

**SUBJECT:** AMENDMENT TO THE ZONING ORDINANCE TO REFINE PROVISIONS FOR EMERGENCY SHELTERS AND ADD PROVISIONS FOR TRANSITIONAL AND SUPPORTIVE HOUSING AND SINGLE-ROOM OCCUPANCY HOUSING FOR COMPLIANCE WITH THE HOUSING ELEMENT AND STATE LEGISLATION

**INITIATED BY:** DEPARTMENT OF COMMUNITY DEVELOPMENT  
(John Keho, AICP, Acting Community Development Director)  
(Melissa Antol, Long Range and Mobility Planning Manager)  
(Emily Stadnicki, AICP, Senior Planner)

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## STATEMENT ON THE SUBJECT

The Planning Commission will hold a public hearing to consider a recommendation to City Council regarding revisions to the Zoning Code for special needs housing (emergency shelters, transitional and supportive housing and single-room occupancy housing) and forward a recommendation to the City Council.

## RECOMMENDATION

Staff recommends that the Planning Commission hold the public hearing, consider all the pertinent testimony, and adopt the following:

1. Draft Resolution No. PC 12-1033: **"A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, RECOMMENDING CITY COUNCIL APPROVAL OF A ZONE TEXT AMENDMENT TO THE WEST HOLLYWOOD MUNICIPAL CODE TO REFINE PROVISIONS FOR EMERGENCY SHELTERS AND ADD PROVISIONS FOR TRANSITIONAL AND SUPPORTIVE HOUSING AND SINGLE-ROOM OCCUPANCY HOUSING FOR COMPLIANCE WITH THE HOUSING ELEMENT AND STATE LEGISLATION, CITYWIDE, WEST HOLLYWOOD, CALIFORNIA."** (EXHIBIT A)

## BACKGROUND

### *Purpose*

The purpose of the ordinance is to remove governmental constraints on special needs housing (emergency shelters, transitional housing, supportive housing, and single-room occupancy housing) that serve low income and special needs households, pursuant to State Law and the 2008-2014 Housing Element. Special needs populations include the elderly, the disabled, and homeless persons or persons at risk of being homeless. The proposed provisions ensure that these facilities are treated in the same manner as similar development projects when they comply with the underlying zoning regulations.

### *Legal Authority*

State Senate Bill No. 2 (SB2), passed in 2007, and amended Government Code Sections 65582, 65583, and 65589.5 relating to local planning. SB2 requires local governments to identify a zone or zones where emergency shelters are allowed as a permitted use without a conditional use or other discretionary permit. The bill also limits the review allowed on special needs projects such as transitional and supportive housing; when functioning as similar housing projects they must be treated as any other residential use in the same zone. Other similar legislation targets single-room occupancy housing and outlines site availability and the allowance for development standards.

### *Local Government Planning Component*

California law requires that each city have an approved housing element as part of its General Plan. The State Department of Housing and Community Development (HCD) is responsible for evaluating each city's housing element to ensure consistency with State Planning and Zoning law. Through the Housing Element, the City is responsible for identifying and removing barriers to encourage the development of various types of housing for households with special needs.

In December 2011, the City Council adopted a new General Plan, which included the 2008-2014 Housing Element. The West Hollywood Housing Element provides goals, policies, objectives, and implementation actions to address housing needs in the community, including the needs for various income groups and special needs households. Not only is one of the Element's stated goals to "Encourage a diverse housing stock to address the needs of all socioeconomic segments of the community," but also, the Element provides that within one year of adoption, that City's Zoning Ordinance will be amended to remove governmental constraints on emergency shelters, transitional and supportive housing, and single room occupancy facilities, as required under State law. This amendment will implement this Housing Element goal.

### *Special Need Housing*

Special needs housing is designed to meet the needs of community members, individuals and families that, for one reason or another, cannot obtain and/or maintain permanent, affordable housing or that have lost housing temporarily. Special needs populations include the elderly, persons with disabilities, and the homeless.

The types of facilities are generally differentiated by the length of stay. Many have onsite or offsite services that assist the residents in life skills, job training, etc.

#### Emergency Shelters

Immediate and short-term housing with minimal supportive services for homeless persons or families (6 months or less)

#### Transitional Housing

Temporary rental housing intended for occupancy by homeless individuals or families transitioning to permanent housing (6 months to 2 years)

Supportive Housing	Permanent affordable housing with no limit on length of stay
Single Room Occupancy (SRO)	Residential facility providing individual secure room/s for one or two person households (monthly or longer)

**PROPOSED CODE AMENDMENTS**

*Use Charts and Special Needs Housing*

The ordinance proposes to amend the tables compiling the uses that are permitted and conditionally permitted in each of the residential zones (Table 2-2) and the commercial and public zoning districts (Table 2-5). The tables are intended to make the City’s Zoning Code more user-friendly. With the charts, a reader would need to refer only to that one section to see which uses are allowed or conditionally allowed in each zone.

The new uses and regulations proposed on the tables and in the text amendments are required by State law and are consistent with the City’s Housing Element. Transitional and supportive housing will be permitted in both single-family and multiple-family districts as a permitted use, when the development is designed to function in the same manner as the other housing types in that district (i.e. as a single-family or multi-family dwelling).

The ordinance also designates an area where Emergency shelters would be permitted by-right and SROs would be allowed, subject to a conditional use permit. The Community Commercial Districts 1 and 2, along Santa Monica Boulevard, outside the commercial-only overlay district, have been identified as the most appropriate location for these types of uses.

Also the listing for “Residential care homes” is amended to read “Residential care facilities” to be consistent with the existing definition.

*Parking*

Emergency shelters and SROs have unique parking requirements and the required parking table 3-6 has been amended to reflect the uses. The Allowable Parking Reductions table (3-7) was also modified to include a 25% reduction in parking when Emergency shelters are located in close proximity to transit.

*Standards for Specialized Land Uses*

Per state law, the proposed ordinance would establish development standards for both Emergency shelters and SROs. A city may apply written, objective standards to the development of these uses related to specific areas. To ensure the health, safety, and welfare of the residents in emergency shelters, SROs and the surrounding neighborhoods, staff is proposing detailed development standards. A new section for each has been added to Chapter 19.36 that includes size restrictions, management, parking, lighting, and security.

### *Definitions*

In order to implement the proposed zoning code amendments, staff recommends that the following terms be defined in Section 19.90.020 (Definitions of Specialized Terms and Phrases) in Title 19 (Zoning) of the Municipal Code: Supportive Housing, Transitional Housing, and Single-room occupancy housing. In addition, the definition for Emergency Shelter has been revised and expanded. The definition of Residential Care Facilities is amended to exclude “Transitional houses”, which now has its own definition.

### **ANALYSIS**

The text amendment will remove governmental constraints on special needs housing to allow for a variety of facilities to meet the needs of underserved community members. The code changes in the ordinance are proposed to meet the minimum requirements for special needs housing under State law, and if adopted, would make the Municipal Code consistent with State law and the City’s Housing Element. The zone text amendment is consistent with implementation of programs and goals outlined in the Housing Element of the General Plan.

### **EXHIBITS**

- A. Draft Resolution No. PC 12-1033

## RESOLUTION NO. 12-1033

### **A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, RECOMMENDING CITY COUNCIL APPROVAL OF A ZONE TEXT AMENDMENT TO THE WEST HOLLYWOOD MUNICIPAL CODE TO REFINE PROVISIONS FOR EMERGENCY SHELTERS AND ADD PROVISIONS FOR TRANSITIONAL AND SUPPORTIVE HOUSING AND SINGLE-ROOM OCCUPANCY HOUSING FOR COMPLIANCE WITH THE HOUSING ELEMENT AND STATE LEGISLATION, CITYWIDE, WEST HOLLYWOOD, CALIFORNIA.**

The Planning Commission of the City of West Hollywood hereby finds, resolves and orders as follows:

SECTION 1. A public hearing was duly noticed for the Planning Commission meeting of Thursday, December 6, 2012, by publication in the Beverly Press newspaper on Thursday, November 22, 2012; and by mailing to required state and local agencies, and West Hollywood neighborhood groups on Wednesday, November 21, 2012.

SECTION 2. The zone text amendment (ZTA) is consistent with the West Hollywood General Plan 2035 and General Plan EIR (State Clearinghouse #2009091124) in accordance with Public Resources Code section 21083.3. The proposed uses are no more intense than the buildout scenario analyzed in the General Plan EIR. Emergency shelters and Single-room occupancy housing are proposed in portions of the Community Commercial zones where the EIR accounted for intensified development. Development standards for the site and operations ensure that the neighborhood impacts are no greater than similar uses. Transitional and supportive housing operate the same as the other similar, permitted residential uses in each zone. Therefore, the changes in the ZTA will not result in additional development or impacts beyond that anticipated in the EIR, or that are already permitted in the zones.

Further, this ZTA to remove governmental constraints on housing opportunities for special needs households is required by state law and a prominent feature of the Housing Element of the General Plan. Discussion of the issues and the implementation measures were thoroughly detailed in the Program EIR and fully analyzed. No new impacts will result beyond those contemplated in the EIR. Subsequent implementation activities, considered in the EIR, can be approved as being within the scope of the project covered by the Program EIR.

SECTION 3. The Planning Commission hereby finds that adding provisions to the Zoning Ordinance to allow for special needs housing is consistent with the Goals, Objectives and Policies of the General Plan because the ordinance is designed to implement the objectives established in General Plan. The City's new General Plan, adopted in October of 2011, included an updated Housing Element. Not only is one of the Element's stated goals to "Encourage a diverse housing stock to address the needs of all socioeconomic segments of the community," but also, the Element provides that within one year of adoption, that City's Zoning Ordinance will be amended to remove governmental constraints on Emergency shelters, Transitional and Supportive housing, and Single-room occupancy facilities. See West Hollywood Housing Element 11-7, 11-24 – 11-26.

SECTION 4. Based on the foregoing, the Planning Commission hereby recommends approval to the City Council of Zone Text Amendment 2012-009 to amend the West Hollywood Municipal Code as set forth in Attachment A.

APPROVED BY A MOTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD ON THIS 6<sup>TH</sup> DAY OF DECEMBER, 2012.

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SUE BUCKNER, CHAIR

ATTEST:

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MELISSA ANTOL, PLANNING MANAGER  
LONG RANGE AND MOBILITY PLANNING

# Attachment A

## ZONE TEXT AMENDMENT 2012-009 WEST HOLLYWOOD MUNICIPAL CODE SECTIONS TO BE MODIFIED

(New text indicated with underlining, deleted text with strikethrough.)

PART 1. Table 2-2 Allowed Uses and Permit Requirements for Residential Zoning Districts in Section 19.06.030 of Chapter 19.06 of Title 19 of the West Hollywood Municipal Code is amended to (1) amend the name of the land use category “Residential care homes” to now read “Residential care facilities;” (2) delete “Emergency shelters” from the alphabetical list of land uses; and (3) add “Single-room occupancy housing,” “Supportive housing – Single-family structure,” “Supportive housing – Multi-family structure,” “Transitional housing – Single-family structure,” and “Transitional housing – Multi-family structure” to the alphabetical list of Land Uses, and to add new notes (9) and (10) to the Table, to read as follows:

LAND USE <sup>2</sup>	PERMIT REQUIRED BY ZONE				Specific Use Regulations
	R1	R2	R3	R4	
<del>Emergency shelters</del>	<del>CUP</del>	<del>CUP</del>	<del>CUP</del>	<del>CUP</del>	
Residential care <del>homes</del> <u>facilities</u> <sup>10</sup> – 6 or fewer clients	<u>P<sup>1</sup></u>	<u>P<sup>1</sup></u>	<u>P<sup>1</sup></u>	<u>P<sup>1</sup></u>	
Residential care <del>homes</del> <u>facilities</u> <sup>10</sup> – 7 to 12 clients	<u>MCUP</u>	<u>MCUP</u>	<u>MCUP</u>	<u>MCUP</u>	
Residential care <del>homes</del> <u>facilities</u> <sup>10</sup> – 13 or more clients	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	
<u>Single- room occupancy housing</u>	<u>=</u>	<u>=</u>	<u>CUP</u>	<u>CUP</u>	<u>19.36.335</u>
<u>Supportive housing – Single-family structure</u>	<u>P<sup>1,9</sup></u>	<u>P<sup>1,9</sup></u>	<u>P<sup>1,9</sup></u>	<u>P<sup>1,9</sup></u>	
<u>Supportive housing – Multi-family structure</u>	<u>=</u>	<u>P<sup>1,9</sup></u>	<u>P<sup>1,9</sup></u>	<u>P<sup>1,9</sup></u>	
<u>Transitional housing – Single-family structure</u>	<u>P<sup>1,9</sup></u>	<u>P<sup>1,9</sup></u>	<u>P<sup>1,9</sup></u>	<u>P<sup>1,9</sup></u>	
<u>Transitional housing – Multi-family structure</u>	<u>=</u>	<u>P<sup>1,9</sup></u>	<u>P<sup>1,9</sup></u>	<u>P<sup>1,9</sup></u>	

**Notes:**

(1) Zone clearance, administrative permit or development permit may be required; see Chapters 19.42, 19.44, 19.48 and 19.54.

(9) Subject to the same standards as similar residential uses, which shall be determined by the City based upon the predominant operating characteristics of the use. Only one land use category shall be applied to a use at a time.

(10) Does not include Supportive and Transitional housing, which have separate use categories. City makes final determination on classification based on the predominant operating characteristics.

PART 2. Table 2-5 Allowed Uses and Permit Requirements for Commercial and Public Zoning Districts in Section 19.10.030 of Chapter 19.10 of Title 19 of the West Hollywood Municipal Code is amended to add “Emergency shelters, Single-room occupancy housing, Supportive housing, and Transitional housing” to the alphabetical list of Land Uses, and to add new notes (13) and (14) to the Table, to read as follows:

LAND USE <sup>2</sup>	PERMIT REQUIRED BY ZONE						Specific Use Regulations
	CN	CC/SSP	CA	CR	PDCSP	PF <sup>3</sup>	
Emergency shelters	—	P <sup>1, 13</sup>	—	—	—	—	19.36.125
Single-room occupancy housing	—	CUP <sup>1, 13, 14</sup>	—	—	—	—	19.36.335
Supportive housing	P <sup>1, 12, 14</sup>	P <sup>1, 12, 14</sup>	P <sup>1, 12, 14</sup>	P <sup>1, 12, 14</sup>	—	—	
Transitional housing	P <sup>1, 12, 14</sup>	P <sup>1, 12, 14</sup>	P <sup>1, 12, 14</sup>	P <sup>1, 12, 14</sup>	—	—	

**Notes:**

- (1) Zone clearance or development permit may be required; see Chapters 19.42 and 19.48.
- (12) Not allowed in the CN2 district or in the commercial-only overlay district.
- (13) Allowed only on Santa Monica Boulevard, outside the commercial-only overlay district.
- (14) As part of a mixed-use development only.

PART 3. Table 3-6 Parking Requirements by Land Use in Section 19.28.040 of Chapter 19.28 of Title 19 of the West Hollywood Municipal Code is amended to add “Emergency shelters” and “Single-room occupancy housing” to the alphabetical list of Land Uses, to read as follows:

1. RESIDENTIAL LAND USES

Residential Land Use <sup>1</sup>	Required Parking Spaces
Emergency shelters	<u>1 parking space for every 6 beds, plus a ½ parking space for each bedroom designated for families with children</u>
Single-room occupancy housing	<u>0.5 space per unit, plus 1 guest space for each 5 units.</u>

PART 4. Table 3-7 Allowable Parking Reductions in Section 19.28.060 of Chapter 19.28 of Title 19 of the West Hollywood Municipal Code is amended to add “Emergency shelters” to the alphabetical list of Qualifying Project Feature, to read as follows:

Qualifying Project Feature <sup>1</sup>	Description and Criteria for Granting Reduction	Maximum Reduction <sup>2</sup>	Required Process for Reduction
<u>Emergency shelters</u>	<u>If the shelter is located within 1,000 feet of a public transit stop</u>	<u>25%</u>	<u>Review and decision by applicable Review Authority as part of land use permit approval for project.</u>

PART 5. A new Section 19.36.125 Emergency Shelters is added to Chapter 19.36 of Title 19 of the West Hollywood Municipal Code to read as follows:

19.36.125 Emergency Shelters.

A. Standards for Emergency Shelters. Emergency shelters shall be subject to the following standards:

1. The minimum floor area per shelter occupant shall be at least 150 square feet and the maximum number of occupants to be served at any given time shall not exceed fifty (50).
2. A minimum distance of 300 feet shall be maintained from any other emergency shelter.
3. The maximum stay at the facility shall not exceed ninety (90) total days in a 365-day period.
4. On-site client waiting and intake areas shall be located inside the building and shall be screened from public and private property where feasible. If not feasible, an exterior waiting area shall be provided which (1) contains a minimum of ten (10) square feet per bed provided at the facility; (2) shall be in a location not adjacent to the public right-of-way; and (3) shall be visibly separated from public view by a minimum 6-foot tall visual screening.
5. Hours of intake shall be between the hours of 5pm to 9pm. Overnight occupants shall not be permitted to leave the facility on foot before 7 am the following morning.
6. A minimum of one (1) employee per 15 beds, in addition to security personnel, shall be on duty and remain on-site during operational hours whenever occupants are on the site.
7. Security personnel shall be provided during operational hours whenever clients are on the site and when people are waiting outside the facility.
8. Exterior lighting shall be provided for the entire outdoor area of the site. Exterior lighting shall be stationary, directed away from adjacent properties and public rights of way, and be of an intensity compatible with the neighborhood and the regulations in this Code.
9. Parking shall be provided as set forth in Chapter 19.28 of this Code.
10. The shelter may provide the following services and facilities to occupants in a designated area separate from the sleeping areas:
  - a. A recreation area either inside or outside the shelter. If located outside, the area shall be screened from public view.
  - b. A counseling center for job placement, educational, health care, legal, or mental health services.
  - c. Laundry facilities to serve the number of occupants at the shelter.
  - d. Kitchen for the preparation of meals.
  - e. Dining hall.
  - f. Client storage areas (i.e., for the overnight storage of bicycles and personal items).
  - g. Similar services supporting the needs of homeless occupants.
11. The operator of the facility shall provide, at the City's request, an annual report of the use of the facility and determination of compliance with the City's development standards for the use.

12. The operator shall maintain a management plan that addresses hours of operation, admission hours and process, staff training, neighborhood outreach and privacy, security, resident counseling and treatment. The management plan is subject to approval by the Director of Community Development prior to issuance of Certificate of Occupancy.
13. Operation of vehicles to transport residents shall not generate vehicular traffic substantially greater than normally generated by residential activities in surrounding areas.
14. Deliveries of goods to the shelter shall only be made within hours that are allowed with this Code and at times that will not adversely affect surrounding properties.
15. The facility shall not generate noise or lighting at levels adversely affecting surrounding properties.

PART 6. A new Section 19.36.335 Single-Room Occupancy is added to Title 19 of the West Hollywood Municipal Code to read as follows:

19.36.335 Single-Room Occupancy.

A. Standards for Single-Room Occupancy. Single-room occupancy housing shall be subject to the following standards:

1. The minimum size of a unit shall be 150 square feet and the maximum size shall be 400 square feet, which may include bathroom and/or kitchen facilities.
2. A minimum of 10 square feet for each unit shall be provided for a common area. All common areas shall be within the structure. Dining rooms, meeting rooms, recreational rooms, or other similar areas approved by the City shall be considered common areas. Shared bathrooms and kitchens shall not be considered as common areas.
3. The operator shall maintain a management plan that addresses management policies and operations, rental procedures and rates, maintenance plans, residency and guest rules and procedures, security procedures, and staffing needs, including job descriptions. A 24-hour resident manager shall be provided for any single-room occupancy use with twelve (12) or more units. The management plan is subject to approval by the Director of Community Development prior to issuance of Certificate of Occupancy.
4. Parking shall be provided as set forth in Chapter 19.28 of this Code.
5. Each unit shall contain a kitchen sink with a garbage disposal, serviced with hot and cold water, and a counter top measuring a minimum of 18 inches wide by 24 inches deep. If each individual unit does not contain a refrigerator and a microwave oven, a complete kitchen facility with at least a refrigerator, microwave oven, and sink with garbage disposal available for residents shall be provided on each floor of the structure.
6. For each unit a private toilet in an enclosed compartment with a door shall be provided. This compartment shall be a minimum of 15 square feet. If private bathing facilities are not provided for each unit, shared shower or bathtub facilities shall be provided at a ratio of one for every seven units or fraction thereof. The shared shower or bathtub facility shall be on the same floor as the units it is intended to serve and shall be accessible from a common area or hallway. Each shared shower or bathtub facility shall be provided with an interior lockable door.

PART 7. The alphabetical list of definitions in Section 19.90.020 of Chapter 19.90 of Title 19 of the West Hollywood Municipal Code is amended to (1) amend the definitions for Emergency Shelters and Residential Care Facilities; and (2) add new definitions for Single-Room Occupancy Housing, Supportive Housing and Transitional Housing to the alphabetical list of definitions, to read as follows:

***Emergency Shelters.*** Facilities for the temporary shelter and feeding of indigents or disaster victims, operated by a public or non-profit agency. A facility that provides immediate and short-term housing with minimal supportive services for homeless persons or families, victims of domestic violence, persons requiring temporary housing, and other individuals and households made temporarily homeless due to natural disasters (e.g., fires, earthquakes, etc.), that is limited to occupancy of six months or less and operated by a government agency or non-profit organization.

***Residential Care Facilities.*** Facilities providing residential social and personal care for children, the elderly, and people with limited ability for self-care. Includes: board and care homes; children's homes; ~~transitional houses~~; orphanages; rehabilitation centers; self-help group homes, convalescent homes, nursing homes and similar facilities.

***Single Room Occupancy Housing (SRO).*** A residential facility providing individual secure room/s for one or two person households, which may have individual or shared kitchen and/or bathroom facilities. SRO units are rented on a monthly basis or longer.

***Supportive Housing.*** Permanent housing with no limit on length of stay, that is occupied by the target population as identified in state law (such as persons with disabilities, homeless families, and homeless youth), and that is linked to onsite or offsite services that assist the supportive housing residents 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, as set forth in California Health & Safety Code Section 50675.14.

***Transitional Housing.*** Temporary rental housing intended for occupancy by homeless individuals or families transitioning to permanent housing that calls for the termination of assistance and recirculation of the dwelling unit to another eligible recipient at a predetermined future time, which shall be no less than six months. Transitional housing often includes a supportive services component, such as job skills training or rehabilitation counseling to allow individuals to gain the necessary life skills to support independent living.

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