP	
Handcraft industries, 5,000 sq.ft. or less (3)	AUP	
Printing and publishing, 10 employees maximum	P	
Recycling facility - Incidental small collection	AUP	17.400.090
Recycling facility - Large collection (4)	CUP	17.400.090
Recycling facility - Small collection	CUP	17.400.090
Second hand stores	AUP	
RECREATION, EDUCATION, & PUBLIC ASSEMBLY		
Clubs, lodges, and private meeting halls	AUP	
Health/fitness facilities	P	
Indoor amusement/entertainment facilities	AUP	
Religious places of worship	P	
Private Schools (5)	CUP	
Public Schools	P	
Studios – Art, dance, music, photography, etc.	P	
Theaters	P	
RESIDENTIAL		
Live/work units	CUP	17.400.060
RETAIL TRADE		
Auto and vehicle sales/rental (6)(7)	P	
Auto parts sales, retail	P	
Convenience stores (8)	P	
General retail stores (8)	P	
Internet café	P	

Notes:

(1) See Article 7 for definitions of the land uses listed.

(2) Includes packaging, processing, and wholesaling.

(3) Includes assembly, restoration, and wholesaling.

(4) Use only allowed on a site located a minimum of 300 ft from any residential zone.

(5) AUP required for schools up to 1,500 sq.ft. in area.

(6) All business activities with no outdoor display, storage or repair areas permitted shall be conducted wholly within completely enclosed buildings.

(7) Used vehicles sales and service shall only be allowed incidental to new vehicle sales.

(8) For permit requirements related to the sale of Alcoholic Beverages, see Section 17.400.015.

Table continues on next page

Exhibit A
Zoning Code Amendment ZCA P-2012006

TABLE 2-11 **Allowed Uses and Permit Requirements** **for the East Washington Boulevard Overlay (-EW)**	P Permitted Use CUP Conditional Use Permit required AUP Administrative Use Permit Required - Use not allowed	
LAND USE (1)	**Permit Requirement**	**See Specific Use Regulations:**
RETAIL TRADE (continued)		
Outdoor retail sales and display	P	17.400.075
Pet shops	P	
Plant nurseries, retail	P	
Restaurants, counter service (2)	P(3)	
Restaurants, outdoor dining (2)	AUP	
Restaurants, table service (2)	P	
Second hand stores	P	
SERVICE		
Adult day care facilities	CUP	
Automated teller machines (ATMs)	P	17.400.025
Banks and financial services	P	
Business and consumer support services	P	
Child day care centers	CUP	17.400.035
Emergency shelters	P(7)	17.400.046
Hotels and motels	CUP	
Medical services - Office/clinics (4)	P	
Medical services - Labs (4)	P	
Medical services - Hospitals	CUP	
Mortuaries	P	
Offices	P	
Personal services, except psychic readers	P	
Vehicle services - Fueling station	P	17.400.120
Vehicle services - Fueling, incidental repair	CUP	17.400.120
Vehicle services - Impounding/storage	AUP	17.400.125
Vehicle services - Maintenance/repair (5)	CUP	17.400.125
Veterinary clinics and animal hospitals (6)	AUP	17.400.020
TRANSPORTATION & COMMUNICATIONS		
Broadcast studios	P	
Parking facilities	AUP	
Pipelines and utility lines	P	
Telecommunications facilities, cellular	AUP	17.400.110
Telecommunications facilities, wireless antenna	See Section 17.400.110 for permit requirements	

Notes:

(1) See Article 7 for definitions of the land uses listed

(2) For permit requirements related to the sale of Alcoholic Beverages see Section 17.400.015

(3) If counter service restaurant is stand-alone, then a CUP is required.

(4) Excluding animal experimentation.

(5) Use only allowed indoors.

(6) Use only allowed on a site located a minimum of 200 feet from any residential zone.

(7) Use only allowed in portions of the -EW Zone identified in Section 17.400.046, Map 4.05

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.

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

2. Commercial uses.

Table 3-3B

Land Use Type: **Commercial Uses (1)**	**Vehicle Spaces Required**
Accessory Food Service	Same as primary use.
Accessory Retail Use	Same as primary use.
Animal boarding and kennels	1 space per 350 sf. of indoor use area; plus 1 space for 1000 sf of outdoor use area.
Auto and Vehicle Sales	1 space per 350 sf of indoor use area; plus 1 space for 1000 sf of outdoor use area.
Banks and financial services	1 space per 250 sf.
Bars and nightclubs	1 space per 100 sf, plus one space for every 30 sf of dance floor.
Convenience stores	1 space per 225 sf, with a minimum of 8 spaces.
Day care facilities	
Child or Adult Day Care Centers	1 space per 300 sf of floor area.
Large family day care home	1 space per employee, in addition to required residential spaces.
Small family day care home	As required for the single-family dwelling (see parking requirement for residential uses).
Emergency shelters	1 space for each 3 beds.
Hotels and Motels	1 space for each guest room; plus 1 space for each 20 guest rooms; plus retail, restaurant and conference uses calculated at 1 space per 100 sf.
Medical services	
Hospitals	1 space for each 1.5 patient beds, plus required spaces for accessory uses as determined by the Director.
Medical/dental offices, clinics and labs	1 space per 350 sf.
Offices, administrative, corporate, professional	1 space per 350 sf.
Plant Nurseries	1 space per 350 sf of indoor use area; plus 1 space for 1000 sf of outdoor use area.
Restaurants	
General (Table Service) 1,500 sf or less.	1 space per 350 sf. with a minimum of 3 spaces.
Greater than 1,500 sf.	1 space per 100 sf.
Takeout (Counter Service), with customer tables	1 space per 75 sf, with a minimum of 8 spaces.
Takeout (Counter Service - 750 sf or less), no tables	1 space per 250 sf, with a minimum of 3 spaces.
Located in shopping centers: Less than 25% of floor area of center for all restaurants.	Parking requirement covered under the general requirement for shopping center.
25% or greater of floor area of center for all restaurants.	Portion of restaurant(s) exceeding 25% of shopping center's floor area shall use the same parking requirement for general restaurants, above.

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Land Use Type: **Commercial Uses (1)**	**Vehicle Spaces Required**
Outdoor dining:	No parking required for first 250 sf of outdoor dining area. Any outdoor dining area exceeding 250 sf shall be included as restaurant floor area in determining the parking requirement.
Retail and service uses, general	1 space per 350 sf.
Shopping centers – general (2)(3)	
Less than 5 acres in net parcel area	1 space per 250 sf (Also see restaurant requirements).
5 acres and greater of net parcel area	1 space per 200 sf (Also see restaurant requirements).
Storage, personal storage facilities	1 space per 50 storage units or 5,000 sf of storage area, whichever is greater. Plus 2 additional spaces for the manager's office, with a minimum of 5 spaces per facility.
Vehicle Services	
Carwash – self service	2 spaces for each washing stall.
Carwash – full service	10 spaces; plus 10 space queuing area for drying of vehicles; plus queuing area for 3 vehicles ahead of each wash lane.
Carwash – automated, accessory to fueling station	4 spaces plus queuing area for 3 vehicles ahead of the wash lane (in addition to the parking required for fueling station).
Fueling stations	1 space per 225 sf (includes convenience store) with a minimum of 3 spaces. For parking required above the minimum of 3, half of the parking provided at pump islands may be credited towards meeting parking requirements.
Maintenance, repair, installation, and detailing	3 spaces per service bay (work station), plus 1 space for each 350 sf of additional retail sales and service.
Veterinary clinics	1 space per 350 sf.

Notes:

(1) Parking for certain uses within the CD Zone are subject to the requirements of Subsection 17.220.035.C.

(2) Parking requirements for bars, nightclubs, health/fitness facilities and theaters shall be calculated separately in all cases.

(3) A multi-tenant regional shopping center of 600,000 sf floor area or more with one or more traditional department stores, excluding those common areas as described in Subsection 17.320.020.C. of this Chapter, may provide a parking ratio as recommended in a parking demand study approved by the City; provided, that the parking demand study (i) is prepared, at the sole cost and expense of the applicant, by an independent traffic engineer licensed by the State of California who is reasonably approved by the Director prior to the commencement of that study, and (ii) presents reasonable justification for modification to the parking ratio(s) otherwise required under Table 3-3 (Parking Requirements by Land Use) of this Chapter. If, as reasonably determined by the Director, the parking demand study supports requiring a parking ratio greater than that otherwise required in this Title, then the higher parking ratio shall apply.

Exhibit A
Zoning Code Amendment ZCA P-2012006

Chapter 17.400 - Standards for Specific Land Uses 4-1

17.400.005 - Purpose 4-2
17.400.010 - Applicability 4-2
17.400.015 - Alcoholic Beverage Sales 4-2
17.400.020 - Animal Boarding, Pet Day Care, Veterinary Clinics and Animal Hospitals 4-3
17.400.025 - Automatic Teller Machines (ATMs) 4-4
17.400.030 - Check Cashing Businesses 4-6
17.400.035 - Child Day Care Facilities 4-6
17.400.040 - Condominium Conversions 4-8
17.400.045 - Drive-In and Drive-Through Facilities 4-11
17.400.046 - Emergency Shelters 4-12
17.400.050 - Firearms Sales 4-12
17.400.055 - Home Occupations 4-12
17.400.060 - Live/Work Development Standards 4-15
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17.400.075 - Outdoor Retail Sales and Displays 4-35
17.400.080 - Outdoor Storage 4-35
17.400.085 - Pawnshops 4-36
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17.400.115 - Temporary Storage Containers 4-54
17.400.120 - Vehicle Fueling Stations 4-54
17.400.125 - Vehicle Repair Shops 4-56

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17.400.046 - Emergency Shelters

This Section provides location, development, and operating standards for emergency shelters in compliance with Article 2 (Zoning Districts, Allowable Land Uses and Zone-Specific Development Standards):

A. **Location and Permit Requirements.** Emergency shelters located within the area identified in Map 4.05 shall be permitted after approval of a Zoning Clearance in compliance with Chapter 17.510 (Zoning Clearances). Emergency Shelters located in the CN (Commercial Neighborhood), CG (Commercial General) and CC (Commercial Community) zoning districts shall be shall be permitted subject to approval of a Conditional Use Permit in compliance with Chapter 17.530 (Administrative Use Permits and Conditional Use Permits).

B. **Lot Size.** Emergency shelters located within the area identified in Map 4.05 shall be limited to lots that have a minimum lot area of ¼ acre (10,890 square feet) and a maximum lot area of ¾ acre (32,670 square feet).

C. **Number of Beds.** Emergency shelters located within the area identified in Map 4.05 shall have no more than 30 beds. Maximum number of beds for emergency shelters located outside of the area identified in Map 4.05 shall be established as part of the Conditional Use Permit.

D. **Length of Stay.** Emergency shelters shall be available to residents for no more than 180 days in any 12 month period.

E. **Hours of Operation.** Emergency shelters shall establish and maintain set hours for the client intake/discharge, which shall be prominently posted on-site.

F. **Proximity to Other Emergency Shelters.** An emergency shelter shall not be located within 300 feet of another Emergency Shelter.

G. **On-Site Waiting and Client Intake Area.** All on-site waiting and client intake areas shall be located indoors and shall have a minimum area of 100 square feet.

H. **Lighting**. Adequate external lighting shall be provided for security purposes as determined by the Director. Exterior lighting shall comply with the requirements of Section 17.300.040 (Outdoor Lighting).

I. **Laundry Facilities.** On-site laundry facilities or services adequate for the number of residents shall be provided.

J. **Personal Property.** Secured areas for personal property shall be provided.

K. **Common Facilities.** The development may provide one or more of the following specific common facilities for the exclusive use of the residents and staff:

1. Kitchen and dining room(s).
2. Recreation room.
3. Counseling center.
4. Child care facilities.
5. Other support services as necessary.

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L. **Outdoor Activity.** Outdoor activities may only be conducted between the hours of 8 AM and 10 PM.

M. **Refuse.** A refuse storage area, completely enclosed with a masonry wall not less than 5 feet high with a solid gated opening, and large enough to accommodate standard sized commercial trash bins shall be provided.

N. **Emergency Shelter Provider.** All Emergency shelters shall comply with the following requirements:

1. Shelters providing services to two or more population groups (e.g., men, women, and families with children, etc.) shall provide segregated sleeping areas for each separate population group.
2. At-least one facility manager shall be on-site at all hours the facility is open. Additional staff shall be provided, as necessary, to ensure that at least one staff member is provided in all segregated sleeping areas, as appropriate.
3. Staff and services shall be provided to assist residents in obtaining permanent shelter.
4. The provider shall submit to the Planning Division for review and approval as part of the Zoning Clearance or Conditional Use Permit process a written operational plan including, as applicable, provisions for staff training, neighborhood outreach, security, screening of residents to insure compatibility with services provided, noise and loitering control, and for training, counseling, and treatment programs for residents.

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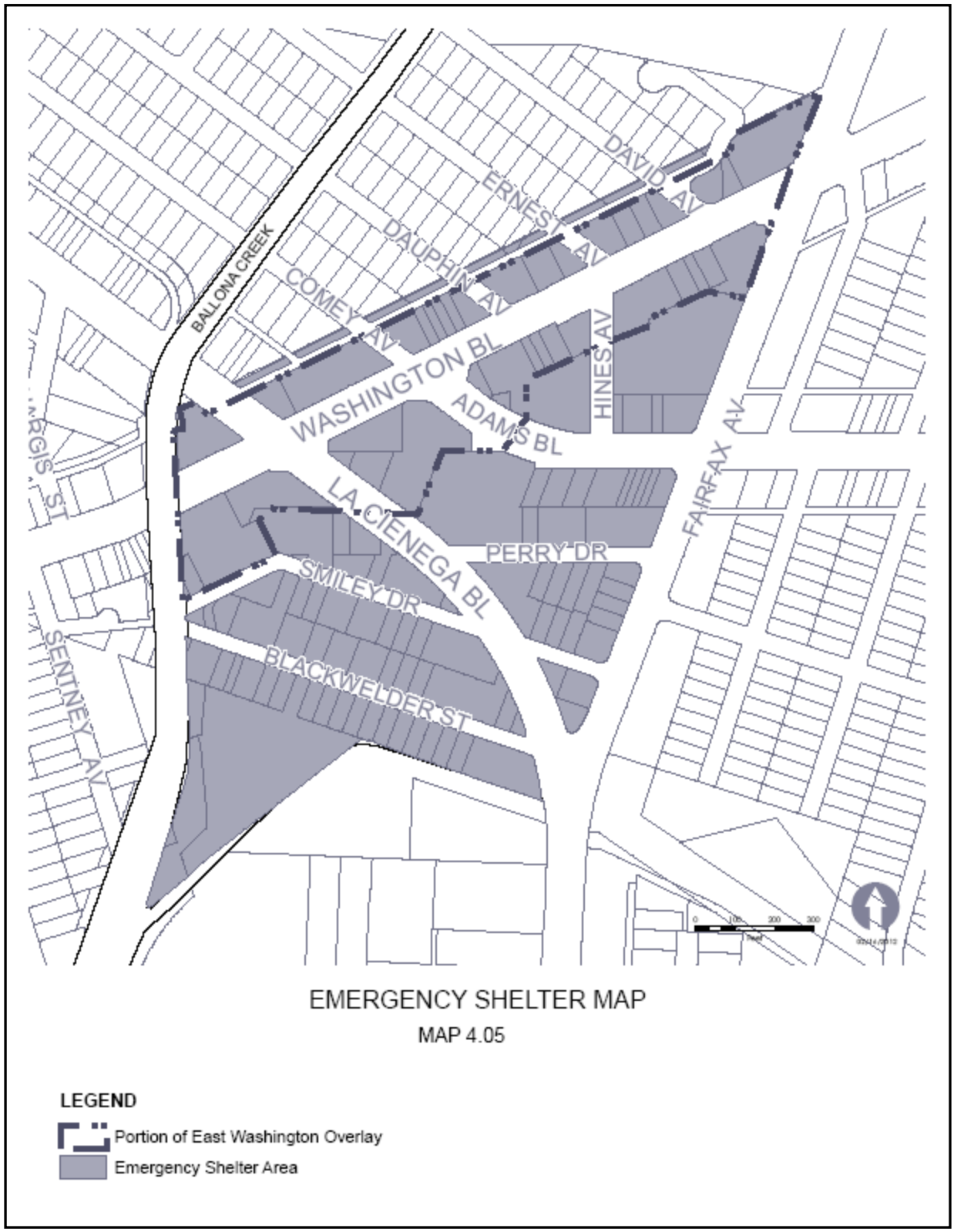

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17.700.010 Definitions

Definitions, "E".

Emergency Shelter. Facilities providing temporary shelter with minimal supportive services for homeless persons that are limited to occupancy of 180 days or less by a homeless person, persons, household, or family ~~for the emergency or temporary shelter and feeding of indigents or disaster victims,~~ operated by a public or non-profit agency. These accommodations may include temporary lodging, meals, laundry facilities, bathing, counseling, and other basic support services.

Definitions, "R".

Residential Care Facility. Facilities providing 24 hour residential, assisted living, social and personal care for children, the elderly, and people with limited ability for self-care. Varying levels of care and supervision are provided. Residential care facilities may include basic services and community space. Includes: board and care homes; children's homes; ~~transitional houses;~~ orphanages; rehabilitation centers; convalescent homes, nursing home and similar facilities. Excludes Emergency Shelters, Transitional Housing, Supportive Housing, and facilities for persons requiring surgical or other primary medical treatment.

Definitions, "S".

Supportive Housing. Housing with no limit on length of stay, that is occupied by the target population and that is linked to on-site or off-site services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and when possible, work in the community. Supportive Housing with 6 or fewer residents per unit shall be considered a residential use of the same type as other residential uses of the same type in the same zone.

Definitions, "T".

Target Population. Adults with low-income having one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health conditions, or individuals eligible for services provided under the Lanterman Developmental Disabilities Services Act and may, among other populations, include families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, or homeless people.

Transitional Housing. Temporary housing for at least six (6) months for a homeless individual or family transitioning to permanent housing. Housing can take several forms including group housing or multi-family units, and may include supportive services to allow for necessary life skills in support of independent living. Transitional housing shall be considered a residential use of the same type as other residential uses of the same type in the same zone.

Exhibit B
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						
LAND USE (1)	**PERMIT REQUIREMENT BY DISTRICT**						**See Specific Use Regulations:**
	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 conjuction 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

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.
Single Room Occupancy Units	One (1) parking space per unit.

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

Exhibit B
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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 B
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
Reasonable Accommodations	17.550	Decision		Appeal	Appeal
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 B
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 from specific development standards of this Title when the strict application of those standards would make it impractical for an individual with a disability to have 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.

Table 5-2

Exhibit B
Zoning Code Amendments ZCA P-2012040

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.

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

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 will comply or come closer to complying with the development standards of this Title.

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

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 B
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
D. Reasonable Accommodations.	17.550	All adjacent property owners and occupants	15 days before the anticipated date of decision by Director

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 B
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, "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.

RESOLUTION NO. 2012-P004

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CULVER CITY, CALIFORNIA, RECOMMENDING APPROVAL TO THE CITY COUNCIL OF ZONING CODE AMENDMENT, ZCA P-2012006 AMENDING TITLE 17, ZONING, OF THE CULVER CITY MUNICIPAL CODE (CCMC), SECTION 17.210.015, TABLE 2-2 – ALLOWED USES IN RESIDENTIAL ZONES; SECTION 17.220.015, TABLE 2-5 – ALLOWED USES IN COMMERCIAL ZONES; SECTION 17.230.015, TABLE 2-8 – ALLOWED USES IN INDUSTRIAL ZONES; SECTION 17.260.035, TABLE 2-11 – ALLOWED USES IN THE EAST WASHINGTON OVERLAY ZONE; SECTION 17.320.020H, TABLE 3-3 PARKING REQUIREMENTS BY LAND USE; SECTION 17.400.046 – STANDARDS FOR SPECIFIC LAND USES; and SECTION 17.700.010 DEFINITIONS, AS SET FORTH IN EXHIBIT "A" ATTACHED HERETO.

(Zoning Code Amendment P-2012006)

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

WHEREAS, said adopted and certified Housing Element includes measures to incorporate State legislative requirements addressing allowances, development standards, and/or definitions for emergency shelters, transitional housing and supportive housing (Measure 2L of said Housing Element) into the City of Culver City Zoning Code consistent with State Housing Law; and,

WHEREAS, in order to implement said Housing Element measures, on February 22, 2012, the Planning Commission conducted a duly noticed public hearing on City-initiated Zoning Code Amendment, ZCA P-2012006 regarding emergency shelters, transitional housing, and supportive housing, fully considering all reports, studies, testimony, and environmental information presented; and

WHEREAS, following conclusion of the public discussion and thorough deliberation of the subject matter, the Planning Commission determined by a vote of 5 to 0 that Zoning Code Amendment, ZCA P-2012006 should be recommended for approval to the City Council as set forth herein below.

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

SECTION 1. Pursuant to the foregoing, the following findings are hereby made:

1. ZCA P-2012006 ensures and maintains internal consistency with the goals, policies, and strategies of the General Plan and will not create any inconsistencies with the Zoning Code. This Zoning Code Amendment will implement General Plan Housing Element Measure 2L addressing Emergency Shelters and Transitional and Supportive Housing. Further implementation of these measures through this zoning code amendment will compliment and implement General Plan Land Use Element Objective 3 by encouraging the provision of housing opportunities for varied members of the community.

2. ZCA P-2012006 is not detrimental to the public interest, health, safety, convenience and welfare of the City. The amendments to Zoning Code Sections 17.210.015 – Table 2-2 and 17.220.015 - Table 2-5, regarding allowed uses in residential and commercial zones will establish transitional housing and supportive housing as residential uses similar to other residential uses of the same type in the same zone thereby confirming those uses as housing allowed within the fabric of the community.

The amendments to Zoning Code Sections 17.230.015 - Table 2-8 and 17.260.035 - Table 2-11, regarding allowed uses in the industrial zones and the East Washington Overlay Zone will establish a specific area within the City where emergency shelters will be permitted without a conditional use permit. Establishment of this area will ensure that adequate provisions exist for the ministerial establishment of emergency shelters without impacting residential and commercial uses.

The amendments to Zoning Code Section 17.320.020H, Table 3-3, regarding parking requirements by land use will clarify the residential parking requirements for Transitional and Supportive Housing thereby ensuring the continued provisions for on-site parking in residential neighborhoods. It will further establish parking requirements for Emergency Shelters thereby ensuring that adequate parking is provided for this type of land use.

The amendments to Zoning Code Sections 17.400.046, regarding Standards for Specific Land Uses will establish specific standards for Emergency Shelters which will ensure compatibility with adjacent land uses.

The amendments to Zoning Code Section 17.700.010, regarding definitions will help to clarify the distinction between emergency shelters, transitional housing, and supportive housing.

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

SECTION 2. Pursuant to the foregoing recitations and findings, the Planning Commission of the City of Culver City, California, hereby recommends approval of Zoning Code Amendment (ZCA P-2012006) to the City Council as set forth in Exhibit A attached hereto and made a part thereof.

APPROVED and ADOPTED this 22nd day of February, 2012.

ANTHONY PLESKOW, CHAIRPERSON
PLANNING COMMISSION
CITY OF CULVER CITY, CALIFORNIA

Attested by:

Yvonne Hunt
Administrative Secretary

RESOLUTION NO. 2013-P001

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

(Zoning Code Amendment P-2012040)

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

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

WHEREAS, in order to implement said Housing Element measures, on February 13 2013, the Planning Commission conducted a duly noticed public hearing on City-initiated Zoning Code Amendment, ZCA P-2012040 regarding single room occupancy housing, and reasonable accommodation procedures, fully considering all reports, studies, testimony, and environmental information presented; and

WHEREAS, following conclusion of the public discussion and thorough deliberation of the subject matter, the Planning Commission determined by a vote of 5 to 0

that Zoning Code Amendment, ZCA P-2012040 should be recommended for approval to the City Council as set forth herein below.

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

SECTION 1. Pursuant to the foregoing, the following findings are hereby made:

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

2. ZCA P-2012040 is not detrimental to the public interest, health, safety, convenience and welfare of the City. The amendments will establish SRO housing as a residential use allowed within a mixed use project. This allowance will provide a process and opportunity for this type of affordable housing while assuring such housing is consistent with the fabric of the community and is designed in such a manner that

potential impacts are minimized to a level of insignificance. The amendments pertaining to residential parking requirements for SRO units will ensure the continued provisions for on-site parking in commercial neighborhoods where this type of housing is allowed as part of a mixed use project. The amendments regarding Standards for Specific Land Uses will establish specific standards for SRO units which will ensure compatibility with adjacent land uses.

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

3. 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

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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.

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

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

SCOTT WYANT, CHAIRPERSON
PLANNING COMMISSION
CITY OF CULVER CITY, CALIFORNIA

Attested by:

Yvonne Hunt
Administrative Secretary

City of Culver City, California

Planning Commission Agenda Item Report

Meeting Date: February 22, 2012	Item Number: PH-1
AGENDA ITEM: Zoning Code Amendment, ZCA P-2012006: Consideration of Zoning Code Text Amendments Affecting Emergency Shelters, Transitional Housing, Supportive Housing, and Definition of Family.	
Contact Person/Dept.: Jose Mendivil, Associate Planner	Phone Number: (310) 253-5757
Public Hearing: [X]	Action Item: [] Attachments: [X]
Public Notification: Publication in Culver City News (February 2, 2012). Mailed to the Always List (February 14, 2012), Emailed to the Master Notification List (February 14, 2012).	
Planning Approval: Thomas Gorham, Planning Manager	Department Approval: Sol Blumenfeld, Community Development Director

RECOMMENDATION:

That the Planning Commission adopt Resolution No. 2012-P004 (Attachment No. 1) recommending to the City Council approval of Zoning Code Amendment, ZCA P-2012006.

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 Legislation, Chapter 633, Statues of 2007 (established through passage of California Senate Bill 2 or SB 2), effective January 1, 2008, requires that local jurisdictions allow emergency shelters by-right and that transitional and supportive housing be treated as residential uses. The City of Culver City Housing Element for 2008-2014, which was adopted by the City Council on June 10, 2010 and certified by the State of California Department of Housing and Community Development (HCD) in August 11, 2010, includes measures to incorporate the State requirements for emergency shelters, transitional housing and supportive housing (Measure 2L) and definition of family (Measure 2M) into the City of Culver City Zoning Code consistent State Housing Law (Attachment No. 3).

DISCUSSION:

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

Emergency Shelters

Consistent with State Health and Safety Code Section 50801(e), Emergency Shelters are permanent facilities with minimal supportive services for homeless persons and are limited to occupancy of 180 days or less by a homeless person, persons, household, or family and for which no individual or household or family may be denied emergency shelter because of an inability to pay. Further, emergency shelters are characterized as providing temporary shelter and meals for indigents or disaster victims and are operated by a public or non-profit agency. Emergency shelter accommodations may include temporary lodging, meals, laundry facilities, bathing, counseling, and other basic support services.

SB 2 generally requires that unless there are sufficient existing shelter facilities to meet all of the homeless population need, cities must identify at least one zoning district or area where emergency shelters may be established as an allowed use without requiring a conditional or administrative use permit or similar discretionary review of the proposed use. During the Housing Element process, staff evaluated the eastern portion of the City (bounded by Ballona Creek on the west, Fairfax Avenue on the east, the Jefferson Storm Drain on the south, and the northern City Limit line) to potentially accommodate emergency shelters. This area includes parcels zoned Industrial General (IG) and East Washington Overlay (EWO). As required by SB 2, the area where Emergency Shelters are allowed without discretionary review must be well served by bus transit and be located near a variety of services. This area complies with these stipulations. Everywhere else in the City, the current zoning code allowance for Emergency Shelters contingent upon approval of a Conditional Use Permit will remain without revision. Both the Planning Commission and City Council approved this proposed area for Emergency Shelters when they adopted the Housing Element.

As part of this amendment, Emergency Shelters will be listed as allowed uses with a footnote referencing the area described above in Zoning Code Sections 17.230.015.A, Table 2-8 (allowed uses in Industrial Zones) and 17.260.035.C, Table 2-11(allowed uses in the East Washington Overlay Zone). The current definition of Emergency Shelter (Section 17.700.010.E) will be revised to ensure consistency with the amendment.

Parking Standards for Emergency Shelters will be listed in Section 17.320.020.H, Table 3-3 (parking requirements by land use). Currently there is no parking

requirement for Emergency Shelters; the parking requirement is determined on a case by case basis during the Conditional Use Permit process. Upward Bound House approved with a CUP on October 24, 2007 required one parking space for every three residential units. Upward Bound House is an emergency shelter for homeless women with children and is a converted hotel with each previous hotel room converted to a residential unit. This parking requirement is similar to the parking requirement for Residential Care Facilities (one space for each three patient beds). Review of various Cities by staff did not yield a uniform parking standard with some cities basing parking on total square footage such as one space for every 250 square feet of gross square footage and other cities using a parking to bed ratio varying from 1 space per 3 beds up to 1 space per 6 beds. Staff is recommending a conservative parking requirement of one parking space for every three beds consistent with the current requirement for Residential Care Facilities. Users of the emergency shelters will more than likely not have vehicles. Employees of the shelters will use the parking.

SB 2 does not prohibit cities from imposing written, objective development and operating standards on emergency shelters, such as, limits on the number of beds or persons, length of stay, lighting and security measures, onsite management, or parcel size where such a use is allowed. As part of this amendment, Article 4 of the Zoning Code – Standards for Specific Land Uses – will be revised to include specific development standards for Emergency Shelters. Section 17.400.046 will be added to Article 4 and it will include Map 4.05 which graphically illustrates the area where emergency shelters will be allowed without discretionary review. Everywhere else where currently allowed, Emergency Shelters will continue to require a Conditional Use Permit and will be subject to the proposed development standards. The standards will address:

- Zone Clearance (prior to building permit issuance to ensure compliance with the specific standards)
- Lighting (to ensure adequate external lighting)
- Common Facilities (such as cooking and dining rooms, recreation rooms counseling center, child care facilities)
- Provision for On-site Security
- Provision for Outdoor Activity
- Refuse
- On-Site Waiting and Client Intake Areas
- Proximity to Other Emergency Shelters
- Homeless Shelter Provider requirements (including a written management plan)
- Location and Minimum and Maximum Lot Size for Emergency shelters, and

- Maximum Number of Beds per Emergency Shelter.

The area where emergency shelters would be allowed without discretion was established during the Housing Element process and is depicted in Map 4.05 contained in Exhibit A (Attachment No. 2). Staff surveyed this area and identified parcel sizes between one-quarter to three-quarters acres as a size that could most effectively accommodate this use and delimit where these shelters can most appropriately occur. If smaller parcels are allowed there is a potential for substandard conditions such a overcrowding within small shelters on small lots. If larger parcels are allowed there is a potential for large shelters that are not in character with Culver City. The lot size limitation will ensure the potential for a proper mix of shelters with adequate accommodations and on-site amenities. Further the lot size limitation ensures that there are enough lots that can be developed with Emergency Shelters without discretionary review as required by SB 2. This rationale was discussed with the Planning Commission and City Council during the adoption hearings for the Housing Element.

Currently there is no maximum bed allowance for emergency shelters because this limit is determined during the Conditional Use Permit process. However, in the proposed area of the City where Emergency Shelters will be allowed without discretionary review, staff is proposing the maximum of 30 beds per shelter. Various cities were surveyed to assist in determining a maximum bed allowance. HCD in their review of SB 2 advises cities to not limit beds to a low number that could be too onerous. At the same time the City is concerned that a high maximum number bed allowance could result in large shelters not in character with the medium scale commercial development characteristic of Culver City. Below is a matrix summarizing the survey results.

EMERGENCY SHELTERS	MAXIMUM NUMBER OF BEDS ALLOWED
City of Beverly Hills	No Zone Text Language
City of Compton	No Zone Text Language
City of Hermosa Beach	No Zone Text Language
City of Huntington Park	**30 beds/More than 30 beds requires CUP**
City of Inglewood	No Zone Text Language
City of Los Angeles	**No Limit**
City of Mission Viejo	**10 beds**
City of Montebello	No Zone Text Language
City of Pasadena*	**10 beds outside of Commercial Zones No limit within Commercial Zones**
City of Santa Monica	**40 beds**
City of West Covina	No Zone Text Language

* Temporary Shelters operated by places of worship

Several of the cities that currently do not have emergency shelter standards have committed in their housing elements to amend their codes to address emergency shelters. Similar to Culver City, they are most likely in the amendment process. The range of beds for those cities that have codified language range from 10 beds to no limit. A 2006 Short Term Housing Directory of Los Angeles County document published by Shelter Partnership revealed that there is no uniform number of beds. Factors such as length of stay, target population, size of shelter, area devoted to services within the shelter structure, local regulations and codes such as zoning will all affect the maximum bed count on a case by case basis. However, several of the emergency shelters listed in the Shelter Partnership directory serve 30 or around 30 individuals per night. Given the potential for shelter development in the area identified for allowance without discretion, staff believes that a maximum of 30 beds or individuals per night is adequate to serve the local homeless population while not encouraging large shelters that would conflict with the medium scale of commercial development in Culver City. Also, the limit of 30 beds/individuals is not considered to be too onerous (since many shelters in the Los Angeles area are already operating at this limit) and there should be adequate opportunity to potentially locate in this area of the City. For areas of the City were emergency shelters require a CUP, the bed count will be established through the discretionary review process. For comparison purposes, the Upward Bound House through the CUP approval is limited to 55 beds.

Transitional and Supportive Housing

SB 2 requires that transitional and supportive housing be treated as residential uses that are subject to only to those requirements that apply to other residential uses of the same type in the same zone. The City must develop definitions, standards and permitting procedures for these uses that are no more restrictive than for other residential developments of the same type in the same zone, in conformance with SB 2. For example a single family, duplex, triplex, or multi-family use used as transitional or supportive housing must be treated the same as any other single family, duplex, triplex, or other multi-family use. A key nuance for supportive housing is that once a unit contains seven or more residents then it is considered a residential care facility and can be subject to discretionary review. In this case, the proposed ZCA will require supportive housing containing 7 or more residents to be subject to a Conditional Use Permit consistent with the requirement for residential care facilities with 7 or more clients.

Transitional Housing

Consistent with State Health and Safety Code Section 50675.2(h), Transitional Housing is temporary housing for a homeless individual or family transitioning to permanent housing for stays of at least six (6) months. Housing can take several forms including group housing or multi-family units, and may include supportive services to allow for necessary life skills in support of independent living. Further, Transitional Housing is considered a residential use of the same type as similar residential uses allowed in the same zone the Transitional Housing is located in and no special regulations can be imposed on the use that otherwise would not be imposed on any other residential use.

As part of this amendment, Transitional Housing will be listed as an permitted use with a footnote clarifying the use as residential in Zoning Code Sections 17.210.015.A, Table 2-2 (allowed uses in Residential Zones) and 17.220.015, Table 2-5 (allowed uses in Commercial Zones). Parking Standards for Transitional Housing will be listed in Section 17.320.020.H, Table 3-3 (parking requirements by land use). The current definition of Residential Care Facility (Section 17.700.010.R) will be revised to exclude Transitional Housing and a new definition consistent with State housing law for Transitional Housing will be added in the Definitions section (Section 17.700.010.T).

Supportive Housing

Consistent with State Health and Safety Code Section 50675.14(b), Supportive Housing is housing with no limit on length of stay, that is occupied by the target

population as defined in State Health and Safety Code subdivision (d) of Section 53260, and that is linked to on or off-site services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and when possible, work in the community. Further, Supportive Housing with 6 or fewer residents is considered a residential use of the same type as similar residential uses allowed in the same zone the supportive housing is located in and no special regulations can be imposed on the use that otherwise would not be imposed on any other residential use.

Consistent with State Health and Safety Code Section 53260(d) a target population is comprised of adults with low-income having one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health conditions, or individuals eligible for services provided under the Lanterman Developmental Disabilities Services Act and may, among other populations, include families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, or homeless people.

As part of this amendment, Supportive Housing with 6 or fewer residents will be listed as a permitted use with a footnote clarifying the use as residential; and Supportive Housing with 7 or more residents listed as a conditional use in Zoning Code Sections 17.210.015.A, Table 2-2 (allowed uses in Residential Zones) and 17.220.015, Table 2-5 (allowed uses in Commercial Zones). Parking Standards for Supportive Housing will be listed in Section 17.320.020.H, Table 3-3 (parking requirements by land use). A new definition consistent with State housing law for Supportive Housing and Target Population will be added in the Definitions section (Sections 17.700.010.S and 17.700.010.T).

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. As part of this amendment, a new definition consistent with State law for Family 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-2012006 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. 2012-P004 (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 and provide allowances and development standards for Emergency Shelters, Supportive Housing, and Transitional Housing 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 being in October of 2012 through October of 2013).

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. 2012-P004
2. Exhibit A – Proposed Text Changes in “strikethrough/underline” format
3. Excerpt From Housing Element - Chapter V, Housing Programs

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: [X]	Action Item: [] Attachments: [X]
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

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 "strikethrough/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

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.

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

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

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

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

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).

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

REGULAR MEETING
OF THE PLANNING COMMISSION
CITY OF CULVER CITY,
CALIFORNIA

February 22, 2012
7:00 p.m.

Call to Order & Roll Call

The meeting of the Planning Commission was called to order at 7:06 p.m.

Present: Anthony Pleskow, Chair
Scott Wyant, Vice Chair
John Kuechle, Commissioner
Marcus Tiggs, Commissioner
Linda Smith Frost, Commissioner

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Pledge of Allegiance

Thomas Gorham, Planning Manager, led the Pledge of Allegiance.

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Comments for Items NOT on the Agenda

Chair Pleskow invited public participation

No cards were received and no speakers came forward.

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Public Hearing

Item PH-1

Zoning Code Amendment, ZCA P-2012006: Consideration of Zoning Code Text Amendments Affecting Emergency Transitional Housing, Supportive Housing and Definition of Family

Jose Mendivil, Associate Planner, provided a summary of the material of record and clarified that the one property west of the creek would not be included.

Sol Blumenfeld, Community Development Director, discussed survey information; the subcommittee; the overlay process used to identify the area; and relative land uses.

Thomas Gorham, Planning Manager, noted that there would not be clusters of these sites as they cannot be closer than 300 feet from each other.

Sol Blumenfeld, Community Development Director, discussed the imposed distance requirement; he clarified that the area is serviced by bus routes; and he discussed an additional development standard requirement relative to operations ultimately affecting the physical layout of the facilities and a recommended a requirement for separate sleeping areas for those without dependent children and those with dependent children.

Thomas Gorham, Planning Manager, noted that information was provided to Commissioners regarding Emergency Shelter Provider Development Standards indicating that facilities providing shelter to two or more population groups shall provide separate sleeping areas for each group.

Chair Pleskow invited public comment.

The following member of the audience addressed the Commission:

Cary Anderson expressed concern that there were no agendas or speaker cards available for the public; he discussed supportive housing; parking issues created by a facility in a residential area with nine beds; the experience of his neighbor who had to provide additional parking spaces when he remodeled; and he felt the facilities should have to abide by parking requirements just as others in the City do.

Sol Blumenfeld, Community Development Director, clarified that the Commission could not circumvent SB2 requirements and those requirements preempt zoning requirements; he discussed rehabilitation of a private single family home; and minimum sizes and acreage.

Thomas Gorham, Planning Manager, discussed minimum sizes; parking requirements; transitional housing; acreage; residential care facilities; Conditional Use Permits; and consistency with residential care facilities.

A discussion ensued between staff and Commissioners regarding the existing situation; staff agreement to further investigate; concern with other violations in addition to the parking issue; clarification regarding the number of allowable units; compliance; the issue of what to do moving forward; clarification that the state of California is directing the City to take action; parking requirements; the Housing Element; whether emergency shelter occupants drive their own cars or mostly rely on public transit; concern with setting a precedent; state requirements; looking at parking policies; additional research on supportive housing to determine how significant an issue parking is; taking supportive housing out of the broader definition of residential care facilities; an observation that residential care facilities are businesses and not single family dwellings; the experience of other cities; the definition of family; turnover of occupants; clarification that there is no limit on length of stay for supportive housing; different needs of clients using supportive housing; consistency with state law; the facility cited by Cary Anderson; City regulation and the privacy of the individual; restrictions on unlicensed vs. licensed facilities; concern with a potential perception of discrimination; civil litigation as a result of non-compliance with state housing; clarification that the matter will be reviewed in eight months; Operating Standards; the importance of compliance with Regional Housing Needs Standards; development standards and locational requirements; potential sites; transitional housing vs. supportive housing; the target population; rigorous standards for emergency shelters; clarification that statutory requirements for 6 or fewer supportive housing are set out by state statute and can not be superceded; clarification that no change of use would be authorized by the action; onsite security; and the importance of having speaker cards and agendas available at meetings.

MOVED BY COMMISSIONER KUECHLE, SECONDED BY CHAIR PLESKOW, AND UNANIMOUSLY CARRIED THAT THE PLANNING COMMISSION CLOSE THE PUBLIC HEARING.

Additional discussion ensued between staff and the Commission regarding appreciation to staff for their handling of intrusive state law and minimization of chances of unfortunate consequences; transitional housing; concern

with the lack of options for the City; occupancy limits; latitude of the City; the definition of family; single housekeeping units; maintaining state compliance; the state response to the original Housing Element; the process for amending the zoning code; the Adamson case; keeping the definition of family consistent with state law; enforcement; potential exposure; the transiency factor; further code amendments; modifications to the paragraph in Exhibit A that defines family; whether the City could have allowed for less beds; most appropriate locations for shelters; and lot size.

MOVED BY COMMISSIONER KUECHLE AND SECONDED BY VICE CHAIR WYANT THAT THE PLANNING COMMISSION APPROVE ZONING CODE AMENDMENT ZCA P-2012006 WITH THE ADDITION OF PARAGRAPH 1 UNDER EMERGENCY SHELTER PROVIDER REGARDING SEPARATE BEDROOMS THAT WAS PREVIOUSLY DISTRIBUTED TO THE COMMISSION AND WITH THE DELETION OF THE DEFINITION OF FAMILY.

Heather Baker, Assistant City Attorney, asked that in the language added by staff, the word homeless be changed to read: men, women, and families with children.

A discussion ensued between staff and the Commission regarding different populations served by emergency shelters and groups with separate bedrooms.

THE MOTION CARRIED UNANIMOUSLY.

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Consent Calendar

Item C-1

Secretary's Report

MOVED BY COMMISSIONER KUECHLE, SECONDED BY COMMISSIONER TIGGS, AND UNANIMOUSLY CARRIED THAT THE PLANNING COMMISSION RECEIVE AND FILE THE REPORT OF THE SECRETARY REGARDING POSTING OF THE AGENDA FOR THIS MEETING.

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Items from Staff

Thomas Gorham, Planning Manager, discussed the schedule of upcoming meetings and agenda items.

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Items from Commissioners

None.

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Adjournment

There being no further business, at 8:32 p.m. the Culver City Planning Commission adjourned to the next regular meeting on Wednesday, March 14, 2012, at 7:00 p.m. in the Mike Balkman Council Chambers.

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YVONNE D. HUNT
SECRETARY of the CULVER CITY PLANNING COMMISSION

APPROVED _____

ANTHONY PLESKOW
CHAIR of the CULVER CITY PLANNING COMMISSION
City of Culver City, California

I declare under penalty of perjury under the laws of the State of California that, on the date below written, these minutes were filed in the Office of the City Clerk, City of Culver City, California and constitute the Official Minutes of said meeting.

_____ _____
Martin R. Cole Date
CITY CLERK

By: _____
Ela Valladares
Deputy City Clerk

REGULAR MEETING
OF THE PLANNING COMMISSION
CITY OF CULVER CITY,
CALIFORNIA

February 13, 2013
7:00 p.m.

Call to Order & Roll Call

The meeting of the Planning Commission was called to order at 7:01 p.m.

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

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Pledge of Allegiance

Thomas Gorham, Planning Manager, led the Pledge of Allegiance.

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Comments for Items NOT on the Agenda

Chair Wyant invited public input.

No speakers came forward and no cards were received.

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Public Hearing

Item 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**

Jose Mendivil, Associate Planner, provided a summary of the material record.

Thomas Gorham, Planning Manager, reported distributing proposed revisions to Commissioners in two sections to improve wording.

Discussion ensued between staff and Commissioners regarding clarifying the definition of family; concern that the definition focuses more on what family is not than what constitutes a family; zoning; clarification regarding the reason for consideration of the item; single-family dwellings; concerns from the state; practices of other cities; single housekeeping units; relevance of the definition; non-transient relationships; the time element; relationships that are permanent in nature; a boarding house situation; and tenants and subtenants.

Heather Baker, Assistant City Attorney, expressed concerns with a definition proposed by Commissioners and she read a new suggested sentence to address concerns with ambiguity with the definition of family.

Additional discussion continued between staff and Commissioners regarding the use of the word commercial; equal treatment of related and unrelated people functioning as a household; privacy issues; investigations of precise relationships; married vs. unmarried; permanent vs. non-transient; concern with defined time periods; state requirements; the State Department of Housing and Community Development; the Housing Element; enforcement of whether or not a unit is being lawfully occupied; the zoning ordinance; sober living facilities; definitions used by other cities; defining boarding houses; the functional equivalent of traditional families; expanding the definition of family beyond what is required; the original definition; creating a separate definition and use category for Boarding Houses; the need for a definition that affirmatively states what is acceptable; creating a sense of stability in the community; college roommates; blood relatives; The Eras Center; the permitted use list; discretionary review; sororities and fraternities; preserving the character of a single family neighborhood; larger institutional groups; concern with criteria that applies to traditional families; tendency of the court to characterize something as a family rather than not; institutions vs. families; a transactional living arrangement; intent of the living arrangement; concern that one person does not constitute a family; concern with unintended consequences; preserving the status quo; concern with weakening the current definition; support for beefing

up the affirmative part of the definition; concern with having an unlimited number of people considered a family; the building code; occupant load requirements for single-family homes; and restrictions on the number of related or unrelated people living in a household.

Sol Blumenfeld, Community Development Director, requested comments regarding the text amendment for reasonable accommodation procedures.

Discussion ensued between Commissioners and staff regarding new structures; the zoning envelope; compliance with existing code and zoning; reasonable accommodation provisions; the administrative approval process; clarification that approval runs with the tenant unless it is part of the structure; accessibility; reasonable alternative accommodations; clarification that not every physical incorporation into a structure will be allowed to remain after the person with the disability leaves the house; paragraph 5; consistency; SROs; unit size; state definitions; and affordable units.

MOVED BY VICE CHAIR KUECHLE, SECONDED BY COMMISSIONER PLESKOW AND UNANIMOUSLY CARRIED, THAT THE PLANNING COMMISSION OPEN THE PUBLIC HEARING.

MOVED BY VICE CHAIR KUECHLE, SECONDED BY COMMISSIONER PLESKOW AND UNANIMOUSLY CARRIED, THAT THE PLANNING COMMISSION CLOSE THE PUBLIC HEARING.

Chair Wyant received clarification that text edits he had submitted to staff were in the staff report and were not part of the actual text language.

MOVED BY VICE CHAIR KUECHLE, SECONDED BY COMMISSIONER PLESKOW AND UNANIMOUSLY CARRIED, THAT THE PLANNING COMMISSION RECOMMEND THAT THE CITY COUNCIL APPROVE ZONING CODE AMENDMENT 2012-040 WITH THE TWO TYPED AMENDMENTS SUBMITTED TO STAFF BY VICE CHAIR KUECHLE AND DISTRIBUTED TO COMMISSIONERS, AND WITHOUT THE DEFINITION OF FAMILY.

Thomas Gorham, Planning Manager, indicated that the issue of the definition of family would be re-noticed rather than continued to a date certain.

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Consent Calendar

None.

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Items from Staff

Thomas Gorham, Planning Manager, discussed upcoming meetings and agenda items.

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Items from Planning Commissioners

Commissioner Smith Frost indicated that she would be out of town on March 13, 2013.

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Adjournment

There being no further business, at 8:25 p.m., the Culver City Planning Commission adjourned to the next regular meeting on Wednesday, February 27, 2013, at 7:00 p.m. in the Mike Balkman Council Chambers.

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YVONNE D. HUNT
SECRETARY of the CULVER CITY PLANNING COMMISSION

APPROVED _____

SCOTT WYANT
CHAIR of the CULVER CITY PLANNING COMMISSION
City of Culver City, California

I declare under penalty of perjury under the laws of the State of California that, on the date below written, these minutes were filed in the Office of the City Clerk, City of Culver City, California and constitute the Official Minutes of said meeting.

Martin R. Cole
CITY CLERK

16 APR 2013
Date

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

	Income Category					
	Ext. Low	V. Low	Low	Mod	Upper	Totals
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 2014[15] 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.

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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.

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- *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-a-side 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.

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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 (DOBI) 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.

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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]

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[1]Title 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).)

[2]A 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 least19 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-

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[3]See Tootelian & Gaedeke, *The Impact of Housing Availability, Accessibility, and 4ffordability On People With Disabilities* (April 1999) at <http://www.calsilc.org/housing.html> [as of Febrnaiy 27, 2001].

[4]The 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.)*

[5]These 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 applicanf 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).

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[6]See, *US. v. Village of Palatine, III.* (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.)

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

[8]Under 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 Cu. 1994)18 F3d 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 step[10] 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

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[9]Numerous studies support the conclusion that such concerns about property values are misplaced. (See Lauber, *A Real LULU: Zoning for GroupHomes and Halfwqy Houses Under The Fair Housing Amendinents 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 Libiarians, *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).)

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

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