



CITY OF CARSON

PLANNING COMMISSION STAFF REPORT

PUBLIC HEARING:

March 13, 2012

SUBJECT:

Ordinance Amendment No.12-1484 (Emergency Shelters, Transitional and Supportive Housing)

Ordinance Amendment No. 12-1485 (Reasonable Accommodations)

APPLICANT:

City of Carson
Planning Division

REQUEST:

To approve Ordinance Amendment No. 12-1484 for "emergency shelters, transitional and supportive housing" and Ordinance Amendment No. 12-1485 for "reasonable accommodations" for disabled persons in compliance with State law by amending the Carson Municipal Code (CMC)

PROPERTY INVOLVED

City-wide

COMMISSION ACTION

___ Concurred with staff

___ Did not concur with staff

___ Other

COMMISSIONERS' VOTE

AYE	NO		AYE	NO	
		Chairman Faletogo			Saenz
		Vice-Chair Gordon			Schaefer
		Brimmer			Verrett
		Diaz			Williams
		Goolsby			

Item No. 12-A

I. Introduction

The proposed ordinances create administrative procedures to implement programs of the Carson 2006-2014 Housing Element of the General Plan. Ordinance Amendment No. 12-1484 establishes location and development standards to facilitate "emergency shelters, transitional and supportive housing" and Ordinance Amendment No. 12-1485 provides a process for disabled persons to request "reasonable accommodations" from land use and zoning standards or procedures, when those standards or procedures are a barrier to equal housing.

II. Background

Ordinance Amendment No. 12-1484: Emergency Shelters, Transitional and Supportive Housing

Chapter 633, Statutes of 2007 (SB 2) clarifies and strengthens housing element law to ensure zoning encourages and facilitates emergency shelters and limits the denial of emergency shelters and transitional and supportive housing under the Housing Accountability Act. The law facilitates efforts to address the critical needs of homeless populations and persons with special needs throughout communities in California. Generally, SB 2 amends housing element law regarding planning and approval for emergency shelters and transitional and supportive housing as follows:

Government Code Section 65583

- At least one zone shall be identified to permit emergency shelters without a conditional use permit or other discretionary action.
- Sufficient capacity must be identified to accommodate the need for emergency shelters and at least one year-round emergency shelter.
- Existing or proposed permit procedures, development and management standards must be objective and encourage and facilitate the development of or conversion to emergency shelters.
- Emergency shelters shall only be subject to development and management standards that apply to residential or commercial within the same zone.
- Written and objective standards may be applied as specified in statute, including maximum number of beds, provision of onsite management, length of stay and security.
- Includes flexibility for jurisdictions to meet zoning requirements with existing ordinances or demonstrate the need for emergency shelters can be accommodated in existing shelters or through a multi-jurisdictional agreement.
- Transitional and supportive housing shall be considered a residential use and only subject to those restrictions that apply to other residential uses of the same type in the same zone.



Government Code Section 65589.5: Housing Accountability Act

- Limits denial of emergency shelters, transitional housing or supportive housing by requiring specific findings.
- Some findings shall not be utilized if new planning requirements of SB 2 are not met; such as identifying a zone without a conditional use permit.

Ordinance Amendment No. 12-1485: Reasonable Accommodations

The proposed ordinance follows a series of federal and state laws that 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." The U.S. Department of Housing and Urban Development's (HUD)'s requirement that jurisdictions utilizing Community Development Block Grant (CDBG) funds analyze impediments to fair housing; the County's "Analysis of Impediments to Fair Housing Choice" includes the recommendation that a procedure for reasonable accommodation be adopted. Furthermore, in May 2001, the State Attorney General issued a letter 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.

The Housing Element contains policies and programs to implement federal and state fair housing laws and to meet the housing needs of all residents of the city, including those with disabilities. In accordance with the Housing Element, Carson needs to adopt a written "reasonable accommodations" ordinance to provide exception in zoning and land-use for housing for persons with disabilities. This procedure will be a ministerial process, with minimal or no processing fee, subject to approval by the Planning Officer by applying the following decision-making criteria:

- The request for reasonable accommodation will be used by an individual with a Disability protected under fair housing laws.
- The requested accommodation is necessary to make housing available to an individual with a disability protected under fair housing laws.



- The requested accommodation would not impose an undue financial or administrative burden on the City.
- The requested accommodation would not require a fundamental alteration in the nature of the City's land-use and zoning program.

III. Analysis

Applicable Zoning Ordinance Regulations

The proposed "emergency shelters, transitional and supportive housing" Ordinance Amendment No. 12-1484 will facilitate such uses being permitted by "right" in the ML (Manufacturing, Light) zoning district with an administrative Design Overlay Review application. The proposed "reasonable accommodation" Ordinance Amendment No. 1485-12 will facilitate public information explaining the adopted city procedure for handling requests from persons with disabilities for reasonable accommodations that may be necessary to afford disable persons and equal opportunity to use and enjoy a dwelling.

Emergency Shelters, Transitional and Supportive Housing

Ordinance Amendment

Carson seeks to comply with State Housing Element Law to ensure that its zoning encourages and facilitates emergency shelters and limits the denial of emergency shelters and transitional and supportive housing under the Housing Accountability Act. Pursuant to Section 9141.1 Uses Permitted, of the CMC, emergency shelter, transitional and supportive housing are not permitted by right. Thus, the proposed ordinance will amend Section 9141.1, Uses Permitted, to allow emergency shelters and transitional and supportive housing as a primary use within the ML zone by right.

Definition

Emergency shelters, transitional and supportive housing: means housing with supportive services for the homeless and occupancy limited to six months or less by a homeless person.

Ordinance Amendment and Related Text Changes

Section 9141.1, Uses Permitted, Section 9148, Special Requirements for Certain Uses and Section 9190, Definitions, will be amended so that the following line entry reads as follows with all other text in the section to remain unchanged (added text underlined):



ZONES

ML MH

Residential Uses:

Emergency shelters, transitional and supportive housing

L

The following text will be added to Division 8 (Special Requirements for Certain Uses) of Part 4 (Industrial Zones) of Chapter 1 (Zoning Ordinance):

Section 9148.10: Emergency Shelters, Transitional Housing and Supportive Housing

- A. *"Emergency shelters, transitional and supportive housing" means housing with supportive services for the homeless and occupancy limited to six months or less by a homeless person.*
- B. *An emergency shelter is allowed by right in the "ML" (Manufacturing, Light) zone, provided that all of the requirements and development standards set forth below are satisfied.*
- C. *Location Requirements, emergency shelters shall meet the following location requirements:*
 - (1) *Emergency shelters serving single adults or families shall be situated a minimum of five hundred feet from another emergency shelter, two hundred fifty feet from a public park, public or private school (not including trade or technology school) as measured from property line to property line.*
 - (2) *Emergency shelters shall be located within one-quarter mile of a designated public transportation stop.*
- D. *Development Standards, emergency shelters shall meet the following development standards:*
 - (1) *Maximum Stay -- No homeless person shall stay within an emergency shelter for more than six months from the date of their acceptance into the shelter. In addition, no homeless person shall be re-admitted to the same homeless shelter within five days of being discharged.*
 - (2) *Waiting Area -- If the intake of homeless clients occurs on-site, an enclosed or screened waiting area shall be provided between the intake area and the public right-of-way. There shall be no queuing within the public right-of-way or within any parking lot.*
 - (3) *Hours of Operation -- Each emergency shelter shall establish and maintain set hours of operation for client intake and discharge. These hours shall be clearly displayed at the entrance to the shelter at all times.*

- (4) *On-site Personnel -- On site personnel shall be provided during all hours of operation when clients are present.*
- (5) *Client Restrictions -- The emergency shelter operator shall not intake any person as a client if that person is wanted by the police or has a record of committing violent offenses. The emergency shelter operator shall also conduct a background check on all prospective clients using Megan's Law database and restrict client intake in accordance with state and local registered sex offender residency restrictions.*
- (6) *Maximum Number of Beds -- No more than a total of forty-five beds shall be provided on the entire property where the emergency shelter is located. Beds shall be provided for men and women in separate and secured areas.*
- (7) *No Alcohol, Drugs or Weapons Allowed -- At no time shall any client be allowed to keep on-site any alcoholic beverages, drugs or weapons of any kind. The manager of the emergency shelter shall conduct routine inspections of each client's personal space to verify compliance and report to the Los Angeles County Sheriff's Office any client that is found in possession of illegal substances, drugs, and/or weapons of any kind.*
- (8) *Personal Space -- A minimum of thirty square feet shall be allocated for each client bed.*
- (9) *Restroom and Shower Facilities -- Separate and secured restrooms and shower facilities shall be provided for men and women with at least two toilets, one shower and one sink shall be provided for every twenty clients in accordance with Building Code requirements.*
- (10) *Common Space -- Interior and/or exterior common space for the on-site clients to congregate shall be provided on the property at a ratio of not less than fifteen square feet per occupant or a minimum overall area of four-hundred square feet, whichever is greater.*
- (11) *Food Service Areas -- The emergency shelter operator shall be responsible for compliance with all applicable Los Angeles County Health Department regulations in providing food service to its clients.*
- (12) *Parking -- Off street parking shall be provided at a ratio of one parking space for every eight adult beds, plus one additional space designated for the on-site manager. No client shall sleep or live within a motor vehicle on the property of an emergency shelter at any time.*
- (13) *Bicycle Racks -- Bicycle racks that allow for the secure storage of bicycles shall be provided. Bicycle racks shall accommodate at least one bicycle storage space for every eight adult beds. All bicycle racks are required to be located in an area that is not visible from the public right-of-way.*
- (14) *Lighting -- Each emergency shelter shall provide exterior lighting on pedestrian pathways and parking lot areas on the property for safety. Lighting shall be shielded and/or reflected away from all residential areas and public streets.*
- (15) *Security -- The emergency shelter shall be required to submit an on-site securing plan for review and approval by the Los Angeles County Sheriff*



- Office. The emergency shelter operator shall ensure that the approved security plan is implemented at the emergency shelter at all times.
- (16) Health and Safety -- Each emergency shelter shall comply with all applicable local and state health and safety codes such as the California Building Code, California Fire Code, California Health and Safety Code and applicable zoning standards for the development and use of the property on which the emergency shelter is located.

Reasonable Accommodations

Ordinance Amendment

Pursuant to the Federal Fair Housing Amendments Act of 1988, to provide people with disabilities reasonable accommodation in rules, policies, practices and procedures that may be necessary to ensure equal access to housing, the city of Carson proposes Ordinance Amendment No. 1485 for "reasonable accommodation" for disabled persons. The purpose of this proposed ordinance amendment is to provide a process for individuals with disabilities to make requests for reasonable accommodation in regard to relief from the various land use, zoning, or building laws, rules, policies, practices and/or procedures of the City.

The following text will be added to Division 2 (Procedures by Type) of Part 7 (Procedures) of Chapter 1 (Zoning Ordinance):

Section 9127.27: Requests for Reasonable Accommodation

A. Purpose

The purpose is to provide a procedure for individuals with disabilities to request reasonable accommodation, as provided by the Federal Fair Housing Amendments Act of 1988 and the California Fair Employment and Housing Act (the Acts), as those regulations are amended from time to time.

B. Definitions

- 1. Act -- The Fair Housing Amendments Act of 1988*
- 2. Applicant -- An individual making a request for reasonable accommodation pursuant to this division.*
- 3. Code -- The Carson Municipal Code.*
- 4. Department -- The Economic Development Department and Planning Division of the city of Carson.*
- 5. Reasonable Accommodation -- Any waiver or modification to regulations, policies, procedures and standards that is both reasonable and necessary for a person with a disability to have an equal opportunity to use and enjoy a residential use. Examples of reasonable accommodation include, if reasonable and necessary, allowing a wheelchair ramp in a required*



setback, allowing an increase in building height to permit an elevator installation, or allowing an applicant time to submit material.

6. *Disabled Person* -- Any person who has a physical or mental impairment that substantially limits one or more major life activities; anyone who is regarded as having such impairment; or anyone who has a record of such impairment. People who are currently using illegal substances are not covered under the Act or this Division unless they have a separate disability.
7. *Group Home* -- Refers to any and all facilities which are regulated by the provisions of the California Community Care Facilities Act (Health & Safety Code Section 1500 et seq.), the California Residential Care Facilities for the Elderly Act (Health & Safety Code Section 1569) or any alcoholism or drug abuse recovery or treatment facility as defined by Health & Safety Code Section 11834.02 or any successor statutes.
8. *Increased Occupancy*. Refers to a request to increase the number of individuals permitted or licensed by State or local law to occupy a group home.

C. Application-Filling

1. Any individual with a disability, someone acting on his or her behalf, or a provider or developer of housing for individuals with disabilities, desiring to obtain accommodation in accordance with this Part 2 of the CMC shall file an application with the Planning Officer.
2. A request for accommodation shall contain the following information:
 - a. Name and address of the applicant and of all persons owning any or all of the subject property.
 - b. Evidence that the applicant is the owner of the subject property or has written permission of the owner or owners to make such request.
 - c. Location of the subject property, including address (or vicinity) and Assessor's parcel number(s).
 - d. Legal description of the subject property.
 - e. Description of the current use of the property.
 - f. The specific regulations, policies, procedures and/or standards that are requested to be waived or modified.
 - g. A statement setting forth the basis for the request, including verifiable documentation of disability status.
3. The Planning Officer may request additional information as necessary that complies with the Acts and the privacy rights of the individual with a disability.

D. Findings

1. The Planning Officer shall grant a request for accommodation where all of the following are established:



- a. *The accommodation requested is intended to be used by an individual with a disability who resides or will reside on the property;*
- b. *The requested accommodation is necessary to afford an individual with a disability equal opportunity to use and enjoy a residential use;*
- c. *The requested accommodation will not impose an undue financial or administrative burden on the city; and*
- d. *The requested accommodation will not require a fundamental alteration in the nature of the land use and zoning program of the city.*
2. *An accommodation is granted to an individual and shall not run with the land unless the Planning Officer finds that the modification is physically integrated on the property and cannot feasibly be removed or altered.*

E. Commission review where concurrent

When a request for accommodation is filed in conjunction with a permit, variance or any other discretionary land use action as provided by Part 7 and Division 2, the Commission shall grant a request for a reasonable accommodation concurrently with such permit, variance or other discretionary land use action in accordance with the required findings pursuant to the CMC.

F. Notice of determination

1. *The Planning Officer or Commission shall notify the applicant of the action taken on a request for reasonable accommodation; said notice shall include the required findings.*
2. *Notices of determination on application considered by the Planning Officer shall be issued 30 days of the date the application is deemed complete.*
3. *A copy of the notice of determination shall be provided to abutting owners of the subject property.*
4. *The notice of determination shall give notice of the right to appeal, as set forth in Section 9122.10-H and 9173.4: Appeals.*

G. Recordation

The applicant shall record the findings of the grant in the office of the county recorder.

H. Appeals

1. *An appeal shall be made in writing, pursuant to the procedures established in Part 7 Section 9173.4 of the CMC.*
2. *All determination on the appeal shall address and be based upon the same findings required in accordance with the CMC.*
3. *Decisions on appeal shall be effective on the date of decision and no further administrative appeals may be heard.*

IV. Environmental Review

Upon City Council adoption, the proposed ordinance amendments would comply with Federal and State Fair Housing Laws and thus, the project is found to be Categorically Exempt, pursuant to California Environmental Quality Act Guidelines, Article 19, Section 15321.

V. Recommendation

That the Planning Commission:

- **RECOMMEND** approval of the proposed Ordinance Amendment No. 12-1484 for "emergency shelters, transitional and supportive housing" and proposed Ordinance Amendment No. 12-1485 for "reasonable accommodations" for disable persons, to the City Council to comply with Federal and State Housing Laws;
- **WAIVE** further reading and **ADOPT** Resolution No. _____, entitled, "A resolution of the Planning Commission of the city of Carson recommending approval of proposed Ordinance Amendment No. 12-1484 for "emergency shelters, transitional and supportive housing" and proposed Ordinance Amendment No. 12-1485 for "reasonable accommodations" for disable person, to the City Council to comply with Federal and State Housing Laws;

VI. Exhibits

1. Resolution for Ordinance Amendment No. 1484
2. Resolution for Ordinance Amendment No. 1485
3. Sample Application for Reasonable Accommodations

Prepared by: _____

Zak Gonzalez II, Planner

Approved by: _____

Sheri Repp-Loadman, Planning Officer

ZG/_c881-11p, text-a



CITY OF CARSON
PLANNING COMMISSION
RESOLUTION NO. 12-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARSON RECOMMENDING APPROVAL OF ORDINANCE AMENDMENT NO. 12-1484 TO THE CITY COUNCIL TO ALLOW EMERGENCY SHELTERS, TRANSITIONAL AND SUPPORTIVE HOUSING AS A PERMITTED USE IN THE ML (MANUFACTURING, LIGHT) ZONING DISTRICT

THE PLANNING COMMISSION OF THE CITY OF CARSON, CALIFORNIA, HEREBY FINDS, RESOLVES AND ORDERS AS FOLLOWS:

Section 1. Pursuant to Federal and State Fair Housing Laws and in compliance with the Carson 2006-2014 Housing Element goals and policies the city of Carson proposes Ordinance No. 12-1484 for “emergency shelters, transitional and supportive housing”. The approval of Ordinance Amendment No. 12-1484 would add “emergency shelters, transitional and supportive housing as use permitted by right in the ML (Manufacturing, Light) zone district Section 9141.1 and would add “emergency shelters, transitional and supportive housing” to Section 9148.10 to Division 8., Special Requirements for Certain Uses, to the Carson Municipal Code (CMC).

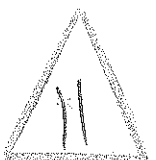
A public hearing was duly held on March 13, 2012, at 6:30 P.M. at City Hall, Council Chambers, 701 East Carson Street, Carson, California. A notice of time, place and purpose of the aforesaid meeting was duly given.

Section 2. Evidence, both written and oral, was duly presented to and considered by the Planning Commission at the aforesaid meeting.

Section 3. The Planning Commission finds that:

- a) The proposed Ordinance Amendment No. 12-1484 for “emergency shelters, transitional and supportive housing” complies with Federal and State Housing Laws that ensures that zoning encourages and facilitates emergency shelters and limits the denial of emergency shelters, transitional and supportive housing under the Housing Accountability Act.
- b) The proposed ordinance amendment would also comply with the Carson 2006-2014 Housing Element goals and policies that promote equal access to housing opportunities to all its residents including the homeless populations.
- c) The proposed ordinance amendment permits emergency shelters in the ML (Manufacturing, Light) zone district by right without a conditional use permit or other discretionary action with only an Administrative Design Overlay Review application to ensure that there are no development constraints to facilitate emergency shelter, transitional and supportive housing opportunities.
- e) The proposed ordinance amendment would also be consistent with the goals and policies of the Carson General Plan that promote equal access and housing opportunities for all of Carson residents.

EXHIBIT NO. 1 -



Section 4. The Planning Commission further finds that the proposed ordinance amendment for "emergency shelters, transitional and supportive housing" will not have a significant effect on the environment, thus, the project is found to be Categorically Exempt, pursuant to California Environmental Quality Act Guidelines, Article 19, Section 15321.

Section 5. Based on the aforementioned findings, the Commission hereby recommends approval of an Ordinance Amendment No. 12-1484 to the Carson City Council amending Sections 9141.1 of the CMC and adding Section 9148.10 to the CMC as shown in Exhibit "A", and approves the categorical exemption.

Section 6. The Secretary shall certify the adoption of this Resolution and shall transmit copies of the same to the applicant.

Section 7. This action shall become final and effective fifteen days after the adoption of this Resolution unless within such time an appeal is filed with the City Clerk in accordance with the provisions of the Carson Zoning Ordinance.

PASSED, APPROVED AND ADOPTED THIS 13th DAY OF MARCH, 2012.

CHAIRMAN

ATTEST:

SECRETARY



EXHIBIT "A"

ORDINANCE NO. 12-1484

AN ORDINANCE OF THE CITY OF CARSON, CALIFORNIA, AMENDING THE CARSON MUNICIPAL CODE TO ALLOW EMERGENCY SHELTERS, TRANSITIONAL AND SUPPORTIVE HOUSING AS A PERMITTED USE IN THE ML (MANUFACTURING, LIGHT) ZONING DISTRICT

THE CITY COUNCIL OF THE CITY OF CARSON DOES ORDAIN AS FOLLOWS:

Section 1. Code Amendment. Section 9141.1 of Division 1 (Uses Permitted) of Part 4 (Industrial Zones) of Chapter 1 (Zoning) of Article IX (Planning and Zoning) of the Carson Municipal Code is hereby amended by adding the underlined text with all other text in the line entry and the section remaining unchanged, as follows:

"ZONES

ML MH

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Residential Uses:

Emergency shelters, transitional and supportive housing

Section 2. Code Amendment. Section 9190 of Part 9 (Definitions) of Chapter 1 (Zoning) of Article IX (Planning and Zoning) of the Carson Municipal Code is hereby amended by adding the following Section 9191.223 with all other text in the Section remaining unchanged as follows:

"Section 9191.223 Emergency shelters, transitional and supportive housing.

Shall mean housing with supportive services for the homeless and occupancy limited to six months or less by a homeless person."

Section 3. Code Amendment. Division 8 (Special Requirements for Certain Uses) of Part 4 (Industrial Zones) of Chapter 1 (Zoning) of Article IX (Planning and Zoning) of the Carson Municipal Code is hereby amended by adding a new entry at the end as Section 9148.10 to read as follows:

"Section 9148.10 Emergency shelters, transitional and supportive housing

A. "Emergency shelters, transitional and supportive housing" means housing with supportive services for the homeless and occupancy limited to six months or less by a homeless person.

B. An emergency shelter is allowed by right in the "ML" (Manufacturing, Light) zone, provided that all of the requirements and development standards set forth below are satisfied.



1. Emergency shelters serving single adults or families shall be situated a minimum of five hundred feet from another emergency shelter, two hundred fifty feet from a public park, public or private school (not including trade or technology school) as measured from property line to property line.

2. Emergency shelters shall be located within one-quarter mile of a designated public transportation stop.

D. Development Standards, emergency shelters shall meet the following development standards:

1. Maximum Stay. No homeless person shall stay within an emergency shelter for more than six months from the date of their acceptance into the shelter. In addition, no homeless person shall be re-admitted to the same homeless shelter within five days of being discharged.

2. Waiting Area. If the intake of homeless clients occurs on-site, an enclosed or screened waiting area shall be provided between the intake area and the public right-of-way. There shall be no queuing within the public right-of-way or within any parking lot.

3. Hours of Operation. Each emergency shelter shall establish and maintain set hours of operation for client intake and discharge. These hours shall be clearly displayed at the entrance to the shelter at all times.

4. On-site Personnel. On site personnel shall be provided during all hours of operation when clients are present.

5. Client Restrictions. The emergency shelter operator shall not intake any person as a client if that person is wanted by the police or has a record of committing violent offenses. The emergency shelter operator shall also conduct a background check on all prospective clients using Megan's Law database and restrict client intake in accordance with state and local registered sex offender residency restrictions.

6. Maximum Number of Beds. No more than a total of forty-five beds shall be provided on the entire property where the emergency shelter is located. Beds shall be provided for men and women in separate and secured areas.

7. No Alcohol, Drugs or Weapons Allowed. At no time shall any client be allowed to keep on-site any alcoholic beverages, drugs or weapons of any kind. The manager of the emergency shelter shall conduct routine inspections of each client's personal space to verify compliance and report to the Los Angeles County Sheriff's Office any client that is found in possession of illegal substances, drugs, and/or weapons of any kind.

8. Personal Space. A minimum of thirty square feet shall be allocated for each client bed.

9. Restroom and Shower Facilities. Separate and secured restrooms and shower facilities shall be provided for men and women with at least two toilets, one shower and one sink shall be provided for every twenty clients in accordance with Building Code requirements.

10. Common Space. Interior and/or exterior common space for the on-site clients to congregate shall be provided on the property at a ratio of not less than fifteen square feet per occupant or a minimum overall area of four-hundred square feet, whichever is greater.

11. Food Service Areas. The emergency shelter operator shall be responsible for compliance with all applicable Los Angeles County Health Department regulations in providing food service to its clients.

12. Parking. Off street parking shall be provided at a ratio of one on-site parking space for every eight adult beds, plus one additional space designated for the on-site manager. No client shall sleep or live within a motor vehicle on the property of an emergency shelter at any time.

13. Bicycle Racks. Bicycle racks that allow for the secure storage of bicycles shall be provided. Bicycle racks shall accommodate at least one bicycle storage space for every eight adult beds. All bicycle racks are required to be located in an area that is no visible from the public right-of-way.

14. Lighting. Each emergency shelter shall provide exterior lighting on pedestrian pathways and parking lot areas on the property for safety. Lighting shall be shielded and/or reflected away from all residential areas and public streets.

15. Security. The emergency shelter shall be required to submit an on-site securing plan for review and approval by the Los Angeles County Sheriff Office. The emergency shelter operator shall ensure that the approved security plan is implemented at the emergency shelter at all times.

16. Health and Safety. Each emergency shelter shall comply with all applicable local and state health and safety codes such as the California Building Code, California Fire Code, California Health and Safety Code and applicable zoning standards for the development and use of the property on which the emergency shelter is located."

Section 4. Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance or any part thereof is for any reason held to be unconstitutional or contrary to state law, such decision shall not affect the validity of the remaining portion of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsection, subdivision, paragraph, sentence, clause or phrase be declared unconstitutional or contrary to state law.

PASSED, APPROVED and ADOPTED this 20th day of March, 2012.

Mayor Jim Dear

ATTEST:

Donesia Gause, City Clerk

APPROVED AS TO FORM:

City Attorney



CITY OF CARSON
PLANNING COMMISSION
RESOLUTION NO. 12-

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF
CARSON RECOMMENDING APPROVAL OF ORDINANCE
AMENDMENT NO. 12-1485 TO THE CITY COUNCIL TO FACILITATE
REASONABLE ACCOMMODATIONS FOR DISABLE PERSONS WITHIN
THE CITY OF CARSON**

**THE PLANNING COMMISSION OF THE CITY OF CARSON, CALIFORNIA,
HEREBY FINDS, RESOLVES AND ORDERS AS FOLLOWS:**

Section 1. Pursuant to the Fair Housing Amendments Act of 1988 and the California Fair Employment and Housing Act that prohibits cities and counties from discriminating against individuals with disabilities through land use and zoning decisions and procedures, the city of Carson proposes Ordinance No. 12-1485 for "reasonable accommodations". The approval of Ordinance Amendment No. 12-1485 would add Section 9172.27 "reasonable accommodations" to the Carson Municipal Code (CMC).

A public hearing was duly held on March 13, 2012, at 6:30 P.M. at City Hall, Council Chambers, 701 East Carson Street, Carson, California. A notice of time, place and purpose of the aforesaid meeting was duly given.

Section 2. Evidence, both written and oral, was duly presented to and considered by the Planning Commission at the aforesaid meeting.

Section 3. The Planning Commission finds that:

- a) The proposed Ordinance Amendment No. 12-1485 for "reasonable accommodations" complies with Federal and State Housing Laws that prohibit cities and counties from discriminating against individuals with disabilities through land use and zoning decisions ensuring equal housing opportunities.
- b) The proposed ordinance amendment would also comply with the Carson 2006-2014 Housing Element goals and policies that promote equal access to housing opportunities to all its residents including disable persons. Further, approval of the proposed ordinance will comply with the Carson Housing Element goals and policies that remove government constraints in granting reasonable accommodations to disable persons.
- c) The proposed ordinance amendment would also be consistent with the goals and policies of the Carson General Plan that promote equal access and housing opportunities for all of Carson residents.

Section 4. The Planning Commission further finds that the proposed ordinance amendment for "reasonable accommodation" will not have a significant effect on the environment, thus, the project is found to be Categorically Exempt, pursuant to California Environmental Quality Act Guidelines, Article 19, Section 15321.



Section 5. Based on the aforementioned findings, the Commission hereby recommends approval of an Ordinance Amendment No. 12-1485 to the Carson City Council amending Part 7. Procedures, Administrative/Quasi-Judicial of the CMC by adding Section 9172.27 to the CMC as shown in Exhibit "A", and approves the categorical exemption.

Section 6. The Secretary shall certify the adoption of this Resolution and shall transmit copies of the same to the applicant.

Section 7. This action shall become final and effective fifteen days after the adoption of this Resolution unless within such time an appeal is filed with the City Clerk in accordance with the provisions of the Carson Zoning Ordinance.

PASSED, APPROVED AND ADOPTED THIS 13th DAY OF MARCH, 2012.

CHAIRMAN

ATTEST:

SECRETARY

EXHIBIT "A"

ORDINANCE NO. 12-1485

AN ORDINANCE OF THE CITY OF CARSON, CALIFORNIA, AMENDING THE CARSON MUNICIPAL CODE TO ALLOW FOR REASONABLE ACCOMMODATIONS FOR DISABLED PERSONS UNDER THE RESIDENTIAL ZONING DISTRICT.

THE CITY COUNCIL OF THE CITY OF CARSON DOES ORDAIN AS FOLLOWS:

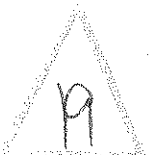
Section 1. Code Amendment. Division 2 (Administrative/Quasi-Judicial) of Part 7 (Procedures) of Chapter 1 (Zoning) of Article IX (Planning and Zoning) of the Carson Municipal Code is hereby amended by adding the following Section 9172.27 with all other text in the Division remaining unchanged as follows:

"Section 9172.27 Request for Reasonable Accommodations

A. Purpose. The purpose is to provide a procedure for individuals with disabilities to request reasonable accommodation, as provided by the Federal Fair Housing Amendments Act of 1988 and the California Fair Employment and Housing Act (the Acts), as those regulations are amended from time to time.

B. Definitions.

1. Act. The Fair Housing Amendments Act of 1988.
2. Applicant. An individual making a request for reasonable accommodation pursuant to this division.
3. Code. The Carson Municipal Code.
4. Department. The Economic Development Department and Planning Division of the city of Carson.
5. Reasonable Accommodation. Any waiver or modification to regulations, policies, procedures and standards that is both reasonable and necessary for a person with a disability to have an equal opportunity to use and enjoy a residential use. Examples of reasonable accommodation include, if reasonable and necessary, allowing a wheelchair ramp in a required setback, allowing an increase in building height to permit an elevator installation, or allowing an applicant time to submit material.
6. Disabled Person. Any person who has a physical or mental impairment that substantially limits one or more major life activities; anyone who is regarded as having such impairment; or anyone who has a record of such impairment. People who are currently using illegal substances are not covered under the Act or this Division unless they have a separate disability.



7. Group Home. Refers to any and all facilities which are regulated by the provisions of the California Community Care Facilities Act (Health & Safety Code Section 1500 et seq.), the California Residential Care Facilities for the Elderly Act (Health & Safety Code Section 1569) or any alcoholism or drug abuse recovery or treatment facility as defined by Health & Safety Code Section 11834.02 or any successor statutes.
8. Increased Occupancy. Refers to a request to increase the number of individuals permitted or licensed by State or local law to occupy a group home.

C. Application-Filing.

1. Any individual with a disability, someone acting on his or her behalf, or a provider or developer of housing for individuals with disabilities, desiring to obtain accommodation in accordance with this Part 2 of the CMC shall file an application with the Planning Officer.
2. A request for accommodation shall contain the following information:
 - a. Name and address of the applicant and of all persons owning any or all of the subject property.
 - b. Evidence that the applicant is the owner of the subject property or has written permission of the owner or owners to make such request.
 - c. Location of the subject property, including address (or vicinity) and Assessor's parcel number(s).
 - d. Legal description of the subject property.
 - e. Description of the current use of the property.
 - f. The specific regulations, policies, procedures and/or standards that are requested to be waived or modified.
 - g. A statement setting forth the basis for the request, including verifiable documentation of disability status.
3. The Planning Officer may request additional information as necessary that complies with the Acts and the privacy rights of the individual with a disability.

D. Findings.

1. The Planning Officer shall grant a request for accommodation where all of the following are established:

- a. The accommodation requested is intended to be used by an individual with a disability who resides or will reside on the property;
 - b. The requested accommodation is necessary to afford an individual with a disability equal opportunity to use and enjoy a residential use
 - c. The requested accommodation will not impose an undue financial or administrative burden on the city; and
 - d. The requested accommodation will not require a fundamental alteration in the nature of the land use and zoning program of the city.
2. An accommodation is granted to an individual and shall not run with the land unless the Planning Officer finds that the modification is physically integrated on the property and cannot feasibly be removed or altered.

E. Commission review where concurrent. When a request for accommodation is filed in conjunction with a permit, variance or any other discretionary land use action as provide by Part 7 and Division 2, the commission shall grant a request for a reasonable accommodation concurrently with such permit, variance or other discretionary land use action in accordance with the required findings pursuant to the CMC.

F. Notice of determination.

1. The Planning Officer or commission shall notify the applicant of the action taken on a request for reasonable accommodation; said notice shall include the required findings.
2. Notices of determination on application considered by the Planning Officer shall be issued 30 days of the date the application is deemed complete.
3. A copy of the notice of determination shall be provided to abutting owners of the subject property.
4. The notice of determination shall give notice of the right to appeal, as set forth in Section 9172.27-H and 9173.4: Appeals.

G. Recordation. The applicant shall record the findings of the grant in the office of the county recorder.

H. Appeals.

1. An appeal shall be made in writing, pursuant to the procedures established In Part 7 Section 9173.4 of the CMC.



2. All determination on the appeal shall address and be based upon the same findings required in accordance with the CMC.
3. Decisions on appeal shall be effective on the date of decision and no further administrative appeals may be heard."

Section 2. Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance or any part thereof is for any reason held to be unconstitutional or contrary to state law, such decision shall not affect the validity of the remaining portion of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsection, subdivision, paragraph, sentence, clause or phrase be declared unconstitutional or contrary to state law.

PASSED, APPROVED and ADOPTED this 20th day of March, 2012.

Mayor Jim Dear

ATTEST:

Donesia Gause, City Clerk

APPROVED AS TO FORM:

City Attorney

A handwritten signature, possibly "J. Dear", is enclosed within a hand-drawn triangle in the bottom right corner of the page.



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



DRAFT FAIR HOUSING REASONABLE ACCOMMODATION APPLICATION

Pursuant to Part 19 of Chapter 22.56 of the Los Angeles County Code, Reasonable Accommodations means a waiver or modification to regulations, policies, procedures and standards that may be reasonable and necessary for a person with a disability to have an equal opportunity to use and enjoy a residential use.

If you require reasonable accommodations or auxiliary aids and services, such as material in an alternate format or a sign language interpreter, please contact the ADA (Americans with Disabilities Act) Coordinator at (213) 974-6488 or (213) 617-2292 (TDD), with at least three business days notice.

Applications must be submitted in person. Appointments are required to submit three or more applications. Please call (213) 974-6438 for an appointment. Incomplete applications will not be accepted.

FOR STAFF USE ONLY

Permit No.: _____

Project No.: _____

Zone: _____ Plan Category: _____

CSD/TOD: _____

1. Site Address Where Accommodation is Requested

Assessor's Parcel Number: _____

Property Address: _____

Legal Description: _____

3. Is the Accommodation requested in conjunction with another permit or entitlement?

☐ No ☐ Yes

If you answered Yes, please indicate Project Number: _____

3. Record Owner of Property

Applicant/Agent

Name (print): _____

Name (print): _____

Address: _____

Address: _____

City: _____

Zip: _____

City: _____

Zip: _____

Phone: _____

Phone: _____

E-mail: _____

E-mail: _____

EXHIBIT NO. 3 -



4. Description of Current Uses of the Property

5. Will the residential use be occupied by an individual(s) with a disability?

An "individual with a disability" is any person who has a physical or mental impairment that limits one or more major life activities, anyone who is regarded as having that type of impairment or, anyone who has a record of that type of impairment, as defined under state and federal fair housing laws.

☐ No ☐ Yes

If you answered Yes, you must submit the verification of disability, and may be required to submit additional necessary information upon request. Some examples of verification include disabled placard from the DMV, letter indicating disability status from the Social Security Administration, letter from a medical provider, service contracts from social service agencies, etc.

6. Please describe the specific needs that the disability creates. You do not need to state the name of the disability or discuss the nature or severity of the disability. For example, "The disability makes it difficult to"

7. Please describe the requested accommodation. What regulation, policy, practice or procedure is sought to be waived or modified?

8. Please explain why the requested accommodation is necessary to ensure equal access to a residential use.

9. Please explain why the requested accommodation will not impose an undue financial or administrative burden on the County.

10. Please explain why the requested accommodation will not require a fundamental alteration in the nature of the land use and zoning program of the County.

12. Application Certification

I, _____ (print name), affirm under penalty of perjury under the laws of the State of California that the information provided in this application is true and accurate.

Signature: _____ Date: _____

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Attachment #2 (Optional)

Verification of Disability Status

This verification form may be completed by someone who has specific knowledge about the applicant's disability. For example, a medical, therapeutic or social services professional, part of a peer support group that serves the individual(s) with a disability(s), or someone who resides with the individual(s) with a disability. Please use the following definitions to make your determination:

"Individual with a Disability" means a person who has a physical or mental impairment that limits one or more major life activities, anyone who is regarded as having that type of impairment or, anyone who has a record of that type of impairment.

"Limits" means that the activity is difficult to achieve, regardless of mitigating measures such as medication or mobility devices, or previous reasonable accommodations.

"Major life activity" means any task central to most people's daily lives, such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working. This can include brushing one's teeth, getting dressed, bathing, household chores, preparing meals, etc.

"Necessary" means that the accommodation would afford individuals with disabilities an equal opportunity to use and enjoy a dwelling.

"Physical or mental impairment" includes chronic or episodic medical conditions and genetic or inherited characteristics that cause disease or disorders. Impairments can include, but are not limited to orthopedic, visual, speech and hearing impairments, cosmetic disfigurement, anatomical loss, cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, emotional illness, learning disabilities, HIV disease (whether symptomatic or asymptomatic), tuberculosis, alcoholism and drug addiction (but not including current users of illegal drugs). A temporary condition, such as a broken leg, pregnancy, use of crutches, etc. may not qualify as a physical or mental impairment.

Verification:

To the best of my knowledge, information, and belief, the individual(s) who occupies (or who will occupy) the dwelling that is subject to the above request for a reasonable accommodation _____ does _____ does not meet the definition of "individual(s) with a disability." I am in a position to know about the individual(s)' disability because:

Please explain how the requested accommodation will improve the individual's access to, or enjoyment of, a residence. [Note: It is not necessary to reveal the nature or severity of the individual's disability.]

I affirm under penalty of perjury that the information provided in this application to be true and accurate:

Print name

Address

Signature / Date

Telephone Number

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Attachment #3

Sample Letter to Request Additional Information from the Applicant

[Letterhead]

[Date]

[Name]

[Address]

Re: Reasonable Accommodation Request, [address of the dwelling]

Dear [Applicant Name]:

The Department of Regional Planning has received your request for a reasonable accommodation on [date]. In order to evaluate your request, we require the following information: [List information that is needed].

We need this information because [state reasons].

Please provide the information as soon as possible. Within thirty (30) days of receipt of the requested information, you will be notified of the director's decision to approve or deny your request. Please note that your failure to provide the information in a timely manner could delay the review of your request.

If you have any questions, please contact [planner] at (213) 974-XXXX.

"ADA ACCOMMODATIONS: If you require reasonable accommodations or auxiliary aids and services such as material in alternate format or a sign language interpreter, please contact the ADA (Americans with Disabilities Act) Coordinator at 974-6488 (Voice) or (213) 617-2292 (TDD), with at least three business days notice."

[closing and signature]

Attachment #4

Sample Letter to Grant a Reasonable Accommodation

[Letterhead]

[Date]

[Name]

[Address]

Re: Reasonable Accommodation Request, [address of the dwelling]

Dear [Applicant Name]:

The Department of Regional Planning has reviewed and approved the following request for a reasonable accommodation, submitted on [date]:

[Description of the accommodation].

The director of planning requires that you record the findings of the grant (attached) with the Los Angeles County Recorder's Office. This accommodation is intended for [name of person or organization/ business] for as long as it is needed. If [name of person or organization/business] no longer needs the accommodation or vacates the premises, the continuance of the accommodation will constitute a zoning violation.

This decision constitutes a final decision that you may appeal to the Los Angeles County Regional Planning Commission, in accordance with the appeal procedures described in Part 5 of Chapter 22.60 of the Los Angeles County Code (see attachment). Please contact [planner] at (213) 974-XXXX if you have any questions.

[closing and signature]

Attachment:

Copy of request

Findings

Department of Regional Planning Appeal procedures

"ADA ACCOMMODATIONS: If you require reasonable accommodations or auxiliary aids and services such as material in alternate format or a sign language interpreter, please contact the ADA (Americans with Disabilities Act) Coordinator at 974-6488 (Voice) or (213) 617-2292 (TDD), with at least three business days notice."

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Attachment #5

Sample Letter to Deny a Request for a Reasonable Accommodation

[Letterhead]

[Date]

[Name]

[Address]

Re: Accommodation Request, [address of the dwelling]

Dear [Applicant Name]:

The Department of Regional Planning has reviewed and denied your request for accommodation based on the following reasons [choose all that apply]:

☐ The request is not for an individual(s) with a disability.

☐ The request is not necessary to afford an individual with a disability equal opportunity to use and enjoy a residential use.

☐ The request is not reasonable because it would create an undue administrative or financial burden for the County.

☐ The request is not reasonable because it would fundamentally alter the zoning and land use program of the County.

We made this decision because [list reasons]. We relied on the following information to reach our decision: [list relevant information].

This decision constitutes a final decision that you may appeal to the Los Angeles County Regional Planning Director, in accordance with the appeal procedures described in Part 5 of Chapter 22.60 of the Los Angeles County Code (see attachment).

Please contact [planner] at (213) 974-XXXX if you have any questions.

[closing and signature]

CC: [Attorney Name], County Counsel

Attachment:

Copy of request

Department of Regional Planning Appeal procedures

"ADA ACCOMMODATIONS: If you require reasonable accommodations or auxiliary aids and services such as material in alternate format or a sign language interpreter, please contact the ADA (Americans with Disabilities Act) Coordinator at 974-6488 (Voice) or (213) 617-2292 (TDD), with at least three business days notice."

