

## Housing Element-related Zoning Text Changes

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#### 17.04.040 Definitions

**Emergency shelters** shall include other interim interventions, including, but not limited to, a navigation center, bridge housing, and respite or recuperative care ~~means housing~~ with minimal supportive services that limits occupancy by homeless persons to six (6) months or less in any year, and does not deny occupancy due to a person's inability to pay.

**Low Barrier Navigation Center.** A Housing First, low barrier, service-enriched shelter focused on moving people into permanent housing that provides temporary living facilities while case managers connect individuals experiencing homelessness to income, public benefits, health services, shelter, and housing. "Low Barrier" means best practices to reduce barriers to entry, and may include, but is not limited to, the following:

- a. The presence of partners if it is not a population-specific site, such as for survivors of domestic violence or sexual assault, women, or youth.
- b. Pets.
- c. The storage of possessions.
- d. Privacy, such as partitions around beds in a dormitory setting or in larger rooms containing more than two beds, or private rooms.

~~**Medical or residential care facility** means a nursing and convalescent home as licensed by State Department of Public Health, and includes residential care homes as licensed by State Department of Social Welfare Services, Community Care Licensing Division. This term also includes group living quarters housing persons placed by an authorized agency for rehabilitation purposes and is funded by or licensed by or is operated under the auspices of an appropriate federal, state or county governmental agency.~~

**Residential Care Facilities.** A facility licensed by the state of California to provide living accommodations, 24-hour care for persons requiring personal services, supervision, protection, or assistance with daily tasks. Amenities may include shared living quarters, with or without a private bathroom or kitchen facilities. This use classification includes those both for and not-for-profit institutions, but excludes Supportive Housing and Transitional Housing.

**Small.** A facility that is licensed by the state of California to provide care for six or fewer persons.

**Large.** A facility that is licensed by the state of California to provide care for more than six persons.

**Residential Facility, Assisted Living.** A facility that provides a combination of housing and supportive services for the elderly or functionally impaired, including personalized assistance, congregate dining, recreational, and social activities. These facilities may include medical services. Examples include assisted living facilities, retirement homes, and retirement communities. These facilities typically consist of individual units or

apartments, with or without kitchen facility, and common areas and facilities. The residents in these facilities require varying levels of assistance.

**Supportive housing.** Pursuant to Health and Safety Code 50675.14, “means 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 their health status, and maximizing his or her ability to live and, when possible, work in the community.–For purposes of this definition, “target population” means to people with low incomes who have one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health condition, or individuals eligible for services provided pursuant to the Lanterman Developmental Disabilities Services Act (Division 4.5 (commencing with Section 4500) of the Welfare and Institutions Code) and may include, among other populations, adults, emancipated minors, families with children, elderly people, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, and people experiencing homelessness. ~~— means adults with low income having one (1) or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health conditions, or individuals eligible for services provided under the Lanterman Developmental Disabilities Services Act (Division 4.5 (commencing with Section 4500) of the Welfare and Institutions Code) and may, among other populations, include families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, or homeless people. Supportive housing is a residential use subject to the same regulations and procedures that apply to other residential uses of the same type in the same zone.~~

~~**Transitional housing and transitional housing development** means buildings configured as rental housing developments, but operated under federal, state or local housing 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 (6) months. Transitional housing is a residential use subject to the same regulations and procedures that apply to other residential uses of the same type in the same zone.~~

**Transitional Housing:** Transitional housing is a type of supportive housing and configured as a rental housing development, but operated under program requirements that require the termination of assistance and recirculating of the assisted unit to another eligible program recipient at a predetermined future point in time that shall be no less than six months from the beginning of the assistance.

### 17.06.010 Names of Zones

In order to classify, regulate, restrict and segregate the uses of land and buildings, to regulate and restrict the height and bulk of buildings and to regulate the area of yards and other open spaces about buildings and to regulate the destiny of population, ~~sixteen (16)~~ seventeen (17) classes of zones are by this ordinance established to be known as follows:

SPA	Specific Plan Areas
R-1	Single-family residential zone.
R-1A	Two dwelling units per lot zone.
R-2	Two-family residential zone.
R-2B	Limited multiple-family residence zone.
R-3	Multiple-family residential zone.
MHP	Mobilehome park development district.
R-P	Residential professional zone.
C-1	Limited business and residential.
C-2	General commercial district.
C-3	General and highway commercial district.
M-1	Light manufacturing zone.
<u>PF</u>	<u>Public facility zone.</u>
RPD	Residential planned development.
O-S	Open space zone.
O-S-1	Restricted open space zone.
O-S-2	Restricted open space zone.

Where areas are shown upon the zoning map enclosed with an O, the areas thus shown are intended to approximate the future location for that type of land use indicated by the symbol therein enclosed within a circle. (See Chapter 17.42.) Uncircumscribed symbols within such designated areas represent classification.

### 17.08.020 Residential Permitted Uses [R-1]

~~F. Group home for six (6) or fewer persons.~~

~~J. Residential or medical care facility for six (6) or fewer persons.~~

F. Supportive and Transitional Housing for six (6) or fewer persons.

N. Residential Facility, Assisted Living.

J. Residential Care Facilities – Small.

P. Residential Care Facilities – Large

**17.12.010 Permitted uses. [R-2]**

B. Attached, and/or detached multiple-family dwelling units; (Refer to Chapter 17.58)

E. Supportive and Transitional Housing meeting requirements set forth in 17.42.220.

**17.14.010 Permitted uses. [R2-B]**

B. A two (2) family dwelling unit per lot; provided, that it is designed for families as a duplex or condominium; a detached one (1) family dwelling will be allowed if one (1) existed on the lot on the effective date of the ordinance codified in this chapter, provided all yard requirements are conformed to; (Refer to Chapter 17.58 for multiple-family dwellings and 17.22 for condominiums)

E. Supportive and Transitional Housing meeting requirements set forth in 17.42.220

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## Chapter 17.16 R-3 Multiple-Family Residential Zone

### 17.16.010 R-3 Permitted uses. [R-3]

B. Multiple dwellings; (Refer to Chapter 17.58)

F. Emergency shelters (Refer to Section 17.42.210)

### 17.16.020 Height

Intent and Purpose. The intent and purpose of this section is to set a standard height limit for most projects in scale with existing development and to minimize view obstruction. However, to recognize that pre-existing development in some neighborhoods and/or clusters of lots are already predominately built higher than the height limit, this section also allows some projects to exceed the height limit to enable property owners to enjoy the same rights to view, sunlight and air enjoyed by those property owners with the higher buildings. This section further sets forth the conditions and design criteria for determining whether a project is allowed to exceed the height limit.

- A. No building shall exceed thirty (30) feet in height unless in compliance with subsections (B), ~~and (C)~~, or (D) of this section. Refer to Chapter 17.22 for additional height requirements for condominium projects located adjacent to walk streets.
- B. The planning commission shall hold a public hearing and may grant or conditionally grant an exception to allow a multiple- or single-family building to exceed thirty (30) feet in height up to a maximum of thirty-five (35) feet in height when all of the following conditions are met to the satisfaction of the planning commission (subject to appeal to the city council pursuant to Section 17.58.040):
  - 1. An extension above the height limit is necessary to take advantage of a scenic view over surrounding structures which are already constructed above thirty (30) feet in height. Said structures already in excess of thirty (30) feet would otherwise significantly obstruct the proposed project's view potential;
  - 2. The proposed development is located between, and adjacent to, two (2) or more contiguous lots with buildings constructed in excess of the thirty (30) foot height limit;
  - 3. The structural extension above thirty (30) feet will not adversely impact the available views, and access to sunlight and air of adjacent and surrounding properties;
  - 4. If all the above conditions are satisfied, the following design features of the portion of the building above thirty (30) feet shall also be considered by the planning commission to determine if an exception should be granted:
    - a. The style and pitch of the roof,
    - b. The mass and bulk of the proposed structure above thirty (30) feet (in order to minimize bulk of the upper floor),
    - c. The architectural appearance, as exhibited by the type, style, and shape of the structure and the proposed exterior materials.
- C. Application and public hearing requirements for processing exceptions to the height limit shall be in accordance with procedures established by the city council. Applicants for exceptions shall provide detailed topographical surveys and spot elevations of

existing buildings for determining if existing building on adjacent lots exceed thirty (30) feet.

- D. Projects utilizing criteria under Section 17.42.100 – Affordable housing density bonus and incentive program – may exceed the height limit per designated criteria.

## **Chapter 17.26 C1, C2 and C3 Commercial Zones**

### **17.26.020 Specific purposes.**

- A. In addition to the general purposes listed in Chapter 17.02 the specific purposes of the commercial zones are to:
1. Provide appropriately located areas consistent with the general plan for a full range of office, retail commercial, and service commercial uses needed by residents of, and visitors to, the city and region;
  2. Strengthen the city's economic base, and also protect small businesses that serve city residents;
  3. Create suitable environments for various types of commercial and compatible residential uses, and protect them from the adverse effects of inharmonious uses;
  4. Minimize the impact of commercial development on adjacent residential districts;
  5. Ensure that the appearance and effects of commercial building and uses are harmonious with the character of the area in which they are located;
  6. Ensure the provision of adequate off-street parking and loading facilities;
  7. Provide sites for public and semi-public uses needed to complement commercial development or compatible with a commercial environment;
- B. The additional purposes of each zone are as follows:
1. C-1 Neighborhood Commercial Zone. To provide sites for a mix of small local businesses appropriate for, and serving the daily needs of nearby residential neighborhoods; while establishing land use regulations that prevent significant adverse effects on abutting residential uses.
  2. C-2 Downtown Commercial Zone. To provide opportunities for a limited pedestrian-oriented range of office, retail, and service commercial uses specifically appropriate for the scale and character of the downtown, along with mixed-use opportunities including residential development, to form a resident and visitor serving ~~pedestrian-oriented shopping/entertainment~~ downtown district.
  3. C-3 General Commercial Zone. To provide opportunities for the full range of office, retail, ~~and service,~~ mixed-use, and multi-family uses in a scale ~~businesses~~ deemed suitable for the city, and appropriate for the Pacific Coast Highway and Aviation Boulevard commercial corridors, ~~including business not appropriate for other zones because they attract heavy vehicular traffic or have specific adverse impacts.~~

### **17.26.030 C-1, C-2, and C-3 land use regulations. [Add/Amend]**

C-1, C-2 and C-3 ZONES, LAND USE REGULATIONS				
<b>P = Permitted</b> <b>- = Not Permitted</b> <b><u>A = Administrative Permit</u></b> <b><u>PDP = Precise Development Plan</u></b> <b>U = Conditional Use or Other Permit C.U.P Required (See <a href="#">Chapter 17.40</a>)</b>				
Uses	C1	C2	C3	See Section
<u>Mixed-Uses (Residence; residential uses with above ground floor commercial use(s)) including condominium developments</u>	U PDP**	<u>PDP**</u>	<u>PDP**</u>	<u>17.40.020</u> <u>17.40.180</u>
<u>Residential</u>	<u>PDP**</u>	<u>PDP**</u>	<u>PDP**</u>	17.16
<u>Low Barrier Navigation Center</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>17.42.240</u>
<u>Residential Facility, Assisted Living</u>	<u>A</u>	<u>A</u>	<u>A</u>	
<u>Residential Care Facilities – Small.</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Residential Care Facilities – Large</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>17.42.230</u>
<u>Supportive Housing, Up to 50 Units.</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>17.42.220</u>
<u>Supportive Housing, Over 50 Units</u>	<u>U</u>	<u>U</u>	<u>U</u>	<u>17.56 and</u> <u>17.42.220</u>
*Allowed by special permit by city council on public streets/right-of-way, pursuant to Section 12.12.070, and permitted by right on private property in conjunction with such a special permit. ** <u>Housing Element Sites Inventory Overlay Sites (--HE) only</u>				

## Chapter 17.28 M-1 Light Manufacturing Zone

### 17.28.010 Specific purposes.

In addition to the general purposes listed in Chapter 17.02, the specific purposes of the light manufacturing zone is to:

- A. Provide appropriately located areas consistent with the general plan for a range of light manufacturing, creative industrial, and “live/work” residential, including and warehousing and distribution uses and certain appropriate service commercial uses.
- B. Strengthen the city’s economic base and employment base, but also protect by creating flexible zoning for existing small businesses that are owned by, serve and employ city residents.
- C. Create and maintain suitable environments for various types of light industrial use manufacturing and compatible uses. , and protect them from the adverse effects of inharmonious uses.

- D. ~~Minimize the impact of development in the M-1 zone~~ Allow for creative transitions between small scale light industrial and on adjacent residential districts.
- E. ~~Ensure that the appearance and effects of manufacturing and commercial buildings in the M-1 zone are harmonious with the character of the area which they are located.~~
- F. ~~Ensure the provision of adequate off-street parking and loading facilities.~~

#### 17.28.020 Permitted uses.

In the following matrix, the letter "P" designates use classifications permitted, and the letter "U" designates use classifications permitted by approval of a conditional use permit, and the letters "PDP" designates use classifications permitted by approval of a precise development plan. Use classifications not listed are prohibited. Section numbers listed under "see section" reference additional regulations located elsewhere in the Zoning Ordinance or Municipal Code.

<u>Live/Work</u>	PDP**	17.42.XXX
<u>Residential Uses</u> <u>34 to 50 du/acre</u>	PDP**	Chapter 17.16
<u>** Housing Element Sites Inventory Overlay Sites (--HE) only</u>		

#### 17.28.030 Standards and limitations.

- D. Building Height. Any building may have a maximum of ~~thirty-five (35)~~ forty-five (45) feet in height ~~and have a maximum of two (2) stories.~~ Oil and gas operations may exceed this height for a temporary period of time and to a height as set forth in an approved conditional use permit pursuant to Ordinance No. 85-803.

### **[NEW] Chapter 17.29 Public Facility Zone**

#### 17.29.010 Intent

The PF Zone is intended to provide for a broad range of government, institutional, educational, assembly, and community-serving uses. This Zone provides for government-owned facilities, civic-related administrative offices, community space, operational yards, educational or institutional facilities, and other public and quasi-public uses. The PF Zone implements the Public Facility General Plan Land Use Designation.

#### 17.29.020 Permitted Uses

<u><b>USES</b></u>	<u><b>P/U</b></u>	<u><b>See Section</b></u>
<u>Assembly Hall</u>	<u>PDP</u>	
<u>Convention Hall</u>	<u>PDP</u>	
<u>Government Facilities</u>	<u>P</u>	
<u>Mini-Storage, Personal</u>	<u>U</u>	<u>17.40.020</u>
<u>Monuments</u>	<u>P</u>	
<u>Office, General</u>	<u>P</u>	
<u>Parking Lot, and/or Structure (primary use)</u>	<u>U</u>	
<u>Public Service Facilities</u>	<u>P</u>	
<u>Residential (34 to 50 du/acre)</u>	<u>PDP*</u>	<u>17.42.100</u>
<u>Wireless communication facility</u>	<u>U</u>	<u>17.40.170</u>
*Residential permitted uses shall be the same as those permitted in the R-3, Multiple-Family Residential Zone, as contained in Section 17.16.010.		

#### 17.29.030 Development Standards

Development regulations shall be as specified by the precise development plan in accordance with 17.58, provided that the need for a precise development plan does not conflict with state law.

#### **17.38.540 Plan area no. 11 – Uses.**

<u>Mixed Uses</u>	<u>PDP**</u>	<u>17.42.100</u>
<u>** Housing Element Sites Inventory Overlay Sites (--HE) only</u>		

### **[NEW] Chapter 17.39 Housing Element Sites Inventory Overlay**

#### 17.39.010 Intent and Purpose

The purpose of the Housing Element Sites Inventory Overlay is to identify sites designated by the City's Housing Element for satisfying the City's Regional Housing Needs Assessment (RHNA). This Overlay implements the City's Housing Element. Overlay sites shall be identified on the City's Zoning Map with a symbol of "--HE" appended to the underlying zoning name (example: C2-HE).

#### 17.39.020 Permitted Uses

- A. Uses permitted by the underlying zoning district.
- B. Uses permitted only for sites designated as a Housing Element Sites Inventory Overlay.

#### 17.39.030 Minimum Density

- A. Sites designated as –HE must be developed to the minimum residential density anticipated in the City’s Housing Element, unless:
  1. The decision-making body for the application makes finding that the remaining sites identified in the Housing Element are adequate to meet the City’s remaining RHNA for the Housing Element planning period by income category.
  2. The finding should include a quantification of the remaining unmet need for the City’s RHNA at each income level and the remaining capacity of sites identified in the Housing Element, to accommodate that need by income level.
  3. The City makes available sufficient sites to accommodate the remaining unmet RHNA for the income category.

#### 17.39.040 Replacement Units

- A. If an application for development includes demolition of any of the following types of units existing within the past five (5) years, the application must include provisions for replacement:
  1. Subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of lower or very low-income; or
  2. Subject to some form of rent or price control through a public entity’s valid exercise of its police power; or
  3. Occupied by lower or very low-income households.
- B. Replacement units must be in accordance with Government Code Section 65915(c)(3), including equivalency provisions for income level, size, and number.

#### **17.40.010 General Intent and purpose.**

The lists of conditions found within this chapter for various uses are intended to be standard conditions imposed on all such proposed uses as specified. These conditions are not intended to be the only conditions imposed, and each specific use noted may have additional conditions imposed by the ~~planning commission and/or city council~~ decision-making body.

Any additional conditions may be based on criteria found within this article for all uses requiring a conditional use permit and/or factors related to the specific use and location.

#### ~~17.40.020 General criteria for all uses.~~ [Moved to 17.56.020]

~~In considering the granting of any conditional use permit for any use, the following criteria for granting said permit shall be considered:~~

- ~~A. Distance from existing residential uses;~~
- ~~B. The amount of existing or proposed off-street parking facilities, and its distance from the proposed use;~~
- ~~C. Location of and distance to churches, schools, hospitals and public playgrounds;~~
- ~~D. The combination of uses proposed;~~
- ~~E. Precautions taken by the owner or operator of the proposed establishment to assure the compatibility of the use with surrounding uses;~~

- ~~F. The relationship of the proposed business-generated traffic volume and the size of streets serving the area;~~
- ~~G. The proposed exterior signs and decor, and the compatibility thereof with existing establishments in the area;~~
- ~~H. The number of similar establishments or uses within close proximity to the proposed establishment;~~
- ~~I. Noise, odor, dust and/or vibration that may be generated by the proposed use;~~
- ~~J. Impact of the proposed use to the city's infrastructure, and/or services;~~
- ~~K. Will the establishment contribute to a concentration of similar outlets in the area;~~
- ~~L. Other considerations that, in the judgment of the planning commission, are necessary to assure compatibility with the surrounding uses, and the city as a whole.~~

#### **17.40.180 Mixed-use development (C-1 zone).**

For uses allowed in the C-1 Zone and for Housing Element Sites Inventory Sites (--HE) as part of a mixed-use development, the following conditions and standards of development, in addition to any other deemed necessary or appropriate to ensure compatibility with existing or permitted uses in the vicinity, shall be required:

- A. Mixed-Use Developments shall be subject to a Precise Development Plan in accordance with Chapter 17.58.
- B. Residential Development Standards. The residential portion of a mixed-use development shall be subject to the development standards of the R-3 zone as set forth in Chapter 17.16 with the exception of the following:
  - 1. If the residential portion of a mixed-use development is a condominium development, then the development shall be subject to the condominium development standards as set forth in Chapter 17.22.
  - 2. Residential uses is limited to 25% of on the first floor area shall be buffered from ~~for the purposes of providing~~ common entry-exit areas or lobbies, stairs and corridors, and shall not include primary living areas or sleeping rooms.
  - 3. ~~Front setbacks shall be a minimum of five feet.~~
  - 4. The project must ~~front setback area may be used for required open space if the area is a deck above the commercial level and otherwise comply ies~~ with the open space requirements of the R-3 zone.
  - 5. No lot coverage maximum shall be applied.
  - 6. No 36" box tree per dwelling unit shall be placed as a street tree to the satisfaction of the Public Works Director.
- C. Commercial Development Standards. In addition to the requirements of the commercial zone, the following standards shall apply to the mixed-use development.
  - 1. ~~The g~~Ground floor shall be primarily commercial spaces shall have ~~with a~~ minimum average depth of 30-feet, ~~and living and sleeping areas of residential units shall be located above the ground floor.~~

2. Building frontage shall be used for commercial purposes with the exception of entry-exit corridors and stairs for accessing the residential units and/or for driveways to access parking.
- D. General Development Standards for noise, security, lighting.
1. Noise: Residential uses shall be separate from commercial uses by sound proofed floors and walls with minimum sound transmission rating as required for condominiums as set forth in Chapter 17.22. Commercial uses hours of operations shall be limited where appropriate so that residents are not exposed to offensive noise or activity.
  2. Security: Separate and secured entrances for residences directly accessible to sidewalk and parking areas.
  3. Lighting: Outdoor lighting and lighting for signs associated with commercial uses designed so as not to adversely impact residences. No flashing, blinking or high intensity lighting. Adequate lighting to illuminate parking areas and corridors to access parking and public sidewalk. Lighting for signs may only be illuminated during business hours.
- E. Signs. Signs shall be limited to the commercial space building frontage pursuant to the requirements of Chapter 17.50.
- F. ~~Limitation on~~ Allowed Commercial Uses. Permitted commercial uses within a mixed use development shall be as permitted in the underlying commercial zone with the following exceptions which shall not be permitted:
1. Late-night Restaurants and bars;
  2. Laundry and dry-cleaning businesses;
  3. Parking lots and/or structures.
- G. Limitations on hours of operation. The hours of operation for any commercial use shall be limited to 8:00 a.m. to 10:00 p.m.
- H. Parking and Transportation Storage
1. Parking shall be in accordance with Chapter 17.44, however, reduced vehicle parking may be planned in accordance with Section 17.44.210 Parking Plans.
  2. Application fees for Parking Plans that accompany a development for affordable housing may be waived; all other application fees apply.
  3. The applicant shall include bicycle storage for 50% of the residential units.
- I. Owner shall disclose separately and in writing upon sale or rental of the subject property that it is mixed use and permits commercial and residential uses within the building.

#### **17.42.100 Affordable housing density bonus and incentive program.**

##### **A. General Provisions.**

1. Compliance with State Law. The provisions of this section shall be governed by the requirements of Government Code Section 65915, as that statute is amended from time-to-time. Where conflict occurs between the provisions of this chapter and state law, the state law provisions shall govern, unless otherwise specified.

2. Median Income Levels. For the purpose of determining the income levels for households under this section, the city shall use the Los Angeles County income limits found in Title 25, Section 6932 of the California Code of Regulations, as regularly updated and published by the State Department of Housing and Community Development, or other income limits set forth in the general plan housing element or adopted by the city council if the State Department of Housing and Community Development fails to provide regular updates.
  3. Compatibility. All affordable housing units shall be dispersed within market-rate projects whenever feasible. Affordable housing units within market-rate projects shall be comparable with the design and use of market-rate units in appearance, use of materials, and finished quality. The design and appearance of the affordable housing units shall be compatible with the design of the total housing project and consistent with the surrounding neighborhood. Forms, materials and proportions that are compatible with the character of the surroundings shall be used.
  4. Availability. All affordable housing units shall be constructed concurrently with, and made available for qualified occupants at the same time as, the market-rate housing units within the same project unless both the city and the developer agree in the affordable housing agreement to an alternative schedule for development.
  5. Effect of Granting Density Bonus. The granting of a density bonus and other incentives provided for by this section shall not by virtue of such incentives require a general plan amendment, zone change, variance or other discretionary approval, unless such approval would otherwise be required.
- B. State Affordable Housing Density Bonus.
4. Density Bonus. Pursuant to Government Code Section 65915, the city shall grant a density bonus ~~in the following amounts~~ over the otherwise allowable maximum residential density permitted by this chapter and the general plan, in accordance with Government Code Section 65915 to 65918, inclusive. ~~and one (1) or more of the affordable housing incentives set forth in subsection (D)(1) of this section, Affordable Housing Concessions and Incentives, if the applicant agrees or proposes to construct any one (1) of the following:~~
    - a. ~~Lower Income Units. A density bonus of twenty (20) percent if ten (10) percent of the total units of a housing development are target units affordable to lower income households, as defined in Section 50079.5 of the California Health and Safety Code.~~
    - b. ~~Very Low Income Units. A density bonus of twenty (20) percent, if five (5) percent of the total units of a housing development are target units affordable to very low income households, as defined in Section 50105 of the Health and Safety Code.~~

- ~~c. Senior Citizen Housing Development. A density bonus of twenty (20) percent, if a housing development qualifies as a senior citizen housing development, as defined in Section 51.3 of the Civil Code.~~
  - ~~d. Moderate Income Units in Condominium and Planned Unit Developments. A density bonus of five (5) percent if ten (10) percent of the total dwelling units in a condominium project, as defined in subdivision (f) or in a planned development as defined in subdivision (k) of Section 1351 of the Civil Code, are target units affordable to persons and families of moderate income, as defined in Section 50093 of the Health and Safety Code.~~
  - ~~e. Housing Accompanied by Land Donation. A density bonus of fifteen (15) percent, if a housing developer agrees to donate land to the city, subject to the requirements of subsection (F) of this section, Density Bonuses for Housing Developments Accompanied by Land Donation.~~
- 2. Applicability. The provisions of subsection (B)(1) of this section shall be applicable to residential projects of five (5) or more units, and senior citizen housing developments of at least thirty-five (35) units.
- 3. ~~Calculation of Density Bonuses.~~
  - ~~a. Density Bonus Units. When calculating the number of permitted density bonus units, all fractional units shall be rounded up to the next whole number. The density bonus shall not be included when determining the number of target affordable or senior housing units to be provided in a development project.~~
  - ~~b. Sliding Scale for Greater Density Bonus. An applicant is entitled to receive a bonus larger than the percentages specified in subsection (B)(1) of this section if the percentage of affordable housing exceeds the percentages specified in subsection (B)(1) of this section, subject to the following provisions:~~
    - ~~i. Lower Income Dwellings. For each additional one (1) percent increase above ten (10) percent in the proportion of units affordable to lower income households, the density bonus shall be increased by one and one-half (1.5) percent up to a maximum of thirty-five (35) percent of the maximum allowable residential density for the site.~~
    - ~~ii. Very Low Income Dwellings. For each additional one (1) percent increase above five (5) percent in the proportion of units affordable to very low income households, the density bonus shall be increased by two and one-half (2.5) percent up to a maximum of thirty-five (35) percent of the maximum allowable residential density for the site.~~
    - ~~iii. Condominium and Planned Unit Developments. For each additional one (1) percent increase above ten (10) percent in the proportion of units affordable to moderate income households in~~

~~condominium and planned unit developments, the density bonus shall be increased by one (1) percent up to a maximum of thirty-five (35) percent of the maximum allowable residential density for the site.~~

~~iv. Housing Accompanied by Land Donation. For each additional one (1) percent increase above the minimum ten (10) percent land donation described in subsection (F) of this section, Density Bonuses for Housing Developments Accompanied by Land Donation, the density bonus shall be increased by one (1) percent, up to a maximum of thirty-five (35) percent of the maximum allowable residential density for the site.~~

4. Applicant May Request Smaller Density Bonus. Notwithstanding the foregoing, the city may award a smaller density bonus than specified in this section if the applicant so requests.

~~C. State Childcare Facility Density Bonus.~~

1. ~~Density Bonus. When an applicant proposes to construct a housing development that conforms to the requirements of subsection (B)(1) of this section, Density Bonus, and includes a childcare facility other than a family day care home that will be located on the premises of, as part of, or adjacent to, the project, the city shall grant either of the following:~~

~~a. Additional Density Bonus. A density bonus of additional residential units equal in square footage to the amount of square feet of the childcare facility, or.~~

~~b. Additional Concession or Incentive. An additional concession or incentive that contributes significantly to the economic feasibility of the construction of the childcare facility.~~

2. ~~Conditions of Approval. The City shall require as a condition of approving the housing development that the following occur:~~

~~a. Length of Operation. The childcare facility remains in operation for a period of time that is as long as, or longer than the length of time during which subsection (E)(2) of this section, Duration of Affordability of Rental Units, requires that the affordable housing units remain affordable.~~

~~b. Attending Children. The percentage of children of very low, low or moderate income households who attend the childcare facility shall be the same or greater than the percentage of dwelling units in the project that are required for households at each income level, pursuant to subsection (C)(1) of this section, Density Bonus.~~

~~c. Exceptions. The City shall not be required to provide a density bonus or concession for a childcare facility if it finds that, based upon substantial evidence, the community has adequate childcare facilities.~~

~~D. Affordable Housing Concessions and Incentives.~~

1. Number of Incentives or Concessions. In addition to a density bonus, an applicant is entitled to receive incentives or concessions in accordance with 65915, as follows:
  - ~~a. One (1) incentive or concession for projects that include at least ten (10) percent of the total units for lower income households, at least five (5) percent for very low income households, or at least ten (10) percent for persons and families of moderate income in a condominium or planned development; or~~
  - ~~b. One (1) incentive or concession for senior citizen housing developments; or~~
  - ~~c. Two (2) incentives or concessions for projects that include at least twenty (20) percent of the total units for lower income households, at least ten (10) percent for very low income households, or at least twenty (20) percent for persons and families of moderate income in a condominium or planned development; or~~
  - ~~d. Three (3) incentives or concessions for projects that include at least thirty (30) percent of the total units for lower income households, at least fifteen (15) percent for very low income households, or at least thirty (30) percent for persons and families of moderate income in a condominium or planned development.~~
2. Proposal of Incentives and Findings. An applicant may propose specific incentives or concessions that would contribute significantly to the economic feasibility of providing affordable units pursuant to this chapter and state law. In addition to any increase in density to which an applicant is entitled, the city shall grant one or more incentives or concessions that an applicant requests, up to the maximum number of incentives and concessions required pursuant to subsection (D)(1) of this section, unless the city makes a written finding that either:
  - a. The concession or incentive is not necessary in order to provide the proposed targeted units; or
  - b. The concession or incentive would have a specific adverse impact that can not be feasibly mitigated on public health and safety or the physical environment or any property that is listed in the California Register of Historical Resources.
3. Types of Affordable Housing Incentives. Affordable housing incentives may consist of any combination of the items listed below. In addition to the incentives listed, the city may allow for fast-track and priority processing for a project with affordable housing.
  - ~~a. Modification of Development Standards. Up to twenty (20) percent in modification of site development standards or zoning code requirements that exceed minimum building code standards and fire code standards, including, but not limited to:~~
    - ~~i. Reduced minimum lot sizes and/or dimensions.~~

- ii. ~~Reduced minimum building setbacks and building separation requirements.~~
    - iii. ~~Reduced minimum outdoor and/or private outdoor living area requirements.~~
    - iv. ~~Increased maximum lot coverage.~~
    - v. ~~Increased maximum building height.~~
  - b. ~~Reduced Parking.~~
    - i. ~~Upon the applicant's request, the City shall allow a reduction in required parking, excluding handicapped parking.~~  
~~Notwithstanding the foregoing, the parking must satisfy at least the following minimum ratios:~~
      - ii. ~~One (1) on-site space for zero (0) to one (1) bedroom units;~~
      - iii. ~~Two (2) on-site spaces for two (2) to three (3) bedrooms; or~~
      - iv. ~~Two and one-half (2.5) spaces for four (4) or more bedrooms.~~
    - v. ~~If the total number of parking spaces required for a development is other than a whole number, the number shall be rounded up to the next whole number.~~
    - vi. ~~At the applicant's request, tandem parking may be counted toward meeting these parking requirements.~~
  - c. Mixed Use Zoning. Approval of mixed use zoning in conjunction with the housing project if commercial, office, industrial or other land uses will reduce the cost of the housing development and such uses are compatible with the housing project and the surrounding area.
  - d. Other Incentives. Other regulatory incentives or concessions proposed by the developer or the City that result in identifiable cost reductions or avoidance.
4. Additional Affordable Housing Incentives. The city may allow for additional affordable housing incentives to be granted on a case-by-case basis, when requested by an applicant when more than fifty (50) percent of the affordable housing units provided contain three (3) or more bedrooms to meet the needs of large families.
5. Lot Consolidation Bonus. [MOVED FROM 17.42.170 – MINOR CHANGES]
- a. Multifamily residential developments proposed on lots zoned R-3, C-1, PF, SPA-11 or the Housing Element Sites Inventory Overlay (--HE) or allowing an equivalent or higher density meeting the minimum requirements for a density bonus pursuant to Section 17.42.100 shall be granted an additional density bonus as an incentive to acquire and combine two (2) or more parcels into a single building site according to the following formula:

Combined Parcel Size	Base Density Increase
Less than 0.50 acre	No increase
0.50 Acre to 0.99 Acre	5% Increase

1.00 Acre or More	10% Increase
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This lot consolidation bonus incentive shall be calculated prior to determining any density bonus pursuant to Section 17.42.100. Such projects shall be restricted in compliance with Section 17.42.100(E).

- b. Multifamily residential developments with less than five (5) units or a senior citizen housing development of less than thirty-five (35) units on lots zoned R-3, C-1, PF, SPA 11, or on the Housing Element Sites Inventory Overlay (--HE) or allowing an equivalent or higher density that otherwise meet the minimum requirements for a density bonus pursuant to Section 17.42.100 shall be granted reduced parking and lot development standards in Section 17.42.100(D)(3) as an incentive to acquire and combine two (2) or more parcels into a single building site. Such projects shall be restricted in compliance with Section 17.42.100(E).
- c. Applications for lot consolidations pursuant to this section processed concurrently with other land use entitlements shall be granted expedited processing of planning and building entitlements and no additional fee shall be charged for such expedited processing.

#### E. Administration.

- 1. Application and Review Process. A preliminary review of development projects proposed pursuant to this section is encouraged to discuss and identify potential application issues, including proposed modifications to development standards. The applicant shall request in the application the incentives the applicant wishes to obtain. The application shall include financial data showing how the incentives are necessary to make the affordable units feasible. Applications shall be reviewed and processed according to the provisions of Chapter 17.58, Precise Development Plans.
- 2. Duration of Affordability of Rental Units. All lower income and very low income housing units shall be kept affordable for a minimum period of thirty fifty-five (55) (30) years or a longer period of time if required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program, consistent with state law.
- 3. Definition of Affordability. Those units targeted for lower income households as defined in subsection (B) of this section, State Affordable Housing Density Bonus, shall be affordable at a rent that does not exceed thirty (30) percent of sixty (60) percent of the area median income. Units targeted for very low income households shall be affordable at a rent that does not exceed thirty (30) percent of fifty (50) percent of area median income. Units targeted for moderate income households shall be affordable at a rent that does not exceed thirty-five (35) percent of one hundred ten (110) percent of area

median income. Median income levels shall be the income limits for Los Angeles County households as provided for in subsection (A)(3) of this section, Median Income Levels.

4. Affordable Housing Agreement Required. An affordable housing agreement ~~shall be made a condition of the discretionary planning permits for~~ is required for all projects granted a density bonus pursuant to this section. All affordable housing projects granted a density bonus pursuant to this section shall be subject to the approval of an affordable housing agreement conforming to the provisions of Title 7, Division 1, Chapter 4, Article 2.5 of the Government Code, which shall be recorded as a covenant on the title to the parcel or parcels on which the affordable housing units will be constructed. The terms of the agreement shall be reviewed and revised as appropriate by the director and city attorney, ~~who shall formulate a recommendation to the planning commission for final approval.~~ This agreement shall include, but is not limited to, the following:
  - a. Number of Units. The total number of units approved for the projects, including the number of affordable housing units.
  - b. Target Units. The location, unit sizes (in square feet) and number of bedrooms of the affordable housing units.
  - c. Target Group. A description of the household income groups to be accommodated by the project and a calculation of the affordable rent or sales price, or a commitment to provide a senior citizen housing development.
  - d. Certification Procedures. The party responsible for certifying rents or sales prices of inclusionary units, and the process that will be used to certify renters or purchasers of such units.
  - e. Schedule. A schedule for the completion and occupancy of the affordable housing units.
  - f. Remedies for Breach. A description of the remedies for breach of the agreement by either party.
  - g. Required Term of Affordability. For lower income and very low income units, duration of affordability of the housing units, pursuant to Government Code Section 65915 ~~subsection (E)(2) of this section,~~ Duration of Affordability of Rental Units. Provisions should also cover resale control and deed restrictions on targeted housing units that are binding on property upon sale or transfer.
  - h. Expiration of Agreement. Provisions covering the expiration of the agreement, including notice prior to conversion to market rate units and right of first refusal option for the city and/or the distribution of accrued equity for for-sale units.
  - i. Other Provisions. Other provisions to ensure implementation and compliance with this chapter.

- j. Condominium and Planned Unit Developments. In the case of condominium and planned unit developments, the affordable housing agreement shall provide for the following conditions governing the initial sale and initial resale and use of affordable housing units:
  - i. Target units shall, upon initial sale, be sold to eligible very low, lower, or moderate income households at an affordable sales price and housing cost, or to qualified residents as defined by this chapter.
  - ii. Target units shall be initially owner-occupied by eligible very low, lower, or moderate income households.
  - iii. Upon resale, the seller of a target unit shall retain the value of any improvements, the down payment, and the seller's proportionate share of appreciation. The city shall recapture its proportionate share of appreciation, which shall be used to promote home ownership opportunities as provided for in Health and Safety Code Section 33334.2. The city's proportionate share shall be equal to the percentage by which the initial sale price to the targeted household was less than the fair market value of the dwelling unit at the time of initial sale.
- k. Rental Housing Developments. In the case of rental housing developments, the affordable housing agreement shall provide for the following conditions governing the use of target units during the use restriction period:
  - i. The rules and procedures for qualifying tenants, establishing affordable rent rates, filling vacancies, and maintaining target units for qualified tenants.
  - ii. Provisions requiring owners to verify tenant incomes and maintain books and records to demonstrate compliance with this chapter.
  - iii. Provisions requiring owners to submit an annual report to the city, which includes the name, address, and income of each person occupying target units, and which identifies the bedroom size and monthly rent or cost of each target unit.
- 5. ~~Notice of Conversions. Notice of conversions of affordable units to market-rate units shall be provided pursuant to the following requirements:~~
  - ~~a. General. At least a one (1) year notice shall be required prior to the conversion of any rental units for affordable households to market-rate.~~
  - ~~b. Required Notice. Notice shall be given to the following:~~
    - ~~i. The city;~~
    - ~~ii. The State Housing and Community Development Department (HCD);~~
    - ~~iii. The Los Angeles County Housing Authority;~~

- ~~iv. The residents of the affordable housing units proposed to be converted; and~~
    - ~~v. Any other person deemed appropriate by the city.~~
  - 6. ~~Conversion of Affordable Rental Units. If an owner of a housing development issues a notice of intent to convert affordable housing rental units to market-rate housing, the city shall consider taking one (1) or more of the following actions:~~
    - ~~a. Meet with the owner to determine the owner's financial objectives;~~
    - ~~b. Determine whether financial assistance to the current owner will maintain the affordability of the rental housing development or whether acquisition by another owner dedicated to maintaining the affordability of the development would be feasible; and~~
    - ~~c. If necessary to maintain the affordability of the housing unit or facilitate sale of the rental development, consider the use of redevelopment housing set-aside funds or assistance in accessing state or federal funding.~~
- F. ~~Density Bonuses for Housing Developments Accompanied by Land Donation. The city shall grant a density bonus pursuant to subsection (B) of this section, State Affordable Housing Density Bonus, to a housing development if the applicant agrees to donate land to the city and the applicant satisfies all of the following requirements~~
  - ~~1. The applicant donates and transfers the land no later than the date of approval of the final subdivision map, parcel map, or residential development application;~~
  - ~~2. The developable acreage and zoning classification of the land being transferred are sufficient to permit construction of units affordable to very low income households in an amount not less than ten (10) percent of the number of residential units of the proposed development;~~
  - ~~3. The transferred land is at least one (1) acre in size or of sufficient size to permit development of at least forty (40) units, has the appropriate general plan designation, is appropriately zoned for development as affordable housing, and is or will be served by adequate public facilities and infrastructure, as determined by the director;~~
  - ~~4. The transferred land has appropriate zoning and development standards to make the development of the affordable units feasible, as determined by the director;~~
  - ~~5. Prior to the date of approval of the final subdivision map, parcel map, or of the residential development, the transferred land has all of the permits and approvals, other than building permits, necessary for the development of the very low income housing units on the transferred land, except that the city may subject the proposed development to subsequent design review if the design is not reviewed by the city prior to the time of transfer;~~
  - ~~6. The transferred land and the affordable units shall be subject to a deed restriction ensuring continued affordability of the units meeting the~~

- ~~requirements of an affordable housing agreement as set forth in subsection (E)(4) of this section, Affordable Housing Agreement Required;~~
- ~~7. The land is transferred to the city or to a housing developer approved by the city. The city may require the applicant to identify and transfer the land to the developer; and~~
  - ~~8. The transferred land is within the boundary of the proposed development or, if the city agrees, within one-quarter (1/4) mile of the boundary of the proposed development.~~

DRAFT

#### **~~17.40.220 Emergency shelters.~~**

~~This section sets forth requirements for the establishment and operation of emergency shelter facilities.~~

~~A. Permit and Operational Requirements. The approval and operation of an emergency shelter shall be subject to the following requirements:~~

- ~~1. Administrative Permit Required. Emergency shelters may be established and operated in the C-3, SPA-7 and SPA-8 zoning districts subject to the granting of an administrative permit in compliance with Chapter 17.55.~~
- ~~2. Management and Operations Plan. An application for an administrative permit to establish and operate an emergency shelter shall be accompanied by a management plan, which shall establish hours of operation, staffing levels and training procedures, maximum length of stay, size and location of exterior and interior onsite waiting and intake areas, admittance and discharge procedures, provisions for on-site or off-site supportive services, on-site and off-site security procedures, and protocols for communications with local law enforcement agencies and surrounding property owners.~~

~~B. Development Standards. Emergency shelters shall conform to the following standards:~~

- ~~1. The maximum number of beds shall be ten (10). An additional four (4) beds may be provided for children under the age of eighteen (18) with a parent or guardian within designated family units.~~
- ~~2. A minimum separation of three hundred (300) feet, measured from the property line, shall be maintained between all emergency shelters.~~
- ~~3. Separate private shower and toilet facilities shall be provided for men, women and families.~~
- ~~4. Alcohol and narcotics use and consumption are prohibited both within the facility and on the property. No amplified music or sound is allowed. No animals are permitted (except guide dogs for the disabled or ordered by a doctor for medical reasons).~~
- ~~5. One parking space per three (3) beds, plus one (1) space for each staff member and volunteer on duty shall be provided.~~
- ~~6. Bicycle racks or bicycle lockers for three (3) bicycles shall be provided onsite near the facility.~~
- ~~7. Stays at the facility shall be on a first-come first-served basis. Clients may be admitted to the facility only between 6:00 p.m. and 8:00 a.m. The facility may remain open twenty-four (24) hours a day only if providing onsite accessory services. Clients have no guaranteed bed for the next night. The maximum length of stay at the facility shall not exceed one hundred eighty (180) days in a three hundred sixty-five (365) day period.~~
- ~~8. The facility may provide the following services in an area separate from sleeping areas, such as counseling services, laundry facilities to serve the~~

~~clients at the shelter, client storage area such as for the storage of bicycles or personal items, or similar services geared to homeless clients. All such areas and facilities shall be located within a building, with the exception of bicycle parking.~~

- ~~9. A waiting area shall be provided which contains a minimum of ten (10) square feet per bed provided at the facility. The waiting area shall be in a location not adjacent to the public right of way, shall be visually separated from public view by a minimum six (6) foot tall screening of mature landscaping or by a minimum six (6) foot tall decorative masonry wall, and shall provide consideration of shade and protection from the elements.~~
- ~~10. Security and Safety. A staff member shall be on-premises at all times the facility is open to clients. Security and safety shall be addressed for both on and off-site needs, including provisions to address the separation of male/female sleeping areas as well as any family areas within the facility. At a minimum, the plan shall contain provisions addressing security and safety.~~
- ~~11. Loitering Control. Measures regarding off-site controls to minimize the congregation of clients in the vicinity of the facility during hours that clients are not allowed on-site.~~
- ~~12. Management for Outdoor Areas. A system for daily admittance and discharge procedures, including monitoring for waiting areas, shall be developed to minimize disruption to nearby land uses.~~
- ~~13. Staff Training. A staff training program shall be maintained that provide adequate knowledge and skills necessary to assist clients in obtaining permanent shelter and income.~~
- ~~14. Communications. A communication and outreach plan shall be developed to maintain good communication and response to operational issues which may arise from the neighborhood, City staff, or the general public.~~
- ~~15. Client Eligibility. A screening program to determine client eligibility is required. The facility shall be required to utilize the Los Angeles County region's current Homeless Management Information System.~~
- ~~16. Counseling Services. Provision of or links to counseling services are encouraged. Identify and describe the counseling programs to be provided as well as procedures that will be used to refer clients to outside assistance agencies. An annual report to the City on this activity is required.~~
- ~~17. Facility rules shall be conspicuously displayed in English and Spanish.~~
- ~~18. Litter Control. Litter and trash removal attributable to facility operations and its clients shall be provided. Graffiti shall be removed within twenty-four (24) hours.~~
- ~~19. Any other reasonable additional specific needs identified by the planning director or police chief. (Ord. 13-1342 §7, 2013)~~

**17.42.170 Lot consolidation incentives for affordable multifamily development  
[MOVED]**

- ~~A. Multifamily residential developments proposed on lots zoned R-3 or allowing an equivalent or higher density meeting the minimum requirements for a density bonus pursuant to Section 17.42.100 shall be granted an additional density bonus as an incentive to acquire and combine two (2) or more parcels into a single building site according to the following formula:~~

Combined Parcel Size	Base Density Increase
Less than 0.50 acre	No increase
0.50 Acre to 0.99 Acre	5% Increase
1.00 Acre or More	10% Increase

~~This lot consolidation bonus incentive shall be calculated prior to determining any density bonus pursuant to Section 17.42.100. Such projects shall be restricted in compliance with Section 17.42.100(E).~~

- ~~B. Multifamily residential developments with less than five (5) units or a senior citizen housing development of less than thirty-five (35) units on lots zoned R-3 or allowing an equivalent or higher density that otherwise meet the minimum requirements for a density bonus pursuant to Section 17.42.100 shall be granted reduced parking and lot development standards in Section 17.42.100(D)(3) as an incentive to acquire and combine two (2) or more parcels into a single building site. Such projects shall be restricted in compliance with Section 17.42.100(E).~~
- ~~C. Applications for lot consolidations pursuant to this section processed concurrently with other land use entitlements shall be granted expedited processing of planning and building entitlements and no additional fee shall be charged for such expedited processing. (Ord. 13-1341 §10, 2013)~~

**[NEW] 17.42.210 Emergency shelters. [MOVED]**

This section sets forth requirements for the establishment and operation of emergency shelter facilities.

- A. Permit and Operational Requirements. The approval and operation of an emergency shelter shall be subject to the following requirements:
1. Administrative Permit Required. Emergency shelters may be established and operated in the R-3, C-3, SPA-7 and SPA-8 zoning districts subject to the granting of an administrative permit in compliance with Chapter 17.55.
  2. Management and Operations Plan. An application for an administrative permit to establish and operate an emergency shelter shall be accompanied by a management plan, which shall establish hours of operation, staffing levels and training procedures, maximum length of stay, size and location of exterior and interior onsite waiting and intake areas, admittance and

discharge procedures, provisions for on-site or off-site supportive services, on-site and off-site security procedures, and protocols for communications with local law enforcement agencies and surrounding property owners.

B. Development Standards. Emergency shelters shall conform to the following standards.

1. The maximum number of beds shall be ten (10). An additional four (4) beds may be provided for children under the age of eighteen (18) with a parent or guardian within designated family units.
2. A minimum separation of ~~no more than~~ three hundred (300) feet, measured from the property line, shall be maintained between all emergency shelters.
3. Separate private shower and toilet facilities shall be provided for men, women and families.
4. Alcohol and narcotics use and consumption are prohibited both within the facility and on the property. No amplified music or sound is allowed. No animals are permitted (except guide dogs for the disabled or ordered by a doctor for medical reasons).
5. Bicycle racks or bicycle lockers for three (3) bicycles shall be provided onsite near the facility.
6. Stays at the facility shall be on a first-come first-served basis. Clients may be admitted to the facility only between 6:00 p.m. and 8:00 a.m. The facility may remain open twenty-four (24) hours a day only if providing onsite accessory services. Clients have no guaranteed bed for the next night. The maximum length of stay at the facility shall not exceed one hundred eighty (180) days in a three hundred sixty-five (365) day period.
7. The facility may provide the following services in an area separate from sleeping areas, such as counseling services, laundry facilities to serve the clients at the shelter, client storage area such as for the storage of bicycles or personal items, or similar services geared to homeless clients. All such areas and facilities shall be located within a building, with the exception of bicycle parking.
8. A waiting area shall be provided which contains a minimum of ten (10) square feet per bed provided at the facility. The waiting area shall be in a location not adjacent to the public right of way, shall be visually separated from public view by a minimum six (6) -foot tall screening of mature landscaping or by a minimum six (6) foot tall decorative masonry wall, and shall provide consideration of shade and protection from the elements.
9. Security and Safety. A staff member shall be on-premises at all times the facility is open to clients. Security and safety shall be addressed for both on and off-site needs, including provisions to address the separation of male/female sleeping areas as well as any family areas within the facility. At a minimum, the plan shall contain provisions addressing security and safety.

10. Loitering Control. Measures regarding off-site controls to minimize the congregation of clients in the vicinity of the facility during hours that clients are not allowed on-site.
11. Management for Outdoor Areas. A system for daily admittance and discharge procedures, including monitoring for waiting areas, shall be developed to minimize disruption to nearby land uses.
12. Staff Training. A staff training program shall be maintained that provide adequate knowledge and skills necessary to assist clients in obtaining permanent shelter and income.
13. Communications. A communication and outreach plan shall be developed to maintain good communication and response to operational issues which may arise from the neighborhood, City staff, or the general public.
14. Client Eligibility. A screening program to determine client eligibility is required. The facility shall be required to utilize the Los Angeles County region's current Homeless Management Information System.
15. Counseling Services. Provision of or links to counseling services are encouraged. Identify and describe the counseling programs to be provided as well as procedures that will be used to refer clients to outside assistance agencies. An annual report to the City on this activity is required.
16. Facility rules shall be conspicuously displayed in English and Spanish.
17. Litter Control. Litter and trash removal attributable to facility operations and its clients shall be provided. Graffiti shall be removed within twenty-four (24) hours.
18. ~~Any other reasonable additional specific needs identified by the planning director or police chief. (Ord. 13-1342 §7, 2013)~~

## **17.42.220 Supportive Housing**

- A. **Supportive and Transitional Housing.** Pursuant to California Government Code Section 65583(c)(3), transitional and supportive housing constitute a residential use and are subject only to those restrictions that apply to other residential uses of the same type in the same zoning district.
- B. **Up to 50 Units Permitted By Right.** Pursuant to California Government Code Section 65651, supportive housing development with up to 50 supportive housing units shall be permitted by right in all zones where multi-family and mixed-use residential development are permitted provided the development satisfies all of the following requirements:
  1. All supportive housing units within the development are subject to a recorded affordability restriction for 55 years.
  2. One hundred percent of the units, excluding managers' units, within the development are dedicated to lower income households and are receiving public funding to ensure affordability of the housing to lower income Californians. For purposes of this paragraph, "lower income households"

- has the same meaning as defined in Section 50079.5 of the Health and Safety Code.
3. At least 25 percent of the units in the development or 12 units, whichever is greater, are restricted to residents in supportive housing who meet criteria of the target population. If the development consists of fewer than 12 units, then 100 percent of the units, excluding managers' units, in the development shall be restricted to residents in supportive housing.
  4. The developer shall provide the information required by California Government Code Section 65652 to the Planning Division.
  5. Nonresidential floor area shall be used for onsite supportive services in the following amounts:
    - a. For a development with 20 or fewer total units, at least 90 square feet shall be provided for onsite supportive services.
  6. For a development with more than 20 units, at least 3 percent of the total nonresidential floor area shall be provided for onsite supportive services that are limited to tenant use, including, but not limited to, community rooms, case management offices, computer rooms, and community kitchens.
  7. The developer replaces any dwelling units on the site of the supportive housing development in the manner provided in paragraph (3) of subdivision (c) of Section 65915.
  8. Units within the development, excluding managers' units, include at least one bathroom and a kitchen or other cooking facilities, including, at minimum, a stovetop, a sink, and a refrigerator.
  9. Notwithstanding any other provision of this Section to the contrary, the local government shall, at the request of the project owner, reduce the number of residents required to live in supportive housing if the project-based rental assistance or operating subsidy for a supportive housing project is terminated through no fault of the project owner, but only if all of the following conditions have been met:
    - a. The owner demonstrates that it has made good faith efforts to find other sources of financial support.
    - b. Any change in the number of supportive service units is restricted to the minimum necessary to maintain project's financial feasibility.
    - c. Any change to the occupancy of the supportive housing units is made in a manner that minimizes tenant disruption and only upon the vacancy of any supportive housing units.
  10. Over 50 units, a conditional use permit is required.

#### **17.42.230 Residential Care Facilities - Large**

- A. Permit and Operational Requirements. The approval and operation of an emergency shelter shall be subject to the following requirements:
  1. Administrative Permit Required. Emergency shelters may be established and operated in the C-3, SPA-7 and SPA-8 zoning districts subject to the granting of an administrative permit in compliance with Chapter 17.55.

2. Management and Operations Plan. An application for an administrative permit to establish and operate an emergency shelter shall be accompanied by a management plan, which shall establish hours of operation, staffing levels and training procedures, maximum length of stay, size and location of exterior and interior onsite waiting and intake areas, admittance and discharge procedures, provisions for on-site or off-site supportive services, on-site and off-site security procedures, and protocols for communications with local law enforcement agencies and surrounding property owners.
- B. Requirements for a Large Residential Care Facility. Large residential care facilities shall conform to the following requirements:
1. A Large Residential Care Facility may only be located within a zone that permits them.
  2. All facilities shall comply with the development standards of the zone which they are located.
  3. Separation. Minimum distance from any other Residential Facility shall be 300 feet as specified by State Health and Safety Code Section 1267.9
  4. Parking shall be provided in accordance with the applicable requirements of the primary residential use of the property. Refer to Section 17.44.020.
  5. Restrictions to ensure compliance with city noise regulations (Municipal Code Chapter 8.24) may be placed on the operation of the care facility, including but not limited to the time and location of outdoor activities.
  6. Adequate space for loading and unloading persons shall be available or shall be provided on the site.
  7. Management shall ensure that a manager is on duty at all times the facility is operating.
  8. The applicant shall submit a Programming Plan to detail daily operations.

#### **17.42.240 Low Barrier Navigation Centers**

- A. The purpose of this chapter is to establish development standards for low-barrier navigation centers and to ensure this use is constructed and operated in a manner that is consistent with the requirements and allowances of state law, specifically Article 12 of Chapter 3 of Division 1 of Planning and Zoning Law commencing with California Government Code Section 65660.
- B. The provisions of this chapter shall apply to all low-barrier navigation center projects.
- C. An Administrative Permit in accordance with Chapter 17.55 is required prior to establishment of any low-barrier navigation center project meeting either of the following criteria. The permit shall be a ministerial action without discretionary review or a hearing. The City shall notify a developer whether the developer's application is complete within 30 days, pursuant to California Government Code Section 65943. Action shall be taken within 60 days of a complete application being filed.
- D. A low-barrier navigation center development is a use by-right in areas zoned for mixed-use and nonresidential zones permitting multifamily uses, if it meets the following requirements:

1. Connected Services. It offers services to connect people to permanent housing through a services plan that identifies services staffing.
2. Coordinated Entry System. It is linked to a coordinated entry system, so that staff in the interim facility or staff who co-locate in the facility may conduct assessments and provide services to connect people to permanent housing. “Coordinated entry system” means a centralized or coordinated assessment system developed pursuant to Section 576.400(d) or Section 578.7(a)(8), as applicable, of Title 24 of the Code of Federal Regulations, as those sections read on January 1, 2020, and any related requirements, designed to coordinate program participant intake, assessment, and referrals.
3. Code Compliant. It complies with Chapter 6.5 (commencing with Section 8255) of Division 8 of the Welfare and Institutions Code.
4. Homeless Management Information System. It has a system for entering information regarding client stays, client demographics, client income, and exit destination through the local Homeless Management Information System, as defined by Section 578.3 of Title 24 of the Code of Federal Regulations.

#### **17.44.020 Off-street parking – Residential uses.**

The aggregate amount of off-street automobile parking spaces provided in connection with each of the following uses shall be not less than the following:

	<u>Use Residential Housing Type</u>	Parking Requirement
A.	One (1) family dwelling;	Two (2) off-street parking spaces plus one (1) guest space.
B.	Duplex or two (2) family dwelling; <u>Exception: Density Bonus Projects</u>	Two (2) off-street parking spaces for each unit plus one (1) guest space. One (1) additional space of on-site guest parking shall be provided for each on-street space lost because of new curb cuts and/or driveways.
C.	Multiple dwellings (three (3) or more units); <u>Exception: Density Bonus Projects</u>	<del>Two (2) off-street spaces for</del> <u>Spaces per</u> each dwelling unit: <u>Zero to one bedroom: 1.5 spaces</u> <u>Two bedrooms: 2 spaces</u> <u>Three+ bedrooms: 2.5 space; plus</u> one (1) guest space for each two (2) dwelling units; <u>plus</u> one (1) additional space <del>of on-site guest parking shall be provided</del> for each on-street space lost because of new curb cuts and/or driveways.

D.	<del>Detached servants' quarters or guesthouses</del>	<del>One (1) space.</del>
E.	<del>Supportive or transitional housing, medical or residential care facilities, group homes: Limited to six (6) persons.</del>	<del>Same as one (1) family dwelling.</del> Parking requirement for residential use. Exception: no parking required if within ½ mile of public transit stop.
F.	Junior accessory dwelling unit and accessory dwelling unit	Refer to Section 17.21.050(F).
G.	<u>Density bonus projects; Projects with over 20% affordable units; Senior housing</u>	(Maximum Requirement) <u>(1) Zero to one bedroom: one (1) parking space.</u> <u>(2) Two to three bedrooms: two (2) parking spaces.</u> <u>(3) Four and more bedrooms: two and one-half (2.5) parking spaces.</u>
I.	<u>Residential Care Facilities – Small.</u>	<u>Same as the Residential Housing Type</u>
J.	<u>Residential Care Facilities – Large; Assisted Living Facility</u>	<u>1 for every 3 beds</u>
K.	<u>Emergency Shelters; Low Barrier Navigation Centers</u>	<u>One (1) space for each staff member or employee on duty.</u>

#### **17.44.030 Off-street parking – Commercial and business uses.**

G. Hospitals (mental), convalescent homes, guest homes, rest homes, sanitariums, assisted living facilities, and similar institutions: one (1) space for each three (3) beds.

Q. Residential Uses – refer to 17.44.020

1. Supportive and Transitional Housing
2. Residential Care Facilities
3. Residential Care Facilities
4. Low Barrier Navigation Center
5. Emergency Shelters

## **17.42.120 Housing accessibility – Reasonable accommodation for disability.**

### **A. Purpose and Applicability.**

1. This section provides a procedure to request reasonable accommodation for persons with disabilities seeking equal access to housing under the Fair Housing Laws in the application of zoning laws, building codes, and other land use regulations, policies and procedures. Fair Housing Laws means "Fair Housing Amendments Act of 1988" (42 U.S.C. Section 3601, et seq.), including reasonable accommodation required by 42 U.S.C. Section 3604(f)(3)(B), and the "California Fair Employment and Housing Act" (California Government Code Section 12900, et seq.), including reasonable accommodation required specifically by California Government Code Sections 12927(c)(1) and 12955(l), as any of these statutory provisions now exist or may be amended from time to time.
2. A request for reasonable accommodation may be made by any person with a disability, his/her representative, or any business or property owner when the application of a zoning law, building code provision or other land use regulation, policy or practice acts as a barrier to fair housing opportunities. A person with a disability is a person who has a physical or mental impairment that limits or 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, as those terms are defined in the Fair Housing Laws.
3. A request for reasonable accommodation may include a modification or exception to the rules, standards and practices for the siting, development and use of housing or housing related facilities that would eliminate regulatory barriers and provide a person with a disability equal opportunity to housing of their choice. Requests for reasonable accommodation shall be made in the manner prescribed by this section.
4. It is the intent of this section that, notwithstanding time limits provided to perform specific functions, application review, decision making and appeals proceed expeditiously, especially where the request is time sensitive, and so as to reduce impediments to equal access to housing.

### **B. Application Submittal.**

1. Any person with a disability may request a reasonable accommodation on a form supplied by the community development department including the following information, accompanied by a fee established by resolution of the city council:
  - a. The applicant's or representative's name, mailing address and daytime phone number;
  - b. The address of the property for which the request is being made;
  - c. The specific code section, regulation, procedure or policy of the city from which relief is sought;
  - d. A site plan or illustrative drawing showing the proposed accommodation;
  - e. An explanation of why the specified code section, regulation, procedure or policy is preventing, or will prevent, the applicant's use and enjoyment of the subject property;

- f. The basis for the claim that the Fair Housing Laws apply to the individual(s) and evidence satisfactory to the city supporting the claim, which may include a letter from a medical doctor or other licensed health care professional, a disabled license, or any other appropriate evidence;
  - g. A detailed explanation of why the accommodation is reasonable and necessary to afford the applicant an equal opportunity to use and enjoy a dwelling in the city;
  - h. Verification by the applicant that the property is the primary residence of the person(s) for whom reasonable accommodation is requested; and
  - i. Any other information required to make the findings required by subsection (D) of this section consistent with the Fair Housing Laws.
2. A request for reasonable accommodation may be filed at any time that the accommodation may be necessary to ensure equal access to housing. ~~If the project for which the request for reasonable accommodation is being made also requires a discretionary approval (including but not limited to a conditional use permit, precise development plan, etc.), then the applicant shall file the application submittal information together with the application for discretionary approval for concurrent review. The processing procedures of the discretionary permit shall govern the joint processing of both the reasonable accommodation and the discretionary permit.~~
  3. A reasonable accommodation does not affect or negate an individual's obligations to comply with other applicable regulations not at issue in the requested accommodation.
  4. If an individual needs assistance in making the request for reasonable accommodation, the city shall provide assistance to ensure that the process is accessible.
  5. Should the request for reasonable accommodation be made concurrently with a discretionary permit, then the fee for a reasonable accommodation application may be waived provided that the prescribed fee shall be paid for all other discretionary permits.
- C. Reviewing Authority.
1. Applications for reasonable accommodation shall be reviewed by the Community Development Director or designee. ~~hearing officer, if no approval is sought other than the request for reasonable accommodation. "Hearing officer" means a person designated by the city council to conduct hearings. A hearing officer shall be selected in a manner that avoids the potential for pecuniary interest or other bias. The compensation, if any, of the hearing officer shall be paid by the city and shall not be conditioned on achieving a particular outcome.~~
  2. ~~Applications for reasonable accommodation submitted for concurrent review with another discretionary land use application shall be reviewed by the authority reviewing the discretionary land use application.~~
- D. Findings. The reviewing authority shall approve the request for a reasonable accommodation if, based upon all of the evidence presented, the following findings can be made:

1. The housing, which is the subject of the request for reasonable accommodation, will be occupied by an individual with disabilities protected under Fair Housing Laws;
2. The requested accommodation is reasonable and necessary to make housing available to an individual with disabilities protected under the Fair Housing Laws;
3. The requested accommodation will not impose an undue financial or administrative burden on the city, as defined in the Fair Housing Laws and interpretive case law; and
4. The requested accommodation will not require a fundamental alteration in the nature of the city's zoning or building laws, policies and/or procedures, as defined in the Fair Housing Laws and interpretive case law. The city may consider, but is not limited to, the following factors in determining whether the requested accommodation would require a fundamental alteration in the nature of the city's zoning or building program:
  - a. Whether the requested accommodation would fundamentally alter the character of the neighborhood; and
  - ~~b. Whether the accommodation would result in a substantial increase in traffic or insufficient parking; and~~
  - b. Whether granting the requested accommodation would substantially undermine any express purpose of either the city's general plan or an applicable specific plan.

E. Decision.

1. ~~The review authority hearing officer shall consider an application, and issue a written determination within forty (40) calendar days of the date of receipt of a completed application. At least ten (10) calendar days before issuing a written determination on the application, the city shall mail notice to the applicant and any adjacent property owners that the city will be considering the application and inviting written comments on the requested accommodation.~~
2. If necessary to reach a determination on any request for reasonable accommodation, the review authority may request further information from the applicant consistent with this section, specifying in detail what information is required. In the event a request for further information is made, the applicable time period to issue a written determination shall be stayed until the applicant reasonably responds to the request.
3. ~~The review authority's written decision shall set forth the findings, any conditions of approval, notice of the right to appeal, and the right to request reasonable accommodation on the appeals process, if necessary. The decision shall be mailed to the applicant, and when the approving authority is the hearing officer to any person having provided written or verbal comment on the application.~~
4. The reasonable accommodation shall be subject to any reasonable conditions imposed on the approval that are consistent with the purposes of this section.

5. In making the approval findings in subsection (D) of this section, the review authority may approve alternative reasonable accommodations that provide an equivalent level of benefit to the applicant.
6. The written decision of the reviewing authority shall be final unless appealed in the manner set forth below.
7. While a request for reasonable accommodation is pending, all laws and regulations otherwise applicable to the property that is the subject of the request shall remain in full force and effect.
8. Where the improvements or modifications approved through a reasonable accommodation would generally require a variance, a variance shall not be required.

F. Appeals.

1. The decision on a reasonable accommodation may be appealed to the city council within ten (10) calendar days of the issuance of a written decision.
2. The appeal shall be made in writing including a statement of the grounds for appeal, and accompanied by a fee established by resolution of the city council.
3. The city council shall hear the matter and render a determination as soon as reasonably practicable, but in no event later than sixty (60) calendar days after an appeal has been filed. All determinations shall address and be based upon the same findings required to be made in the original determination from which the appeal is taken.
4. The city shall provide notice of an appeal hearing to the applicant, ~~adjacent property owners, and any other person requesting notification at least ten (10) calendar days prior to the hearing.~~ The council shall announce its findings within forty (40) calendar days of the hearing, unless good cause is found for an extension, and the decision shall be mailed to the applicant. The council's action shall be final.
5. If an individual needs assistance in filing an appeal on an adverse decision, the city shall provide assistance to ensure that the appeals process is accessible.

G. Waiver of Time Periods. Notwithstanding any provisions in this section regarding the occurrence of any action within a specified period of time, the applicant may request additional time beyond that provided for in this section or may request a continuance regarding any decision or consideration by the city of a pending appeal. Extensions of time sought by applicants shall not be considered delay on the part of the city, shall not constitute failure by the city to provide for prompt decisions on applications and shall not be a violation of any required time period set forth in this section.

H. Notice to the Public of Availability of Accommodation Process. The city shall prominently display in the public areas of the community development department at City Hall a notice advising those with disabilities or their representatives that they may request a reasonable accommodation in accordance with the procedures established in this section. City employees shall direct individuals to the display whenever they are requested to do so or reasonably believe that individuals with

disabilities or their representatives may be entitled to a reasonable accommodation.

- I. Expiration, Time Extension, Violation, Discontinuance, and Revocation.
  1. Any reasonable accommodation approved in accordance with the terms of this section shall expire within twenty-four (24) months from the effective date of approval or at an alternative time specified as a condition of approval unless:
    - a. A building permit has been issued and construction has commenced;
    - b. A certificate of occupancy has been issued;
    - c. The use is established; or
    - d. A time extension has been granted.
  2. The community development director may approve a time extension for a reasonable accommodation for good cause for a period or periods not to exceed three (3) years. An application for a time extension shall be made in writing to the community development department no less than thirty (30) days or more than ninety (90) days prior to the expiration date.
  3. Notice of the director's decision on a time extension shall be provided as specified in subsection (E)(3) of this section.
  4. Any reasonable accommodation approved in accordance with the terms of this code may be revoked if any of the conditions or terms of such reasonable accommodation are violated, or if any law or ordinance is violated in connection therewith.
  5. An accommodation is granted to an individual and shall not run with the land unless the director finds that the modification is physically integrated on the property and cannot feasibly be removed or altered. Any change in use or circumstances that negates the basis for the granting of the approval may render the reasonable accommodation null and void and/or revocable by the city, and thereafter the reasonable accommodation may be required to be removed or substantially conformed to the code if reasonably feasible.
- J. Amendments. A request for changes in conditions of approval of a reasonable accommodation, or a change to plans that would affect a condition of approval shall be treated as a new application and shall be processed in accordance with the requirements of this section. The community development director may waive the requirement for a new application and approve the changes if the changes are minor, do not involve substantial alterations or addition to the plan or the conditions of approval, and are consistent with the intent of the original approval.

## **Chapter 17.55 Administrative Permits**

### **17.55.010 Authority to grant.**

The community development department may grant administrative permits for all such uses and matters required by this title to be reviewed and allowed only upon the granting of an administrative permit.

### **17.55.020 Purpose.**

The purpose of an administrative permit is to ensure that a proposed use or matter for which an administrative permit is required complies with the standards, limitations and other regulations applicable to the subject use or matter.

#### 17.55.030 Application filing.

Prior to the establishment of any use or grant of any or entitlement for which an administrative permit administered by this section is required by this title or Code, an application for an administrative permit, signed by a property owner, lessee or business owner shall be filed with the community development department upon a form furnished by the department. The application shall include a site plan, drawings and information in sufficient detail to demonstrate compliance with the regulations applicable to the subject use or matter, accompanied by a fee set by resolution of the city council.

#### 17.55.030 Required Findings.

The review authority must make all of the following findings to approve or conditionally approve an Administrative Permit application. The inability to make one or more of the findings is grounds for denial of an application.

- A. The proposed use is allowed within the applicable zone with Administrative Permit approval, and complies with all other applicable provisions of this Zoning Ordinance and the Municipal Code;
- B. The proposed use is consistent with the General Plan and any applicable specific plan;
- C. The site is physically adequate for the type, density, and intensity (e.g., number of employees and customers) of use being proposed, including provision of services (e.g., sanitation and water), public access, and the absence of physical constraints;
- D. The design, location, size, and operating characteristics of the proposed use are compatible with the existing and future land uses on site and in the vicinity of the subject property; and
- E. The establishment, maintenance, or operation of the proposed use at the location proposed will not endanger, jeopardize, or otherwise constitute a menace to the public convenience, health, interest, safety, or the general welfare of persons residing or working in the vicinity of the proposed use.

#### 17.55.040 Report of decision ~~and findings.~~

Except as set forth below, the community development director shall issue the administrative permit no more than thirty (30) days following the filing of a complete application therefor. Approval will be based upon determining the request complies with the standards, limitations and other regulations in the governing section, which may include the imposition of conditions and limitations to ensure the permit is consistent with said requirements ~~and intended to~~ protects the public health, safety and welfare; otherwise, the director shall deny the application and provide the applicant a written

statement of the reasons the permit cannot be issued. The applicant shall be advised in writing of the right to appeal the director's decision pursuant to Section 17.55.050.

Notwithstanding above, permits for accessory dwelling units and/or junior accessory dwelling units shall be decided within one hundred twenty (120) days of receipt of a complete application and subject to the provisions outlined in Chapter 17.21.

17.55.050 Effective date—Appeals.

- A. Notwithstanding 17.55.050(C), ~~D~~decisions of the community development director may be appealed to the planning commission by filing an appeal within fifteen (15) days of the director's decision; provided, that upon affixing the signature of the applicant to an issued permit, the permit shall become effective and the right to appeal shall be waived. Appeals shall be filed in writing with the community development department accompanied by a fee set by resolution of the city council. Notice of hearing shall be given to the applicant at least ten (10) days prior to the hearing, unless the applicant agrees to waive the requirement so that the matter may be heard at an earlier time. The commission's review shall be limited to a determination of whether the application complies with the requirements of the applicable governing section(s). The filing of an appeal within such time shall stay the effective date of the decision until the commission has acted on the appeal. The commission's decision shall be final and conclusive, unless the governing section specifically provides for a direct or subsequent appeal to the city council.
- B. Appeals to the city council shall be filed with the city clerk accompanied by a fee set by resolution of the city council. The filing of an appeal within ten (10) days shall stay the effective date of the decision until the council has acted on the appeal as hereinafter set forth in this title. Upon receipt of a written appeal, the planning commission shall transmit to the council the planning commission's complete record of the case. notice of hearing shall be given to the applicant at least ten (10) days prior to the hearing, unless the applicant agrees to waive the requirement so that the matter may be heard at an earlier time. The council shall hear the matter and render a determination as soon as reasonably practicable, but in no event later than sixty (60) days after an appeal has been filed unless requested by the applicant. The council's review shall be limited to a determination of whether the application complies with the requirements of the governing section. The council shall announce its findings within forty (40) calendar days of the hearing, unless good cause is found for an extension, and the decision shall be mailed to the applicant. The council's decision shall be final and conclusive.
- C. Ministerial or non-discretionary Administrative Permits are not eligible for appeal.

17.55.060 Reapplication upon denial.

After the denial of an administrative permit has become final, no further application for the same administrative permit shall be filed for the same property for the ensuing six months, unless the project has been revised so as to eliminate the decision making

body's previous objections to the project. Said revision shall require a completely new application process and payment of fees.

#### 17.55.070 Revocation.

Any administrative permit may be revoked by the director or the decision making body for any of the following causes:

- A. That any term or condition has not been complied with;
- B. That the property for which the administrative permit has been granted is used or maintained in violation of any statute, law, regulation or condition of approval;
- C. That the use for which the administrative permit was granted has not been exercised for at least twelve (12) consecutive months, or has ceased to exist, or has been abandoned;
- D. The administrative permit has been issued for a short-term vacation rental, which has received three (3) affirmed violations of the ordinance codified in this section or any of the city's quality of life ordinances, such as noise violations, disturbing the peace, or creating a public nuisance, within a 12-month period; or,
- E. That the use for which the administrative permit was granted has been so exercised as to be detrimental to the public health or safety or so as to constitute a nuisance.

A hearing to show cause why the permit should not be revoked shall be held by the issuing body prior to the revocation of any administrative permit. Written notice shall be provided the permit holder at least ten (10) days prior to the hearing stating the reasons therefor. (Ord. 19-1395 §7, 2019)

#### 17.55.080 Expiration.

An administrative permit shall expire at the conclusion of the permitted use or activity, not to exceed one year from the effective date if no expiration or term is stated therein, and the property shall thereafter be used in compliance with the provisions of this Title and Code.

### **Chapter 17.56 Conditional Use Permits**

#### **[NEW] 17.56.025 Criteria for Review [Moved from 17.40]**

In ~~reviewing considering the granting of~~ any conditional use permit for any use, the following criteria for granting said permit shall be considered:

- A. Distance from existing residential uses;
- B. The amount of existing or proposed off-street parking facilities, and its distance from the proposed use;
- C. Location of and distance to churches, schools, hospitals and public playgrounds;
- D. The combination of uses proposed;
- E. Precautions taken by the owner or operator of the proposed establishment to assure the compatibility of the use with surrounding uses;

- F. The relationship of the proposed business-generated traffic volume and the size of streets serving the area;
- G. The proposed exterior signs and decor, and the compatibility thereof with existing establishments in the area;
- H. The number of similar establishments or uses within close proximity to the proposed establishment;
- I. Noise, odor, dust and/or vibration that may be generated by the proposed use;
- J. Impact of the proposed use to the city's infrastructure, and/or services;
- K. Will the establishment contribute to a concentration of similar outlets in the area;
- L. Other considerations that, in the judgment of the planning commission, are necessary to assure compatibility with the surrounding uses, and the city as a whole.

#### **17.56.130 Applicability**

Approval of a Use Permit is required for uses or developments specifically identified in any section of this Title which requires a Use Permit.

#### **17.56.140 Required Findings**

The Planning Commission must make all of the following findings to approve or conditionally approve a Use Permit application. The inability to make one or more of the findings is grounds for denial of an application.

- A. The proposed use is allowed within the applicable zone and complies with all other applicable provisions of this Title and all other titles of the Hermosa Beach Municipal Code;
- B. The proposed use is consistent with the General Plan and any applicable specific plan;
- C. The proposed use will not be averse to the public health, safety, or general welfare of the community, nor detrimental to surrounding properties or improvements;
- D. The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and reasonably foreseeable future land uses and circulation in the vicinity; and
  - A. The site is physically suitable for the type of the use being proposed, including access, utilities, and the absence of physical constraints.

### **Chapter 17.58 Precise Development Plan [Repeal and Replace]**

#### **17.58.010 Purpose**

This Chapter establishes the Precise Development Plan procedure to ensure that new development supports the goals and objectives of the General Plan and other adopted plans and guidelines. The specific purposes of the Precise Development Plan process are to:

- A. Promote excellence in design, layout, and other physical features of development to achieve a reasonable level of quality, compatibility, in harmony with the community's social, economic and environmental objectives;
- B. Ensure that new and altered development will be compatible with the existing and potential development of the surrounding area; and
- C. Supplement other City regulations and standards in order to ensure control of physical features of development that are not otherwise addressed.

#### 17.58.20 Applicability and Review Authority

- A. A Precise Development Plan review is required for all projects that require a permit for new construction, rehabilitation, alteration, or other improvements to the exterior of a structure, site or a parking area except for:
  - 1. Projects with four (4) or less dwelling units, including new construction, remodels or additions thereto;
  - 2. Remodels or additions of less than one thousand five hundred (1,500) square feet in any zone.
- B. Precise Development Plans shall be decided upon by the Planning Commission with the following exceptions which shall be decided upon by the Community Development Director or designee:
  - 1. new construction, rehabilitation, alteration, or other improvements to the exterior of a structure, site or a parking area for:
    - i. Projects with 2-4 dwelling units
    - ii. Projects with five (5) + dwelling units with affordable units or senior units (refer to section 17.42.100).
      - 1. Projects that qualify for a density bonus pursuant to Section 17.42.100 or are comprised entirely of residential units restricted to be affordable to moderate- or lower-income households shall be subject to a non-discretionary precise development plan focusing solely on physical design and ensuring conformance with objective development standards, ~~rather than examining the appropriateness of the use itself~~; said precise development plan process is not a 'project' and is not subject to the California Environmental Quality Act (CEQA).
- C. Application. All applications for Precise Development Plan shall be filed with the Community Development Department on forms prescribed by the Community Development Director.
- D. Concurrent Processing. When a development project requires a Use Permit, Variance, or any other discretionary approval, the Precise Development Plan application shall be submitted as a part of the application for the underlying permit, Use Permit, or Variance., except as noted in Section 17.58.020(B)(1)(ii)(1).
- K. Notification.

1. An application for a Precise Development Plan decided upon by the Community Development Director or design shall require a mailed notice to the applicant.
2. An application for a Precise Development Plan decided upon by the Planning Commission shall require notice, pursuant to Chapter 17.68, Procedure, Hearings, Notices and Fees

L. Review Authority

1. Public Hearing is required for projects subject to Section 17.58.20(A). An application for a Precise Development Plan shall require a public hearing before the Planning Commission, pursuant to Chapter 17.68, Procedure, Hearings, Notices and Fees
2. The Community Development Director shall act as the review authority for projects subject to Section 17.58.020(B). No public hearing shall be required.

17.58.030 Scope of Precise Development Plan Review

- A. Precise Development Plan Review Considerations. Precise Development Plan review shall be based on consideration of the requirements of this Chapter as they apply to the design of the site plan, structures, landscaping, and other physical features of a proposed project, including:
1. Building proportions, massing, and architectural details.
  2. Site design, orientation, location, and architectural design of buildings relative to existing structures on or adjacent to the property, topography, and other physical features of the natural and built environment;
  3. Size, location, design, development, and arrangement of site access for modes of transportation, including on-site vehicle and bicycle parking.
  4. Height, materials, and design of fences, walls, and screen plantings;
  5. Location and type of landscaping including selection and size of plant materials, and design of hardscape; and
  6. Size, location, design, color, lighting, and materials of all signs.

17.58.050 Required Findings

The review authority must make all of the following findings to approve or conditionally approve a Precise Development Plan application. The inability to make one or more of the findings is grounds for denial of an application.

- A. The design, layout, and other physical features of the project comply with all other applicable provisions of this Title and all other titles of the Hermosa Beach Municipal Code;
- B. The design, layout, and other physical features of the project are consistent with the General Plan, and any applicable specific plan or design guidelines; and

- C. The design, layout, and other physical features of the project comply with any design or development standards applicable to the zone, unless waived or modified pursuant to the provisions of this Title.

#### 17.58.060 Conditions of Approval

In approving a Precise Development Plan, the review authority may impose reasonable conditions or restrictions and/or require reasonable guarantees and evidence that such conditions are being, or will be, complied with, to achieve the following outcomes:

- A. Ensure that the proposal conforms in all significant respects with the General Plan and with any other applicable plans or policies adopted by the City Council;
- B. Achieve the general purposes of this Title or the specific purpose of the zone in which the project is located;
- C. Achieve the findings for a Precise Development Plan listed in Section 17.58.050, Required Findings; or;
- D. Mitigate any potentially significant impacts identified because of environmental review conducted in compliance with the California Environmental Quality Act.

#### 17.58.040 Appeals

- A. Except as noted in Section 17.58.020(B)(1)(ii)(1), decisions of the community development director/staff may be appealed to the planning commission by filing an appeal within fifteen (15) days of the director's decision; provided, that upon affixing the signature of the applicant to an issued permit, the permit shall become effective and the right to appeal shall be waived. Appeals shall be filed in writing with the community development department accompanied by a fee set by resolution of the city council. Notice of hearing shall be given to the applicant at least ten (10) days prior to the hearing, unless the applicant agrees to waive the requirement so that the matter may be heard at an earlier time. The commission's review shall be limited to a determination of whether the application complies with the requirements of the governing section. The filing of an appeal within such time shall stay the effective date of the decision until the commission has acted on the appeal. The commission's decision shall be final and conclusive, unless the governing section specifically provides for a direct or subsequent appeal to the city council.
- B. Appeals to the city council shall be filed with the city clerk accompanied by a fee set by resolution of the city council. The filing of an appeal within ten (10) days shall stay the effective date of the decision until the council has acted on the appeal as hereinafter set forth in this title. Upon receipt of a written appeal, the planning commission shall transmit to the council the planning commission's complete record of the case. notice of hearing shall be given to the applicant at least ten (10) days prior to the hearing, unless the applicant agrees to waive the requirement so that the matter may be heard at an earlier time. The council shall hear the matter and render a determination as soon as reasonably practicable, but in no event later

than sixty (60) days after an appeal has been filed unless requested by the applicant. The council's review shall be limited to a determination of whether the application complies with the requirements of the governing section. The council shall announce its findings within forty (40) calendar days of the hearing, unless good cause is found for an extension, and the decision shall be mailed to the applicant. The council's decision shall be final and conclusive.

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