



# CITY OF CARSON

## PLANNING COMMISSION STAFF REPORT

PUBLIC HEARING: April 23, 2013  
SUBJECT: Ordinance Amendment No.12-1484 (SB 2)  
APPLICANT: City of Carson  
Planning Division  
REQUEST: To approve Ordinance Amendment No. 12-1484 to comply with Senate Bill 2 (Government Code Section 65583) and implement program the City's 2006-2014 Housing Element  
PROPERTY INVOLVED City-wide

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### COMMISSION ACTION

Concurred with staff  
 Did not concur with staff  
 Other

### COMMISSIONERS' VOTE

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

***Item No. 11-B***

## I. Introduction

The proposed ordinance implements program 13, 14, and 15 from the City of Carson's 2006-2014 Housing Element of the General Plan. Ordinance Amendment No. 12-1484 complies with Senate Bill 2 (Government Code Section 65583).

## II. Background

Senate Bill 2, which went into effect on January 1, 2008, requires cities and counties to identify at least one zone in which emergency shelters are permitted by-right without a discretionary approval from local government. The zone must be identified and discussed in the Housing Element, and include an analysis of sites with sufficient capacity to meet the local need for an emergency shelter.

SB 2 also requires transitional and supportive housing to 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. SB 2 clarifies that local governments must analyze any constraints to the development of supportive housing, transitional housing, and emergency shelters. It also requires that local jurisdictions identify a zone or zones that will allow Single Room Occupancy Units (SROs), also known as Efficiency Units, by right. Specifically, 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; and



- 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.

In order to meet the statutory mandate by State law, the City of Carson initiated Code Amendment No. 12-1484 to allow emergency shelter, transitional, and supportive housing within the Manufacturing, Light (ML) zone by-right in 2011. City staff was then instructed by the City Council to also analyze the appropriateness of the Manufacturing, Heavy (MH) zone for this provision of SB 2. The code amendments presented here (included as Exhibit No. 1) builds upon the prior code amendments previously presented to the Planning Commission, and includes additional amendments to ensure compliance with all requirements of SB 2.

### III. Analysis

*To review the code amendments in their entirety, refer to attached Exhibit 1.*

#### **Emergency Shelters**

The proposed code amendment would allow for emergency shelters by-right within the Manufacturing, Heavy (MH) and Manufacturing, Light (ML) zones. An emergency shelter is a facility that provides immediate and short-term housing (limited to occupancy of six months or less) to homeless persons or families on a first-come, first serve basis where the individual(s) must vacate the facility each morning and have not guaranteed bed for the next night. The facility may offer minimal supplemental supportive services that may include counseling, food, and access to social programs. In addition, no individual or household may be denied emergency shelter because of an inability to pay as required by Section 50801(e) of the California Health and Safety Code.

The code amendment includes standards that an emergency shelter must follow when operating within the City. Standards include, but are not limited to the following:

- The facility shall operate on a first-come, first serve basis with clients only permitted on-site and admitted to the facility between 6:00 p.m. and 7:00 a.m. during Pacific Daylight Time, and 5:00 p.m. and 7:00 a.m. during Pacific Standard Time.



- A shelter management plan shall be submitted as a part of the permit application.
- A minimum distance of 300 feet must be maintained from any other shelters.
- One thousand (1,000) feet from a residential area, public park, public or private school (not including trade or technology school), universities, colleges, student housing, senior housing, child care facilities or businesses licensed for on- or off-site sales of alcoholic beverages to the public as measured from property line to property line.
- One employee per 15 beds is required.
- A waiting area must be provided that is not visible from public view.
- The facility must provide adequate restrooms and shower facilities per gender.
- The emergency shelter shall be required to submit an on-site security plan for review and approval by the Los Angeles County Sheriff Office.

The standards above would ensure maintenance of the health, safety, morals, and general welfare of the public as well as meeting the requirements of Senate Bill 2.

### **Transitional and Supportive Housing**

Senate Bill 2 requires that local governments consider transitional and supportive housing as residential uses and only subject to those restrictions that apply to other residential uses of the same type in the same zone. The proposed code amendment allows transitional and supportive housing by-right in all residential zones in the City.

### **Single Room Occupancy Units (SRO)**

Senate Bill 2 requires that local governments identify a zone or zones that allow Single Room Occupancy Units (SROs) by right. SROs would provide housing for persons of all income levels, consistent with the public health and safety and good planning practices. An SRO, which is a type of transitional housing, is a small dwelling unit that often consists of a single room within a multi-family structure. These units are also referred to as efficiency units. In many instances, SROs are converted hotel rooms that provide a cleaning supply room and a kitchen or kitchenette. The proposed code would allow for new units to be constructed in accordance with the development standards for multi-family projects.

The proposed code amendment also includes standards for SROs that include, but are not limited to, the following:



- Each unit must have a minimum of 150 square feet and a maximum of 400 square feet.
- Each unit can be occupied by a maximum of two (2) persons.
- Exterior lighting must comply with the City's parking lot and lighting standards.
- Must provide a common laundry facility for the residents.
- Must provide a cleaning supply room in each floor consisting of a wash but with hot and cold running water.
- Each unit must provide a bathroom (water closet, lavatory and bathtub or shower), a kitchen and a closet.
- An efficiency unit project must have a 500-foot separation from another efficiency unit project, emergency shelter or other similar program.
- Tenants must occupy the unit for a period longer than 30 days and maximum period of 12 months.
- One uncovered parking space must be provided for every three (3) units, two (2) uncovered parking spaces for an onsite manager unit and one (1) lockable bicycle parking space in a location that is adjacent to the units.

#### IV. Environmental Review

Upon City Council adoption, the proposed ordinance amendments would comply with Senate Bill 2 (Government Code Section 65583). 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 to the City Council of Ordinance Amendment No. 12-1484 to comply with provisions of Senate Bill 2 (Government Code Section 65583); and
- **WAIVE** further reading and **ADOPT** Resolution No.\_\_\_\_\_, entitled, "A resolution of the Planning Commission of the city of Carson recommending approval to the City Council of Ordinance Amendment No. 12-1484 to comply with provisions of Senate Bill 2 (Government Code Section 65583).



**VI. Exhibits**

1. Draft Resolution and Ordinance 12-1484
2. City Council staff report dated March 20, 2012
3. City Council minutes dated March 20, 2012

**Prepared by:**   
Zak Gonzalez II, Planner

**Approved by:**   
Sheri Repp-Loadsman, Planning Officer

ZG/ \_c881-11p, text-a



**CITY OF CARSON**  
**PLANNING COMMISSION**  
**RESOLUTION NO. 13-**

**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 TRANSITIONAL, SUPPORTIVE AND SINGLE ROOM OCCUPANCY (SRO's) HOUSING IN THE RESIDENTIAL AND COMMERCIAL ZONES AND EMERGENCY SHELTERS IN INDUSTRIAL ZONES**

**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 "transitional, supportive and single room occupancy housing and emergency shelters". The approval of Ordinance Amendment No. 12-1484 would add "transitional, supportive and single room occupancy (SRO's) housing as use permitted by right in the residential and commercial/mixed use zone districts. Section 9141.1 would add "emergency shelters" 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 April 23, 2013, 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 "transitional, supportive , single room occupancy housing and emergency shelters" complies with Federal and State Housing Laws that ensures that zoning encourages and facilitates emergency shelters and limits the denial of emergency shelters, transitional, supportive and single room occupancy 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 industrial zones and transitional, supportive and single room occupancy housing in the residential and commercial/mixed use districts 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 shelters, transitional, supportive and single room occupancy 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.



**Section 4.** The Planning Commission further finds that the proposed ordinance amendment for “transitional, supportive, single room occupancy housing and emergency shelters” 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 9121.1, 9131.1, 9141.1, 9190, of the CMC and adding Section 9128.71, 9138.93 and 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 23<sup>rd</sup> DAY OF APRIL, 2013.**

\_\_\_\_\_  
**CHAIRMAN**

**ATTEST:**

\_\_\_\_\_  
**SECRETARY**





ORDINANCE NO. 12-1484

AN ORDINANCE OF THE CITY OF CARSON, CALIFORNIA, AMENDING THE CARSON MUNICIPAL CODE TO ALLOW FOR TRANSITIONAL, SUPPORTIVE AND SINGLE ROOM OCCUPANCY (SROs) HOUSING IN THE COMMERCIAL AND RESIDENTIAL ZONES AND EMERGENCY SHELTERS IN INDUSTRIAL ZONES

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

**Section 1. Code Amendment.** Section 9121.1 of Division 1 (Uses Permitted) of Part 2 (Residential Zones) of Chapter 1 (Zoning) of Article IX (Planning and Zoning) of the Carson Municipal Code is hereby amended by adding the following uses as additional approved uses under Zones, Permanent Residential Uses. The remainder of the section remains unchanged:

	RA	RS	RM
Single-room occupancy (SRO) housing			L
Supportive housing	X	X	X
Transitional housing	X	X	X

**Section 1. Code Amendment.** Section 9131.1 of Division 1 (Uses Permitted) of Part 3 (Commercial Zones) of Chapter 1 (Zoning) of Article IX (Planning and Zoning) of the Carson Municipal Code is hereby amended by adding the following uses as additional approved uses under Zones, Residential Uses. The remainder of the section remains unchanged.

	CN	CR	CG	CA	MU-CS	MU-SB
Single-room occupancy (SRO) housing					L	L
Supportive housing					X	X
Transitional housing					X	X

**Section 1. Code Amendment.** Section 9141.1 of Division 1 (Uses Permitted) of Part 4(IndustrialZones) of Chapter 1 (Zoning) of Article IX (Planning and Zoning) of the Carson Municipal Code is hereby amended by adding the following uses under Zones, and as permitted Residential Uses. The remainder of the section remains unchanged.

	ML	MH
<b>Residential Uses:</b>		
Emergency Shelters, up to 30 occupants within the City	L	L
Emergency Shelters, more than 30 occupants within the City	C	C

**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 9191.224, Section 9191.608, Section 9191.669, and Section 9191.692 and amending Section 9191.114 with all other text in the Section remaining unchanged as follows:

**Section 9191.224 Emergency Shelter.**

Shall mean a facility that provides immediate and short term housing and supplemental services to homeless persons or families. Supplemental services may include food, counseling, and access to other social programs.

**Section 9191.114 Community Care Facility,**

Shall mean any facility, place, or building that is maintained and operated to provide nonmedical residential care, day treatment, adult day care, or foster family agency services for children, adults, or children and adults, including, but not limited to, the physically handicapped, mentally impaired, incompetent persons, and abused or neglected children, and includes the types of facilities listed in the California Health and Safety Code Section 1500-1518 (California Community Care Facilities Act). Residential Community Care Facilities and Community Day Care Facilities are included in this definition.

**Section 9191.608 Single Room Occupancy (SRO) Housing.**

Shall mean housing consisting of single-room dwelling units typically with no more than 400 square feet of habitable space that is the primary residence of its occupant or occupants. The unit must contain either food preparation or sanitary facilities (and may contain both). An accessory structure (i.e. garage) does not qualify as an SRO. Efficiency units are included in this definition.



**Section 9191.669 Supportive Housing.**

Shall mean housing with no limit on length of stay, that is occupied by the target population, and that is linked to onsite or offsite 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.

**Section 9191.692 Transitional Housing.**

Shall mean a building or group of buildings configured as rental housing developments, but operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six months.

**Section 3. Code Amendment.** Division 8 (Special Requirements for Certain Uses) of Part 2 (Residential 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 9128.7 Single-Resident Occupancy (SRO) Housing to read as follows:

**9128.71 Single-Room Occupancy (SRO) Housing.**

A. Transitional Housing, including efficiency residential units, also known as single-room occupancy ("SRO"), shall be subject to and comply with the standards and regulations as follows:

1. Each SRO facility shall comply with all applicable development standards for the applicable zoning district and minimum standards contained herein below.
2. Units shall have a minimum size of 150 square feet and a maximum of 400 square feet.
3. Each unit shall accommodate a maximum of two persons.
4. Exterior lighting shall be provided for the entire outdoor and parking area of the property per the lighting standards described in Section 9127.1 (Exterior Lighting).
5. Laundry facilities must be provided in a separate enclosed room at the ratio of one washer and one dryer for every twenty units of fractional number thereof, with at least one washer and dryer per floor.



6. A cleaning supply room or utility closet with a wash tub with hot and cold running water shall be provided on each floor of the SRO facility.
7. Each unit is required to provide a separate bathroom containing a water closet, lavatory and bathtub or shower.
8. Each unit shall be provided with a kitchen sink, functioning cooking appliance and a refrigerator, each having a clear working space of not less than 30 inches in front.
9. Each SRO unit shall have a separate interior closet.
10. SRO units shall comply with all requirements of the California Building Code. All units shall comply with all applicable accessibility and adaptability requirements. All common areas shall be fully accessible.
11. An SRO facility shall not be located within five hundred (500) feet of any other SRO facility, emergency shelter, or other similar program, unless such program is located within the same building or on the same lot.
12. An SRO facility with 10 or more units shall provide on-site management. A facility with less than 10 units may provide a management office off-site.
13. Tenancy of SRO units shall not be less than 30 days and maximum period of 12 months.
14. Parking shall be provided as follows:
  - a. One (1) uncovered parking space for every three (3) SRO units.
  - b. Two (2) uncovered parking spaces for an onsite manager unit.
  - c. Each SRO unit shall be provided at least one (1) lockable bicycle parking space in a location that is adjacent to that SRO unit.
15. Applications for an SRO unit or facility shall be processed in a manner consistent with procedures for multiple-family residential projects.

**Section 3. Code Amendment.** Division 8 (Special Requirements for Certain Uses) of Part 3 (Commercial Zones) of Chapter 1 (Zoning) of Article IX (Planning and Zoning) of the Carson Municipal Code is hereby amended by adding in its entirety Section 9138.93 Single-Room Occupancy (SRO) Housing to read as follows:

**9138.93 Single-Room Occupancy (SRO) Housing.**

A. Transitional Housing, including efficiency residential units and single-room occupancy ("SRO") units, shall be subject to and comply with the standards and regulations as follows:

1. Each SRO facility shall comply with all applicable development standards for the applicable zoning district and minimum standards contained herein below.
2. Units shall have a minimum size of 150 square feet and a maximum of 400 square feet.
3. Each unit shall accommodate a maximum of two persons.
4. Exterior lighting shall be provided for the entire outdoor and parking area of the property per the lighting standards described in Section 9127.1 (Exterior Lighting).
5. Laundry facilities must be provided in a separate enclosed room at the ratio of one washer and one dryer for every twenty units or fractional number thereof, with at least one washer and dryer per floor.
6. A cleaning supply room or utility closet with a wash tub with hot and cold running water shall be provided on each floor of the SRO unit facility.
7. Each unit is required to provide a separate bathroom containing a water closet, lavatory and bathtub or shower.
8. Each unit shall be provided with a kitchen sink, functioning cooking appliance and a refrigerator, each having a clear working space of not less than 30 inches in front.
9. Each SRO unit shall have a separate interior closet.

10. SRO units shall comply with all requirements of the California Building Code. All units shall comply with all applicable accessibility and adaptability requirements. All common areas shall be fully accessible.
11. An SRO facility shall not be located within five hundred (500) feet of any other SRO facility, emergency shelter, or other similar program, unless such program is located within the same building or on the same lot.
12. An SRO facility with 10 or more units shall provide on-site management. A project with less than 10 units may provide a management office off-site.
13. Tenancy of SRO units shall not be less than 30 days and maximum period of 12 months.
14. SRO parking shall be provided as follows:
  - d. One (1) uncovered parking space for every three (3) SRO units.
  - e. Two (2) uncovered parking spaces for an onsite manager unit.
  - f. Each unit shall be provided at least one (1) lockable bicycle parking space in a location that is adjacent to that SRO unit.
15. Applications for an SRO unit or facility shall be processed in a manner consistent with procedures for multiple-family residential projects.

**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 in its entirety Section 9148.10 Emergency Shelters to read as follows:

**Section 9148.10 Emergency Shelters.**

- A. A single Emergency Shelter for 30 occupants, or a combination of multiple shelters with a combined capacity not to exceed 30 occupants, shall be allowed as a permitted use in the "ML" (Manufacturing Light) zone and "MH" (Manufacturing Heavy) zone, provided that all of the requirements and development standards set forth below are satisfied. Any Emergency Shelter with a capacity greater than 30 occupants shall also be subject to the approval of a conditional use permit.

B. Location Requirements, emergency shelters shall meet the following location requirements:

1. Emergency shelters serving single adults or families shall be situated a minimum of three hundred (300) feet from another emergency shelter, one thousand (1,000) feet from a residential area, public park, public or private school (not including trade or technology school), universities, colleges, student housing, senior housing, child care facility, public parks, or business licensed for on- or off-site sales of alcoholic beverages to the public as measured from property line to property line.
2. Emergency shelters shall be located within one-quarter mile of a designated public transportation stop.

C. Development Standards, Emergency shelters shall meet the following development standards:

1. Hours of Operation. The facility shall operate on a first-come, first serve basis with clients only permitted on-site and admitted to the facility between 6:00 p.m. and 7:00 a.m. during Pacific Daylight Time, and 5:00 p.m. and 7:00 a.m. during Pacific Standard Time. Clients must vacate the facility by 8:00 a.m. and have no guaranteed bed for the next night. A curfew of 10:00 p.m. (or earlier) shall be established and strictly enforced and clients shall not be admitted after the curfew.
2. Waiting Area. Adequate waiting areas must be provided within the premises for clients and prospective clients including 10 square feet per bed with a minimum 100 square feet to ensure that public sidewalks or private walkways are not used as queuing or waiting areas
3. Shelter Management Plan. A shelter management plan shall be submitted as a part of the permit application, which addresses all of the following:
  - a. Service providers shall maintain sufficient monetary resources to enable them to operate the facility per the shelter management plan, and shall demonstrate to the city prior to approval of the permit application that such funds shall be available for use upon first occupancy of the proposed project and shall reasonably be expected to be available for the life of the project.
  - b. A minimum of one staff member per 15 beds shall be awake and on duty when the facility is open. Facility staff shall be trained in operating procedures, safety plans, and assisting clients. The facility shall not employ staff who have been

convicted of a felony or who are required to register as a sex registrant under Penal Code 290.

- c. Service providers shall maintain up-to-date information and referral sheets to give clients and other persons who, for any reason, cannot be served by the establishment.
- d. Service providers shall provide criteria to screen clients for admittance eligibility, with the objective to provide first service to individuals with connections to Carson.
- e. Service providers will maintain information on individuals utilizing the facility and will ensure that the maximum stay at the facility shall not exceed 120 days in a 365-day period.
- f. Service providers shall continuously monitor waiting areas to inform prospective clients whether they can be served within a reasonable time. If they cannot be served by the provider because of time or resource constraints, the monitor shall inform the client of alternative programs and locations where he or she may seek similar service.
- g. Service providers will educate on-site Staff to provide adequate knowledge and skills to assist clients in obtaining permanent shelter and income, including referrals to outside assistance agencies. An annual report on this activity will be provided to the City.
- h. Service providers shall provide for the timely removal of litter attributable to clients within the vicinity of the facility every 24-hour period.
- i. Service providers will maintain good communication and have procedures in place to respond to operational issues which may arise from the neighborhood, City staff, or the general public.
- j. Service providers shall establish standards for responding to emergencies and incidents expelling clients from the facility. Re-admittance policies for clients who have previously been expelled from the facility shall also be established.
- k. Alcohol and illegal drug use is prohibited on-site. Service providers shall expel clients from the facility if found to be using alcohol or illegal drugs.
- l. The establishment shall implement other conditions and/or measures as determined by the city, in consultation with other city/county agencies necessary to ensure that management

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and/or clients of the establishment maintain the quiet, safety and cleanliness of the premises and the vicinity of the use.

- m. Other requirements as deemed necessary by the city to ensure that the facility does not create an adverse impact to surrounding properties.
  - n. On a monthly basis, provide an updated list of Emergency Shelter residents to the Sherriff's Department.
  - o. All graffiti on the premises shall be removed by the business operator within 24 hours.
  - p. Installation of anti-loitering signs.
4. 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.
  5. 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.
  6. 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.
  7. Personal Space. A minimum of thirty square feet shall be allocated for each client bed.
  8. 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.
  9. 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. Any outdoor storage,

including, but not limited to, items brought on-site by clients for overnight stays, shall be screened from public view by a minimum six foot tall decorative wall or fence. Shopping carts are not permitted on-site.

10. 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.
11. 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.
12. 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.
13. 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.
14. 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.
15. 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 \_\_\_\_ day of May, 2013.

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Mayor Jim Dear

ATTEST:

City Clerk Donesia L. Gause, CMC

APPROVED AS TO FORM:

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City Attorney




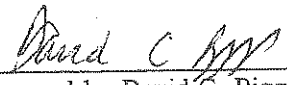


# City of Carson Report to Mayor and City Council

March 20, 2012  
Special Orders of the Day

**SUBJECT: PUBLIC HEARING TO CONSIDER ORDINANCE NO. 12-1484 AMENDING THE CARSON MUNICIPAL CODE TO ALLOW EMERGENCY SHELTERS, TRANSITIONAL AND SUPPORTIVE HOUSING AS A PERMITTED USE IN THE ML (MANUFACTURING, LIGHT) ZONE DISTRICT**

  
Submitted by Clifford W. Graves  
Economic Development General Manager

  
Approved by David C. Biggs  
City Manager

## I. SUMMARY

On March 13, 2012, the Planning Commission conducted a public hearing and adopted Resolution No. 12-2427 (Exhibit No. 1) recommending approval to the City Council of a text amendment modifying Carson Municipal Code (CMC) Section 9141.1 to permit emergency shelters, transitional and supportive housing as use permitted by right in the ML (Manufacturing, Light) zone district and adding CMC Section 9148.10 to Division 8, Special Requirements for Certain Uses, to provide specific location and development standards (Exhibit No. 2).

## II. RECOMMENDATION

TAKE the following actions:

1. OPEN the Public Hearing, TAKE public testimony, and CLOSE the Public Hearing.
2. WAIVE further reading and INTRODUCE Ordinance No. 12-1484, "AN ORDINANCE OF THE CITY OF CARSON, CALIFORNIA, AMENDING THE CARSON MUNICIPAL CODE TO ALLOW FOR EMERGENCY SHELTERS, TRANSITIONAL AND SUPPORTIVE HOUSING AS A PERMITTED USE IN THE ML (MANUFACTURING, LIGHT) ZONING DISTRICT."

## III. ALTERNATIVES

1. DENY request.
2. REFER this matter back to the Planning Commission with revision instructions.
3. TAKE another action the City Council deems appropriate.

IV. BACKGROUND

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 mean 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" mean 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 in 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 take in 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.*

A copy of the draft Ordinance No. 12-1484 is included as Exhibit No. 3.

V. FISCAL IMPACT

None.

VI. EXHIBITS

- 1. Planning Commission Resolution No. 12-2427. (pgs. 6-7)
- 2. Planning Commission staff report with annotated action summary for Ordinance Amendment. (pgs. 8-17)
- 3. Draft Ordinance No. 12-1484. (pgs. 18-21)

Prepared by: Zak Gonzalez II, Associate Planner

sf:Rev061902

Reviewed by:

City Clerk	City Treasurer
Administrative Services	Development Services
Economic Development Services	Public Services

<b>Action taken by City Council</b>	
Date _____	Action _____



CITY OF CARSON

PLANNING COMMISSION

RESOLUTION NO. 12-2427

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.

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**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 Categorical 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.

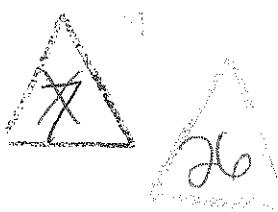
**Section 6.** The Secretary shall certify the adoption of this Resolution and shall transmit copies of the same to the applicant.

**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 13<sup>th</sup> DAY OF MARCH, 2012.

  
CHAIRMAN

ATTEST:  
  
SECRETARY





# 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

Commissioner Verrett moved, seconded by Commissioner Brimmer, to approve staff recommendation, thus adopting Resolution No. 12-2427 for Ordinance No. 12-1484 and Resolution No. 12-2428 for Ordinance No. 12-1485. Motion carried as follows:

AYES: Brimmer, Diaz, Saenz, Schaefer, Verrett, Williams  
 NOES: None  
 ABSTAIN: None  
 ABSENT: Faletogo, Goolsby, Gordon

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

EXHIBIT NO. 02

## 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.

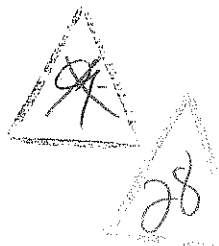
## II. Background

### 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.

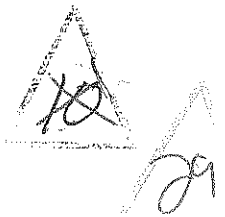
### Ordinance Amendment No. 12-1485: Reasonable Accommodations

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:

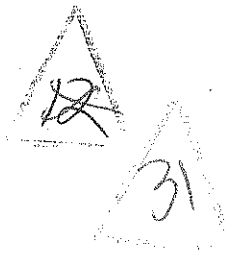
Emergency shelters, transitional and supportive housing

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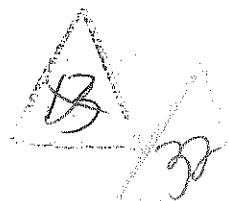
The following text will be added to Division 8 (Special Requirements for Certain Uses) of Part 4 (Industrial Zones) of Chapter 1 (Zoning Ordinance):

*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*



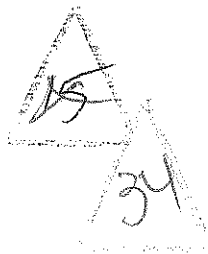
- setback, allowing an increase in building height to permit an elevator installation, or allowing an applicant time to submit material.
6. *Disabled Person* – Any person who has a physical or mental impairment that substantially limits one or more major life activities; anyone who is regarded as having 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*

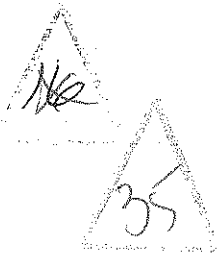
1. *The Planning Officer or Commission shall notify the applicant of the action taken on a request for reasonable accommodation; said notice shall include the required findings.*
2. *Notices of determination on application considered by the Planning Officer shall be issued 30 days of the date the application 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-Loadsmann, Planning Officer

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ORDINANCE NO. 12-1484

AN ORDINANCE OF THE CITY OF CARSON, CALIFORNIA,  
AMENDING THE CARSON MUNICIPAL CODE TO ALLOW FOR  
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

L

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.**

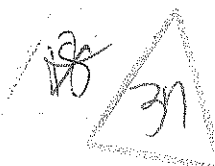
Shall mean housing with supportive services for the homeless and occupancy limited to six months or less by a homeless person."

**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.



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.

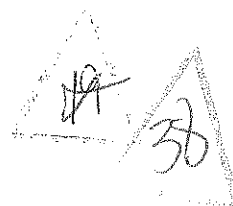
3. Hours of Operation. Each emergency shelter shall establish and maintain set hours of operation for client intake and discharge. These hours shall be clearly displayed at the entrance to the shelter at all times.

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.

Handwritten initials and the number 30 inside a triangle.

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

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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 \_\_\_\_ day of \_\_\_\_ 2012.

\_\_\_\_\_  
Mayor Jim Dear

ATTEST:

\_\_\_\_\_  
City Clerk Donesia L. Gause, CMC

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

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**DEMANDS (Item 11)**

**ITEM NO. (11) RESOLUTION NO. 12-032 ALLOWING CLAIMS AND DEMANDS IN THE AMOUNT OF \$2,474,562.42, DEMAND CHECK NUMBERS 103505 THROUGH 103757**

This item was heard at 10:36 P.M.

**ACTION:** WITH FURTHER READING WAIVED, Resolution No. 12-032 was PASSED, APPROVED, and ADOPTED, as read by title only, on motion of Dear, seconded by Ruiz-Raber and unanimously carried by the following vote:

**Ayes:** Mayor Dear, Mayor Pro Tem Ruiz-Raber, Council Member Davis-Holmes, Council Member Gipson, and Council Member Santarina  
**Noes:** None  
**Abstain:** None  
**Absent:** None

**RECONVENE (Successor Agency):**

After Council Item No. 11, the Successor Agency was Reconvened at 10:38 P.M. by Mayor/Agency Chairman Dear for a joint session with the City Council, with all members previously noted present, to consider Council Item No. 16 jointly with Agency Item No. 2.

**SPECIAL ORDERS OF THE DAY (Items 12-13)**

Any person wishing to testify is requested to complete a speaker card, available on the podium in the Council Chambers. **TESTIMONY WILL BE LIMITED TO THREE MINUTES PER PERSON.** Any subject of controversy will be limited to a total of fifteen minutes of testimony per side; those wishing to address the Council are requested to select three speakers to represent your opinion.

**ITEM NO. (12) PUBLIC HEARING TO CONSIDER ORDINANCE NO. 12-1484 AMENDING THE CARSON MUNICIPAL CODE TO ALLOW EMERGENCY SHELTERS, TRANSITIONAL AND SUPPORTIVE HOUSING AS A PERMITTED USE IN THE ML (MANUFACTURING, LIGHT) ZONE DISTRICT (ECONOMIC DEVELOPMENT)**

**Public Hearing**

Mayor Dear declared the Public Hearing open **TO CONSIDER ORDINANCE NO. 12-1484 AMENDING THE CARSON MUNICIPAL CODE TO ALLOW EMERGENCY SHELTERS, TRANSITIONAL AND SUPPORTIVE HOUSING AS A PERMITTED USE IN THE ML (MANUFACTURING, LIGHT) ZONE DISTRICT.**

**City Clerk's Report**

City Clerk Gause reported that notice of the Public Hearing had been given pursuant to applicable law, including but not limited to the timely publication, and such copy of proof received by the City Clerk; postings as required by law; and other mailings as requested by individuals and organizations. The affidavits attesting to mailing and publishing such notice were on file in the City Clerk's Office. No written communications were received.

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Mayor Dear directed that all affidavits of notice be made part of the record.

(Council Member Gipson exited the meeting at 11:49 P.M.)

**Staff Report**

Economic Development General Manager Graves summarized the staff report and recommendation.

Planning Officer Repp-Loadsman discussed proposed Ordinance No. 12-1484.

(Council Member Gipson reentered the meeting at 11:51 P.M.)

A discussion ensued regarding churches and further exploration of this item; whereupon, Planning Officer Repp-Loadsman reported that such permitted uses in the MH (Manufacturing, Heavy) Zone District should be referred to the Planning Commission to review.

**Administration of Oath**

Mayor Dear requested that all persons wishing to testify to stand and take the Oath, which was administered by City Clerk Gause.

**Public Testimony**

The following person, being previously sworn, testified before the City Council:

**Ronald Shimokaji, 1512 E. Carson Street, Sp. 135, Carson, California 90745**

Expressed his support for the inclusion of emergency shelters in MH-Zones and suggested that this matter be referred back to the Planning Commission for recommendations.

There being no further persons wishing to testify, Mayor Dear declared the Public Hearing closed.

RECOMMENDATION for the City Council:

TAKE the following actions:

1. OPEN the Public Hearing, TAKE public testimony, and CLOSE the Public Hearing.
2. WAIVE further reading and INTRODUCE Ordinance No. 12-1484, "AN ORDINANCE OF THE CITY OF CARSON, CALIFORNIA, AMENDING THE CARSON MUNICIPAL CODE TO ALLOW FOR EMERGENCY SHELTERS, TRANSITIONAL AND SUPPORTIVE HOUSING AS A PERMITTED USE IN THE ML (MANUFACTURING, LIGHT) ZONING DISTRICT."

ACTION: It was moved to refer this item back to the Planning Commission to explore this issue as a permitted use in the MH (Manufacturing-Heavy) Zoning District and other areas for locations of such shelters and that background checks continue to be required on motion by Ruiz-Raber, seconded by Gipson and carried by the following vote:



Ayes: Mayor Dear, Mayor Pro Tem Ruiz-Raber, Council Member Davis-Holmes, and Council Member Gipson  
Noes: None  
Abstain: Council Member Santarina  
Absent: None

**ITEM NO. (13) PUBLIC HEARING TO CONSIDER ORDINANCE NO. 12-1485 AMENDING THE CARSON MUNICIPAL CODE TO PROVIDE A PROCEDURE FOR REASONABLE ACCOMMODATION IN THE CITY'S LAND USE AND ZONING REGULATIONS (ECONOMIC DEVELOPMENT)**

**Public Hearing**

Mayor Dear declared the Public Hearing open TO CONSIDER ORDINANCE NO. 12-1485 AMENDING THE CARSON MUNICIPAL CODE TO PROVIDE A PROCEDURE FOR REASONABLE ACCOMMODATION IN THE CITY'S LAND USE AND ZONING REGULATIONS.

**City Clerk's Report**

City Clerk Gause reported that notice of the Public Hearing had been given pursuant to applicable law, including but not limited to the timely publication, and such copy of proof received by the City Clerk; postings as required by law; and other mailings as requested by individuals and organizations. The affidavits attesting to mailing and publishing such notice were on file in the City Clerk's Office. No written communications were received.

Mayor Dear directed that all affidavits of notice be made part of the record.

**Staff Report**

Economic Development General Manager Graves summarized the staff report and recommendation.

**Administration of Oath**

Mayor Dear requested that all persons wishing to testify to stand and take the Oath.

**Public Hearing Closed**

There being no persons wishing to testify, Mayor Dear declared the Public Hearing closed.

RECOMMENDATION for the City Council:

TAKE the following actions:

1. OPEN the Public Hearing, TAKE public testimony, and CLOSE the Public Hearing.
2. WAIVE further reading and INTRODUCE Ordinance No. 12-1485, "AN ORDINANCE OF THE CITY OF CARSON, CALIFORNIA, AMENDING THE CARSON MUNICIPAL CODE TO PROVIDE A PROCEDURE FOR REASONABLE ACCOMMODATION IN THE CITY'S LAND USE AND ZONING REGULATIONS FOR DISABLED PERSONS PURSUANT TO FAIR HOUSING LAWS."

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