



**DEPARTMENT OF PLANNING AND
COMMUNITY DEVELOPMENT**

TO: Planning Commission

FROM: Planning Staff

SUBJECT: Zoning Ordinance Amendment Case No. 10-ZOA-002 (City of Agoura Hills)

DATE: February 3, 2011

I. BACKGROUND

In 2008, the Planning Commission reviewed the City's General Plan Housing Element Update at a public hearing. The City Council subsequently adopted the 2008-2014 Housing Element in November 2008 and the California Department of Housing & Community Development certified the City's Housing Element in January 2009.

As noted in the City's Housing Element, state law requires that jurisdictions identify adequate sites to be made available through appropriate zoning and development standards to encourage the development of various types of housing for all economic segments of the population, including multi-family rental housing, factory-built housing/mobile homes, emergency shelters, transitional housing, and supportive housing.

As part of the Governmental Constraints analysis for the City Housing Element, several revisions to the City Zoning Ordinance were identified to better facilitate the provision of a variety of housing types and household needs. The zoning revisions include:

- Revision of the Mobilehome Permit process to eliminate the Conditional Use Permit requirement and provide consistency with requirements for single-family homes.
- New definitions to distinguish between small (6 or fewer persons) and large Community Care Facilities.
- A new definition of single room occupancy hotels (SROs) and identification of SROs as a conditionally permitted use within the BP-OR (Business Park-Office Retail) zone.
- Elimination of Conditional Use Permit requirement for transitional housing within the RH (High Density Residential) zone.
- Identification of emergency shelters as a permitted use in the CRS (Commercial Retail Service) zone.
- Requirement for inclusionary housing provisions for condominium conversions.

On September 16, 2010, the Planning Commission held a public hearing to consider the proposed Draft Housing Element Implementation Ordinance (Zoning Ordinance Amendment Case No. 10-ZOA-002) to provide recommendation to the City Council regarding the above zoning revisions. A

copy of the September 16, 2010 Planning Commission staff report is attached as reference. Upon opening the public hearing and receiving oral and written testimony, the Planning Commission continued the public hearing to the October 7, 2010 Planning Commission meeting and requested staff schedule an information workshop with the Planning Commission to further discuss questions raised by the Planning Commission during the public hearing.

On October 7, 2010, the Planning Commission again continued the public hearing regarding Case No. 10-ZOA-002, without taking public testimony, to the December 16, 2010 Planning Commission meeting in order to allow staff additional time to schedule the information workshop. The information workshop was subsequently conducted on November 4, 2010. On December 16, 2010, staff requested additional time to address the remaining questions that were raised by the Planning Commission in the workshop, and to prepare the revised draft Ordinance. The Planning Commission continued Case No. 10-ZOA-002, without taking public testimony, to the February 3, 2011 Planning Commission meeting.

As requested by the Planning Commission on September 16, 2010, staff provided public notice of this public hearing held to be held on February 3, 2011 in the usual manner required by state and local law, as well as to the 20 Homeowner Associations in the City.

II. DISCUSSION

Attached for the Planning Commission's review is an updated version of the draft Ordinance that is intended to address the comments provided by the Planning Commission during the September 16, 2010 public hearing and the November 4, 2010 Planning Commission public workshop. Staff's recommended changes to the ordinance, which have been reviewed by the City Attorney's office, include the following:

1. Mobilehomes/Manufactured Homes

In accordance with State law, the original draft Ordinance allowed for manufactured homes to be permitted by right in residential zones. However, staff has modified the draft Ordinance to recommend that manufactured homes be subject to a Conditional Use Permit from the Planning Commission if more than ten years have elapsed between the date of manufacture of the manufactured home and the date of the application for the issuance of a permit to install the manufactured home (reference Sections 6-15 of the Draft Ordinance).

2. Transitional and Supportive Housing

To be consistent with State law, staff originally proposed the elimination of the requirement for a Conditional Use Permit in the RM (Medium Density Residential) and RH (High Density Residential) zone. Based on comments from the Planning Commission and in light of the City's interest in ensuring that the housing type be compatible with the surrounding neighborhood, staff recommends that the Draft Ordinance allow transitional and supportive housing as a permitted use in the RM zone

when such a use is in a single or two-family dwelling, and with a Conditional Use Permit in the RM zone when such use is constructed as an apartment house. In addition, staff recommends that transitional housing and supportive housing constitute permitted uses in the RH zone (reference Sections 12-14 of the Draft Ordinance).

Staff also recommends that the Zoning Ordinance include new definitions of the terms ‘supportive housing’ and “transitional housing” to be consistent with State law (reference Sections 3 and 5 of the Draft Ordinance).

3. Emergency Shelters

To comply with State law, the City is required to allow emergency shelters by right in at least one zone. The adopted City Housing Element identifies the CRS (Commercial Retail Service) zone as the appropriate zone to accommodate emergency shelters as a permitted use without a Conditional Use Permit or other discretionary review. The City is also obligated to comply with SB 2, which requires jurisdictions adopt certain specified objective development standards that “encourage and facilitate” the development of emergency shelters. These standards were incorporated into the Draft Ordinance presented to the Planning Commission on September 16, 2010, and staff has since modified the standards to include the following (new text italicized):

- A. The maximum stay at the facility shall not exceed *ninety (90) days in a 365-day period.*
- B. An interior waiting and intake area shall be provided which contains a minimum of two hundred (200) square feet. *If not feasible to locate internally, an exterior waiting area shall be provided which contains a minimum of ten (10) square feet per bed provided at the facility; shall be in a location not adjacent to the public right-of-way; and shall be visibly separated from public view by a minimum 6-foot tall visual screening.*
- C. *A minimum of one (1) employee per fifteen (15) beds, in addition to any security personnel, shall be on duty and remain on-site during operational hours.*
- D. Security personnel shall be provided during *operational hours and when people are waiting outside.*
- E. *Parking shall be provided at a ratio of one (1) space per 250 square feet of building area, consistent with the parking requirements for retail commercial uses in the CRS zone.*
- F. *Require an annual report, at the City’s request, of the emergency shelter.*

These changes to the emergency shelter development standards, as well as the standards previously included in the Draft Ordinance, can be found in Section 19 of the Draft Ordinance. The proposed changes to the definition of an “emergency shelter” can be found in Section 4 of the Draft Ordinance.

The Planning Commission also raised concerns regarding the possible connections of group housing and the residency of registered sex offenders. The Los Angeles County Sheriff's Department is responsible for enforcement of local registered sex offender residency. According to the Lost Hills Sheriff's Station, registered sex offenders are required by law to notify in advance the local policing agency (Sheriff's Department) should they plan to locate in the agency's jurisdiction, and are also required to register with the Sheriff's Department and provide the location of their new residence. Within five days of a registered sex offender moving in to his/her new residence, the Sheriff's Department inspects the location to confirm it meets state law requirements. If a registered sex offender wishes to relocate outside of the agency's jurisdiction, advance notice must be given the Sheriff's Department. The Lost Hills Sheriff's Station keeps a database of local registered sex offenders and is proactive in monitoring their status.

Staff finds the proposed Zoning Ordinance Amendment is exempt from the California Environmental Quality Act (CEQA), per Section 15061(B)(3), in that the activity is covered by the general rule that CEQA applies only to project which have the potential for causing a significant effect on the environment. In this instance, the project consists of proposed Zoning Ordinance definitions and use standards for certain implementation measures of the City's adopted Housing Element, and does not include proposed construction or proposed alteration to the physical environment.

The City Attorney's office has reviewed the Draft Ordinance for its content and form. Staff recommends the Planning Commission provide a recommendation to the City Council for adoption of the Draft Ordinance. If individual Planning Commissioners have additional specific comments, staff can include those in the Report to City Council. The City Council's action will be taken in a new public hearing.

III. RECOMMENDATION

Staff recommends the Planning Commission adopt the attached draft Resolution, recommending the City Council approve Zoning Ordinance Amendment Case No. 10-ZOA-002.

IV. ATTACHMENTS

- Draft Resolution
- Draft Ordinance
- September 16, 2010 Planning Commission Staff Report
- September 16, 2010 Planning Commission Meeting Minutes
- November 4, 2010 Planning Commission Meeting Minutes

Case Planner: Doug Hooper, Assistant Director of Community Development

RESOLUTION NO. _____

A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF AGOURA HILLS
RECOMMENDING THE CITY COUNCIL
AMEND VARIOUS SECTIONS OF THE ZONING ORDINANCE
TO IMPLEMENT THE CITY OF AGOURA HILLS 2008-2014 HOUSING ELEMENT,
INCLUDING ADOPTING NEW STANDARDS AND DEFINITIONS
FOR MOBILEHOMES/MANUFACTURED HOMES, COMMUNITY CARE FACILITIES,
SINGLE ROOM OCCUPANCY HOTELS, TRANSITIONAL HOUSING,
SUPPORTIVE HOUSING, EMERGENCY SHELTERS,
INCLUSIONARY HOUSING REQUIREMENTS FOR CONDOMINIUM CONVERSIONS
(CASE NO. 10-ZOA-002)

THE PLANNING COMMISSION OF THE CITY OF AGOURA HILLS DOES HEREBY RESOLVE, FIND, DETERMINE, AND ORDER AS FOLLOWS:

Section 1. The City of Agoura Hills initiated and prepared an Amendment to the Zoning Ordinance to make new standards and definitions for Mobilehomes/Manufactured Homes, Community Care Facilities, Single Room Occupancy Hotels, Transitional Housing, Supportive Housing, Emergency Shelters, and inclusionary housing requirements for condominium conversions, for compliance with the City General Plan Housing Element (Case No. 10-ZOA-002). Public hearings were duly held on September 16, 2010, and February 3, 2011, at 6:30 p.m. in the Council Chambers of City Hall, 30001 Ladyface Court, Agoura Hills, California. Notice of the time, date, place and purpose of the aforesaid hearing were duly given.

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

Section 3. The Planning Commission hereby finds as follows:

A. Pursuant to the City of Agoura Hills 2008-2014 Housing Element and the 2009 Annual Progress Report of the Housing Element, the proposed amendments are necessary to comply with the program requirements of the City's 2008-2014 General Plan Housing Element, adopted by the City Council on November 12, 2008.

B. The proposed amendments are consistent with Section 9102 of the Zoning Ordinance, in that the implementation of the General Plan, including the Housing Element, requires, among other measures, the development of a regulatory zoning ordinance to govern the uses of land consistent with the goals, objectives, and policies of the City's General Plan.

C. The proposed amendments are consistent with the 2008-2014 General Plan Housing Element by meeting the Housing Element's identified strategies and programs that focus on: 1) providing adequate sites; 2) assisting in the provision of affordable housing; 3) removing governmental and other constraints to housing investment; and 4) promoting fair and equal housing opportunities.

Section 4. The Planning Commission has reviewed the project and determined that the proposed Zoning Ordinance Amendment is exempt from the California Environmental Quality Act (CEQA), per Section 15061(B)(3), in that the activity is covered by the general rule that CEQA applies only to project which have the potential for causing a significant effect on the environment. The project consists of proposed Zoning Ordinance definitions and use standards for certain implementation measures of the City's adopted Housing Element, and does not include proposed construction or proposed alteration to the physical environment.

Section 5. Based upon the aforementioned findings, the Planning Commission hereby recommends that the City Council adopt the attached Ordinance to approve Zoning Ordinance Amendment Case No. 10-ZOA-002.

PASSED, APPROVED, and ADOPTED this 3rd day of February, 2011, by the following vote to wit:

AYES: (0)
NOES: (0)
ABSENT: (0)
ABSTAIN: (0)

Steve Rishoff, Chairperson

ATTEST:

Mike Kamino, Secretary

ORDINANCE NO. 11-____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AGOURA HILLS, CALIFORNIA, AMENDING THE ZONING ORDINANCE (ARTICLE IX OF THE AGOURA HILLS MUNICIPAL CODE) AND ADOPTING NEW STANDARDS AND DEFINITIONS FOR MOBILEHOMES/MANUFACTURED HOMES, COMMUNITY CARE FACILITIES, SINGLE-ROOM OCCUPANCY HOTELS, TRANSITIONAL HOUSING, SUPPORTIVE HOUSING EMERGENCY SHELTERS, AND INCLUSIONARY HOUSING REQUIREMENTS FOR CONDOMINIUM CONVERSIONS (CASE NO. 10-ZOA-002)

THE CITY COUNCIL OF THE CITY OF AGOURA HILLS HEREBY ORDAINS AS FOLLOWS:

Section 1. Section 9120.3.C.(Q and R) of Part 3 of Chapter 1 of Article IX (Zoning Ordinance) of the Agoura Hills Municipal Code is hereby added to read:

9120.3. C.

“Q.1. *Community care facility, small.* “Community care facility, small” means the same meaning as set forth in California Health and Safety Code Section 1502, where six (6) or fewer persons live together.

Q.2. *Community care facility, large.* “Community care facility, large” has the same meaning as set forth in California Health and Safety Code Section 1502, where seven (7) or more persons live together.”

Section 2. Section 9120.8.H.(M) of Part 3 of Chapter 1 of Article IX (Zoning Ordinance) of the Agoura Hills Municipal Code is hereby added to read:

9120.8. H.

“M. *Hotel, single room occupancy.* “Hotel, single room occupancy” means a commercial facility where individual secure rooms are rented to a one or two-person household. Single room occupancy hotel units are provided on a daily, weekly, or monthly basis, and are typically 80-250 square feet in size, with a sink and closet, but which require the occupant to share a communal bathroom, shower and kitchen.”

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Section 3. Section 9120.18.S.(EE.1) of Part 3 of Chapter 1 of Article IX (Zoning Ordinance) of the Agoura Hills Municipal Code is hereby added to read:

9120.18. S.

“EE.1. Supportive housing. “Supportive housing” means housing with no limit on length of stay, that is occupied by the target population as identified in state law, and that is linked to onsite or offsite services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community.”

Section 4. Section 9120.5.E.(I) of Part 3 of Chapter 1 of Article IX (Zoning Ordinance) of the Agoura Hills Municipal Code is hereby amended to read:

9120.5. E.

“I. Emergency shelter. “Emergency shelter” means a facility which provides immediate short term housing for homeless individuals housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. No individual or household may be denied emergency shelter because of inability to pay.”

Section 5. Section 9120.19.T.(H) of Part 3 of Chapter 1 of Article IX (Zoning Ordinance) of the Agoura Hills Municipal Code is hereby amended to read:

9120.19. T.

“H. Transitional housing. “Transitional housing” means a facility that provides shelter for homeless individuals and generally involves integration with other social services and counseling programs to assist in the transition of self sufficiency through acquisition of permanent income and housing. buildings configured as rental housing developments, but operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six months.”

Section 6. Section 9222.1 of Part 3 of Chapter 2 of Article IX (Zoning Ordinance) of the Agoura Hills Municipal Code is hereby amended to read:

9222.1. Permitted uses.

Subject to the provisions of Chapter 6, the following are permitted uses and structures in the RV district:

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- A. One (1) single-family dwelling unit per lot or a mobile home used as a caretakers unit;
- B. Crops – field, tree, bush, berry and row, including nursery stock;
- C. Day care for children, small family day care home;
- D. Home for aged persons, foster family;
- E. Light agricultural uses subject to the limitations of section 9224.1;
- F. One manufactured home (mobile home) on a permanent foundation, as a single-family dwelling, subject to the provisions of section 9675;
- G. Community care facilities, small.”

Section 7. Section 9222.4 of Part 3 of Chapter 2 of Article IX (Zoning Ordinance) of the Agoura Hills Municipal Code is hereby amended to read:

9222.4. Conditional uses.

The following uses may be permitted subject to a conditional use permit:

- A. Arboretum and horticultural gardens;
- B. Campgrounds, picnic areas, trails with overnight camping;
- C. Churches, temples or other places used exclusively for religious worship, including related incidental educational and social activities;
- D. Convents and monasteries;
- E. Reserved;
- F. Day nursery, children;
- G. Development of property with an average slope of ten (10) percent or greater, subject to the provisions of section 9652 et seq.;
- H. Grange halls;
- I. Guest ranches;
- J. Health retreats;
- K. Homes for aged person, small group care;
- L. Homes for children, special boarding;
- M. Institutions for aged persons, private;
- N. Institutions for children, private;
- O. Lighted tennis courts;
- P. Manufactured homes (mobile homes) on a permanent foundation, as a single-family dwelling, subject to the provisions of section 9675, if more than ten years have elapsed between the date of manufacture of the manufactured home and the date of the application for the issuance of a permit to install the manufactured home;
- ~~Q. Transitional housing.~~
- Q. Community care facilities, large.”

Section 8. Section 9232.1 of Part 4 of Chapter 2 of Article IX (Zoning Ordinance) of the Agoura Hills Municipal Code is hereby amended to read:

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9232.1. Permitted uses.

Subject to the provisions of chapter 6, the following are permitted uses and structures in the RL land use district:

- A. One (1) single-family dwelling unit per lot or a mobile home uses as a caretakers unit;
- B. Day care for children, small family day care home;
- C. Home for aged persons, foster family;
- D. Homes for children, foster family;
- "E. One manufactured home (mobile home) on a permanent foundation, as a single-family dwelling, subject to the provisions of section 9675;
- F. Community care facilities, small."

Section 9. Section 9232.4 of Part 4 of Chapter 2 of Article IX (Zoning Ordinance) of the Agoura Hills Municipal Code is hereby amended to read:

9232.4. Conditional uses.

The following uses may be permitted subject to a conditional use permit:

- A. Churches, temples or other places used exclusively for religious worship, including related incidental educational and social activities;
- B. Convents and monasteries;
- C. Reserved;
- D. Day nursery, children;
- E. Development of property with an average slope of ten (10) percent or greater, subject to the provisions of section 9652 et seq.;
- F. Homes for aged person, small group care;
- G. Homes for children, special boarding;
- H. Neighborhood recreation facilities, where operated by a nonprofit corporation for the use of the surrounding residents;
- I. Schools, private, accredited through grade 12, including appurtenant facilities;
- J. Lighted tennis courts;
- "K. Manufactured homes (mobile homes) on a permanent foundation, as a single-family dwelling, subject to the provision of section 9675, if more than ten years have elapsed between the date of manufacture of the manufactured home and the date of the application for the issuance of a permit to install the manufactured home;
- ~~L. Transitional housing.~~
- L. Community care facilities, large."

Section 10. Section 9242.1 of Part 5 of Chapter 2 of Article IX (Zoning Ordinance) of the Agoura Hills Municipal Code is hereby amended to read:

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9242.1. Permitted uses.

Subject to the provisions of chapter 6, the following are permitted uses and structures in the RS district:

- A. One (1) single-family dwelling unit per lot or a mobile home uses as a caretakers unit;
- B. Day care for children, small family day care home;
- C. Home for aged persons, foster family;
- D. Homes for children, foster family;
- "E. One manufactured home (mobile home) on a permanent foundation, as a single-family dwelling, subject to the provisions of section 9675;
- F. Community care facilities, small."

Section 11. Section 9242.4 of Part 5 of Chapter 2 of Article IX (Zoning Ordinance) of the Agoura Hills Municipal Code is hereby amended to read:

9242.4. Conditional uses.

The following uses may be permitted subject to a conditional use permit:

- A. Churches, temples or other places used exclusively for religious worship, including related incidental educational and social activities;
- B. Convents and monasteries;
- C. Reserved;
- D. Day nursery, children;
- E. Development of property with an average slope of ten (10) percent or greater, subject to the provisions of section 9652 et seq.;
- F. Golf courses, including the customary clubhouse and appurtenant facilities;
- G. Homes for aged person, small group care;
- H. Homes for children, special boarding;
- "I. Manufactured homes (mobile homes) on a permanent foundation, as a single-family dwelling, subject to the provisions of section 9675, if more than ten years have elapsed between the date of manufacture of the manufactured home and the date of the application for the issuance of a permit to install the manufactured home;
- J. Neighborhood recreation facilities, where operated by a nonprofit corporation for the use of the surrounding residents;
- K. Schools, private, accredited through grade 12, including appurtenant facilities;
- L. Lighted tennis courts;
- ~~M. Transitional housing.~~
- M. Community care facilities, large."

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Section 12. Section 9252.1 of Part 6 of Chapter 2 of Article IX (Zoning Ordinance) of the Agoura Hills Municipal Code is hereby amended to read:

9252.1. Permitted uses.

Subject to the provisions of chapter 6, the following are permitted uses and structures in the RM district:

- A. Single-family dwelling per lot;
- B. Two-family dwelling per lot;
- C. Congregate housing;
- D. Day care for children, small family day care home;
- E. Home for aged persons, foster family;
- F. Homes for children, foster family;
- G. One manufactured home (mobile home) per lot, on a permanent foundation, as a single-family dwelling, subject to the provisions of section 9675;
- H. Community care facilities, small;
- I. Transitional housing, when such use is in a single or two-family dwelling.
- J. Supportive housing, when such use is in a single or two-family dwelling.”

Section 13. Section 9252.4 of Part 6 of Chapter 2 of Article IX (Zoning Ordinance) of the Agoura Hills Municipal Code is hereby amended to read:

9252.4. Conditional uses.

The following uses may be permitted subject to a conditional use permit:

- A. Apartment houses provided that the density shall not exceed the designation shown on the zoning map;
- B. Churches, temples or other places used exclusively for religious worship, including related incidental educational and social activities;
- C. Convents and monasteries;
- D. Reserved;
- E. Day nursery, children;
- F. Development of property with an average slope of ten (10) percent or greater, subject to the provisions of section 9652 et seq.;
- G. Golf courses, including the customary clubhouse and appurtenant facilities;
- H. Homes for aged person, small group care;
- I. Homes for children, special boarding;
- J. Manufactured homes (mobile homes) on a permanent foundation, as a single-family dwelling, subject to the provisions of section 9675, if more than ten years have elapsed between the date of manufacture of the manufactured home and the date of the application for the issuance of a permit to install the manufactured home;

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- K. Neighborhood recreation facilities, where operated by a nonprofit corporation for the use of the surrounding residents;
- L. Schools, private, accredited through grade 12, including appurtenant facilities;
- M. Lighted tennis courts;
- N. Transitional housing, when such use is in an apartment building;
- O. Supportive housing, when such use is in an apartment building;
- P. Community care facilities, large.”

Section 14. Section 9272.1 of Part 8 of Chapter 2 of Article IX (Zoning Ordinance) of the Agoura Hills Municipal Code is hereby amended to read:

9272.1. Permitted uses.

Subject to the provisions of chapter 6, the following are permitted uses and structures in the RH district:

- A. Combinations of attached or detached dwellings, including duplexes, apartments, dwelling groups, congregate housing and town-houses;
- B. Multifamily dwellings;
- “C. One manufactured home (mobile home) per lot, on a permanent foundation, as a single-family dwelling, subject to the provisions of section 9675;
- D. Community care facilities, small;
- E. Transitional housing;
- F. Supportive housing.”

Section 15. Section 9272.4 of Part 8 of Chapter 2 of Article IX (Zoning Ordinance) of the Agoura Hills Municipal Code is hereby amended to read:

9272.4. Conditional uses.

The following uses may be permitted subject to a conditional use permit:

- A. Churches, temples or other places used exclusively for religious worship, including related incidental educational and social activities;
- B. Convents and monasteries;
- C. Reserved;
- D. Reserved;
- E. Day nursery, children;
- F. Development of property with an average slope of ten (10) percent or greater, subject to the provisions of section 9652 et seq.;
- G. Golf courses, including the customary clubhouse and appurtenant facilities;
- H. Homes for aged persons, foster family;
- I. Homes for aged person, small group care;

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- J. Homes for children, special boarding;
- K. Microwave stations;
- L. Neighborhood recreation facilities, when operated by a nonprofit corporation for the use of the surrounding residents;
- M. Schools, private, accredited through grade 12, including appurtenant facilities;
- N. Lighted tennis courts;
- “O. Manufactured homes (mobile homes) on a permanent foundation, as a single-family dwelling, subject to the provision of section 9675, if more than ten years have elapsed between the date of manufacture of the manufactured home and the date of the application for the issuance of a permit to install the manufactured home;
- ~~P. Transitional Housing;~~
- P. Community care facilities, large.”

Section 16. Section 9281.2(J) of Part 9 of Chapter 2 of Article IX (Zoning Ordinance) of the Agoura Hills Municipal Code is hereby added to read:

“J. The conversion project shall be subject to the inclusionary housing requirements stipulated in Section 9133 et. seq., and shall be required to submit, as part of the application, any materials identified in the aforementioned section.”

Section 17. Section 9312.2.E.(3.5) of Part 2 of Chapter 3 of Article IX (Zoning Ordinance) of the Agoura Hills Municipal Code is hereby amended to read:

Section 9312.2.E.(3.5) (Commercial Use Table)

USE, SERVICE OR FACILITY	COMMERCIAL					BUSINESS PARK	
	CS	CRS	CR	BP-OR	BP-M		
“E.3.5. Emergency shelters	K	K	EE				

Section 18. Section 9312.2.H.(7) and 9312.2.H.(8) of Part 2 of Chapter 3 of Article IX (Zoning Ordinance) of the Agoura Hills Municipal Code is hereby amended to read:

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Section 9312.2.H.(7) and 9312.2.H.(8) (Commercial Use Table)

USE, SERVICE OR FACILITY	COMMERCIAL			BUSINESS PARK	
	CS	CRS	CR	BP-OR	BP-M
"H.7. <u>Hotel, single room occupancy</u>				<u>K, U</u>	
H.78. Household moving and storage service					X"

Section 19. Section 9312.3.(EE) of Part 2 of Chapter 3 of Article IX (Zoning Ordinance) of the Agoura Hills Municipal Code is hereby added to read:

Section 9312.3 (Commercial Use Table Special Conditions)

"EE. Permitted if the following standards are met:

1. The maximum number of occupants to be served shall not exceed twenty (20);
2. A minimum distance of three hundred (300) feet shall be maintained from any other emergency shelter;
3. The maximum stay at the facility shall not exceed ninety (90) consecutive days in a 365-day period;
4. Clients shall only be on-site and admitted to the facility between five p.m. (5:00 p.m.) and eight a.m. (8:00 a.m.);
5. An interior waiting and intake area shall be provided which contains a minimum of two hundred (200) square feet. If not feasible to locate internally, an exterior waiting area shall be provided which contains a minimum of ten (10) square feet per bed provided at the facility; shall be in a location not adjacent to the public right-of-way; and shall be visibly separated from public view by a minimum six (6)-foot tall visual screening;
6. A minimum of one (1) employee per 15 beds, in addition to any security personnel, shall be on duty and remain on-site during operational hours;
7. Security personnel shall be provided during operational hours and when people are waiting outside;
8. Exterior lighting shall be provided for the entire outdoor area of the site, consistent with the provisions of this article and the City Lighting Standards and Guidelines;
9. Parking shall be provided at a ratio of one space per 250 square feet of building area, consistent with parking requirements for retail commercial uses in the CRS zone;

10. The operator of the facility shall provide, at the City's request, an annual report of the use of the facility and demonstration of compliance with City's development standards for the use.

Section 20. Section 9675 through 9675.3. of Division 5 of Part 3 of Chapter 6 of Article IX (Zoning Ordinance) of the Agoura Hills Municipal Code is hereby amended to read:

“9675. Mobilehome permit; purpose.

The mobilehome permit is established to provide for the individual placement of a mobilehome containing one (1) dwelling unit, in lieu of a single-family residence, on a lot or parcel of land where permitted in the district, subject to the area requirements of the land use district. It is the intent of this permit to recognize the modern mobilehome as an alternate source of affordable factory-built housing available from the manufacturer with an exterior similar to conventionally constructed housing. ~~Because many mobilehomes continue to be manufactured with an appearance more characteristic of a motor vehicle, however,~~ The mobilehome permit is intended to ensure that mobilehomes so placed are compatible with surrounding uses, that the proposed site is suitable, and that the property values are protected through the imposition of appropriate regulations and conditions for placement and maintenance of such mobilehomes. These provisions do not apply to mobilehome parks.

9675.1. Application procedures.

All applications for a mobilehome ~~conditional use permit~~ shall conform to the following procedures:

~~B. Application—Information and documents required. An application for a mobilehome permit shall include the following information and documents:~~

- ~~1. The name and address of the applicant and of all persons owning any or all of the property proposed to be used.~~
- ~~2. Evidence that the applicant:
 - a. Is the owner of the premises involved, or
 - b. Has written permission of the owner or owners to make such application.~~
- ~~3. Location of subject property (address or vicinity)~~
- ~~4. Legal description of property involved.~~
- ~~5. Colored renderings and photos of all four (4) sides of the building and the roof.~~
- ~~6. A site plan, drawn to scale satisfactory to an in the number of copies prescribed by the director, indicating:
 - a. The area and dimensions of the proposed site;
 - b. The proposed location of the mobilehome;~~

- ~~e. The location and dimensions of all existing and proposed structures, yards, walls, fences, parking, landscaping and other development features; topography shall also be shown where pertinent to the requested permit;~~
 - ~~d. The dimensions and state of improvements of the adjoining streets and highways providing access to the proposed site;~~
 - ~~e. The location and dimensions of all buildings and structures on adjacent lots or parcels of land to a distance specified by the director.~~
7. Description of the mobilehome to be placed including:
- ~~a. Year manufactured;~~
 - ~~b. Model;~~
 - ~~c. Make;~~
 - ~~d. Motor vehicle license number, if required by state law;~~
 - ~~e. The number of the insignia of approval issued by the California Department of Housing and Community Development, or of the housing seal from the department of housing and urban development;~~
 - ~~f. Length, width and square footage; if manufactured in more than one (1) section or unit, so indicated;~~
 - ~~g. Photographs of the mobilehome; if a new mobilehome is to be placed for the first time, manufacturer's literature may be substituted for such required photographs, if the director finds it adequate for this purpose;~~
 - ~~h. If the exterior appearance of the mobilehome must be altered to comply with the requirements of this permit, architectural and/or engineering data indicating the alterations proposed and the structural feasibility of such alterations.~~
8. With each application, the applicant shall also file:
- ~~a. Maps in the number prescribed and drawn to a scale specified by the director, showing the location of all property included in the request, the location of all highways, streets, alleys and the location and dimensions of all lots or parcels of land within a distance of seven hundred (700) feet from the exterior boundaries of the lot or parcel of land on which the mobilehome is proposed to be located;~~
 - ~~b. One (1) copy of said map shall indicate the uses established on every lot or parcel of land shown within said seven hundred foot radius.~~
9. Such other information as the director may require. The director may waive the filing of one (1) or more of the above items where unnecessary to process the application.

- ~~C.~~ A. *Application – Additional information.* ~~In addition to the information required in the application by section 9673.1, t~~The applicant of a mobilehome permit shall substantiate to the satisfaction of the commission the following facts:
1. That the requested mobilehome has, or is capable of and will be structurally altered to present, an exterior appearance similar to conventionally constructed housing;
 2. ~~hat the exterior appearance of such mobilehome, as manufactured or as structurally altered, will be compatible with surrounding uses at the location proposed for its placement, will not be materially detrimental to the public health, safety or general welfare, or the use, enjoyment or valuation of property of other persons located in the vicinity of the proposed site;~~
 3. ~~That the proposed site is adequate in size and shape to accommodate the yards, walls, fences parking, landscaping and other developmental features prescribed in this title, or as is otherwise required in order to integrate said use with the uses in the surrounding area;~~
 4. ~~That the proposed site is adequately served by public and private service facilities as are required.~~
- ~~D.~~ B. *Application – Fee.* When a mobilehome permit application is filed, it shall be accompanied by the filing fee as established by city council resolution.
- ~~E.~~ C. *Application – Denial for lack of information.* The director may deny, without a public hearing, and application for a mobilehome permit is such application does not contain the information required by the section. The director may permit the applicant to amend such application.
- ~~F.~~ *Application – Public hearing required.* ~~In all cases where an application for a mobilehome permit is filed, the planning commission shall hold a public hearing pursuant to the procedure provided in section 9804 et seq.~~
- ~~G.~~ D. *Application – Conditions for approval.* The commission shall not approve an application for a mobilehome permit in lieu of a single-family residence unless they find that the information provided is correct.
- ~~H.~~ E. *Effective date of permit.* The decision of the commission shall become final and effective fifteen (15) calendar days after planning commission action, provided no appeal of the action has been filed.

9675.2. Mobilehome placement conditions and specifications.

Every mobilehome permit shall be subject to the following conditions. All of the following conditions shall be deemed to be conditions of every mobilehome permit granted, whether such conditions are set forth in the mobilehome permit or not. The commission, in granting the mobilehome permit, may impose additional conditions, but may not change or modify any of the following conditions:

- A. Each mobilehome shall have a sloping roof with eave projections of at least twelve (12) inches, constructed with fire-resistant roofing. Such roof must be non-reflective in nature and roll-formed type metal roofing shall not be used.
- B. Each mobilehome shall have an exterior siding of wood, metal or other equivalent material approved by the commission, siding materials used shall be non-reflective in nature.
- C. Each mobilehome shall have skirting, constructed of a material designated to correspond to or complement the mobilehome's undercarriage from all directions.
- D. Each mobilehome shall have an enclosed garage.
- E. Landscaping necessary to achieve the same standards of development as are characteristic of the surrounding properties, as specified by the commission, shall be provided.
- F. Each mobilehome shall have front, side and rear yards of not less than those required for the land use district in which it is located.
- ~~G. Each mobilehome shall have a concrete patio of at least two hundred (200) square feet in area.~~
- ~~H. The exterior of such mobilehome and the lot or parcel of land on which said mobilehome is placed shall be maintained in a neat, orderly and presentable condition.~~
- ~~I. Each mobilehome shall bear the insignia of approval issued by the California Department of Housing and Community Development, or the housing seal number from the department of housing and urban development.~~
- ~~J. Each mobilehome shall maintain a current California vehicle license registration during the length of its placement in lieu of a single family residence where required by state law.~~

Ordinance No. 11-____

~~K. Each mobilehome shall be removed from the site prior to the end of five (5) years unless a different time period is specified by the commission. Where, as a condition of approval, a mobilehome must be removed from its site at the end of a specified time period, a building permit shall not be applied for, and a mobilehome shall not be placed on foundation system.~~

L. G. The granting of a mobilehome permit shall not relieve the applicant, his assigns, or his successors in interest from complying with all other applicable statutes, ordinances, rules, and regulations.

9675.3. Period of validity; extension authorized when; procedures.

A. Filing an application. An application requesting a time extension for a mobilehome permit where used may be filed with the director prior to the expiration of such permit, except that no application shall be filed if final action resulting in a denial of a request for such time extension has been taken within one (1) year prior thereto by the director. Said application shall conform to the provisions of section 9675.1.”

Section 21. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid or unconstitutional by any court or competent jurisdiction, such invalidity or unconstitutionality shall not affect any other provision or applications, and to this end the provisions of this ordinance are declared to be severable. The City Council declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase, part or portion thereof even if one or more sections, subsections, sentences, clauses, phrases, parts or portions thereof is declared invalid or unconstitutional.

PASSED, APPROVED, and ADOPTED this ____ day of _____, 2011,
by the following vote to wit:

AYES: (0)
NOES: (0)
ABSENT: (0)
ABSTAIN: (0)

Harry Schwarz, Mayor

Ordinance No. 11-____

ATTEST:

Kimberly M. Rodrigues, City Clerk

APPROVED AS TO FORM

Craig A. Steele, City Attorney



DEPARTMENT OF PLANNING AND
COMMUNITY DEVELOPMENT

ACTION DATE: September 16, 2010

TO: Planning Commission

APPLICANT: City of Agoura Hills
30001 Ladyface Court
Agoura Hills, CA 91301

CASE NO.: 10-ZOA-002

LOCATION: Citywide

REQUEST: Request for a recommendation of approval to the City Council to adopt new use standards and definitions for Mobilehomes/Manufactured Homes, Community Care Facilities, Single Room Occupancy Hotels, Transitional Housing, Emergency Shelters, and condominium conversion inclusionary housing requirements for compliance with the City General Plan Housing Element by amending Zoning Ordinance Sections 9120.3, 9120.8, 9222.1, 9222.4, 9232.1, 9232.4, 9242.1, 9242.4, 9252.1, 9252.4, 9272.1, 9272.4, 9281.2, 9312.2.E.(3.5), 9312.2.H, 9312.3, and 9675-9675.3

ENVIRONMENTAL DETERMINATION: The proposed Zoning Ordinance amendments are consistent with the Initial Study/Negative Declaration prepared for the City of Agoura Hills 2008-2014 Housing Element, and adopted by the City Council on November 12, 2008.

RECOMMENDATION: Staff recommends the Planning Commission adopt the draft Resolution, recommending that the City Council approve Zoning Ordinance Amendment Case No. 10-ZOA-002.

I. PROJECT BACKGROUND AND DESCRIPTION

In 2008, the Planning Commission reviewed the City General Plan Housing Element Update through a public hearing. This now current 2008-2014 Housing Element was subsequently adopted by the City Council in November of 2008.

As noted within the City Housing Element, Housing Element law specifies that jurisdictions must identify adequate sites to be made available through appropriate zoning and development standards to encourage the development of various types of housing for all economic segments of the population, including multi-family rental housing, factory-built housing/mobile homes, emergency shelters, and transitional housing.

As part of the Governmental Constraints analysis for the City Housing Element, several revisions to the City Zoning Ordinance were identified as appropriate to better facilitate the provision of a variety of housing types, and housing to address the needs of extremely low income housing households. The zoning revisions include:

- Revision of the Mobilehome Permit to eliminate the Conditional Use Permit requirement and provide consistency with requirements for single-family homes.
- Provision of definitions to distinguish between small (6 or fewer persons) and large Community Care Facilities.
- Definition of single room occupancy hotels (SROs) and identification of SROs as a conditionally permitted use within the BP-OR (Business Park-Office Retail) zone.
- Elimination of requirements for Conditional Use Permit for transitional housing within the RH (High Density Residential) zone to provide consistency with development regulations for any residential use.
- Identification of emergency shelters as a permitted use in the CRS (Commercial Retail Service) zone.
- Requirement for inclusionary housing provisions for condominium conversions.

The Planning Commission will recall that on May 20, 2010, staff presented an information item to the Planning Commission on the Annual Housing Element Progress Report. That report was subsequently presented to the City Council and approved, and hence submitted to the State Department of Housing and Community Development as required. The Annual Housing Element Progress Report stated that the above Zoning Ordinance revisions will be processed by the end of 2010. Thus, staff is requesting the Planning Commission's review and recommendation to the City Council of the attached draft Ordinance which addresses each of the zoning revisions mentioned above.

II. STAFF ANALYSIS

Manufactured Housing / Mobile Homes

The City currently allows manufactured housing on permanent foundations in all residential zone districts, subject to a Conditional Use Permit (CUP). Zoning Ordinance Section 9675 establishes the Mobilehome Permit application process, development standards, and specifications designed to ensure compatibility of the manufactured home with surrounding uses.

However, California Government Code Section 65852.3 requires jurisdictions to allow manufactured homes by right (i.e. no Conditional Use Permit) on lots zoned for single-family dwellings if they met certain standards. More specifically, the Government Code requires the following:

Except with respect to architectural requirements, jurisdictions can only subject the manufactured home and the lot on which it is placed to the same development standards to which a conventional single-family dwelling on the same lot would be subject, including, but not limited to, building setback standards, side and rear yard requirements, standards for enclosures, access, and vehicle parking, aesthetic requirements, and minimum square footage requirements. Any architectural requirements imposed on the manufactured home structure itself shall be limited to its roof overhang, roofing material, and siding material. These architectural requirements may be imposed on manufactured homes even if similar requirements may not exceed those which would be required of conventional single-family dwellings constructed on the same lot. In no case may a jurisdiction apply any development standards that will have the effect of precluding manufactured home from being installed as permanent residences.

While the City's current Mobilehome Permit standards primarily focus on the regulation of roofing overhang, and roofing and siding materials, several requirements exceed those standards for a single-family dwelling and, therefore, are in conflict with current State law. For example, the Mobilehome Permit standards allows the Planning Commission to impose additional conditions, requires Planning Commission approval of landscaping, and allows the Planning Commission the discretion to condition removal of the mobilehome as early as five years. In addition, the City requires a CUP for approval of the manufactured unit.

Section 17 of the draft Ordinance includes staff's proposed revisions to the Mobilehome Permit standards. Staff acknowledges that the Mobilehome Permit Ordinance was adopted in 1993 and that manufactured homes have since evolved in character and design. The proposed ordinance revisions are intended to keep as much of the development standards that remain applicable to exterior architectural design, but to also remove requirements that

pertain to discretionary review, as well as removal of the application submittal requirements that would not otherwise be required for a single-family residence.

Community Care Facilities

The Lanterman Developmental Disabilities Act (Lanterman Act) is California law that sets out the rights and responsibilities of persons with developmental disabilities. The Lanterman Act requires the care of six (6) or fewer disabled person to be classified as a residential use under zoning. More specifically, a State-authorized, certified or licensed family care, foster home, or a group home serving six (6) or fewer disabled persons or dependent and neglected children on a 24-hour-a-day basis is considered a residential use that is to be permitted in all residential zones.

Community care facilities are defined in California Health and Safety Code Section 1502 (copy attached), and include such facilities as non-medical therapeutic day services, foster family agencies and homes, social rehabilitation facilities, community mental health treatment facilities, and transitional housing. No local agency can impose stricter zoning or building and safety standards on these homes. Due to the unique characteristics of larger (more than six (6) persons) community care facilities, most jurisdictions require a conditional use permit to ensure neighborhood compatibility in the siting of these facilities.

During the preparation of the City Housing Element, review of the California Community Care Licensing Division inventory of community care facilities identified seven (7) residential care facilities in Agoura Hills with six (6) or fewer residents; each of these facilities was treated as a permitted use. Thus, while the City has acted consistent with State law in permitting small community care facilities by right, the City's Zoning Ordinance definitions require updating to more clearly define small and large care facilities, and distinguish the processing procedures for each. Accordingly, and as shown in Section 1 of the draft Ordinance, staff recommends that small and large community care facilities be defined in the Zoning Ordinance as follows:

Community care facility, small. "Community care facility, small" means the same meaning as set forth in California Health and Safety Code Section 1502, where six (6) or fewer persons live together.

Community care facility, large. "Community care facility, large" means the same meaning as set forth in California Health and Safety Code Section 1502, where seven (7) or more persons live together."

As required by State law, staff also recommends the Zoning Ordinance be amended to allow small community care facilities as a permitted use by right in all residential zones, which

include the RV (Residential-Very Low Density), RL (Residential-Low Density Residential), RS (Residential-Single Family), RM (Residential-Medium Density), and RH (Residential-High Density) zones. In addition, staff is recommending the large community care facilities be subject to a conditional use permit from the Planning Commission, as the State law would allow. These revisions are shown on in Sections 3 through 12 of the draft Ordinance. Staff is not including revisions to the RR (Residential-Rural Density) and RMH (Residential-Medium-High Density) zones as these two land use district designations were removed from the recently adopted General Plan Update.

Single Room Occupancy (SRO)

The Zoning Ordinance does not currently specify provisions for single room occupancy (SRO) hotels. Generally, an SRO hotel is a residential facility where individual rooms of a smaller size than normally found in multiple dwellings, are rented to one or two-person occupants who share common kitchen and bathroom facilities. The Housing Element includes the determination that SROs should be located in the BP-OR (Business Park-Office Retail) zone, west of Palo Comado Canyon Road, either through new development or as reuse of an existing building.

To comply with these requirements for the provision of SROs in the City, staff is recommending single room occupancy hotels be defined in the Zoning Ordinance as follows, and as shown in Section 2 of the draft Ordinance:

Hotel, single room occupancy. "Hotel, single room occupancy" means a commercial facility where individual secure rooms are rented to a one or two-person household. Single room occupancy hotel units are provided on a daily, weekly, or monthly basis, and are typically 80-250 square feet in size, with a sink and closet, but which require the occupant to share a communal bathroom, shower and kitchen."

Staff is also recommending the Zoning Ordinance be amended to allow SRO hotels in the BP-OR zone, west of Palo Comado Canyon Road, subject to the issuance of a conditional use permit from the Planning Commission. This proposed revision is shown in Section 15 of the draft Ordinance. New development standards, including maximum number of units, on-site parking, security, etc., that would be specific for SRO hotels are not proposed at this time to be included in the Ordinance. Rather, such standards would be at the discretion of the Planning Commission on a project application basis.

Transitional Housing

Transitional housing is temporary housing (generally six (6) months to two (2) years) for a homeless individual or family who is transitioning to permanent housing. The City Zoning

Ordinance currently defines transitional housing as “a facility that provides shelter for homeless individuals and generally involves integration with other social services and counseling programs to assist in the transition of self-sufficiency through acquisition of permanent income and housing.” Transitional housing can take several forms, including group housing or multi-family units, and often includes a supportive services component to allow individuals to gain necessary life skills in support of independent living.

The City Zoning Ordinance currently allows transitional housing in all residential zones, subject to a Conditional Use Permit from the Planning Commission. However, recent changes in State law (SB 2 – effective January of 2008) require transitional housing to be treated the same as any other residential use within the same zone without a conditional use permit or other discretionary review. It is not necessary, however, to continue to allow transitional housing in *all* residential zones. As such, staff is recommending transitional housing be allowed as a permitted use in the RM and RH multi-family residential zones. Staff finds transitional housing may be incompatible for the single family zones, including the RV, RL, and RS zones, and provided that transitional housing is allowed in the RM and RH zones, that it be removed as a conditionally permitted use from the single family zones.

These revisions are shown on in Sections 3 through 12 of the draft Ordinance. Similar to the proposed changes for community care facilities, staff is not including revisions to the RR (Residential-Rural Density) and RMH (Residential-Medium-High Density) zones as these two land use district designations were removed from the recently adopted General Plan Update.

Emergency Shelters

The City Zoning Ordinance defines an emergency shelter as “a facility which provides immediate short-term housing for homeless individuals.” The Housing Element identified up to 15 to 20 homeless persons in the City who are entirely related to the day laborer population.

Emergency shelters are currently allowed in the CS (Commercial Shopping Center) zone and CRS (Commercial Retail Service) zone, subject to a conditional use permit. Pursuant to SB 2, jurisdictions with an unmet need for emergency shelters are now required to identify a zone, or zones, where emergency shelters will be allowed as a permitted use without a conditional use permit or other discretionary review. The identified zone must have sufficient capacity to accommodate the shelter need and, at a minimum, provide capacity for at least one year-round shelter. Permit processing, development and management standards for emergency shelters are required to be objective and facilitate the development of, or conversion to, emergency shelters.

In compliance with SB 2, the Housing Element notes the City conducted a review of its zoning districts and determined the CRS zone is best suited to house an emergency homeless shelter. This zone is characterized by proximity to transit (bus service), is centrally located, and has good freeway access. Review of existing land use with the CRS zone identifies 12 vacant parcels (6 acres), and 20 parcels considered underutilized (10.8 acres), providing adequate capacity for the provision of an emergency shelter.

Emergency shelters would continue to be subject to the development standards of the zone in which they are located. However, to enhance compatibility, SB 2 also requires jurisdictions to adopt additional objective standards to regulate the following aspects of emergency shelters:

- The maximum number of beds or persons permitted to be served nightly (based on homeless population counts);
- Off-street parking based on demonstrated need;
- The size and location of exterior/interior onsite waiting and client intake areas;
- The provision of on-site management;
- The proximity of other emergency shelters, provided that emergency shelters are not required to be more than 300 feet apart;
- The length of stay;
- Lighting; and
- Security during hours that the emergency shelter is in operation.

Based on these requirements, and as shown in Sections 14 and 16 of the draft Ordinance, staff recommends the following standards be applied for emergency shelters located in the CRS zone. Staff would note that these recommended standards are generally consistent with the standards adopted by the City of Calabasas.

1. The maximum number of occupants to be served shall not exceed twenty (20);
2. A minimum distance of three hundred (300) feet shall be maintained from any other emergency shelter;
3. The maximum stay at the facility shall not exceed one hundred eighty (180) consecutive days;
4. Clients shall only be on-site and admitted to the facility between five p.m. (5:00 p.m.) and eight a.m. (8:00 a.m.);
5. An interior waiting and intake area shall be provided which contains a minimum of two hundred (200) square feet. No exterior waiting area shall be allowed either on-site or off-site;
6. Security personnel shall be provided during the hours the emergency shelter is in operation;

7. Exterior lighting shall be provided for the entire outdoor area of the site, consistent with the provisions of the Zoning Ordinance and the City Lighting Standards and Guidelines.

If emergency shelters are allowed as a permitted use in the CRS zone, staff is not proposing changes to the current allowance of emergency shelters being located in the CS zone, subject to the issuance of a conditional use permit from the Planning Commission.

Condominium Conversions

As a means of maintaining the supply of rental units and preserving the affordable housing stock, the City allows the conversion of multi-family dwelling units to condominiums, subject to the issuance of a conditional use permit from the Planning Commission. The conversion requirements include mandated relocation assistance for eligible tenants and anti-discrimination policies in the sale of converted units.

The City has had no requests for conversion of rental properties to condominium ownership. Nonetheless, given the anticipated future growing market for condominium conversions, the Housing Element calls for the Zoning Ordinance to address requiring affordable units within residential projects proposed for conversion. As such, staff is recommending the condominium conversion standards of the Zoning Ordinance, specifically 9281.2. (J), include the following addition pertaining to inclusionary housing requirements, as is also shown in Section 13 of the draft Ordinance:

“The conversion project shall be subject to the inclusionary housing requirements stipulated in Section 9133 et. seq., and shall be required to submit, as part of the application, any materials identified in the aforementioned section.”

Zoning Ordinance Section 9133 referenced above (Inclusionary Housing Ordinance) requires that fifteen percent (15%) of units in projects over ten (10) units in size be set-aside for low and moderate income households. The units are to be built on-site or at an appropriate off-site location. At the discretion of the Planning Commission, the developer may satisfy the requirement for providing inclusionary units, in whole or in part, by paying a fee in lieu for all or some of the inclusionary units.

Staff finds that the proposed Zoning Ordinance amendments and finds the project to be consistent with the Initial Study/Negative Declaration prepared for the City of Agoura Hills 2008-2014 Housing Element, adopted by the City Council on November 12, 2008, and that no additional California Environmental Quality Act review is necessary.

The Planning Commission's recommendation regarding the proposed Zoning Ordinance amendments will be forwarded to the City Council for final action to be taken in a public hearing.

III. RECOMMENDATION

Staff recommends the Planning Commission adopt the attached draft Resolution, recommending that the City Council approve Zoning Ordinance Amendment Case No. 10-ZOA-002.

IV. ATTACHMENTS

- Draft Resolution
- Draft Ordinance
- California Health and Safety Code Section 1502

Case Planner: Doug Hooper, Assistant Director of Community Development

HEALTH AND SAFETY CODE

SECTION 1500-1518

1500. This chapter shall be known and may be cited as the California Community Care Facilities Act.

1501. (a) The Legislature hereby finds and declares that there is an urgent need to establish a coordinated and comprehensive statewide service system of quality community care for mentally ill, developmentally and physically disabled, and children and adults who require care or services by a facility or organization issued a license or special permit pursuant to this chapter.

(b) Therefore, the Legislature declares it is the intent of the state to develop policies and programs designed to: (1) insure a level of care and services in the community which is equal to or better than that provided by the state hospitals; (2) assure that all people who require them are provided with the appropriate range of social rehabilitative, habilitative and treatment services, including residential and nonresidential programs tailored to their needs; (3) protect the legal and human rights of a person in or receiving services from a community care facility; (4) insure continuity of care between the medical-health elements and the supportive care-rehabilitation elements of California's health systems; (5) insure that facilities providing community care are adequate, safe and sanitary; (6) assure that rehabilitative and treatment services are provided at a reasonable cost; (7) assure that state payments for community care services are based on a flexible rate schedule varying according to type and cost of care and services provided; (8) encourage the utilization of personnel from state hospitals and the development of training programs to improve the quality of staff in community care facilities; and (9) insure the quality of community care facilities by evaluating the care and services provided and furnishing incentives to upgrade their quality.

1501.1. (a) It is the policy of the state to facilitate the proper placement of every child in residential care facilities where the placement is in the best interests of the child. A county may require placement or licensing agencies, or both placement and licensing agencies, to actively seek out-of-home care facilities capable of meeting the varied needs of the child. Therefore, in placing children in out-of-home care, particular attention should be given to the individual child's needs, the ability of the facility to meet those needs, the needs of other children in the facility, the licensing requirements of the facility as determined by the licensing agency, and the impact of the placement on the family reunification plan.

(b) Pursuant to this section, children with varying designations and varying needs, except as provided by statute, may be placed in the same facility provided the facility is licensed, complies with all licensing requirements relevant to the protection of the child, and has a special permit, if necessary, to meet the needs of each child so placed. A facility may not require, as a condition of

placement, that a child be identified as an individual with exceptional needs as defined by Section 56026 of the Education Code.

(c) Neither the requirement for any license nor any regulation shall restrict the implementation of the provisions of this section. Implementation of this section does not obviate the requirement for a facility to be licensed by the department.

(d) Pursuant to this section, children with varying designations and varying needs, except as provided by statute, may be placed in the same licensed foster family home or with a foster family agency for subsequent placement in a certified family home. Children with developmental disabilities, mental disorders, or physical disabilities may be placed in licensed foster family homes or certified family homes, provided that an appraisal of the child's needs and the ability of the receiving home to meet those needs is made jointly by the placement agency and the licensee in the case of licensed foster family homes or the placement agency and the foster family agency in the case of certified family homes, and is followed by written confirmation prior to placement. The appraisal shall confirm that the placement poses no threat to any child in the home.

For purposes of this chapter, the placing of children by foster family agencies shall be referred to as "subsequent placement" to distinguish the activity from the placing by public agencies.

1502. As used in this chapter:

(a) "Community care facility" means any facility, place, or building that is maintained and operated to provide nonmedical residential care, day treatment, adult day care, or foster family agency services for children, adults, or children and adults, including, but not limited to, the physically handicapped, mentally impaired, incompetent persons, and abused or neglected children, and includes the following:

(1) "Residential facility" means any family home, group care facility, or similar facility determined by the director, for 24-hour nonmedical care of persons in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual.

(2) "Adult day program" means any community-based facility or program that provides care to persons 18 years of age or older in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of these individuals on less than a 24-hour basis.

(3) "Therapeutic day services facility" means any facility that provides nonmedical care, counseling, educational or vocational support, or social rehabilitation services on less than a 24-hour basis to persons under 18 years of age who would otherwise be placed in foster care or who are returning to families from foster care. Program standards for these facilities shall be developed by the department, pursuant to Section 1530, in consultation with therapeutic day services and foster care providers.

(4) "Foster family agency" means any organization engaged in the recruiting, certifying, and training of, and providing professional support to, foster parents, or in finding homes or other places for placement of children for temporary or permanent care who require that level of care as an alternative to a group home. Private foster family agencies shall be organized and operated on a nonprofit basis.

(5) "Foster family home" means any residential facility providing 24-hour care for six or fewer foster children that is owned, leased,

or rented and is the residence of the foster parent or parents, including their family, in whose care the foster children have been placed. The placement may be by a public or private child placement agency or by a court order, or by voluntary placement by a parent, parents, or guardian. It also means a foster family home described in Section 1505.2.

(6) "Small family home" means any residential facility, in the licensee's family residence, that provides 24-hour care for six or fewer foster children who have mental disorders or developmental or physical disabilities and who require special care and supervision as a result of their disabilities. A small family home may accept children with special health care needs, pursuant to subdivision (a) of Section 17710 of the Welfare and Institutions Code. In addition to placing children with special health care needs, the department may approve placement of children without special health care needs, up to the licensed capacity.

(7) "Social rehabilitation facility" means any residential facility that provides social rehabilitation services for no longer than 18 months in a group setting to adults recovering from mental illness who temporarily need assistance, guidance, or counseling. Program components shall be subject to program standards pursuant to Article 1 (commencing with Section 5670) of Chapter 2.5 of Part 2 of Division 5 of the Welfare and Institutions Code.

(8) "Community treatment facility" means any residential facility that provides mental health treatment services to children in a group setting and that has the capacity to provide secure containment. Program components shall be subject to program standards developed and enforced by the State Department of Mental Health pursuant to Section 4094 of the Welfare and Institutions Code.

Nothing in this section shall be construed to prohibit or discourage placement of persons who have mental or physical disabilities into any category of community care facility that meets the needs of the individual placed, if the placement is consistent with the licensing regulations of the department.

(9) "Full-service adoption agency" means any licensed entity engaged in the business of providing adoption services, that does all of the following:

(A) Assumes care, custody, and control of a child through relinquishment of the child to the agency or involuntary termination of parental rights to the child.

(B) Assesses the birth parents, prospective adoptive parents, or child.

(C) Places children for adoption.

(D) Supervises adoptive placements.

Private full-service adoption agencies shall be organized and operated on a nonprofit basis. As a condition of licensure to provide intercountry adoption services, a full-service adoption agency shall be accredited and in good standing according to Part 96 of Title 22 of the Code of Federal Regulations, or supervised by an accredited primary provider, or acting as an exempted provider, in compliance with Subpart F (commencing with Section 96.29) of Part 96 of Title 22 of the Code of Federal Regulations.

(10) "Noncustodial adoption agency" means any licensed entity engaged in the business of providing adoption services, that does all of the following:

(A) Assesses the prospective adoptive parents.

(B) Cooperatively matches children freed for adoption, who are under the care, custody, and control of a licensed adoption agency, for adoption, with assessed and approved adoptive applicants.

(C) Cooperatively supervises adoptive placements with a

full-service adoptive agency, but does not disrupt a placement or remove a child from a placement.

Private noncustodial adoption agencies shall be organized and operated on a nonprofit basis. As a condition of licensure to provide intercountry adoption services, a noncustodial adoption agency shall be accredited and in good standing according to Part 96 of Title 22 of the Code of Federal Regulations, or supervised by an accredited primary provider, or acting as an exempted provider, in compliance with Subpart F (commencing with Section 96.29) of Part 96 of Title 22 of the Code of Federal Regulations.

(11) "Transitional shelter care facility" means any group care facility that provides for 24-hour nonmedical care of persons in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual. Program components shall be subject to program standards developed by the State Department of Social Services pursuant to Section 1502.3.

(12) "Transitional housing placement facility" means a community care facility licensed by the department pursuant to Section 1559.110 to provide transitional housing opportunities to persons at least 17 years of age, and not more than 18 years of age unless the requirements of Section 11403 of the Welfare and Institutions Code are met, who are in out-of-home placement under the supervision of the county department of social services or the county probation department, and who are participating in an independent living program.

(b) "Department" or "state department" means the State Department of Social Services.

(c) "Director" means the Director of Social Services.

1502.3. For purposes of this chapter, a "community care facility," pursuant to Section 1502, includes a transitional shelter care facility. A "transitional shelter care facility" means a short-term residential care program that meets all of the following requirements:

(a) It is owned by the county, and operated by the county or by a private nonprofit organization under contract to the county.

(b) It is a group care facility that provides for 24-hour nonmedical care of persons, under 18 years of age, who are in need of personal services, supervision, or assistance that is essential for sustaining the activities of daily living, or for the protection of the individual on a short-term basis. As used in this section, "short-term" means up to 90 days from the date of admission.

(c) It is for the sole purpose of providing care for children who have been removed from their homes as a result of abuse or neglect, or both; for children who have been adjudged wards of the court; and, for children who are seriously emotionally disturbed children. For purposes of this subdivision, "abuse or neglect" means the same as defined in Section 300 of the Welfare and Institutions Code. For purposes of this subdivision, "wards of the court" means the same as defined in Section 602 of the Welfare and Institutions Code. For purposes of this subdivision, "seriously emotionally disturbed children" means the same as defined in subdivision (a) of Section 5600.3 of the Welfare and Institutions Code.

(d) It primarily serves children who have previously been placed in a community care facility and are awaiting placement into a different community care facility that is appropriate to their needs. Children residing in transitional shelter care facilities may



DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

MINUTES OF THE REGULAR SCHEDULED MEETING OF
THE PLANNING COMMISSION
September 16, 2010

CALL TO ORDER: Chair Rishoff called the meeting to order at 6:35 p.m.

FLAG SALUTE: Vice Chair O'Meara

ROLL CALL: Chair Stephen Rishoff, Vice Chair John O'Meara, Commissioners Illece Buckley Weber, Michael L. Justice, and Rick Moses.

Also present were Assistant City Attorney Candice Lee, Director of Planning and Community Development Mike Kamino, Assistant Director of Planning and Community Development Doug Hooper, and Associate Planner Renee Madrigal.

APPROVAL OF AGENDA AND MINUTES

1. Minutes of September 2, 2010 Planning Commission Meeting

On a motion by Commissioner Buckley Weber, seconded by Commissioner Moses, the Planning Commission moved to approve the Minutes of the September 2, 2010 Planning Commission Meeting, with corrections. Motion carried 4-0-1. Commissioner Justice abstained.

PUBLIC HEARING:

2. REQUEST: Request for a recommendation of approval to the City Council to adopt new use standards and definitions for Mobile Homes/Manufactured Homes, Community Care Facilities, Single Room Occupancy Hotels, Transitional Housing, Emergency Shelters, and condominium conversion inclusionary housing requirements for compliance with the City General Plan Housing Element by amending Zoning Ordinance Sections 9120.3, 9120.8, 9222.1, 9222.4, 9232.1,

9232.4, 9242.1, 9242.4, 9252.1, 9252.4, 9272.1, 9272.4,
9281.2, 9312.2.E.(3.5), 9312.2.H, 9312.3, and 9675-9675.3.

APPLICANT: City of Agoura Hills
30001 Ladyface Court
Agoura Hills, CA 91301

CASE NO.: 10-ZOA-002

LOCATION: Citywide

ENVIRONMENTAL
ANALYSIS:

The proposed Zoning Ordinance amendments are consistent with the Initial Study/Negative Declaration prepared for the City of Agoura Hills 2008-2014 Housing Element, and adopted by the City Council on November 12, 2008.

RECOMMENDATION: Staff recommended the Planning Commission adopt the draft Resolution, recommending the City Council approve Zoning Ordinance Amendment Case No. 10-ZOA-002.

PUBLIC COMMENTS: Chair Rishoff opened the Public Hearing.

There were no speakers on this item.

Chair Rishoff closed the Public Hearing.

ACTION: On a motion by Commissioner Moses, seconded by Vice Chair O'Meara, the Planning Commission moved to continue Zoning Ordinance Amendment Case No. 10-ZOA-002 to the October 7, 2010 Planning Commission Meeting. Motion carried 4-0-1. Commissioner Buckley Weber abstained.

PLANNING COMMISSION/STAFF COMMENTS

None

ADJOURNMENT

At 7:52 p.m., on a motion by Commissioner Justice, seconded by Commissioner Buckley Weber, the Planning Commission adjourned the meeting to the next scheduled Planning Commission meeting on Thursday, October 7, 2010, at 6:30 p.m. Motion carried 5-0.



DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

MINUTES

SPECIAL MEETING - WORKSHOP

AGOURA HILLS PLANNING COMMISSION

Civic Center – Community Room

30001 Ladyface Court, Agoura Hills, California 91301

Thursday, November 4, 2010 at 4:00 p.m.

CALL TO ORDER:

Chair Rishoff called the meeting to order at 4:10 p.m.

FLAG SALUTE:

Commissioner Justice

ROLL CALL:

Chair Stephen Rishoff, Vice Chair John O'Meara, Commissioners Illece Buckley Weber, Michael Justice, and Rick Moses

Also present were Assistant City Attorney Candice Lee, Attorney Diana Varat of Richards, Watson, Gershon, Director of Planning and Community Development Mike Kamino, Assistant Director of Planning and Community Development Doug Hooper, Principal Planner Allison Cook, Housing Consultant Karen Warner of Karen Warner Associates, and Recording Secretary Sheila Keckhut.

APPROVAL OF AGENDA

The Planning Commission approved the Agenda of the November 4, 2010 Planning Commission Special Meeting-Workshop with no dissension.

PUBLIC COMMENTS

(This section is reserved for persons wishing to speak on items not listed on the Agenda. Please submit a "Speaker's Card" to the Recording Secretary and limit testimony to 3 minutes.)

Jess Thomas, Old Agoura HOA spoke regarding the sound system in the Council Chamber and the City of Agoura Hills website.

WORKSHOP/DISCUSSION

1. Staff conducted a workshop and discussion of pending Zoning Ordinance Amendments, upcoming Planning Commission meeting schedule, and information on other miscellaneous administrative matters.

PLANNING COMMISSION/STAFF COMMENTS

None

ADJOURNMENT at 6:00 p.m., the Planning Commission adjourned to the Regular Meeting of the Planning Commission on November 4, 2010 at 6:30 p.m., in the Council Chambers of the Agoura Hills Civic Center located at 30001 Ladyface Court, Agoura Hills.