



AGENDA
CUDAHY CITY COUNCIL
CITY OF CUDAHY AS SUCCESSOR AGENCY TO
THE CUDAHY DEVELOPMENT COMMISSION
A Regular/Special Joint Meeting to be held in the City Council Chambers,
5240 Santa Ana Street, Cudahy, California
Tuesday – May 6, 2014 - 6:30 P.M. (OPEN SESSION)

1. CALL TO ORDER

2. ROLL CALL

Councilmember Guerrero
Councilmember Oliva
Councilmember Sanchez
Vice Mayor Markovich
Mayor Garcia

Pledge of Allegiance: Ms. Adriana Cortez, Teresa Hughes Elementary Principal.

Invocation:

Presentations:

- Kids from Senator Ricardo Lara's Office
- Certificate of Recognition of Maria Barajas

3. PUBLIC COMMENT

Mayor: This is the time set aside for citizens to address the City Council on matters relating to City Business. Anyone wishing to speak, please fill out the form located at the Council Chambers entrance and submit it to the City Clerk when approaching the podium. **Each person will be allowed to speak only once and will be limited to four (4) minutes.** When addressing the Council please speak into the microphone and voluntarily state your name and address. The proceedings for this meeting are recorded on an audio cd.

CITY COUNCIL COMMENTS

This is the time for the City Council to comment on any topics related to "City business", including announcements, reflections on city/ regional events, response to public comments, suggested discussion topics for future council meetings, general concerns about particular city matters, questions to the staff, and directives to the staff (subject to approval/ consent of the City Council majority members present, regarding staff directives). Each Councilmember will be allowed to speak for a period not to exceed four (4) minutes. Notwithstanding the foregoing, the City Council members shall not use this comment period for serial discussions or debate between members on City business matters not properly agendaized. The City Attorney shall be responsible for regulating this aspect of the proceeding.

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4. WAIVE FULL READING

4A. Consideration to waive full text reading of all Resolutions and Ordinances by single motion made at the start of each meeting, subject to the ability of the City Council to read the full text of selected resolutions and ordinances when the item is addressed by subsequent motion.

Recommendation: Motion to approve as stated.

5. PUBLIC HEARING

5A. A public hearing to consider Resolution No. 14-20, a Resolution of the City of Cudahy City Council approving projects/programs for Community Development Block Grant funding during the 2014-15 fiscal year.

(Staff report, Resolution No. 14-20, and Code Cost Analysis attached)

Recommendation: Motion to approve Resolution No. 14-20.

5B. A public hearing to consider approval of Zoning Ordinance No. 634, an Ordinance of the City Council of the City of Cudahy approving Zone Text Amendment 14-01 to add new definitions to subsection 20.08.10 adding "emergency shelters" and "transitional and supportive housing," modifying CMC subsection 20.64.040 to add "transitional and supportive housing," and modifying CMC subsection 20.68.080 to add "emergency shelters."

(Staff report, SB2, Letter of Certification, and Ordinance No. 634)

Recommendation: Motion to approve Ordinance No. 634 (second reading)

5C. A public hearing to consider introduction of Ordinance No. 629, an Ordinance of the City Council of the City of Cudahy adding Chapter 2.54 of title 2 of the Cudahy Municipal Code establishing City campaign ethics regulations.

(Ordinance No. 629 attached)

(Verbal report by Councilmember Guerrero)

Recommendation: Motion to introduce Ordinance 629 (first reading).

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5D. A public hearing to consider introduction of Ordinance No. 633, an Ordinance of the City Council of the City of Cudahy amending section 2.04.020 of the Cudahy Municipal Code regarding meeting dates and times.

(Ordinance No. 633 attached)

(Verbal report by Councilmember Guerrero)

Recommendation: Motion to introduce Ordinance 633 (first reading).

6. CONSENT CALENDAR

6A. A request to approve procurement of a Taxicab Operator's License from the City Council by Futura Taxi.

(Staff report attached)

6B. A request to approve the purchase of a replacement server.

(Staff report attached)

6C. Consideration and approval of a Retainer Agreement with Arent Fox to provide specialized legal services and consultation regarding bond financing matters for the City as Successor Agency to the Former Cudahy Community Development Commission/Cudahy Redevelopment Agency and authorization for execution of the agreement by the appropriate officer or official of the City as Successor Agency.

(Staff Report and agreement attached)

Recommendation: Motion to approve items 6A through 6C.

7. BUSINESS SESSION

7A. Consideration of Resolution No.14-32, a Resolution of the City Council, revising various development fees payable to the City under Ordinance No. 376 adopted on August 31, 1987 enabling from time to time, the updating, amending, and implementing alternative methods for the collection of said fees by resolution enabling the City to recover certain development project application costs incurred by City during the course of processing of the application.

(Staff report, Fee vs. Cost Table, Preparation Breakdown, and Resolution No. 14-32 attached)

Recommendation: Motion to adopt Resolution No. 14-32

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7B. Discussion of potential ad hoc committee to select a new Sergeant from the Los Angeles County Sheriff's Department to serve Cudahy.
(Staff report attached)

Recommendation: Motion to receive and file.

[Empty rectangular box]

7C. Discussion of establishing a joint facility agreement between LAUSD (specific to Elizabeth Learning Center) and the City of Cudahy.
(Staff report attached)

Recommendation: Motion to receive and file

[Empty rectangular box]

7D. Discussion to join the Veterans of Foreign Wars (V.F.W.) Post 2830 and American Legion Post 120 Memorial Day Ceremony along with surrounding the Cities of Commerce, Maywood, Vernon, Bell, Bell Gardens and South Gate, Monday, May 26, 2014 at 11:00 a.m.
(Staff report and flyer attached)

Recommendation: Motion to receive and file.

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7E. Consideration of Ordinance No. 635, an Ordinance amending section 5.08.070 (bingo) of Chapter 5.08 (business license tax – particular businesses) of title 5 (business licenses and regulation) of the Cudahy municipal code relating to the regulation of bingo games and remote caller bingo games.
(Staff Report and ordinance attached)

Recommendation: Motion to introduce Ordinance 635 (first reading).

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7F. City Manager's report on City matters.

Recommendation: Motion to receive and file.

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8. COUNCIL BUSINESS

8A. Consideration of Resolution No. 14-03, a Resolution of the City Council of the City of Cudahy to modify certain parking citation practices and related fees assessed by the City's municipal officers and/or code enforcement officers.

(Resolution No. 14-03 attached)

(Verbal report by Councilmember Guerrero and Councilmember Oliva)

Recommendation: Motion to approve Resolution No. 14-03

8B. Discussion item on pension reform.

(Verbal report by Councilmember Guerrero)

Recommendation: Motion to receive and file.

8C. Discussion item on loud noise ordinance.

(Verbal report by Councilmember Guerrero and Councilmember Oliva)

Recommendation: Motion to receive and file.

8D. Discussion item and direction/feedback to City Staff regarding graffiti removal process.

(Verbal report by Councilmember Guerrero)

Recommendation: Motion to receive and file.

8E. Discussion item on gang intervention strategies including gang intervention subcommittee.

(Verbal report by Councilmember Guerrero)

Recommendation: Motion to receive and file.

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8F. Discussion item on State Controller's audit status.
(Verbal report by Councilmember Guerrero)

Recommendation: *Motion to receive and file.*

8G. Update on Overnight Parking.
(Verbal report by Mayor Garcia)

Recommendation: *Motion to receive and file.*

8H. Discussion item on banning of smoking tobacco products.
(Verbal report by Vice Mayor Markovich)

Recommendation: *Motion to receive and file.*

8I. Discussion item and update from staff regarding the development of an overnight parking program in the City of Cudahy.
(Verbal report by Mayor Garcia)

Recommendation: *Motion to receive and file.*

8J. Discussion item on status of relationship with California Joint Powers Insurance Authority.
(Verbal report by Councilmember Guerrero)

Recommendation: *Motion to receive and file.*

8K. Discussion item on City Manager Recruitment Process.

Recommendation: *Motion to receive and file.*

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9. CLOSED SESSION

9A. CONFERENCE WITH LEGAL COUNSEL - POTENTIAL LITIGATION. (1) One matter regarding possible initiation of litigation pursuant to Government Code section 54956.9(d)(4).

9B. Closed Session pursuant to Government Code Section 54956.9(d) (2) and 54956.9(e) (1) - Conference with Legal Counsel to Discuss Matter Involving Potential Litigation and/or Significant Exposure to Litigation – [One (1) Matter] - This Matter will be heard jointly by the Cudahy City Council and the Cudahy City Council in its capacity as Successor Agency to the Cudahy Redevelopment Agency.

9C. Closed Session pursuant to Government Code Section 54956.8 – Conference with Real Property Negotiator
Location of Property: 4840 Clara Street, APN 6226 025 004
City's Negotiator(s): City Manager Henry Garcia and City Attorney Isabel Birrueta
Party Negotiating With: Emiglia and Chiara Gigliotti
Under Discussion: Discussion of both price and terms of payment as relates to purchase of subject property

9D. Closed Session pursuant to Government Code Section 54956.8 – Conference with Real Property Negotiator
Location of Property: 4846 Clara Street, APN 6226-025-004
City's Negotiator(s): City Manager Henry Garcia and City Attorney Isabel Birrueta
Party Negotiating With: Estrada Othon / Estrada Maria A
Under Discussion: Discussion of both price and terms of payment as relates to purchase of subject property

9E. Closed Session pursuant to Government Code Section 54957.6 - Conference with Labor Negotiator(s) - Represented and Unrepresented Employees
City Designated Negotiator(s): Henry Garcia, Interim City Manager
Employees and Employee Groups Subject to Discussion: Cudahy Miscellaneous Employees Association and all other Represented and Unrepresented Full Time and Part Time Employees of the City

9. ADJOURNMENT

All public meetings conducted by the City of Cudahy are held in sites accessible to persons with disabilities. Requests for accommodations may be made by calling the Office of the City Clerk at least 72 hours in advance of the meeting. SB343 Note: Any writings or documents provided to a majority of the City Council regarding any item on this agenda will be made available for public inspection at the Reception Counter at City Hall located at 5220 Santa Ana Street, Cudahy, CA. 90201. THIS AGENDA POSTED ACCORDING TO GOVERNMENT CODE REQUIREMENTS OF THE STATE OF CALIFORNIA BY THE INTERIM CITY CLERK OF THE CITY OF CUDAHY: CARRIE GALLAGHER.



AGENDA REPORT

MEETING DATE: May 6, 2014

TO: Honorable Mayor and Members of the City Council

THROUGH: Henry Garcia, Interim City Manager

FROM: Jennifer Hernandez, Asst. Grants Coordinator

TITLE: **COMMUNITY DEVELOPMENT BLOCK GRANT FUNDING FOR THE 2014-2015 FISCAL YEAR**

REPORT SUMMARY:

The City has been notified that its preliminary Community Development Block Grant (CDBG) funding allocation for the 2014-2015 fiscal year is \$337,506. The purpose of this evening's public hearing is to consider the projects and associated budgets for the use of these funds.

BACKGROUND:

The primary national objectives of the CDBG program are to undertake activities that benefit low and moderate-income persons, and/or eliminate slum and blight conditions. The program requires that a minimum of 70 percent of the program funds be expended on activities that benefit low and moderate-income persons.

ELIGIBLE ACTIVITIES FOR FUNDING:

The types of activities that can be funded under the program, provided that they meet one of the national objectives stated above, include the following:

- Land acquisition and disposition;
- Development of, and improvements to, public facilities;
- Street and other infrastructure improvements;
- Demolition and clearance of property improvements;
- Code enforcement;
- Public service activities;
- Housing and commercial rehabilitation;
- Economic development activities; and
- Program administration.

INELIGIBLE ACTIVITIES

On the other hand, there are certain activities or projects for which CDBG funds cannot be used. These ineligible activities include:

- Construction of city halls, county administrative buildings, or other facilities in which the legislative, judicial, or general administrative affairs of the government are conducted;
- Purchase of equipment, unless otherwise required for program purposes;
- Operating and maintenance expenses;
- General government expenses; and
- Political activities.

FUNDING PROCESS:

The Federal Department of Housing and Urban Development (HUD) is responsible for administering the CDBG program. In order to receive funds, a city must submit an annual application to HUD. In the case of Cudahy, the City submits its application to the Los Angeles County Community Development Commission (CDC).

Prior to each new fiscal year, the CDC notifies the City of its final CDBG allocation for the coming fiscal year. At this time, the CDC also distributes the forms that the City must submit to receive these CDBG funds and conducts training sessions on the preparation of these forms. On **March 3, 2014**, a public hearing notice soliciting suggestions and recommendations for the use of CDBG funds for Fiscal Year 2014-2015 was posted at City Hall and other public buildings within the City. The public hearing notice informed the community that the Cudahy City Council would consider the various suggestions it receives at this evening's public hearing prior to approval of specific projects and budgets.

CURRENT PROJECTS:

During the current (2013-2014) fiscal year the City has allocated its CDBG funds to a variety of projects. Exhibit A describes these projects along with the funds budgeted for each project for the current fiscal year. These projects address identified local needs while meeting the national objective of the CDBG program of giving maximum feasible priority to activities that benefit low and moderate- income persons.

PROPOSED PROJECTS:

Based on study sessions with City staff assessing previous projects, and in response to public comments during City Council Meeting, it has been determined that the proposed projects would be most beneficial for the City of Cudahy. The allocated amount does not

include the funds that the city will be requesting in addition to the allocation. These additional funds will be used to supplement existing projects as well as introduce new projects such as the installation of a Synthetic Soccer Field for Lugo Park. The additional funds are drawn from unallocated funds that went unused from prior years. Additionally, these funds may be used as matching funds for other state and federal grants, rather than using monies from the City's General Fund.

UNALLOCATED FUNDING:

In addition to the preliminary CDBG allocation of \$337, 506, the City of Cudahy currently has a balance of \$399,053 in unallocated funding from left over previous program years. This amount will be allocated to projects for the 2014-2015 Program Year resulting a in a total balance of \$736,559.

2014-2015 FISCAL YEAR FUNDING:

The CDC has notified the City that its preliminary CDBG allocation for the 2014-15 fiscal year is \$337,506. In considering potential projects/programs for funding, it should be pointed out that up to 15 percent of the coming year's allocation, or \$50,625, can be budgeted for public services.

Administrative delivery services for the Housing Rehabilitation Programs are not to exceed 20 percent of their recommended budgets. Therefore, the budget for administration of the Housing Rehabilitation Programs has been budgeted not to exceed \$30,000.

The purpose of this evening's public hearing is to review the City's current use of CDBG funds and, more importantly, to determine the projects to be undertaken using CDBG funds during the coming fiscal year. It would be appropriate for the Cudahy City Council to open the public hearing and receive suggestions from the public for the use of the available CDBG funds.

RECOMMENDATION:

Staff is recommending that the Cudahy City Council:

Adopt Resolution No. **CC 14-20**

Attachments: Exhibit A - Project Titles, 2013-2014 and 2014-2015 Fiscal Years
Resolution No. **CC 14-20**

EXHIBIT A
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM
PROJECT DESCRIPTIONS
2013-2014 AND 2014-2015 FISCAL YEARS

PROJECT TITLE	AMOUNT	RECOMMENDED
	APPROVED	
	2013-2014	2014-2015
Single Unit Housing Rehabilitation	120,000	150,000
Business Assistance Program	23,403	23,403
Code Enforcement Program	150,000	75,000
Parenting Classes/JADE Program	21,730	21,730
Clara Street Park Food Distribution	28,456	28,895
Bedwell Hall Re-Roofing Project	127,106	0
Lugo Park Soccer Field	0	362,531
Lugo Park Restroom Rehabilitation	0	75,000
TOTALS	470,695	736,559

	<u>Personnel Costs</u>			<u>Costs Incurred To-Date</u>			<u>Final Projected Costs</u>	
	<u>Fiscal Year 2010-2011</u>	<u>Fiscal Year 2011-2012</u>	<u>Fiscal Year 2012-2013</u>	<u>Fiscal Year 2013-2014</u>	<u>Fiscal Year 2013-2014</u>			
Regular Hours - Wages	\$128,720.02	\$88,117.30	\$40,508.36	\$39,923.76	\$54,924.40			
Part-Time Salaries	\$0.00	\$0.00	\$21,518.90	\$6,477.82	\$6,477.82			
Overtime	\$0.00	\$0.00	\$913.76	\$0.00	\$0.00			
CAJPEERS - Retirement	\$32,278.63	\$22,656.58	\$10,786.17	\$5,303.70	\$9,066.66			
PARS - Retirement	\$0.00	\$0.00	\$1,613.75	\$485.78	\$485.78			
Medicare Cost	\$1,891.41	\$1,283.93	\$918.34	\$392.56	\$608.88			
Medical	\$19,999.76	12,978.62	\$4,656.30	\$2,630.17	\$5,447.47			
Vision	\$453.53	\$277.57	\$97.64	\$108.84	\$137.04			
Dental	\$1,887.73	\$1,008.79	\$161.06	\$401.35	\$561.89			
Life Insurance	\$1,055.17	\$596.52	\$387.00	\$116.25	\$162.75			
Disability Insurance	\$631.51	\$464.00	\$224.20	\$108.84	\$184.68			
Bilingual Pay	\$1,725.00	\$1,294.41	\$562.50	\$0.00	\$0.00			
TOTAL	\$188,642.76	\$115,699.10	\$82,347.98	\$55,949.07	\$78,057.37			
Non-Personnel Costs								
Gasoline	\$7,746.60	\$8,229.98	\$1,274.56	\$488.86	\$597.49			
Office Supplies	\$170.39	\$431.30	\$1,223.38	\$159.84	\$359.84			
Telephone	\$2,281.90	\$5,329.54	\$1,366.14	\$776.12	\$945.59			
Professional Membership	\$225.00	\$225.00	\$141.33	368.35	\$435.01			
Travel & Meetings	\$2,311.67	\$745.00	\$48.50	\$0.00	\$0.00			
Vehicle Maintenance	\$3,437.33	\$4,796.08	\$614.37	\$270.00	\$1,000.00			
Legal Services	\$51,489.09	\$48,113.41	\$5,261.96	\$12,999.94	\$16,714.20			
Training & Education	\$0.00	\$650.00	\$0.00	0	\$0.00			
TOTAL	\$67,661.98	\$68,520.31	\$9,930.24	\$15,063.11	\$20,052.13			
GRAND TOTAL	\$256,304.74	\$184,219.41	\$92,278.22	\$71,012.18	\$98,109.50			

4 YEAR AVERAGE \$158, 977

PROPOSED BUDGET BY STAFF FOR FY 2014-2015

\$150,000

*** PROPOSED BUDGET IS AN AVERAGE BASED ON EXPENSES INCURRED DURING THE PAST (3) FISCAL YEARS AS WELL AS PROJECTED EXPENSES FOR THE CURRENT FISCAL YEAR.**

RESOLUTION NO. CC 14-20

**A RESOLUTION OF THE CITY OF CUDAHY CITY COUNCIL APPROVING
PROJECTS/PROGRAMS FOR COMMUNITY DEVELOPMENT BLOCK GRANT
FUNDING DURING THE 2014-15 FISCAL YEAR**

WHEREAS, on August 22, 1974, the President of the United States signed into law the Housing and Community Development Act of 1974 (Act); and

WHEREAS, the primary goals of Title I of the Act are the development of viable urban communities by providing decent housing and a suitable living environment, and expanding economic opportunities, principally for persons of low and moderate income; and

WHEREAS, the City of Cudahy has received notification of the availability of \$337,506 in federal Community Development Block Grant (CDBG) funds to further the attainment of these goals during Fiscal Year 2014-15; and

WHEREAS, community-based and other local non-profit organizations that serve the residents of Cudahy have been invited to submit proposals for the utilization of these funds; and

WHEREAS, the Cudahy City Council has published information regarding eligible activities under the Act and has conducted a public hearing to solicit suggestions from the community for the utilization of these funds.

NOW, THEREFORE, BE IT RESOLVED, that the Cudahy City Council hereby allocates the City's available CDBG funds for the following purposes:

Single Unit Housing Rehabilitation	\$ 150,000
Lugo Park Restroom Rehabilitation	\$ 75,000
Lugo Park Soccer Field	\$ 362,531
Business Assistance Program	\$ 23,403
Code Enforcement	\$ 75,000
Parenting Classes/ JADE	\$ 21,730
Clara Street Park Food Distribution	\$ 28,895
Total	\$ 736,559

PASSED AND APPROVED, this 6th day of May 2014.

Chris Garcia, Mayor

ATTEST:

Carrie Gallagher, Interim City Clerk

(SEAL)

I, CARRIE GALLAGHER, INTERIM CITY CLERK, DO HEREBY CERTIFY that the foregoing Resolution No. CC 14-20 was duly and regularly approved by the City of Cudahy City Council at a regular adjourned meeting thereof held on May 6, 2014 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Carrie Gallagher, Interim City Clerk



AGENDA REPORT

MEETING DATE: May 6, 2014

TO: Honorable Mayor & City Council Members

FROM: Michael Allen, Acting Community Development Director

TITLE: **Zoning Ordinance No. 634, Amending Cudahy Municipal Code Section 20 (Zoning); Emergency Shelters & Transitional and Supportive Housing.**

RECOMMENDATION:

Staff and Planning Commission are recommending approval of Zoning Ordinance No. 634, amending Cudahy Municipal Code Section 20 (Zoning), to add new definitions to subsection 20.08.010 adding "Emergency Shelters" and "Transitional and Supportive Housing," modify CMC subsection 20.64.040 to add "Transitional and Supportive Housing," and modify CMC subsection 20.68.080 to add "Emergency Shelters."

SUMMARY:

Request to approve Zoning Ordinance No. 634, to amend Cudahy Municipal Code Section 20 (Zoning) by adding new definitions to subsection 20.08.010 adding "Emergency Shelters" and "Transitional and Supportive Housing," modify CMC subsection 20.64.040 to add "Transitional and Supportive Housing," and modify CMC subsection 20.68.080 to add "Emergency Shelters."

BACKGROUND / DISCUSSION:

California ("State") Senate Bill 2 ("SB 2"), also known as the "Fair Share Zoning Bill" became effective as January 1, 2008, and generally requires that every city and county identify in the Housing Element of its General Plan at least one zoning district in which homeless shelters are allowed as a permitted use, without a conditional use permit, or other discretionary review. Each zone or zones must be sufficient to accommodate the locality's identified need for emergency shelter; provided that regardless of actual need determined, each local jurisdiction must identify at least one zone that can accommodate at least one year-round jurisdiction must identify at least one zone that can accommodate at least one year-round emergency shelter. SB 2 was intended to disperse homeless services, shelters, and housing issues to be "fairly shared" among all California communities in order to share responsibility for the State's homeless problems. To be clear, SB 2 does not mandate that cities and counties build or fund homeless projects, only that there is zoning in place that permits development by right without a conditional use permit process or other discretionary review. SB 2 does not mandate where homeless shelter uses should be allowed in a city or county, but does require every city and county to identify actual zone or zones and site or sites that can accommodate the locality's actual unmet need. The following definitions describe the housing types the City is required in moving forward with the proposed amendment to the Zoning Code:

Emergency Shelters (Health and Safety Code Section 50801(e))

"Emergency Shelter means 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 an inability to pay.

Transitional Housing (Health and Safety Code Section 50675.2(h))

“Transitional housing” and “transitional housing development” means 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 receipt at some predetermined future point in time, which shall be no less than six months.

Supportive Housing (Health and Safety Code Section 50675.14(b))

“Supportive housing” means housing with no limit on length of stay, that is occupied by the target population, 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.

Further, Government Code Section 65583(a)(4) requires:

- At least one zoning district shall be identified to permit emergency shelters without a conditional use permit or other discretionary action.
- Sufficient capacity must be identified to accommodate the need for emergency shelters and at least one year-round emergency shelter.
- Existing or proposed permit procedures, development and management standards must be objective and encourage and facilitate the development of or conversion to emergency shelters.
- Emergency shelters shall only be subject to development and management standards that apply to residential or commercial uses and development within the same zoning district.
- Written and objective standards may be applied as specified in statute, including maximum number of beds, provision of onsite management, length of stay and security.

Government Code Section 65583(a)(5) requires jurisdictions to recognize transitional housing and supportive housing as a residential use and only subject to those restrictions that apply to other residential uses of the same type in the same zone.

On March 17, 2014 the Cudahy Planning Commission heard the proposed modifications and recommended approval of Resolution 14-04, approving Zone Ordinance Amendment No. 14-01.

On April 15, 2014 the Cudahy City Council heard the first reading of proposed Zoning Ordinance No. 634. During the public hearing, a number of suggestions were proposed including alternative zones, distance requirements, and number of beds.

At the April 23, 2014 Town Hall meeting, City Staff made a presentation to the attendees and members of the public to provide information on SB2, as well as provide the options and solicit feedback from the community. As of April 29, 2014, Staff has not received any feedback, suggestions, or recommendations from members of the community after the town hall meeting.

Consequences for Noncompliance

Cities that have not addressed SB 2's requirements risk having their Housing Element deemed non-compliant by the California Department of Housing and Community Development. Having a non-compliant Housing Element carries with it two repercussions: (1) limited access to state funding; and (2) liability for lawsuits brought forward against the City over the adequacy of the General Plan. Cities that have not complied with SB 2 must also revise their Housing Element every four years instead of every eight years.

ANALYSIS:

The City's General Plan Housing Element was adopted January 2014 and included Policy Program's *Emergency Shelters and Transitional and Supportive Housing*. Each policy program established the intent of modifying the Cudahy Municipal Code to include parameters to allow emergency shelters and transitional and supportive housing consistent with SB 2, no later than March 2014. Staff has researched and reviewed other adopted SB 2 ordinances by a range of cities in Los Angeles County and surrounding communities. The subject ordinance amendment implements State law requirements and General Plan Housing Element Policy's *Emergency Shelters and Transitional and Supporting Housing*.

The proposed amendment to the Zoning Code will bring the City into compliance with State Law outlined in SB 2, as well as allow Cudahy to obtain proper certification of its Housing Element. This code amendment is one of the actions that must be completed for the City to qualify for an eight-year review cycle rather than four years.

Proposed Changes:

The proposed amendment to the Zoning Code identifies one or more zones to allow emergency shelters as a permitted use and allows transitional and supportive housing in all residential zones. The zoning that is identified must include a sufficient amount of acreage and sites to accommodate the unmet need for the shelter of homeless people in Cudahy. Per the City's most recent assessment in the Housing Element, Cudahy is home to less than ten regular homeless persons, much lower than the state average. However, there are currently no homeless shelters or transitional and supportive housing facilities within the City.

Although the Housing Element identifies the High Density Residential zone as the preferred zone, staff has concluded that the Community Commercial zone district is better suited for the development of emergency shelters due to its proximity to the core services and transportation corridor within the City. Services along Atlantic Avenue, the central corridor through Cudahy includes a large dialysis facility, Kaiser Permanente (non-emergency) medical treatment facility, six clinics or medical facilities, and the County of Los Angeles Department of Public Social Services. Additionally, within the immediate area are seven main Metropolitan Transportation Authority bus lines including routes 111, 260, 315, 361, 611, 612, 711, as well as the Cudahy Area Rapid Transit (City fixed route). Additionally, the following standards are proposed in order to mitigate over-saturation and reduce proximity to sensitive land uses: separation of at least 300 feet from residences, parks, child care centers, or schools; separation of at least 300 feet from another emergency shelter; located within ½ mile of a transit stop.

As identified in the Housing Element, there are six separate sites that range from ½ acre to 5 acres, all of which could accommodate a shelter large enough to provide for enough emergency shelter space to meet Cudahy's unmet homeless housing need.

As Proposed: Community Commercial Zone

The proposed Ordinance Amendment identifies emergency shelters as a permitted use in the Community Commercial zone, provided the above standards are met. Under this premise, the permitted use is limited to Atlantic Avenue only, and due to distance requirements, south of Elizabeth Street. Additionally, it locates emergency shelters within a zone which was established to provide a wide range of retail and service establishments needed to accommodate the surrounding community.

Public Comment: Commercial Manufacturing Zone

However, public comment during the April 15th, 2014 City Council meeting suggested a desire to permit such facilities a greater distance from schools and parks, leaving the Commercial Manufacturing (CM) zone as an alternative zone. Under this premise, the permitted use is limited to the CM zone with the above mentioned standards will limit the permitted us to the

southern Cecelia Street and Patata Street, and southwestern Salt Lake Avenue which borders the City. This would place emergency shelters in a zone that was established to provide a range of commercial, manufacturing, and wholesaling facilities.

In addition, the proposed Ordinance Amendment identifies standards for emergency shelters including limits for the number of persons to be served nightly, parking, waiting and intake area, support services, hours of operation, and length of stay. One key standard is a Management and Operation Plan for detailing a security plan, procedures, staff ratio to clients served, client transportation plan, and program for ongoing outreach to the Cudahy homeless population. The Management and Operational Plan is to be reviewed and approved by the Community Development Director in conjunction with the Sheriff's department prior to issuance of permit to minimize any impacts on surrounding industrial land uses.

As defined in the proposed Ordinance Amendment, an Emergency Shelter for Homeless in Cudahy would allow up to 15 beds or persons per night and would be permitted by right. Emergency shelters over 15 beds would be allowed through a Conditional Use Permit. By definition, overall occupancy of emergency shelters would be limited to six months or less by a homeless person.

Impact to the Community:

The amendments will bring the City into compliance with Government Code Sections 65582, 65583, 65589.5 and provisions of the Housing Element pertaining to emergency shelters, transitional housing and supportive housing, and satisfy the General Plan Housing Element's Emergency Shelters Program and Transitional and Supportive Housing Program. Additionally, by facilitating emergency shelters, transitional housing and supportive housing, the ordinance would help fulfill Housing Element Goal Two, Policy 2.1 promoting all State, regional and local practices and plans that support housing availability for all economic segments of the population. Based on the analysis above, it is recommended that the Planning Commission recommend that the City Council adopt an ordinance approving Zone Ordinance Amendment 14-01.

Proposed Modifications

Section 20.08.010 of the Cudahy Municipal Code proposed addition is as follows:

Definitions:

***Emergency Shelter:** Emergency Shelter means 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 an inability to pay.*

***Supportive Housing:** Supportive Housing means housing with no limit on length of stay, that is occupied by persons and families who were homeless when approved for tenancy in the supportive housing project in which they currently reside, 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; as defined by Section 50675.14 of the Health and Safety Code.*

***Transitional Housing:** Transitional Housing means a building or 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; as defined in Section 50675.2 of the Health and Safety Code. Transitional Housing does not include state licensed residential care facilities, also referred to as care homes.*

Section 20.64.040 of the Cudahy Municipal Code proposed addition is as follows:

(Corresponding Numbers of subsequent permitted uses will shift accordingly with the addition of "transitional and supportive housing")

(5) Transitional and Supportive Housing; subject to the following restrictions:

(a) Transitional Housing and Supportive Housing shall be considered a residential use of property, and shall be subject only to those restrictions that apply to other residential dwellings of the same type in the same zone.

Section 20.68.080 of the Cudahy Municipal Code proposed addition is as follows:

(Corresponding Numbers of subsequent permitted uses will shift accordingly with the addition of "emergency shelters")

(22) Emergency Shelters; subject to the following restrictions:

(a) Occupancy. A maximum of 15 beds or persons may be served nightly, with associated support service not open to the public. Any Emergency Shelter for Homeless with greater than 15 beds shall be subject to approval of a Conditional Use Permit consistent with CMC Chapter 20.44.

(b) Separation Criteria. Said uses are to be located at least 300 feet from any residential use or residentially zoned property, park, child care center, or kindergarten through 12th grade curriculum school, as measured from the closest property line. An exception to this separation requirement may be granted if significant physical features act as barriers from said sensitive uses; such as a freeway, railroad right of way, or like features. In addition, at least 300 feet shall be maintained from any other Emergency Shelter for Homeless or Multiservice Center for Homeless, as measured from the closest property line. Said uses shall be located within ½ mile of a transit stop.

(c) Parking. One (1) vehicle parking space shall be provided per 5 beds. A covered and secured area for bicycle parking shall be provided for use by staff and clients, commensurate with demonstrated need, but no less than a minimum of eight (8) bike parking spaces.

(d) Waiting and Intake Area. A client waiting and intake area shall be provided and contain a minimum of ten (10) square feet per bed provided at the facility. The client waiting and intake area shall be screened from the public right of way by a solid wall of at least six (6) feet in height, and shall be sufficient in size to accommodate all persons waiting to enter the facility.

(e) Support Services. Emergency Shelters shall allocate sufficient areas on site, outside of any required landscape areas, to provide the following minimal support services:

- 1. Food preparation and dining areas*
- 2. Laundry facilities*
- 3. Restrooms and showers*
- 4. Areas to secure and store client belongings*
- 5. Indoor and outdoor recreational facilities and/or open space*
- 6. A private area providing referral services to assist shelter clients in entering programs aimed at obtaining permanent shelter and income. Referral services refers to the initial assessment of a homeless client to identify the areas in which assistance is needed, and connecting clients with appropriate off-site programs and services depending on their need.*

(f) Hours of Operation. Emergency Shelters for Homeless providing less than 15 beds are not required to be open 24 hours a day. Clients for Emergency Shelters for

Homeless shall have a specified check out time as detailed in the Management and Operation Plan, but may remain on the premises to utilize onsite services offered.

(g) Length of Stay. The length of stay of an individual client shall not exceed six (6) months within a twelve (12) month period; days of stay need not be consecutive.

(h) Management and Operation Plan. The applicant or operator shall submit a Management and Operation Plan for the Emergency Shelter for review and approval by the Community Development Director or designee in consultation with the Chief of Police at the time the project is proposed, prior to issuance of permits. If Site Plan Review applies, then the Management and Operational Plan should be submitted and reviewed concurrently with those applications. The Plan shall remain active throughout the life of the facility, with any changes subject to review and approval by the Community Development Director or designee in consultation with the Chief of Police. The Plan should be based on "Best Practices" and include, but not limited to, a security plan, procedures, lists of services, staff training, "good neighbor" communication plan, client transportation and active transportation plan, ratio of staff to clients, client eligibility and intake and check out process, detailed hours of operation, and an ongoing outreach plan to Cudahy homeless population. The City may inspect the facility at any time for compliance with the facility's Operational Plan and other applicable laws and standards.

(i) Restrooms. The number of toilet and showers shall comply with applicable Building Codes and Plumbing Codes.

(j) Trash Enclosure and Loading Zone. Each facility shall have a trash enclosure and loading zone as provided in CMC Chapters 20.64 and 20.80.

(k) Applicable Laws. The facility shall comply with all other laws, rules and regulations that apply, including Building and Fire codes and shall be subject to City inspections prior to Operational Plan approval.

ALTERNATIVES:

1. City Council may choose to take no action.
2. City Council may choose alternative zones where emergency shelters may be a permitted as a non-discretionary use.
3. City Council may recommend alternative emergency shelter objective standards to those proposed, in accordance with the topics listed in Government Code Section 65583.a.4.A.

CEQA (CALIFORNIA ENVIRONMENTAL QUALITY ACT):

In accordance with the California Environmental Quality Act (CEQA) and the State CEQA Guidelines, the adoption of this ordinance is exempt from CEQA review pursuant to California Code of Regulations section 15601(b)(3), in that the proposed amendment to the Zoning Code will not have a significant effect on the environment. A Notice of Exemption will be filed upon adoption of this ordinance.

ATTACHMENTS:

SB 2

Department of Housing and Community Development Letter of Certification
City Council Ordinance No. 634

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF HOUSING POLICY DEVELOPMENT**

1800 Third Street, Suite 430
P. O. Box 952053
Sacramento, CA 94252-2053
(916) 323-3177
FAX (916) 327-2643

**MEMORANDUM**

Updated: April 10, 2013

DATE: May 7, 2008

TO: Planning Directors and Interested Parties

FROM: 
Cathy E. Creswell, Deputy Director
Division of Housing Policy Development

SUBJECT: **Senate Bill 2 – Legislation Effective January 1, 2008:
*Local Planning and Approval for Emergency Shelters and
Transitional and Supportive Housing***

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

Planning (Government Code Section 65583)

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

Chapter 633, Statutes of 2007 (SB 2)
Page 2

- Transitional and supportive housing shall be considered a residential use and only subject to those restrictions that apply to other residential uses of the same type in the same zone.

Local Approval (Government Code Section 65589.5: Housing Accountability Act)

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

Attached is a briefing paper informing local governments of SB 2, providing assistance in evaluating these new provisions to effectively implement this important new State law; in addition to a copy of the legislation. Electronic copies of these can be found on the Department's website at www.hcd.ca.gov or the Senate's website at www.senate.ca.gov. You may also obtain copies of published bills from the Legislative Bill Room by calling (916) 445-2323. If you have any questions, or seek additional technical assistance, please contact Paul McDougall, HPD Manager, at (916) 445-4728.

Attachments

Chapter 633, Statutes of 2007 (Senate Bill 2)

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Introduction

Homeless Needs

Homelessness in California is a continuing and growing crisis. On any given day, there are at least 361,000 homeless individuals in California – or 1.1 percent of the State's total population. Of this number, two-thirds are estimated to be single adults, while the other third are families. Some 30 percent of California's homeless – 108,000 – are so-called "chronic" homeless who have been homeless for six months or more. This population tends to be comprised of single adults who face such obstacles as mental illness, substance abuse problems and chronic physical health problems or disabilities that prevent them from working. Homeless individuals and families are without permanent housing largely because of a lack of affordable housing, often compounded by limited education or skills, mental illness and substance abuse issues, domestic violence and the lack of family or other support networks.¹

California's homelessness crisis demands the effective involvement of both the public and private sectors. A housing element can be an effective and powerful tool in combating homelessness. Passage of SB 2 strengthened the law to increase its effectiveness in addressing the needs of California's homeless population. The upcoming housing element update presents an important opportunity to make ending homelessness a critical priority.

Purpose and Objectives of SB 2

The framework of SB 2 resulted from a collaborative effort by key stakeholders including housing and homeless advocates and providers, local governments, planners, and the building industry. SB 2 strengthens existing housing element requirements to provide the opportunity for the development of emergency shelters and transitional and supportive housing. SB 2 ensures zoning, development and management standards and permit procedures encourage emergency shelters while allowing flexibility for existing local strategies and cooperative efforts.

SB 2 focuses on the impacts of zoning requirements on the development of emergency shelters. While the new statute requires that every local government zone for the development of emergency shelters, it does not restrict how local governments allocate resources to address local priority needs. For example, nothing in SB 2 prohibits communities from also adopting a "Housing First" strategy to provide homeless persons with housing immediately and then providing services as needed.

¹ *Governor's Interagency Task Force on Homelessness, Progress Report and Work Plan for 2003.* Health and Human Services Agency and Business, Transportation and Housing Agency, December 2002

Section 1

Planning

(Government Code Section 65583)

Identifying and Analyzing Needs and Resources

Current law, Government Code Section 65583(a)(7), requires an identification and analysis of the needs of homeless persons and families. The analysis is an essential component of an effective housing element; however data sources can be limited and vary in estimates of need. As a result, an analysis should consider a variety of data sources and include proactive outreach with service providers to examine the degree and characteristics of homeless needs in the community and surrounding communities. A thorough analysis includes:

- An estimate or count of the daily average number of persons lacking shelter. Wherever possible, and to better describe the characteristics of needs, this figure could be divided into single males, single females and families (one or more adults with children) as the needs of each subgroup differ significantly.
- As local data or other existing sources permit (see list below), a description of the percentage of the homeless population who are mentally ill, developmentally disabled, veterans, runaway or emancipated foster youth, substance abusers, survivors of domestic violence, and other subpopulations of homeless considered significant by the jurisdiction.
- An inventory of the resources available within the community including shelters, transitional housing and supportive housing units by type. The analysis should estimate the number and type of existing shelter beds, and units of transitional and supportive housing available.
- Assess the degree of unmet homeless needs, including the extent of need for emergency shelters. As part of this analysis, SB 2 now clarifies the need assessment for emergency shelters must consider seasonal and year-round need. In recognition of local efforts to encourage supportive housing, SB 2 allows jurisdictions with 10 Year Plans to End Chronic Homelessness to reduce the need for emergency shelters by the number of supportive housing units identified in an adopted 10-year plan and that are either vacant or funding has been identified to allow construction in the housing element planning period.

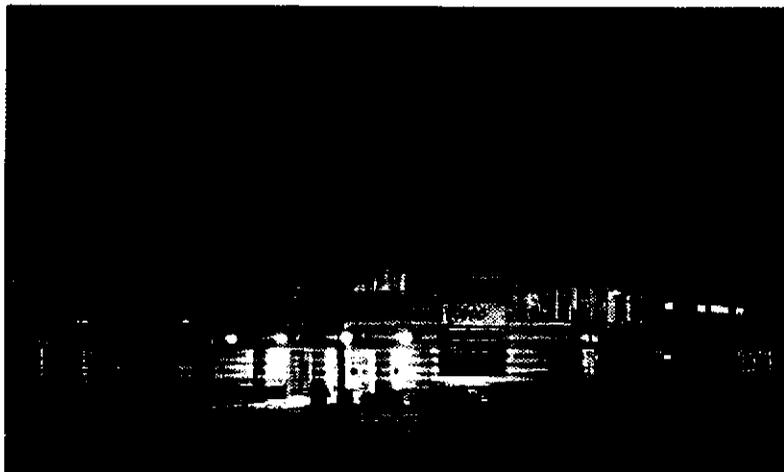
Resources to identify and analyze homeless needs, include:

- Consolidated plans
- Continuum of care plans
- 10 Year Plans to End Chronic Homelessness
- Interagency Council on Homelessness, Guide to Developing Plans and Examples (<http://www.ich.gov/slocal/index.html>)

- Local service providers such as continuum of care providers, local homeless shelter and service providers, food programs, operators of transitional housing programs, local drug and alcohol program service providers, county mental health and social service departments, local Salvation Army, Goodwill Industries, churches and schools, and
- 15 countywide Designated Local Boards certified by the Department's Emergency Housing and Assistance Program (<http://www.hcd.ca.gov/fa/ehap/cntys-with-dlb.html>).

Identifying Zoning for Emergency Shelters

Prior to enactment of SB 2, housing element law required local governments to identify zoning to encourage and facilitate the development of emergency shelters. SB 2 strengthened these requirements. Most prominently, housing element law now requires the identification of a zone(s) where emergency shelters are permitted without a conditional use permit or other discretionary action. To address this requirement, a local government may amend an existing zoning district, establish a new zoning district or establish an overlay zone for existing zoning districts. For example, some communities may amend one or more existing commercial zoning districts to allow emergency shelters without discretionary approval. The zone(s) must provide sufficient opportunities for new emergency shelters in the planning period to meet the need identified in the analysis and must in any case accommodate at least one year-round emergency shelter (see more detailed discussion below).



Cloverfield Services Center – Emergency Shelter by OPCC in Santa Monica, CA
Photo courtesy of OPCC in Santa Monica

When identifying a zone or analyzing an existing zone for emergency shelters, the element should address the compatibility and suitability of the zone. The element should consider what other uses are permitted in the zone and whether the zone is suitable for residential or emergency shelters. For example, an industrial zone with heavy manufacturing may have environmental conditions rendering it unsuitable for residential or shelter uses. In some localities, manufacturing or industrial zones may be in transition, where older industrial uses are redeveloping to residential, office or commercial. Transitioning zones may be compatible

with residential uses and suitable for emergency shelters. Also, a commercial zone allowing residential or residential compatible services (i.e., social services, offices) would be suitable for shelters. For example, Sacramento County permits emergency shelters in its commercial zone along with other residential uses and uses such as retail that are compatible with residential.

SB 2 clarifies existing law by requiring zoning identified for emergency shelters to include sufficient capacity to accommodate the need. The identified zone(s) must have sufficient capacity, when taken as a whole, to meet the need for shelters identified in the housing element, and have a realistic potential for development or reuse opportunities in the planning period. Further, capacity for emergency shelters must be suitable and available and account for physical features (flooding, seismic hazards, chemical contamination, other environmental constraints, and slope instability or erosion) and location (proximity to transit, job centers, and public and community services). The element should also address available acreage (vacant or underutilized) and the realistic capacity for emergency shelters in the zone. For example, if a jurisdiction identifies the public institution zoning district as the zone where emergency shelters will be allowed without a conditional use permit, the element should demonstrate sufficient acreage within the zoning district that could accommodate the actual development of an emergency shelter. The element could also discuss the potential for reuse or conversion of existing buildings to emergency shelters.

SB 2 ensures that each local government shares the responsibility to provide opportunities for the development of emergency shelters. Regardless of the extent of need identified in the element, local governments must provide zoning to allow at least one year round emergency shelter, unless the need for emergency shelters is accommodated through existing shelters or a multi-jurisdictional agreement (see discussion below). This is especially important given the fact that the homeless population is not always visible in the community; is sometimes transitory; data resources are frequently inadequate and the availability and adequacy of services and programs vary significantly by community and can impact the homeless count.

If a local government's existing zoning does not allow emergency shelters without a conditional use permit or other discretionary action, the housing element must include a program to identify a specific zone(s) and amend the zoning code within one year of adoption of the housing element (65583(a)(4)). The only exceptions permitted to the non-discretionary zoning requirement are where a jurisdiction demonstrates their homeless needs can be accommodated in existing shelters; or where the jurisdiction meets all of its need through a multi-jurisdictional agreement (discussed in later sections).

Where a local government has identified a zone and sufficient capacity to encourage emergency shelters consistent with the provisions of SB 2, a local government may also identify additional zones for the development of emergency shelters that require a conditional use permit.

Permitting Emergency Shelters without Discretionary Action

To comply with SB 2, localities must have or adopt a zoning classification that permits emergency shelters in a non-discretionary manner (localities may however apply development standards pursuant to Section 65583(a)(4)). In such zones, permitted uses, development standards and permit procedures must include:

- Objective development standards that encourage and facilitate the approval of emergency shelters.
- Decision-making criteria such as standards that do not require discretionary judgment.
- Standards that do not render emergency shelters infeasible, and only address the use as an emergency shelter, not the perceived characteristics of potential occupants.

Requiring a variance, minor use permit, special use permit or any other discretionary process does not constitute a non-discretionary process. However, local governments may apply non-discretionary design review standards.



Emergency Shelter – Jackson, California
Photo courtesy of Amador-Tuolumne Community Action

A local government should not require public notice of its consideration of emergency shelter proposals unless it provides public notice of other non-discretionary actions. For example, if a local government permits new construction of a single-family residence without discretionary action and public notice is not given for these applications, then a local government should employ the same procedures for emergency shelter applications. The appropriate point for public comment and discretionary action is when zoning is being amended or adopted for emergency shelters, not on a project-by-project basis.

Development Standards to Encourage and Facilitate Emergency Shelters

SB 2 requires that emergency shelters only be subject to those development and management standards that apply to residential or commercial use within the same zone, except the local government may apply certain objective standards discussed on the next page (Government Code Section 65583(a)(4)). For example, a light commercial zone might permit a range of wholesaler, service repair and business services subject to buildable area and lot area requirements. In this case, the emergency shelter may be subject only to the same buildable area and lot area requirements. The same zone might permit residential uses subject to certain development standard (i.e., lot area, heights, and setbacks) requirements. In this case, emergency shelters should only be subject to the same development standards.

To demonstrate that processing procedures and standards are objective and encourage and facilitate development of emergency shelters, the housing element must address how:

- zoning explicitly allows the use (meaning the use is specifically described in the zoning code);
- development standards and permit procedures do not render the use infeasible;
- zoning, development and management standards, permit procedures and other applicable land-use regulations promote the use through objective; and predictable standards.

SB 2 allows flexibility for local governments to apply written, objective development and management standards for emergency shelters as described in statute and below.

- The maximum number of beds or persons permitted to be served nightly by the facility.
- Off-street parking based upon demonstrated need, provided that the standards do not require more parking for emergency shelters than for other residential or commercial uses within the same zone.
- The size and location of exterior and interior on-site waiting and client intake areas.
- The provision of on-site management.
- The proximity to other emergency shelters provided that emergency shelters are not required to be more than 300 feet apart.
- The length of stay.
- Lighting.
- Security during hours that the emergency shelter is in operation.

These standards must be designed to encourage and facilitate the development of, or conversion to, an emergency shelter. For example, a standard establishing the maximum number of beds should act to encourage the development of an emergency shelter; local governments should establish flexible ranges for hours of operation; length of stay provision should be consistent with financing programs or statutory definitions limiting occupancy to six months (Health and Safety Code Section 50801) and should not unduly impair shelter operations. Appropriate management standards are reasonable and limited to ensure the operation and maintenance of the property.



Encouraging Multi-Jurisdictional Cooperation and Coordination

SB 2 recognizes and encourages multi-jurisdictional coordination by allowing local governments to satisfy all or part of their obligation to zone for emergency shelters by adopting and implementing a multi-jurisdictional agreement, with a maximum of two adjacent communities. The agreement must commit the participating jurisdictions to develop at least one year-round shelter within two years of the beginning of the housing element planning period. For example, jurisdictions in Southern California Association of Governments (SCAG) region with a statutory due date of June 30, 2008 would need to ensure the development of shelter(s) by June 30, 2010. To utilize this provision, local governments must adopt an agreement that allocates a portion of the new shelter capacity to each jurisdiction as credit towards the jurisdiction's emergency shelter need. The housing element for each participating local government must describe how the capacity was allocated. In addition, the housing element of each participating jurisdiction must describe:

- How the joint facility will address the local governments need for emergency shelters.
- The local government's contribution for both the development and ongoing operation and management of the shelter.
- The amount and source of the funding to be contributed to the shelter.
- How the aggregate capacity claimed by all of the participating jurisdictions does not exceed the actual capacity of the shelter facility.

If the local government can demonstrate that the multi-jurisdictional agreement can accommodate the jurisdiction's need for emergency shelter, the jurisdiction is authorized to comply with the zoning requirements for emergency shelters by identifying a zone(s) where new emergency shelters are allowed with a conditional use permit.

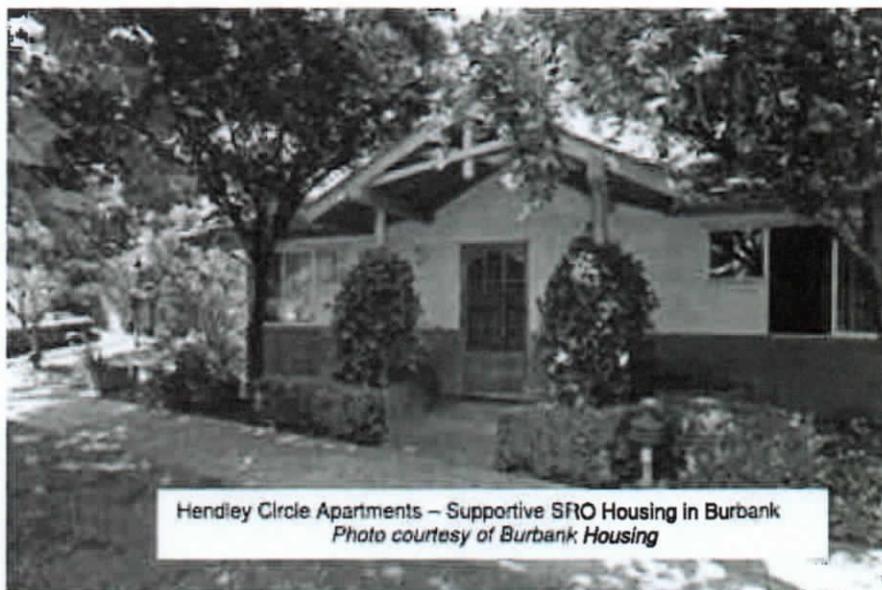


Quinn Cottages, Transitional Housing in Sacramento, CA
Photo courtesy of Cottage Housing, Inc.

Existing Ordinances and Existing Shelters that Accommodate Need

Existing Ordinances Permitting Emergency Shelters

Many local governments have a record of effective actions to address the homeless needs in their community. SB 2 recognizes and provides flexibility for jurisdictions that have already adopted an ordinance(s) that complies with the new zoning requirements. For those local governments with existing ordinances and zoning consistent with requirements of SB 2, no further action will be required to identify zones available



for emergency shelters. The housing element must however, describe how the existing ordinance, policies and standards are consistent with the requirements of SB 2.

Existing Shelters That Accommodate the Need for Emergency Shelters

Local governments that can demonstrate, to the satisfaction of the Department, the existence of one or more emergency shelters either within the jurisdiction or pursuant to a multi-jurisdictional agreement that can accommodate the need for emergency shelters identified in the housing element may comply with the zoning requirements of SB 2 by identifying a zone(s) where new emergency shelters are allowed with a conditional use permit. To demonstrate homeless needs can be accommodated in existing shelters, an element must at minimum list existing shelters including the total number of beds and the number vacant. The analysis should support and document the estimate of vacant beds and must consider seasonal fluctuations in the need for emergency shelters.

Transitional and Supportive Housing

Transitional housing is defined in Section 50675.2 of the Health & Safety Code as rental housing for stays of at least six months but where the units are re-circulated to another program recipient after a set period. Transitional housing may be designated for a homeless individual or family transitioning to permanent housing. This housing can take several forms,

such as single family or multifamily units, and may include supportive services to allow individuals to gain necessary life skills in support of independent living. *Supportive housing* as defined at Section 50675.14 of the Health & Safety Code has no limit on the length of stay, is linked to onsite or offsite services, and is occupied by a target population as defined in Health & Safety Code Section 53260. Services typically include assistance designed to meet the needs of the target population in retaining housing, living and working in the community, and/or improving health and may include case management, mental health treatment, and life skills.

The housing element must demonstrate that transitional housing and supportive housing are permitted as a residential use and only subject to those restrictions that apply to other residential dwellings of the same type in the same zone (Government Code Section 65583(a)(5)). In other words, transitional housing and supportive housing are permitted in all zones allowing residential uses and are not subject to any restrictions (e.g., occupancy limit) not imposed on similar dwellings (e.g., single family home, apartments) in the same zone in which the transitional housing and supportive housing is located. For example, transitional housing located in an apartment building in a multifamily zone is permitted in the same manner as an apartment building in the same zone and supportive housing located in a single family home in a single family zone is permitted in the same manner as a single family home in the same zone.

If jurisdictions do not explicitly permit transitional and supportive housing as previously described, the element must include a program to ensure zoning treats transitional and supportive housing as a residential use, subject only to those restrictions on residential uses contained in the same type of structure.

Housing Element Policies and Programs

Effective programs reflect the results of the local housing need analyses, identification of available resources, including land and financing, and the mitigation of identified governmental and nongovernmental constraints.

Programs consist of specific action steps the locality will take to implement its policies and achieve goals and objectives. Programs must

include a specific timeframe for implementation, identify the agencies or officials responsible for implementation, and describe the jurisdiction's specific role in implementation.

Where a jurisdiction does not provide an analysis demonstrating compliance with the provisions of SB 2 through existing zoning, the element must have a program(s) to address the results of that analysis. For example, if the element does not identify an existing zone to



Gish Apartments – Supportive Housing, San Jose, CA
Photo courtesy of First Community Housing and Bernard Andre

permit emergency shelters without a conditional use permit or other discretionary action, the element must include a program to establish the appropriate zoning, unless the jurisdiction has satisfied its needs through existing emergency shelters or a multi-jurisdictional agreement. If development and management standards do not encourage and facilitate emergency shelters or zoning does not treat transitional and supportive housing as a residential use, the element must include a program(s) to amend existing zoning or processing requirements to comply with SB 2.

Programs to address the requirements of SB 2 for emergency shelters must be implemented within one year of adoption of the housing element. Programs to address requirements for transitional and supportive housing should be implemented early in the planning period. Further, since the program for emergency shelters must be implemented within one year of adoption, the housing element should provide analysis to support and assure effective implementation of the program. For example, the analysis should examine the suitability of zones to be included in the program and whether sufficient and suitable capacity is available. The same type of analysis could evaluate development and management standards that will be considered as part of establishing or amending zoning. This analysis should demonstrate the necessary commitment to ensure zoning, permit procedures and development standards encourage and facilitate emergency shelters.

******* UPDATED*******

Please be aware, if the adopted housing element from the previous cycle (4th cycle) included a program to address the requirements of SB 2 for emergency shelters, and the required timeframe has lapsed, the Department will not be able to find future housing elements in compliance until the required rezoning is complete and the element is amended to reflect that rezoning.

Timing: When SB 2 Applies

In accordance with Government Code Section 65583(e), any draft housing element submitted to the Department after March 31, 2008 will be required to comply with SB 2.

Section 2

Local Approval

(Government Code Section 65589.5)

The Housing Accountability Act

To promote predictability for the development of housing affordable to lower- and moderate-income households, the Housing Accountability Act (Government Code Section 65589.5) prohibits a jurisdiction from disapproving a housing development project, including housing for farmworkers and for very low-, low-, or moderate-income households, or conditioning approval in a manner that renders the project infeasible for development for the use of very low-, low-, or moderate-income households, including through the use of design review standards, unless it makes at least one of five specific written findings based on substantial evidence in the record (Government Code Section 65589.5).

SB 2 adds emergency shelters to the list of uses protected under the Housing Accountability Act. In addition, SB 2 clarifies that the definition of a housing development project includes transitional or supportive housing (see Attachment 1: SB 2 - changes are underlined).

Zoning Inconsistency

Pursuant to the Housing Accountability Act, a local government is prohibited from making the finding regarding zoning and general plan inconsistency (Section 65589.5(d)(5)) to disapprove a development if the jurisdiction identified the site in its general plan (e.g., housing or land-use element) as appropriate for residential use at the density proposed or failed to identify adequate sites to accommodate its share of the regional housing need for all income groups. In addition to extending these provisions to emergency shelters and transitional housing, SB 2 prohibits the use of the zoning and general plan inconsistency finding to disapprove an emergency shelter if the jurisdictions have:

- not identified a zone(s) where emergency shelters are allowed as a permitted use without a conditional use or other discretionary permit,
- not demonstrated the identified zone(s) include sufficient capacity to accommodate the need for emergency shelter, or
- not demonstrated the identified zone(s) can accommodate at least one emergency shelter.

This provision applies to any site identified in any element of the general plan for industrial, commercial, or multifamily residential uses. In any court action, the burden of proof is on the local jurisdiction to demonstrate its housing element satisfies the above requirements of SB 2.

Attachment 1

Statutory Changes to Housing Element Law (*underline version*)

Attachment 1

Changes to State Housing Element Law Chapter 633, Statutes of 2007 (SB 2) *(changes indicated in strikeouts and underlines)*

65582. As used in this article, the following definitions apply:

- (a) "Community," "locality," "local government," or "jurisdiction" means a city, city and county, or county.
- (b) "Council of governments" means a single or multicounty council created by a joint powers agreement pursuant to Chapter 5 (commencing with Section 6500) of Division 1 of Title 1.
- (c) "Department" means the Department of Housing and Community Development.
- (d) "Emergency shelter" has the same meaning as defined in subdivision (e) of Section 50801 of the Health and Safety Code.
- (e) "Housing element" or "element" means the housing element of the community's general plan, as required pursuant to this article and subdivision (c) of Section 65302.
- (f) "Supportive housing" has the same meaning as defined in subdivision (b) of Section 50675.14 of the Health and Safety Code.
- (g) "Transitional housing" has the same meaning as defined in subdivision (h) of Section 50675.2 of the Health and Safety Code.

65583. The housing element shall consist of an identification and analysis of existing and projected housing needs and a statement of goals, policies, quantified objectives, financial resources, and scheduled programs for the preservation, improvement, and development of housing. The housing element shall identify adequate sites for housing, including rental housing, factory-built housing, ~~and mobilehomes,~~ and emergency shelters, and shall make adequate provision for the existing and projected needs of all economic segments of the community. The element shall contain all of the following:

- (a) An assessment of housing needs and an inventory of resources and constraints relevant to the meeting of these needs. The assessment and inventory shall include all of the following:
 - (1) An analysis of population and employment trends and documentation of projections and a quantification of the locality's existing and projected housing needs for all income levels, including extremely low income households, as defined in subdivision (b) of Section 50105 and Section 50106 of the Health and Safety Code. These existing and projected needs shall include the locality's share of the regional housing need in accordance with Section 65584. Local agencies shall calculate the subset of very low income households allotted under Section 65584 that qualify as extremely low income households. The local agency may either use available census data to calculate the percentage of very low income households that qualify as extremely low income households or presume that 50 percent of the very low income households qualify as extremely low income households. The number of extremely low income households and very low income households shall equal the jurisdiction's allocation of very low income households pursuant to Section 65584.
 - (2) An analysis and documentation of household characteristics, including level of payment compared to ability to pay, housing characteristics, including overcrowding, and housing stock condition.

(3) An inventory of land suitable for residential development, including vacant sites and sites having potential for redevelopment, and an analysis of the relationship of zoning and public facilities and services to these sites.

(4) (A) The identification of a zone or zones where emergency shelters are allowed as a permitted use without a conditional use or other discretionary permit. The identified zone or zones shall include sufficient capacity to accommodate the need for emergency shelter identified in paragraph (7), except that each local government shall identify a zone or zones that can accommodate at least one year-round emergency shelter. If the local government cannot identify a zone or zones with sufficient capacity, the local government shall include a program to amend its zoning ordinance to meet the requirements of this paragraph within one year of the adoption of the housing element. The local government may identify additional zones where emergency shelters are permitted with a conditional use permit. The local government shall also demonstrate that existing or proposed permit processing, development, and management standards are objective and encourage and facilitate the development of, or conversion to, emergency shelters. Emergency shelters may only be subject to those development and management standards that apply to residential or commercial development within the same zone except that a local government may apply written, objective standards that include all of the following:

(i) The maximum number of beds or persons permitted to be served nightly by the facility.
(ii) Off-street parking based upon demonstrated need, provided that the standards do not require more parking for emergency shelters than for other residential or commercial uses within the same zone.

(iii) The size and location of exterior and interior onsite waiting and client intake areas.

(iv) The provision of onsite management.

(v) The proximity to other emergency shelters, provided that emergency shelters are not required to be more than 300 feet apart.

(vi) The length of stay.

(vii) Lighting.

(viii) Security during hours that the emergency shelter is in operation.

(B) The permit processing, development, and management standards applied under this paragraph shall not be deemed to be discretionary acts within the meaning of the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code).

(C) A local government that can demonstrate to the satisfaction of the department the existence of one or more emergency shelters either within its jurisdiction or pursuant to a multijurisdictional agreement that can accommodate that jurisdiction's need for emergency shelter identified in paragraph (7) may comply with the zoning requirements of subparagraph (A) by identifying a zone or zones where new emergency shelters are allowed with a conditional use permit.

(D) A local government with an existing ordinance or ordinances that comply with this paragraph shall not be required to take additional action to identify zones for emergency shelters. The housing element must only describe how existing ordinances, policies, and standards are consistent with the requirements of this paragraph.

(5) An analysis of potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels, including the types of housing identified in paragraph (1) of subdivision (c), and for persons with disabilities as identified in

the analysis pursuant to paragraph (6), including land use controls, building codes and their enforcement, site improvements, fees and other exactions required of developers, and local processing and permit procedures. The analysis shall also demonstrate local efforts to remove governmental constraints that hinder the locality from meeting its share of the regional housing need in accordance with Section 65584 and from meeting the need for housing for persons with disabilities identified pursuant to, supportive housing, transitional housing, and emergency shelters identified pursuant to paragraph Transitional housing and supportive housing shall be ~~considered a residential use of property, and shall be subject only to those restrictions that apply to other residential dwellings of the same type in the same zone.~~

(6) An analysis of potential and actual nongovernmental constraints upon the maintenance, improvement, or development of housing for all income levels, including the availability of financing, the price of land, and the cost of construction.

~~(67) An analysis of any special housing needs, such as those of the elderly, persons with disabilities, large families, farmworkers, families with female heads of households, and families and persons in need of emergency shelter. The need for emergency shelter shall be assessed based on annual and seasonal need. The need for emergency shelter may be reduced by the number of supportive housing units that are identified in an adopted 10-year plan to end chronic homelessness and that are either vacant or for which funding has been identified to allow construction during the planning period.~~

(8) An analysis of opportunities for energy conservation with respect to residential development.

(89) An analysis of existing assisted housing developments that are eligible to change from low-income housing uses during the next 10 years due to termination of subsidy contracts, mortgage prepayment, or expiration of restrictions on use. "Assisted housing developments," for the purpose of this section, shall mean multifamily rental housing that receives governmental assistance under federal programs listed in subdivision (a) of Section 65863.10, state and local multifamily revenue bond programs, local redevelopment programs, the federal Community Development Block Grant Program, or local in-lieu fees. "Assisted housing developments" shall also include multifamily rental units that were developed pursuant to a local inclusionary housing program or used to qualify for a density bonus pursuant to Section 65916.

(A) The analysis shall include a listing of each development by project name and address, the type of governmental assistance received, the earliest possible date of change from low-income use and the total number of elderly and nonelderly units that could be lost from the locality's low-income housing stock in each year during the 10-year period. For purposes of state and federally funded projects, the analysis required by this subparagraph need only contain information available on a statewide basis.

(B) The analysis shall estimate the total cost of producing new rental housing that is comparable in size and rent levels, to replace the units that could change from low-income use, and an estimated cost of preserving the assisted housing developments. This cost analysis for replacement housing may be done aggregately for each five-year period and does not have to contain a project-by-project cost estimate.

(C) The analysis shall identify public and private nonprofit corporations known to the local government which have legal and managerial capacity to acquire and manage these housing developments.

(D) The analysis shall identify and consider the use of all federal, state, and local financing and subsidy programs which can be used to preserve, for lower income households, the assisted housing developments, identified in this paragraph, including, but not limited to, federal Community Development Block Grant Program funds, tax increment funds received by a redevelopment agency of the community, and administrative fees received by a housing authority operating within the community. In considering the use of these financing and subsidy programs, the analysis shall identify the amounts of funds under each available program which have not been legally obligated for other purposes and which could be available for use in preserving assisted housing developments.

(b) (1) A statement of the community's goals, quantified objectives, and policies relative to the maintenance, preservation, improvement, and development of housing.

(2) It is recognized that the total housing needs identified pursuant to subdivision (a) may exceed available resources and the community's ability to satisfy this need within the content of the general plan requirements outlined in Article 5 (commencing with Section 65300). Under these circumstances, the quantified objectives need not be identical to the total housing needs. The quantified objectives shall establish the maximum number of housing units by income category, including extremely low income, that can be constructed, rehabilitated, and conserved over a five-year time period.

(c) A program which sets forth a five-year schedule of actions the local government is undertaking or intends to undertake to implement the policies and achieve the goals and objectives of the housing element through the administration of land use and development controls, the provision of regulatory concessions and incentives, and ~~the~~ the utilization of appropriate federal and state financing and subsidy programs when available and the utilization of moneys in a low- and moderate-income housing fund of an agency if the locality has established a redevelopment project area pursuant to the Community Redevelopment Law (Division 24 (commencing with Section 33000) of the Health and Safety Code). In order to make adequate provision for the housing needs of all economic segments of the community, the program shall do all of the following:

(1) Identify actions that will be taken to make sites available during the planning period of the general plan with appropriate zoning and development standards and with services and facilities to accommodate that portion of the city's or county's share of the regional housing need for each income level that could not be accommodated on sites identified in the inventory completed pursuant to paragraph (3) of subdivision (a) without rezoning, and to comply with the requirements of Section 65584.09. Sites shall be identified as needed to facilitate and encourage the development of a variety of types of housing for all income levels, including multifamily rental housing, factory-built housing, mobilehomes, housing for agricultural employees, supportive housing, single-room occupancy units, emergency shelters, and transitional housing.

(A) Where the inventory of sites, pursuant to paragraph (3) of subdivision (a), does not identify adequate sites to accommodate the need for groups of all household income levels pursuant to Section 65584, the program shall identify sites that can be developed for housing within the planning period pursuant to subdivision (h) of Section 65583.2.

(B) Where the inventory of sites pursuant to paragraph (3) of subdivision (a) does not identify adequate sites to accommodate the need for farmworker housing, the program shall provide for sufficient sites to meet the need with zoning that permits farmworker housing use by right, including density and development standards that could accommodate and facilitate the feasibility of the development of farmworker housing for low- and very low income households.

(2) Assist in the development of adequate housing to meet the needs of extremely low, very low, low-, and moderate-income households.

(3) Address and, where appropriate and legally possible, remove governmental constraints to the maintenance, improvement, and development of housing, including housing for all income levels and housing for persons with disabilities. The program shall remove constraints to, and provide reasonable accommodations for housing designed for, intended for occupancy by, or with supportive services for, persons with disabilities.

(4) Conserve and improve the condition of the existing affordable housing stock, which may include addressing ways to mitigate the loss of dwelling units demolished by public or private action.

(5) Promote housing opportunities for all persons regardless of race, religion, sex, marital status, ancestry, national origin, color, familial status, or disability.

(6) Preserve for lower income households the assisted housing developments identified pursuant to paragraph (89) of subdivision (a).

The program for preservation of the assisted housing developments shall utilize, to the extent necessary, all available federal, state, and local financing and subsidy programs identified in paragraph (89) of subdivision (a), except where a community has other urgent needs for which alternative funding sources are not available. The program may include strategies that involve local regulation and technical assistance.

(7) The program shall include an identification of the agencies and officials responsible for the implementation of the various actions and the means by which consistency will be achieved with other general plan elements and community goals. The local government shall make a diligent effort to achieve public participation of all economic segments of the community in the development of the housing element, and the program shall describe this effort.

(d) (1) A local government may satisfy all or part of its requirement to identify a zone or zones suitable for the development of emergency shelters pursuant to paragraph (4) of subdivision (a) by adopting and implementing a multijurisdictional agreement, with a maximum of two other adjacent communities, that requires the participating jurisdictions to develop at least one year-round emergency shelter within two years of the beginning of the planning period.

(2) The agreement shall allocate a portion of the new shelter capacity to each jurisdiction as credit towards its emergency shelter need, and each jurisdiction shall describe how the capacity was allocated as part of its housing element.

(3) Each member jurisdiction of a multijurisdictional agreement shall describe in its housing element all of the following:

(A) How the joint facility will meet the jurisdiction's emergency shelter need.

(B) The jurisdiction's contribution to the facility for both the development and ongoing operation and management of the facility.

(C) The amount and source of the funding that the jurisdiction contributes to the facility.

(4) The aggregate capacity claimed by the participating jurisdictions in their housing elements shall not exceed the actual capacity of the shelter.

(e) Except as otherwise provided in this article, amendments to this article that alter the required content of a housing element shall apply to both of the following:

(1) A housing element or housing element amendment prepared pursuant to subdivision (e) of Section 65588 or Section 65584.02, ~~where~~when a city, county, or city and county submits a first draft to the department for review pursuant to Section 65585 more than 90 days after the effective date of the amendment to this section.

(2) Any housing element or housing element amendment prepared pursuant to subdivision (e) of Section 65588 or Section 65584.02, whenever the city, county, or city and county fails to submit the first draft to the department before the due date specified in Section 65588 or 65584.02.

Housing Accountability Act

65589.5. (a) The Legislature finds and declares all of the following:

(1) The lack of housing, including emergency shelters, is a critical problem that threatens the economic, environmental, and social quality of life in California. (2) California housing has become the most expensive in the nation. The excessive cost of the state's housing supply is partially caused by activities and policies of many local governments that limit the approval of housing, increase the cost of land for housing, and require that high fees and exactions be paid by producers of housing.

(3) Among the consequences of those actions are discrimination against low income and minority households, lack of housing to support employment growth, imbalance in jobs and housing, reduced mobility, urban sprawl, excessive commuting, and air quality deterioration.

(4) Many local governments do not give adequate attention to the economic, environmental, and social costs of decisions that result in disapproval of housing projects, reduction in density of housing projects, and excessive standards for housing projects.

(b) It is the policy of the state that a local government not reject or make infeasible housing developments, including emergency shelters, that contribute to meeting the housing need determined pursuant to this article without a thorough analysis of the economic, social, and Environmental effects of the action and without complying with subdivision (d).

(c) The Legislature also recognizes that premature and unnecessary development of agricultural lands for urban uses continues to have adverse effects on the availability of those lands for food and fiber production and on the economy of the state. Furthermore, it is the policy of the state that development should be guided away from prime agricultural lands; therefore, in implementing this section, local jurisdictions should encourage, to the maximum extent practicable, in filling existing urban areas.

(d) A local agency shall not disapprove a housing development project, including farmworker housing as defined in subdivision (d) of Section 50199.50 of the Health and Safety Code, for very low, low-, or moderate-income households, or an emergency shelter, or condition approval in a manner that renders the project infeasible for development for the use of very low, low-, or moderate- income households, or an emergency shelter, including through the use of design review standards, unless it makes written findings, based upon substantial evidence in the record, as to one of the following:

(1) The jurisdiction has adopted a housing element pursuant to this article that has been revised in accordance with Section 65588, is in substantial compliance with this article, and the jurisdiction has met or exceeded its share of the regional housing need allocation pursuant to Section 65584 for the planning period for the income category proposed for the housing development project, provided that any disapproval or conditional approval shall not be based on any of the reasons prohibited by Section 65008. If the housing development project includes a mix of income categories, and the jurisdiction has not met or exceeded its share of the regional housing need for one or more of those categories, then this paragraph shall not be used to disapprove or conditionally approve the project. The share of the regional

housing need met by the jurisdiction shall be calculated consistently with the forms and definitions that may be adopted by the Department of Housing and Community Development pursuant to Section 65400. In the case of an emergency shelter, the jurisdiction shall have met or exceeded the need for emergency shelter, as identified pursuant to paragraph (7) of subdivision (a) of Section 65583. Any disapproval or conditional approval pursuant to this paragraph shall be in accordance with applicable law, rule, or standards.

(2) The development project or emergency shelter as proposed would have a specific, adverse impact upon the public health or safety, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low- and moderate-income households or rendering the development of the emergency shelter financially infeasible. As used in this paragraph, a "specific, adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete. Inconsistency with the zoning ordinance or general plan land use designation shall not constitute a specific, adverse impact upon the public health or safety.

(3) The denial of the project or imposition of conditions is required in order to comply with specific state or federal law, and there is no feasible method to comply without rendering the development unaffordable to low- and moderate-income households or rendering the development of the emergency shelter financially infeasible.

(4) The development project or emergency shelter is proposed on land zoned for agriculture or resource preservation that is surrounded on at least two sides by land being used for agricultural or resource preservation purposes, or which does not have adequate water or wastewater facilities to serve the project.

(5) The development project or emergency shelter is inconsistent with both the jurisdiction's zoning ordinance and general plan land use designation as specified in any element of the general plan as it existed on the date the application was deemed complete, and the jurisdiction has adopted a revised housing element in accordance with Section 65588 that is in substantial compliance with this article.

(A) This paragraph cannot be utilized to disapprove or conditionally approve a housing development project if the development project is proposed on a site that is identified as suitable or available for very low, low-, or moderate-income households in the jurisdiction's housing element, and consistent with the density specified in the housing element, even though it is inconsistent with both the jurisdiction's zoning ordinance and general plan land use designation.

(B) If the local agency has failed to identify in the inventory of land in its housing element sites that can be developed for housing within the planning period and that are sufficient to provide for the jurisdiction's share of the regional housing need for all income levels pursuant to Section 65584, then this paragraph shall not be utilized to disapprove or conditionally approve a housing development project proposed for a site designated in any element of the general plan for residential uses or designated in any element of the general plan for commercial uses if residential uses are permitted or conditionally permitted within commercial designations. In any action in court, the burden of proof shall be on the local agency to show that its housing element does identify adequate sites with appropriate zoning and development standards and with services and facilities to accommodate the local agency's share of the regional housing need for the very low and low-income categories.

~~(e) This section does not relieve the local agency (C) If the local agency has failed to identify a zone or zones where emergency shelters are allowed as a permitted use without a conditional use or other discretionary permit, has failed to demonstrate that the identified zone or zones include sufficient capacity to accommodate the need for emergency shelter identified in paragraph (7) of subdivision (a) of Section 65583, or has failed to demonstrate that the identified zone or zones can accommodate at least one emergency shelter, as required by paragraph (4) of subdivision (a) of Section 65583, then this paragraph shall not be utilized to disapprove or conditionally approve an emergency shelter proposed for a site designated in any element of the general plan for industrial, commercial, or multifamily residential uses. In any action in court, the burden of proof shall be on the local agency to show that its housing element does satisfy the requirements of paragraph (4) of subdivision (a) of Section 65583.~~

(e) Nothing in this section shall be construed to relieve the local agency from complying with the Congestion Management Program required by Chapter 2.6 (commencing with Section 65088) of Division 1 of Title 7 or the California Coastal Act (Division 20 (commencing with Section 30000) of the Public Resources Code). ~~This~~ Neither shall anything in this section also ~~does not~~ be construed to relieve the ~~local agency~~ local agency from making one or more of the findings required pursuant to Section 21081 of the Public Resources Code or otherwise complying with the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code).

(f) ~~This~~ (1) Nothing in this section ~~does not~~ shall be construed to prohibit a local agency from requiring the development project to comply with objective, quantifiable, written development standards, conditions, and policies appropriate to, and consistent with, meeting the jurisdiction's share of the regional housing need pursuant to Section 65584. However, the development standards, conditions, and policies shall be applied to facilitate and accommodate development at the density permitted on the site and proposed by the development project. ~~This.~~ (2) Nothing in this section ~~does not~~ shall be construed to prohibit a local agency from requiring an emergency shelter project to comply with objective, quantifiable, written development standards, conditions, and policies that are consistent with paragraph (4) of subdivision (a) of Section 65583 and appropriate to, and consistent with, meeting the jurisdiction's need for emergency shelter, as identified pursuant to paragraph (7) of subdivision (a) of Section 65583. However, the development standards, conditions, and policies shall be applied by the local agency to facilitate and accommodate the development of the emergency shelter project.

(3) This section does not prohibit a local agency from imposing fees and other exactions otherwise authorized by law that are essential to provide necessary public services and facilities to the development project or emergency shelter.

(g) This section shall be applicable to charter cities because the Legislature finds that the lack of housing, including emergency shelter, is a critical statewide problem.

(h) The following definitions apply for the purposes of this section:

(1) "Feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.

(2) "Housing development project" means a use consisting of either any of the following:

(A) Residential units only.

(B) Mixed-use developments consisting of residential and nonresidential uses in which nonresidential uses are limited to neighborhood commercial uses and to the first floor of buildings that are two or more stories. As used in this paragraph, "neighborhood commercial" means small-scale general or specialty stores that furnish goods and services primarily to residents of the neighborhood.

(C) Transitional housing or supportive housing.

(3) "Housing for very low, low-, or moderate-income households" means that either (A) at least 20 percent of the total units shall be sold or rented to lower income households, as defined in Section 50079.5 of the Health and Safety Code, or (B) 100 percent of the units shall be sold or rented to moderate-income households as defined in Section 50093 of the Health and Safety Code, or middle-income households, as defined in Section 65008 of this code. Housing units targeted for lower income households shall be made available at a monthly housing cost that does not exceed 30 percent of 60 percent of area median income with adjustments for household size made in accordance with the adjustment factors on which the lower income eligibility limits are based. Housing units targeted for persons and families of moderate income shall be made available at a monthly housing cost that does not exceed 30 percent of 100 percent of area median income with adjustments for household size made in accordance with the adjustment factors on which the moderate-income eligibility limits are based.

(4) "Area median income" means area median income as periodically established by the Department of Housing and Community Development pursuant to Section 50093 of the Health and Safety Code. The developer shall provide sufficient legal commitments to ensure continued availability of units for very low or low-income households in accordance with the provisions of this subdivision for 30 years.

(5) "Disapprove the development project" includes any instance in which a local agency does either of the following:

(A) Votes on a proposed housing development project application and the application is disapproved.

(B) Fails to comply with the time periods specified in subparagraph (B) of paragraph (1) of subdivision (a) of Section 65950. An extension of time pursuant to Article 5 (commencing with Section 65950) shall be deemed to be an extension of time pursuant to this paragraph.

(i) If any city, county, or city and county denies approval or imposes restrictions, including design changes, a reduction of allowable densities or the percentage of a lot that may be occupied by a building or structure under the applicable planning and zoning in force at the time the application is deemed complete pursuant to Section 65943, that have a substantial adverse effect on the viability or affordability of a housing development for very low, low-, or moderate-income households, and the denial of the development or the imposition of restrictions on the development is the subject of a court action which challenges the denial, then the burden of proof shall be on the local legislative body to show that its decision is consistent with the findings as described in subdivision (d) and that the findings are supported by substantial evidence in the record.

(j) When a proposed housing development project complies with applicable, objective general plan and zoning standards and criteria, including design review standards, in effect at the time that the housing development project's application is determined to be complete, but the local agency proposes to disapprove the project or to approve it upon the condition that the project be developed at a lower density, the local agency shall base its decision regarding the proposed housing development project upon written findings supported by substantial evidence on the record that both of the following conditions exist:

(1) The housing development project would have a specific, adverse impact upon the public health or safety unless the project is disapproved or approved upon the condition that the project be developed at a lower density. As used in this paragraph, a "specific, adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.

(2) There is no feasible method to satisfactorily mitigate or avoid the adverse impact identified pursuant to paragraph (1), other than the disapproval of the housing development project or the approval of the project upon the condition that it be developed at a lower density.

(k) The applicant or any person who would be eligible to apply for residency in the development or emergency shelter may bring an action to enforce this section. If in any action brought to enforce the provisions of this section, a court finds that the local agency disapproved a project or conditioned its approval in a manner rendering it infeasible for the development of an emergency shelter, or housing for very low, low-, or moderate-income households including farmworker housing, without making the findings required by this section or without making sufficient findings supported by substantial evidence, the court shall issue an order or judgment compelling compliance with this section within 60 days, including, but not limited to, an order that the local agency take action on the development project or emergency shelter. The court shall retain jurisdiction to ensure that its order or judgment is carried out and shall award reasonable attorney's fees and costs of suit to the plaintiff or petitioner who proposed the housing development or emergency shelter, except under extraordinary circumstances in which the court finds that awarding fees would not further the purposes of this section. If the court determines that its order or judgment has not been carried out within 60 days, the court may issue further orders as provided by law to ensure that the purposes and policies of this section are fulfilled, including, but not limited to, an order to vacate the decision of the local agency, in which case the application for the project, as constituted at the time the local agency took the initial action determined to be in violation of this section, along with any standard conditions determined by the court to be generally imposed by the local agency on similar projects, shall be deemed approved unless the applicant consents to a different decision or action by the local agency.

(l) If the court finds that the local agency (1) acted in bad faith when it disapproved or conditionally approved the housing development or emergency shelter in violation of this section and (2) failed to carry out the court's order or judgment within 60 days as described in paragraph subdivision (k), the court in addition to any other remedies provided by this section, may impose fines upon the local agency that the local agency shall be required to deposit into a housing trust fund. Fines shall not be paid from funds that are already dedicated for affordable housing, including, but not limited to, redevelopment or low- and moderate-income housing funds and federal HOME and CDBG funds. The local agency shall commit the money in the trust fund within five years for the sole purpose of financing newly constructed housing units affordable to extremely low, very low, or low-income households. For purposes of this section, "bad faith" shall mean an action that is frivolous or otherwise entirely without merit.

(m) Any action brought to enforce the provisions of this section shall be brought pursuant to Section 1094.5 of the Code of Civil Procedure, and the local agency shall prepare and certify the record of proceedings in accordance with subdivision (c) of Section 1094.6 of the Code of Civil Procedure no later than 30 days after the petition is served, provided that the cost of

preparation of the record shall be borne by the local agency. Upon entry of the trial court's order, a party shall, in order to obtain appellate review of the order, file a petition within 20 days after service upon it of a written notice of the entry of the order, or within such further time not exceeding an additional 20 days as the trial court may for good cause allow. If the local agency appeals the judgment of the trial court, the local agency shall post a bond, in an amount to be determined by the court, to the benefit of the plaintiff if the plaintiff is the project applicant.

(n) In any action, the record of the proceedings before the local agency shall be filed as expeditiously as possible and, notwithstanding Section 1094.6 of the Code of Civil Procedure or subdivision (m) of this section, all or part of the record may be prepared (1) by the petitioner with the petition or petitioner's points and authorities, (2) by the respondent with respondent's points and authorities, (3) after payment of costs by the petitioner, or (4) as otherwise directed by the court. If the expense of preparing the record has been borne by the petitioner and the petitioner is the prevailing party, the expense shall be taxable as costs.

(o) This section shall be known, and may be cited, as the Housing Accountability Act.

Attachment 2

Definitions

Attachment 2

Definitions

Emergency Shelters (Health and Safety Code Section 50801(e))

"Emergency shelter" means 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 an inability to pay.

Transitional Housing (Health and Safety Code Section 50675.2)(h)

"Transitional housing" and "transitional housing development" means 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.

Supportive Housing (Health and Safety Code 50675.14(b))

Housing with no limit on length of stay, that is occupied by the target population as defined in subdivision (d) of Section 53260, and that is linked to on- or off-site 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.

Target Population Definition per HSC 53260(d)

(d) "Target population" means adults with low-income having one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health conditions, or individuals eligible for services provided under the Lanterman Developmental Disabilities Services Act (Division 4.5 (commencing with Section 4500) of the Welfare and Institutions Code) and may, among other populations, include families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, or homeless people.

Attachment 3

Helpful Links

Attachment 3

Helpful Links

National Alliance to End Homelessness

<http://www.endhomelessness.org/section/tools/tenyearplan>

Interagency Council on Homelessness

<http://www.ich.gov/>

Interagency Council on Homelessness, Guide to Developing Plans and Examples

<http://www.ich.gov/slocal/index.html>

U.S. Department of Health and Human Services, Homelessness Resource Center

[http://www.nrchmi.samhsa.gov/\(X\(1\)S\(axpyp555dhn54z45qhpavni4\)\)/Default.aspx?AspxAutoDetectCookieSupport=1](http://www.nrchmi.samhsa.gov/(X(1)S(axpyp555dhn54z45qhpavni4))/Default.aspx?AspxAutoDetectCookieSupport=1)

The National Coalition for the Homeless – Local Resources in California

<http://www.nationalhomeless.org/resources/local/california.html>

HCD Selected Bibliography on Homeless Issues

<http://www.hcd.ca.gov/hpd/biblio.html>

Building Blocks for Effective Housing Elements

(links to funding resources, data, policy and research on homelessness)

http://www.hcd.ca.gov/hpd/housing_element/index.html

ORDINANCE No. 634

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CUDAHY APPROVING ZONE TEXT AMENDMENT 14-01 TO ADD NEW DEFINITIONS TO SUBSECTION 20.08.10 ADDING "EMERGENCY SHELTERS" AND "TRANSITIONAL AND SUPPORTIVE HOUSING," MODIFYING CMC SUBSECTION 20.64.040 TO ADD "TRANSITIONAL AND SUPPORTIVE HOUSING," AND MODIFYING CMC SUBSECTION 20.68.080 TO ADD "EMERGENCY SHELTERS."

WHEREAS, the Cudahy City Council, pursuant to law, on May 6, 2014 conducted a public hearing and second reading of Ordinance No. 634 and conducted a public hearing; and

WHEREAS, the Cudahy City Council, pursuant to law, on April 15, 2014 conducted a public hearing and first reading of Ordinance No. 634 and continued the public hearing; and

WHEREAS, the Cudahy City Council has carefully considered all oral and written testimony offered at the public hearing; and

WHEREAS, The Cudahy Planning Commission heard on March 17, 2014 the proposed modifications and recommended approval of Resolution 14-04, approving Zone Ordinance Amendment No. 14-01.

WHEREAS, California ("State") Senate Bill 2 ("SB 2"), also known as the "Fair Share Zoning Bill" became effective as January 1, 2008, and generally requires that every city and county identify in the Housing Element of its General Plan at least one zoning district in which homeless shelters are allowed as a permitted use, without a conditional use permit, or other discretionary review. Each zone or zones must be sufficient to accommodate the locality's identified need for emergency shelter; provided that regardless of actual need determined, each local jurisdiction must identify at least one zone that can accommodate at least one year-round jurisdiction must identify at least one zone that can accommodate at least one year-round emergency shelter. SB 2 was intended to disperse homeless services, shelters, and housing issues to be "fairly shared" among all California communities in order to share responsibility for the State's homeless problems.

WHEREAS, SB 2 does not mandate that cities and counties build or fund homeless projects, only that there is zoning in place that permits development by right without a conditional use permit process or other discretionary review. SB 2 does not mandate where homeless shelter uses should be allowed in a city or county, but

does require every city and county to identify actual zone or zones and site or sites that can accommodate the locality's actual unmet need.

WHEREAS, The proposed amendment to the Zoning Code will bring the City into compliance with State Law outlined in SB 2, as well as allow Cudahy to obtain proper certification of its Housing Element. This code amendment is one of the actions that must be completed for the City to qualify for an eight-year review cycle rather than four years.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CUDAHY DOES FIND AND ORDAIN AS FOLLOWS:

Section 1: City Council held a first reading of Ordinance No. 634 and opened the public hearing on April 15, 2014 to consider the zone text amendment. All evidence, both written and oral, presented during said public hearing was considered by the Planning Commission in making its determination, and

A public hearing and second reading was held before the City Council of the City of Cudahy on May 6, 2014 to consider the zone text amendment. All evidence, both written and oral, presented during April 15th, 2014 first reading, and public hearing was considered by the Planning Commission in making its determination.

Section 2: A record of the public hearing indicates that the City Council of the City of Cudahy hereby finds and determines as follows:

- A. That the proposed amendments to Title 20 (Zoning) are consistent with the goals, policies, and objectives of the General Plan; and
- B. That the proposed amendments will not adversely affect properties in the City of Cudahy.

Section 3: Based upon the findings contained in this Ordinance and on all other written and oral evidence in the record, the City Council hereby approves the zone text amendment based on the amendment's ability to meet the findings stated above and approves Section 20.08.010, Section 20.64.040, and Section 60.68.080 to read as follows:

Section 20.08.010: Definitions.

This chapter includes definitions for specific terms used herein. This list of terms is designed to clarify the zoning code's intent as it relates to land uses and development requirements. The word "shall" indicates a mandatory requirement, except when used in connection with an action or decision of the city council or any city commission, board, or official. In these latter instances, the word "shall" shall be

directory only. Whenever used in this zoning code, the word "day" shall mean a single calendar day.

"Abut" or "abutting" means the same as "adjoining."

"Access" means the place, or way, by which pedestrians and vehicles are provided adequate and usable ingress and egress to a property or use as required by this zoning code.

"Accessory use" means a use incidental to, related, and clearly subordinate to the principal use established on the same lot or parcel of land where such accessory use is located.

"Adjacent" means two or more lots or parcels of land separated by an alley, street, highway or recorded easement, or two or more objects located near or in close proximity to each other.

"Adjoining" means two or more lots or parcels of land sharing a common boundary line, or two or more objects in physical contact with each other.

"Affordable unit" refers to a housing development project in which 80 percent of the units shall be designated for very low-income households and 20 percent reserved for low-income households as those terms are defined in the health and safety code.

"Alley" means a public or private right-of-way, other than a street or highway, permanently reserved as a secondary means of vehicular access to adjoining properties.

"Amendment" means a change in the wording, Context, content, or substance of this zoning code or in the zoning map. Such changes must be adopted by ordinance by the city council in the manner prescribed by law.

"Amusement arcade" means any place open to the public where five or more amusement games are maintained for use by the public. When only a portion of the premises is used for the operation of amusement games, only that portion shall be considered as an amusement arcade.

"Amusement game" means any entertainment device for which a fee is paid to play, including, but not limited to, pinball, video or other electronic games.

"Animals – retail sales" means the retail sales of small animals (such as dogs, cats, birds, and fish), provided such activities take place within an entirely enclosed building.

"Antique shop" means an establishment primarily engaged in the sale of antiques.

"Apartment house" means a building, or a portion of a building, designed or used for occupancy by three or more households living independently of each other and containing three or more individual dwelling units within a single structure.

"Apartment unit" means a room or suite of two or more rooms with a single kitchen in a multiple family dwelling, suitable for occupancy as a dwelling unit for one household.

Arcade. See "Amusement arcade."

"Artists' studio" means a building containing work space and retail sales space for artists and artisans producing individual one-of-a-kind works of art, including individuals practicing a fine art, or skilled in an applied art or craft; provided, that the use does not impact any other use or property with noise, odor, dust, vibration, or other nuisance. This classification includes, but is not limited to, painters' studios, ceramic studios, and custom jewelry studios.

"Assessor" means the assessor of the county of Los Angeles.

"Atlantic Boulevard Corridor" refers to a specific portion of the city located adjacent to, or in the vicinity of, Atlantic Boulevard as shown on the map on file in the office of the city clerk, entitled

"Atlantic Boulevard Corridor Map."

"Automobile wrecking or automobile dismantling" means a business establishment engaged in the dismantling and/or wrecking of used motor vehicles or trailers, and/or the storage, sale, or dumping of dismantled, partially dismantled, obsolete, or wrecked vehicles or parts.

"Awning" means a roof-like cover supported entirely from the exterior wall of a building, and installed over or in front of openings or windows in a building, and consisting of a fixed or movable frame and a top of canvas or other similar material covering the entire space enclosed between the frame and the building.

"Balcony" means a platform that projects from the wall of a building, typically above the first level, and is surrounded by a rail, balustrade, or parapet on at least one side.

"Balcony, unenclosed" means a balcony open to the sky and not fully enclosed on more than two sides.

"Balloon" means a floating air-filled or gas filled object tethered to a fixed location (also see "Sign, balloon").

"Banks and savings and loans" means a state or federally chartered financial institution that provides retail banking services to individuals and businesses.

"Bars" and "cocktail lounges" means establishments where alcoholic beverages are sold for consumption on the premises. This classification excludes restaurants and commercial recreation uses that may serve alcoholic beverages incidental to the primary use.

"Basement" means that portion of a building located between the ground level or first floor of a structure.

"Billiard parlor" means an establishment that provides five or more billiard and/or pool tables.

"Building" means any structure having a roof supported by columns or by walls and intended for the shelter, housing, or enclosure of persons, animals, or property of any kind.

"Building – accessory" means a detached subordinate building, the use of which is incidental to that of the primary building or to the principal use of the land, and which is located on the same lot or parcel of land with the main building or principal use of the land.

"Building height" or "height" means the vertical distance as measured continuously along a line at existing grade bisecting the width of the lot to the highest point of a building or structure, except as provided elsewhere in this zoning code.

"Building – main" means a building in which is conducted a principal use of the lot or parcel of land upon which it is situated. In a residential or agricultural zone, any residential unit shall be deemed to be a main building upon the lot or parcel of land on which it is situated.

"Building material sales" means an establishment engaged in retailing or wholesaling of building supplies or equipment. This classification includes lumber yards and tool and equipment sales, but excludes businesses engaged in the retail sales of paint and hardware, building contractor's yards, and activities classified under "equipment leasing and rentals."

"Building wall" means the vertical surface, or any element thereof, including any structural member or group of structural members attached to the vertical surface that defines the exterior boundaries of a building.

"Business and trade school" means an establishment which provides on-site training of business, commercial, and/or trade skills such as accounting, data processing, and computer repair. This classification excludes establishments providing training in an activity that is not otherwise permitted in the applicable zone. Incidental instructional services in conjunction with another primary use shall not be considered a business and trade school.

"Camp – day" means a facility with an organized daytime program involving the supervision and care of children.

"Canopy" has the same meaning as "awning" as defined in this chapter, except that a canopy contains separate supporting posts and is not supported entirely from the exterior wall of a building.

"Carport" means a permanently roofed structure with no more than two enclosed sides, used or intended to be used for automobile shelter and storage. Cellar. See "Basement."

"Center-line" means the center-line of any street, as established by the city engineer by official surveys, and on file in the office of the city engineer.

"Check-cashing" means a business that, for compensation, engages in the business of cashing checks, warrants, drafts, money orders, or other commercial paper serving the same purpose. This classification does not include a state or federally chartered bank, savings association, credit union, or industrial loan company. Further, this classification does not include establishments selling consumer goods where the cashing of checks or money orders is incidental to the main purpose of the business.

"Church" means a facility used for religious worship and incidental religious education and/or activities, but not including private schools as defined in this chapter.

"Child care center" means a facility that provides nonmedical care to children under 18 years of age in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual on less than a 24-hour basis. "Child care center" includes day care centers and family day care homes.

"City" means the city of Cudahy, state of California, referred to in this zoning code as "city," and everyone acting on behalf of the city of Cudahy, including employee, associate, attorney, accountant, representative, officer, city manager, director, or agent of the city of Cudahy.

"Club, private" means any building or premises used by an association of persons, whether incorporated or unincorporated, organized for some common

purpose, but not including a group organized solely or primarily to render a service customarily carried on as a commercial enterprise. This definition does not include "adult" business establishments.

"Clubs and lodges" means private or nonprofit organizations providing meeting, recreational, or social facilities primarily for use by members and/or guests.

"Commercial printing" means a business providing printing, blueprinting, photocopying, engraving, binding, or related services.

"Commercial vehicle" means a vehicle which, when operated on a street, is required to be registered as a commercial vehicle under the State Vehicle Code, and which is used or maintained for the transportation of persons for hire, compensation, or profit, or which is designed, used, or maintained primarily for the transportation of property.

"Commission" refers to the planning commission of the city of Cudahy.

"Communications facility" means an establishment engaged in broadcasting, recording, and other communication services accomplished through electronic or telephonic mechanisms. This classification includes, but is not limited to, radio, television, or recording studios, telephone switching centers, and telegraph offices.

"Communications facilities, wireless" means an unstaffed facility for the transmission or reception of wireless telecommunication services, commonly consisting of an antenna array, connection cables, a support structure, and ancillary support facilities.

"Community center" means a building, buildings, or portions thereof used for recreational, social, educational, and cultural activities where buildings and associated improvements are owned and/or operated by a public, nonprofit, or public serving group or agency.

"Condominium" means an undivided interest in common in a portion of real property coupled with a separate interest in space called a "unit," the boundaries of which are described on a recorded final map, parcel map, or condominium plan. The description of the unit may refer to: (a) boundaries described in the recorded final map, parcel map, or condominium plan, (b) physical boundaries, either in existence, or to be constructed, such as walls, floors, and ceilings of a structure or any portion thereof, (c) an entire structure containing one or more units, or (d) any combination thereof. An individual condominium within a condominium project may include, in addition, a separate interest in other portions of the real property. This term shall also include stock cooperative developments.

"Condominium project" means a common interest development consisting of condominiums. The following terms, when used in reference to condominiums or condominium projects, shall be defined as follows:

"Condominium common area" means the entire project excepting all units or common area granted or reserved.

"Condominium documents" means the declaration and the condominium plan.

"Convalescent facilities" means a business establishment engaged in providing care on a 24-hour basis for persons requiring regular medical attention, but excluding facilities providing surgical or emergency medical services.

"Convalescent home" means a home or establishment offering or providing lodging, meals, nursing, dietary, or other personal services to five or more convalescents, invalids, or aged persons, but shall not include surgery or the care of persons with contagious or communicable diseases.

"Conversion (condominium)" means a change in the type of ownership of a parcel or parcels of land, together with the existing structures, from rental housing, as defined in this chapter, to a condominium, community apartment, planned development, stock cooperative, or common interest development.

"County" refers to the county of Los Angeles.

"Court" means an open, unoccupied space, bounded on two or more sides by the walls of a building. "Inner court" is a court entirely enclosed within the exterior walls of a building. All other courts are referred to as outer courts.

"Day care center, adult" means a state-licensed facility designed to provide necessary care and supervision to persons 18 years of age or older on less than a 24-hour basis. "Adult day care centers" include the various types of adult day services as defined under state law that include "adult day care facilities," "adult social day care facilities," and "adult day health care facilities."

"Day care center, children" means a state licensed facility, other than a family day care home, providing nonmedical care and supervision to children under 18 years of age on less than a 24-hour basis. "Child day care centers" shall include "day care centers" as defined under state law, which include infant centers, preschools, and extended day care facilities.

"Deck" means a platform other than a balcony, either freestanding or attached to a building, without a roof, that is supported by pillars, posts, or walls.

"Director," "director of planning" and "planning director" refers to the community development director or his or her designee.

Drive-Thru. See "Establishment with drive-up service."

"Driveway" means an appropriately paved and privately owned surface or road that provides access to off-street parking or loading facilities.

"Duplex" means a structure consisting of two dwelling units.

"Dwelling" or "dwelling unit" means a building, or portion thereof, consisting of one or more rooms, including a kitchen, which is designed and used or available for use exclusively as a single residence and which otherwise conforms to the provisions of this zoning code.

"Dwelling, multiple-family" or "multifamily residential development" means one or more buildings located on a lot containing a total of two or more dwellings within a structure.

"Dwelling, single-family" means a structure consisting of one dwelling unit, designed exclusively for the occupancy of a single household, no portion of which shall be rented, leased, or otherwise conveyed as additional dwelling units.

Emergency Shelter: Emergency Shelter means 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 an inability to pay.

"Establishment with drive-up service" means a business or institution providing services accessible to persons who remain in their automobiles.

"Facilities maintenance and construction shops" means business establishments or activities supporting the maintenance of facilities on the same site as the primary use, including, but not limited to, machine shops, carpenter shops, electric shops, sheet metal shops, and mechanical and plumbing shops.

"Family" means an individual or two or more persons related by blood, marriage, or adoption, or a group of not more than five persons, excluding servants, who need not be related by blood, marriage, or adoption, living together in a dwelling unit, but not including limited residential care facilities.

"Family day care home – large" means a dwelling that regularly provides care, protection, and supervision for 12 or fewer children under the age of 10, in the provider's own home, for periods of less than 24 hours per day.

"Family day care home – small" means a dwelling that regularly provides care, protection, and supervision for one to six children, inclusive, including children under the age of 10.

"Fire arm sales or rearms business" means an establishment having at least 25 percent of its gross floor area devoted to the sale of fire arms, ammunition and ammunition components, and hunting or shooting equipment.

"Floor area, gross" means the total horizontal area of all the floors of a building included within the surrounding walls, exclusive of vent shafts and courts.

"Floor area, net" means the total usable floor area within all floors of a building included within the surrounding walls.

"Floor area ratio" means the numerical value obtained through dividing the gross floor area of a building or buildings by the total area of the lot or parcel of land on which such building or buildings are located.

"Food and beverage sales" means a business establishment where the primary use involves the retail sales of food and beverages for off-site preparation and consumption. Typical uses include grocery markets and delicatessens. This category does not include liquor stores.

"Food manufacturing" means a business establishment engaged in manufacturing, processing, and/or packaging of food products for wholesaling and distribution. This use may include incidental direct sale to consumers of the products manufactured on site, souvenirs, and ancillary tasting facilities for the public.

"Garage, common parking garage" means a structure with a common vehicular entrance and exit which is used to park vehicles in parking spaces and which otherwise conforms to the requirements of this zoning code.

"Garage, private" means a detached accessory building, or a portion of a main building on the same lot, enclosed on three sides and with a door capable of enclosing the fourth side, for the parking or temporary storage of vehicles owned by the occupants of the premises.

"General plan" means the general plan of the city of Cudahy, consisting of the general plan and map, adopted by the city council.

"Grade, existing" means the surface of the ground or pavement at a specific location as it existed prior to disturbance in preparation for a construction project.

"Grade, finished" means the finished surface elevation of the ground or pavement at a specific location after the completion of a construction project.

"Grade, ground level" means the average level of the finished ground surface surrounding a building, measured at the center of all walls of the building.

"Gradient" means the rate of vertical change of a ground surface expressed in a percentage and determined by dividing the vertical distance by the horizontal distance.

"Guest house" refers to living quarters, having no kitchen facilities, located within an accessory building located on the same premises with a main building and occupied solely by members of the family, temporary guests, or persons permanently employed on the premises.

"Hazardous waste" means any waste, or combination of wastes, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may: (a) exhibit toxicity, corrosivity, flammability, and/or reactivity; (b) cause, or significantly contribute to, an increase in serious irreversible, or incapacitating reversible, illness; or (c) present a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed.

"Hazardous waste facility" means all contiguous land, structures, other appurtenances, and improvements within a property, used for handling, treating, storing, or disposing of hazardous wastes.

"Health and physical fitness clubs" means private athletic clubs and gymnasiums including, but not limited to, weight training facilities, aerobic exercise floors, racquetball courts, swimming pools, and similar athletic facilities.

Height. See "Building height."

"Home occupation" means an occupational activity carried on by the occupant(s) of a residential dwelling as a secondary use in connection with which there is no display, no walk-in customers, no stock-in-trade, nor commodity sold upon the premises, no person employed, and no mechanical equipment used, except such as is necessary for housekeeping purposes.

"Hospital" means a facility providing medical, surgical, psychiatric, and/or emergency medical services to sick or injured persons, primarily on an in-patient basis. This classification includes incidental facilities for out-patient treatment, as well as training, research, and administrative services for patients and employees.

"Hotel" or "motel" means one or more buildings containing guest rooms or dwelling units, with one or more such rooms or units having a separate entrance leading directly from the outside of the building or from an interior court. Such facilities are designed to be used, or intended to be used, rented, or hired out for temporary or overnight accommodations for guests, and are offered primarily to patrons by signs or other advertising media. This classification may contain public meeting rooms and eating, drinking, and banquet services associated with the facility.

"Household" means a single individual or group of individuals, unrelated or related by blood or marriage, residing in a dwelling unit.

"Household pet" means a domesticated animal commonly maintained within a residence.

"Junk yard" means the use of a lot, or the use of any portion of a lot, for the dismantling of machinery or for the storage or keeping for sale of parts and equipment resulting from such dismantling or wrecking, or for the storage or keeping of junk, including scrap metals or other scrap materials.

"Kennel" means any lot or premises on which four or more dogs or cats at least four months of age are boarded or trained.

"Kitchen" means a room in a building or dwelling unit that is used in the cooking or preparation of food.

"Laboratory" means an establishment providing analytical or testing services, including, but not limited to, chemical labs, dental-medical labs, optical labs, and labs conducting mechanical, electrical, physical, or environmental tests, as well as research and development.

"Landscaping" means the planting and maintenance of live trees, shrubs, ground cover, and lawn areas, including the installation of irrigation systems required by the provisions of this zoning code. "Landscaping" may include inorganic decorative materials of natural or manmade origin if used to accent or complement, but in no case imitate, the natural vegetation. Inorganic decorative materials used in landscaping may include rock, stone, wood, waterfalls, fountains, pools, sculptures, benches, and architectural screens, walls, and fences.

"Liquor store" means a business establishment having at least 50 percent of its gross floor area used for the sale of alcoholic beverages intended for off-site consumption.

"Loading space" means an off-street space on the same lot with a main building, or contiguous to a group of buildings, for the temporary parking of commercial vehicles while loading or unloading, and which has access from a street, alley, or other permanent means of ingress and egress.

"Lot" means real property with a separate and distinct number or other designation shown on a plat recorded in the office of the county recorder as a part of an approved subdivision.

"Lot area" means the total area, measured in a horizontal plane, included within the lot lines of a lot or parcel of land.

"Lot, corner" means a lot located at the intersection of two or more streets at an angle of not more than 135 degrees. If the angle is greater than 135 degrees, the lot shall be considered an interior lot.

"Lot, cul-de-sac" means a lot fronting on, or with more than one-half (50 percent) of its lot frontage, on the turnaround end of a cul-de-sac street.

"Lot depth" means the horizontal distance between the front and rear lot lines, measured in the mean direction of the side lot lines.

"Lot, interior" means a lot other than a corner or reversed corner lot.

"Lot, key" means any lot where the side property line abuts the rear property line of one or more lots, and where such lots are not separated by an alley or any public way.

"Lot line" means any line bounding a lot as defined in this chapter.

"Lot line, exterior" means a lot line abutting a street.

"Lot line, front" means, on an interior lot, the front lot line of the property line abutting the street, except in those cases where the latest tract deed restrictions specify another line as the front lot line. On a corner or reversed corner lot, the front lot line is the shorter property line abutting a street. On a through lot, or a lot with three or more sides abutting a street, or a corner or reversed corner lot with lot lines of equal length, the zoning administrator shall determine which property line shall be the front lot line for purposes of compliance with the setback provisions of this zoning code.

"Lot line, interior" means a lot line not abutting a street.

"Lot line, rear" means a lot line not abutting a street that is opposite and most distant from the front lot line. For triangular lots where there is no rear lot line, the rear lot line shall be defined as the point at which the side lot lines intersect.

"Lot line, side" means any lot line that is not classified as a front lot line or rear lot line.

"Lot line, zero" means a lot line that does not have any side yard setback.

"Lot, reversed corner" means a corner lot, the side line of which is substantially a continuation of the front lot lines of the lot to its rear.

"Lot, through" means a lot having frontage on two parallel or approximately parallel streets. A through lot may have no rear lot line.

"Lot width" means the horizontal distance between the side lot lines measured at right angles to the lot depth line at a distance located midway between the front and rear lot lines.

Exhibit 20.08-1

Illustration of "Lot" Definitions*

* Code reviser's note: Exhibit 20.08-1 is on file in the office of the city clerk.

"Main building" means a building that is designed, and used for, or intended to be used, to accommodate the principal use on the lot. In residential zones, any dwelling shall be considered the main building on the lot.

"Maintenance and repair services" means an establishment providing household appliance repair, furniture repair, office machine repair, bicycle repair, or building maintenance services. This classification excludes maintenance and repair of motor vehicles, boats, or ships.

"Mansard" or "mansard roof" means a roof having two slopes on all sides with the lower slope steeper than the upper one.

"Manufactured housing" means a mobile home, or manufactured housing unit, as defined by and installed in accordance with California Health and Safety Code Sections 18008 and 18551, respectively, and factory-built housing as defined by California Health and Safety Code Section 19971.

"Medical clinic" means any facility providing physical or mental health service, and medical or surgical care of the sick or injured, but shall not include in-patient or overnight accommodations. Activities included within this definition are health centers, health clinics, and doctors' offices.

"Mini-warehouse" or "self-storage facilities" means a warehouse operation serving the public where customers rent or lease, and have direct access to, individual storage areas, compartments, or rooms within a larger structure or

structures provided for storage use. This use may also include limited caretaker facilities.

“Mortuary” means an establishment providing services such as preparing the deceased for burial, and arranging and managing funerals and related services, and may include limited caretaker facilities. This classification excludes cemeteries, crematoriums, and columbariums.

Motel. See “Hotel.”

“Nonconforming improvement” means a building and/or improvement, or portion thereof, which does not conform to current zoning code regulations.

“Nonconforming structure, lawful or legal” means any structure or improvement that was lawfully established and in existence at the time this zoning code or any amendment became effective, but no longer complies with all of the applicable regulations and standards of the zone in which the structure or improvement is located.

“Nonconforming use, lawful or legal” means any use of land or property that was lawfully established and in effect at the time this zoning code or any amendment became effective, but no longer complies with all of the applicable regulations and standards of the zone in which the use is located.

“Offices, government” means administrative, clerical, or public contract offices of a government agency, including postal facilities, together with incidental storage and maintenance of vehicles.

“Offices, medical” means offices or health facilities providing health services, including without limitation preventative and rehabilitation treatment, diagnostic services, and testing and analysis, but excluding in-patient services and overnight accommodations. This classification includes without limitation offices providing medical, dental, surgical, rehabilitation, podiatric, optometric, chiropractic, and psychiatric services, and medical or dental laboratories incidental to such offices.

“Offices, professional” means offices for firms or organizations providing professional, executive, management or administrative services, such as architectural, engineering, real estate, insurance, investment, or legal offices. This classification excludes savings and loan associations, banks, and medical offices.

“Off-street parking facility” means a lot, or portion thereof, improved and used for the parking of vehicles, including, but not limited to, enclosed garages and parking structures, open parking areas, aisles, driveways, and appurtenant landscaped planters and their improvements.

"Outdoor advertising" means the use of signs or other measures soliciting public support or directing public attention to the sale, lease, hire, or use of any objects, products, services, or functions which are not produced, sold, or otherwise available on the premises where such signs are erected or maintained.

"Outdoor living space" means either an open passive landscaped area specifically designed, improved, and maintained to enhance the architectural design, privacy, and general environmental quality of a residential development or an easily accessible public or private activity area specifically designed, improved, and maintained for outdoor living and/or recreation by occupants of the residential development.

"Parcel" means a contiguous quantity of land owned by, or recorded as the property of, the same claimant or person.

"Parking space" means a space within an off street parking facility that has the minimum attributes of size, location, and design specified in Chapter 20.80 CMC (Off-Street Parking and Loading Requirements).

"Parks and recreation facilities" uses include, but are not limited to, land and interests in land; swimming pools; tennis, volleyball and basketball courts; baseball grounds; play areas; turf; sprinkler systems; community center buildings; recreation buildings; and other works, properties, structures, and facilities necessary or convenient for public park, playground, or recreation purposes.

"Pawn shop" means a business establishment engaged in the buying or selling of new or secondhand merchandise and offering loans secured by personal property.

"Performance art facilities" means a public building used for theatrical performances, concerts, recitals, and similar entertainment. This classification excludes commercial cinemas or theaters.

"Personal convenience service" means a business establishment providing recurrently needed services of a personal nature. This classification includes, but is not limited to, barber and beauty shops, seamstresses, tailors, shoe repair shops, photocopying, retail dry cleaning establishments (excluding wholesale dry cleaning plants), self-service laundromats, and similar services. This classification excludes massage parlors, tattoo parlors, and/or skin piercing establishments.

"Personal improvement service" means a business establishment providing instructional services or facilities, including, but not limited to, photography, fine arts, crafts, dance or music studios, driving schools, modeling agencies, reducing

salons, and health or physical fitness clubs. Incidental instructional services associated with a retail use shall be classified as "retail sales" rather than "personal improvement services."

"Planned unit development" means the planning, construction, or implementation and operation of any use or structure, or a combination of uses and structures, on a single parcel of land based on a comprehensive and complete design or plan treating the entire complex of land, structures, and uses as a single project.

"Plant nursery" means a site used to raise trees, shrubs, flowers, and other plants for sale or for transplanting, and where all merchandise (other than plants) is kept within an enclosed building or fully screened enclosure, and fertilizer of any type is stored and sold in package form only.

"Public building" means a building owned and operated by a public agency for public use.

"Public safety facility" means a public facility providing public safety and emergency services, including police and fire protection, and associated support and training facilities.

"Public utility facility" means a building or structure used by any public utility including, but not limited to, any gas treatment plant, reservoir, tank, or other storage facility, water treatment plant, well, reservoir, tank or other storage facility, electric generating plant, distribution or transmission substation, telephone switching or other communications plant, earth station or other receiving or transmission facility, any storage yard for public utility equipment or vehicles, and any parking lot for parking vehicles or automobiles to serve a public utility. The term "public utility" shall include every gas, electrical, telephone and water corporation serving the public or any portion thereof for which a certificate of public convenience and necessity has been issued by the state Public Utility Commission.

"Recreational facility" means a publicly owned and operated recreational structure or building, such as a tennis court, swimming pool, multipurpose community building, or similar use.

"Recyclable material" means a reusable material, including, but not limited to, metals, glass, plastic, and paper, and which is intended for reuse, remanufacture, or reconstitution for the purpose of using the altered form.

"Recyclable material" shall not include refuse or hazardous materials. "Recyclable material" may include used motor oil collected and transported in accordance with Section 25250.11 and Section 25143.2(b)(4) of the State Health and Safety Code.

"Recycling facility" means a center for the collection and/or processing of recyclable materials. "Certified recycling facility" or "certified processor" refers to a recycling facility certified by the State Department of Conservation as meeting the requirements of the State Beverage Container Recycling and Litter Reduction Act of 1986. A "recycling facility" does not include storage containers or processing activities located on the premises of a residential, commercial, or manufacturing use, and used solely for the recycling of material generated by such residential property, business, or manufacturer.

"Recycling, collection facility" means a center for the acceptance of recyclable materials from the public by donation, redemption, or purchase.

"Recycling, processing facility" means a building or enclosed space used for the collection and processing of recyclable materials. "Processing" means the preparation of material for efficient shipment, or to an end user's specifications, by such means as baling, briquetting, compacting, flattening, grinding, crushing, mechanical sorting, shredding, cleaning, and remanufacturing.

"Rental unit" means a housing unit leased for the occupancy of a residential household.

"Residence" means one or more rooms designed, used, or intended to be used as permanent living quarters for a household, and not as temporary or overnight accommodations.

"Residential care facility, limited" means a business establishment providing 24-hour nonmedical care for six or fewer persons in need of personal services, supervision, protection, or assistance essential for sustaining the activities of daily living. This classification includes only those services and facilities licensed by the state of California.

Rest Home. See "Convalescent home."

"Restaurant, delivery" means a business establishment that is maintained, operated, and/or advertised or held out to the public as a place where orders for food and beverages may be placed in person or by telephone, facsimile, copier, or other off-site means of communication, from a limited menu, and which orders are delivered to a location directed by the customer.

"Restaurant, fast-food" means a business establishment that is maintained, operated, and/or advertised or held out to the public as a place where food and beverages are served to customers from a serving counter in disposable containers or wrappers and where food and meals are generally prepared in advance for immediate sale, and which may include inside seating, drive-through service, delivery service, and take-out/carry-out service.

"Restaurant, sit-down" means a business establishment that is maintained, operated, and/or advertised or held out to the public as a place where food and beverages are served to the public on demand from a menu during stated business hours, served in and on reusable containers and dinnerware, to be consumed on the premises primarily inside the building at tables, booths, or counters, with chairs, benches, or stools. This use may include incidental delivery service utilizing no more than two delivery vehicles.

"Restaurant, take-out" means a business establishment that is maintained, operated, and/or advertised or held out to the public as a place where food and beverages are served in disposable containers or wrappers from a serving counter for consumption exclusively off the premises.

"Retail sales" means a business establishment engaged in the retail sale of merchandise not specifically listed under another use classification as defined in this chapter. This classification includes, but is not limited to: department stores, clothing stores, furniture stores, and businesses retailing the following goods: toys, hobby materials, handcrafted items, jewelry, cameras, photographic supplies, books, electronic equipment, records, sporting goods, kitchen utensils, hardware, appliances, antiques, art supplies, paint and wallpaper, carpeting and floor covering, office supplies, bicycles, and new automotive parts and accessories (excluding service and installation). This classification excludes thrift shops and pawnshops.

"Room" means an unsubdivided portion of the interior of a dwelling, excluding bathrooms, kitchens, closets, hallways, and service porches.

"School, private" means an educational institution having a curriculum comparable to that required in the public schools of the state of California.

"Secondary residential unit" means a detached dwelling unit that provides complete, independent living facilities for one or more persons. A secondary residential unit shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same lot on which the primary unit is situated.

"Senior housing project" means a housing development in which 100 percent of the project rental units are intended to be occupied by persons who are 62 years of age or older, or married couples, of which one spouse is over 62 years of age.

Service Station. See "Vehicle – service station."

"Setback" means a required open space on an improved lot that is unoccupied by buildings and unobstructed by structures from the ground upward, except for projections and accessory buildings permitted by the provisions of this zoning code. Setbacks shall be measured as the shortest distance between a property

line and the nearest vertical support or wall of the building, enclosed or covered porch, or other structure.

Exhibit 20.08-2

Illustration of "Setback" Definitions*

* Code reviser's note: Exhibit 20.08-2 is on file in the office of the city clerk.

"Setback, between buildings" or "setback between dwelling units" means a required open space between separate buildings or between separate dwelling units on the same lot or building site. Such setback shall be measured as the minimum distance between the nearest vertical support or wall of each building or enclosed or covered porch.

"Setback, exterior side" means a side setback abutting a street.

"Setback, front" means a setback extending across the full width of the front of the lot, the minimum and/or average dimensions of which are determined by the property development standard of the applicable zone in which such lot is located.

"Setback, rear" means a setback extending across the full width of the rear of a lot, the minimum and/or average dimensions of which are determined by the property development standards of the applicable zone in which such lot is located.

"Setback, side" means a setback extending from the required front setback to the required rear setback, or to the front and/or rear property lines where no front and/or rear setback is required by the provisions of this zoning code, the minimum and average dimensions of which are determined by the property development standards of the applicable zone in which such lot is located.

"Sign" means any device used for visual communication that includes any announcement, declaration, demonstration, display, illustration, or insignia, visible from the outside, and which is used to advertise or promote the interests of any person, business, group, or enterprise.

Exhibit 20.08-3

Illustration of "Sign" Definitions*

* Code reviser's note: Exhibit 20.08-3 is on file in the office of the city clerk.

"Sign, A-frame" means a freestanding sign usually hinged at the top or attached in a similar manner, and widening at the bottom to form a shape similar to the

letter "A." Such signs are usually designed to be portable, and are not considered to be permanent signs or displays.

"Sign, animated" means any sign that uses movement or change in lighting, either natural or artificial, to depict action or create a special effect or scene. "Animated signs" shall include, but are not limited to: any sign, all or a portion of which rotates, moves, or appears to move in some manner by mechanical, electrical, natural, or other means; and flashing riders, arrows, and other similar attachments which, by method or manner of illumination or lighting, flash on or off, wink, or blink, with varying light intensity, show motion or create the illusion of motion, or revolve in a manner to create the illusion of being on or off. "Animated signs" do not include time-temperature signs.

"Sign, area" means the entire area within a single continuous perimeter that encloses the extreme limits of writing, representation, emblem or any figure of similar character, together with any frame, background area of sign, structural trim, or other material or color forming an integral part of the display or used to differentiate such sign from the background against which it is placed. Those portions of the sign that support (or the base) and that do not function as a sign shall not be considered part of the sign area.

"Sign, awning or canopy" means a nonelectric sign that is printed on, painted on, or attached to an awning or canopy.

"Sign, balloon" means one or more balloons used as a permanent or temporary sign or as a means of directing attention to any business or profession, or to a commodity or service sold, offered, or manufactured, or to any entertainment.

"Sign, banner or flag" means any cloth, bunting, plastic, paper, or similar material used for advertising purposes attached to or pinned on or from any structure, staff, pole, line, framing, or vehicle, but not including official national, state, or municipal flags.

"Sign, billboard" means a structure of any kind erected or used for promoting or advertising an interest other than that of a business, individual, products, or service available on the premises where the sign is located. Signs of an official nature are not considered billboard signs.

"Sign, construction" means a temporary sign erected on the lot on which construction is taking place, indicating the names of the architects, engineers, contractors, painters, and similar artisans, and the owner, financial supporters, sponsors, and similar individuals or firms having a major role or interest with respect to the structure or project.

"Sign copy" means the words, letters, or symbols displayed on a sign.

"Sign, directional" means a sign designed solely to provide direction or guidance to pedestrians or vehicular traffic.

"Sign, directory" means a sign listing the tenants or occupants and their suite number of a building or center.

"Sign, freestanding" means a sign that is completely supported by structures or other supports that are placed on or anchored in the ground and are independent from any building or other structure.

"Sign, hanging" means any sign which is supported or suspended from the underside of an awning, canopy, parapet overhang of a building, or pedestrian arcade.

"Sign, identification" means a sign providing the name, address, and lawful use of the activity to which it relates and contains no other form of advertisement.

"Sign, information" means a sign which provides a service, direction, or courtesy information intended to assist the public and which is not displayed for the general purpose of advertising products or services. Information signs shall include the location of business facilities (e.g., store entrances, walk-up windows, self-service operations); and courtesy information (hours of operation, menus, "credit cards accepted," restrooms, "no solicitors"). "Information signs" do not include fuel price signs or traffic directorial signs, nor shall they be part of any sign whose primary function is business identification.

"Sign, logo" means a symbol, design, or graphic representation, separate from the sign text that identifies a business, activity, product, or company.

"Sign, menu board" means a portable or freestanding sign displaying the type and price of food and beverages sold in connection with permitted outdoor dining, or a freestanding sign permanently affixed to the ground in connection with drive through restaurant service. This definition is not meant to apply to signs displaying menu information that are attached to a building (such signs are included within definitions for wall or projecting signs, whichever the case may be).

"Sign, monument" means an independent structure other than a pole sign supported from grade to the bottom of the sign with the appearance of having a solid base.

"Sign, pennant" means any all-weather lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

“Sign, pole” means a freestanding sign permanently affixed to the ground by a single pole.

“Sign, political” means a temporary sign supporting or opposing political candidates, ballot propositions, or issues of national, state, or local concern.

“Sign, portable” means any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; A-frames; sandwich board signs; and umbrellas used for advertising.

“Sign, projecting” means any sign which projects from and is supported by a wall of a building with the display surface of the sign perpendicular to the building wall.

“Sign, pylon” means a freestanding sign other than a pole sign, permanently affixed to the ground by supports, but not having the appearance of a solid base.

“Sign, reader board and changeable copy” means a sign announcing events, or containing text and/or graphics, the message of which is periodically changed.

“Sign, real estate” means a temporary sign advertising real property for sale, rent, or lease.

“Sign, roof” means a sign erected on a roof or projecting above the eave of a building or coping of a parapet. A sign erected on top of a canopy, arcade, awning, or marquee is a roof sign.

“Sign, temporary” means any sign not constructed or intended for long-term use. “Temporary signs” include, but are not limited to, banners, flags, pennants, balloons, dirigibles, beacons, and searchlights.

“Sign, time-temperature” means an electronic or mechanical device that indicates time and/or temperature, but contains no business identification or advertising.

“Sign, vehicle” means any sign permanently or temporarily attached to or placed on a vehicle or trailer.

“Sign, wall” means any sign affixed to or painted directly upon a building face or wall in such a manner that the face of the sign is substantially parallel to the plane of the building face or wall.

“Sign, window” means any sign that is displayed on or through a window and which may be viewed from a street, walkway, parking lot, or pedestrian area.

"Snack shop" means a business establishment that is maintained, operated, and/or advertised or held out to the public as serving snack foods, such as donuts, ice cream, yogurt, candy, cookies, bakery items, beverages, and similar items to be consumed either on the premises or off the premises.

"Solid fill" means any noncombustible materials insoluble in water, such as soil, rock, sand, or gravel, that can be used for grading land or filling depressions.

"Story" means "story" as defined in the currently adopted and effective Uniform Building Code of the city.

"Story, half" means a story with at least two of its opposite sides situated immediately under a sloping roof, with the floor area of said story not in excess of two-thirds of the floor area of the floor immediately below it.

"Street" means a public thoroughfare or right-of-way acquired for use as such, or an approved private thoroughfare or right-of-way, other than an alley, which affords the principal means of access to abutting property. "Street" shall include all major and secondary highways, traffic collector streets, and local streets.

Street, Center-Line. See "Center-line."

"Street line" means the boundary line between the street right-of-way and abutting property.

"Structural alteration" means any change in the supporting members of a building, such as bearing walls, columns, beams, girders, floor joists, ceiling joints, or roof rafters.

"Structure" means any physical improvement constructed or erected, including an edifice or building of any kind, or any piece of work artificially constructed or composed of parts jointed together in some definite manner, and which structure requires location on or in the ground or is attached to another improvement or in the ground, including fences, walls, swimming and wading pools, and patios.

Supportive Housing: Supportive Housing means housing with no limit on length of stay, that is occupied by persons and families who were homeless when approved for tenancy in the supportive housing project in which they currently reside, 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; as defined by Section 50675.14 of the Health and Safety Code.

"Swap meet" means any indoor or outdoor place, location, or activity where new or used goods or secondhand personal property is offered for sale or exchange to the general public by a multitude of individual licensed vendors, usually in compartmentalized spaces; and where a fee may be charged to prospective buyers for admission, or a fee may be charged for the privilege of offering or displaying such merchandise. The term "swap meet" is interchangeable with, and applicable to, flea markets, auctions, open air markets, farmer's markets, or other similarly named or labeled activities; but the term does not include the usual supermarket or department store retail operations.

"Structure, advertising" means a structure existing, erected, or maintained to serve exclusively as a stand, frame, or background for the support or display of signs.

"Tandem parking" means a sequence of two or more parking spaces, occurring in a single vertical or horizontal row, one behind the other, connected by the smaller side of the parking stall, usually front and back.

"Thrift shop" means a business establishment primarily engaged in the sale of used clothing, household goods, furniture, or appliances. This classification does not include antique shops.

"Townhouse" means a single-family dwelling which visually appears to share one or more common walls with an adjacent single-family dwelling, but which, in fact, is structurally and functionally independent of any other single-family dwelling.

"Trailer coach" means any vehicle, with or without motor power, designed or used for human habitation and constructed to travel on the public thoroughfares in accordance with the provisions of the California State Vehicle Code.

"Trailer park" or "mobile home park" mean a site designed and equipped for the harboring, parking, or storing of one or more trailers or mobile homes being used as living and/or sleeping quarters.

"Trailer site" means that portion of a trailer park designated for use or occupancy of one trailer coach and including all appurtenant facilities.

"Transfer station, waste" means an area, including any necessary building or structures, for the temporary storage and the salvage of rubbish, garbage, or industrial waste. This definition also includes material recovery facilities.

Transitional Housing: Transitional Housing means a building or 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; as defined in Section 50675.2 of the Health and Safety Code. Transitional Housing does not include state licensed residential care facilities, also referred to as care homes.

"Triplex" means a structure containing three individual residential dwelling units.

"Trucking terminal" means a business engaged in the storage and distribution of goods having more than five heavy trucks (having a rating of more than 10,000 pounds and/or an unladen weight of more than 6,000 pounds) on the premises at any one time, but excluding trucking accessory to another industrial use on the site.

"Use" means the purpose for which land or a building is arranged, designed, or intended, or for which either land or a building is or may be occupied, utilized, or maintained.

"Variance" means a modification of a literal provision of this zoning code, granted by an administrative or quasi-judicial act in accordance with the provisions of this zoning code.

"Vehicle – automobile washing" means a business engaged in the washing, waxing, cleaning, and/or detailing of automobiles or similar light vehicles.

"Vehicle – body and fender shop" means a business establishment involved in the repairing, restoring, and/or painting of the bodies of motor vehicles.

"Vehicle – rentals" means a business engaged in the sale, lease and/or rental of automobiles and light trucks (having a rating of less than 10,001 pounds, an unladen weight of less than 6,001 pounds, and equipped with an open box-type bed less than nine feet in length), including storage and incidental maintenance and repair.

"Vehicle – repair garage" means any site and improvements used for the repair and maintenance of automobiles, motorcycles, light trucks (having a rating of less than 10,001 pounds, an unladen weight of less than 6,001 pounds, and equipped with an open box-type bed less than nine feet in length), or other similar passenger vehicles licensed by the State Department of Motor Vehicles. This classification shall not include the repair or maintenance of motor homes or commercial vehicles as defined in Section 3-7.901 of this zoning code. "Motor vehicle repair garage" shall be construed broadly to include the place where the following types of commonly known garage or shop activities occur: tune-up and muffler work, parts and tire sales and installation, wheel and brake work, engine and transmission overhaul, and installation of car alarms and car stereos. "Motor

vehicle repair garage" shall not include automobile wrecking, dismantling, or salvage, motor vehicle body and fender shops, or tire retreading or recapping.

"Vehicle – service station" means a business establishment primarily engaged in the retail sale of vehicle fuel and lubricants. This classification includes facilities having service bays for vehicle service and repair. Such service and repair may include the sale of tires, batteries, and other parts and products related to the operation of a motor vehicle; minor tune-up; lubrication and parts replacement; nonmechanical car-washing, polishing, and waxing; and other light work related to preventive maintenance and upkeep, but may not include maintenance and repair of large trucks or other large vehicles, or body and fender work on any vehicles.

"Vehicle – towing/storage" means a business establishment providing towing and/or storage of operative or inoperative vehicles. This classification includes the storage of parking tow-aways, impound yards, and storage lots for buses and recreational vehicles, but does not include vehicle dismantling.

"Visual obstruction" means any physical obstruction which limits the visibility of persons in motor vehicles or pedestrians approaching intersecting or intercepting streets, alleys, driveways, or other public rights-of-way.

"Wall" or "fence" means a structure forming a physical barrier, including, but not limited to, concrete, concrete block, wood, or other materials which are solid and are so assembled as to form a barrier.

"Warehouse retail" means an off-price or wholesale retail/warehouse establishment exceeding 70,000 square feet of gross floor area and offering a full range of general merchandise to the public.

"Warehouse retail, specialty" means an off price or wholesale retail/warehouse establishment exceeding 30,000 square feet of gross floor area and offering a limited range of merchandise, serving both wholesale and retail customers.

"Wholesaling, distribution and storage" means a business engaged in storage and distribution, and having five or fewer heavy trucks (having a rating of more than 10,000 pounds and/or an unladen weight of more than 6,000 pounds) on the premises at any one time. Wholesaling establishments may include no more than 10 percent or 1,000 square feet of floor area, whichever is less, for the incidental direct sale to consumers of only those goods distributed wholesale. This classification excludes "mini-warehouse" or "self-storage facilities" and "vehicle – towing/storage."

"Wholesale dry-cleaning plant" means a dry cleaning establishment having at least 51 percent of its gross sales to licensed dry cleaners. "Without prejudice" is a term used when rights or privileges are not waived or lost.

"Yard" means an open space on a lot or parcel of land, other than a court, unoccupied and unobstructed by a building from the ground upward.

"Yard, front" means a yard extending across the full width of the lot or parcel of land. The depth of a required front yard shall be a specified horizontal distance between the front lot line, where the front lot line is coterminous with the street line, and the front elevation of the structure located on the parcel.

"Yard, rear" means a yard extending across the full width of the lot or parcel of land. The depth of a required rear yard shall be a specified horizontal distance between the rear lot line and a line parallel thereto on the lot or parcel of land.

"Yard, side" means a yard extending from the required front yard, or the front lot line where no front yard is required, to the required rear yard or the rear lot line where no rear yard is required. The width of a required side yard shall be a specified horizontal distance between each side lot line and a line parallel thereto on the lot or parcel of land. Where a side yard is bounded by a street, the width of such required side yard shall be a specified horizontal distance between the side lot line on the street side, where said side lot line is coterminous with the street line of a fully widened street or the ultimate street line of a partially widened street, and a line

Exhibit 20.08-4
Illustration of "Yard" Definitions

* Code reviser's note: Exhibit 20.08-4 is on file in the office of the city clerk.

"Zoning map" means the official zoning map delineating the boundaries of zones within the city of Cudahy. (Ord. 587 § 20-1.0200).

Section 20.64.040: Principal uses permitted in the Zone LDR district.

(Corresponding Numbers of subsequent permitted uses will shift accordingly with the addition of "transitional and supportive housing")

Premises in Zone LDR may be used for the following principal uses:

- (1) One-family dwellings, including site-built homes and manufactured housing.
- (2) The growing of nursery stock, field crops, tree, bush and berry crops, and vegetable or flower gardening. The provisions of this section shall not be construed to permit roadside stands, retail sales from the premises, or signs advertising products produced on the premises.

(3) Parking lots as a transitional use on lots or parcels of land adjoining or across an alley from any commercial or manufacturing zone pursuant to the provisions of CMC 20.76.320, Principal uses subject to special conditions.

(4) Home occupations; provided, that there is:

(a) No display or storage of goods, wares, merchandise, or stock in trade maintained on the premises; and

(b) No one, other than one person residing on the lot where the home occupation is located, shall be regularly employed in such occupation; and

(c) No equipment used in conjunction with such occupation, which emits dust, fumes, noise, odor, etc., which would or could interfere with the peaceful use and enjoyment of adjacent properties; and

(d) Not more than 200 square feet of the floor space of the dwelling devoted to such use; and

(e) No appreciable increase of traffic, pedestrian and vehicular, by reason of the dwelling devoted to such use; and

(f) No alteration of the structure, nor the use of any signs not otherwise permitted in the zone in which the occupation is located; and

(g) Authorization to inspect home offices once a month to assure compliance with the above items. (Ord. 587 § 20-1.1615).

(5) Transitional and Supportive Housing; subject to the following restrictions:

(a) Transitional Housing and Supportive Housing shall be considered a residential use of property, and shall be subject only to those restrictions that apply to other residential dwellings of the same type in the same zone.

Section 20.68.080: CC Zone – Principal uses permitted.

(Corresponding Numbers of Subsequent permitted uses will shift accordingly with the addition of “emergency shelters”).

Premises in Zone CC may be used for the following principal uses, provided all sales are retail only and all retail sales are of new merchandise, except as otherwise listed:

(1) Antique shops.

(2) Appliance stores, household.

(3) Art supply shops.

(4) Automobile supply stores.

(5) Bakery shops, including baking only when incidental to retail sales from the premises.

(6) Barber and beauty shops.

(7) Bicycle sales.

- (8) Bicycle, scooter, and similar vehicle rentals.
- (9) Blueprint shop.
- (10) Book stores.
- (11) Candy stores.
- (12) Children's clothing apparel stores.
- (13) Children's book store.
- (14) Clothing stores.
- (15) Confectionery stores.
- (16) Costume design studios.
- (17) Delicatessens (deli).
- (18) Department stores.
- (19) Dress shops.
- (20) Drug stores.
- (21) Dry goods stores.

(22) Emergency Shelters; subject to the following restrictions:

(a) Occupancy. A maximum of 15 beds or persons may be served nightly, with associated support service not open to the public. Any Emergency Shelter for Homeless with greater than 15 beds shall be subject to approval of a Conditional Use Permit consistent with CMC Chapter 20.44.

(b) Separation Criteria. Said uses are to be located at least 300 feet from any residential use or residentially zoned property, park, child care center, or kindergarten through 12th grade curriculum school, as measured from the closest property line. An exception to this separation requirement may be granted if significant physical features act as barriers from said sensitive uses; such as a freeway, railroad right of way, or like features. In addition, at least 300 feet shall be maintained from any other Emergency Shelter for Homeless or Multiservice Center for Homeless, as measured from the closest property line. Said uses shall be located within ½ mile of a transit stop.

(c) Parking. One (1) vehicle parking space shall be provided per 5 beds. A covered and secured area for bicycle parking shall be provided for use by staff and clients, commensurate with demonstrated need, but no less than a minimum of eight (8) bike parking spaces.

(d) Waiting and Intake Area. A client waiting and intake area shall be provided and contain a minimum of ten (10) square feet per bed provided at the facility. The client waiting and intake area shall be screened from the public right of way by a solid wall of at least six (6) feet in height, and shall be sufficient in size to accommodate all persons waiting to enter the facility.

(e) Support Services. Emergency Shelters shall allocate sufficient areas on site, outside of any required landscape areas, to provide the following minimal support services:

- 1. Food preparation and dining areas***
- 2. Laundry facilities***
- 3. Restrooms and showers***
- 4. Areas to secure and store client belongings***
- 5. Indoor and outdoor recreational facilities and/or open space***
- 6. A private area providing referral services to assist shelter clients in entering programs aimed at obtaining permanent shelter and income. Referral services refers to the initial assessment of a homeless client to identify the areas in which assistance is needed, and connecting clients with appropriate off-site programs and services depending on their need.***

(f) Hours of Operation. Emergency Shelters for Homeless providing less than 15 beds are not required to be open 24 hours a day. Clients for Emergency Shelters for Homeless shall have a specified check out time as detailed in the Management and Operation Plan, but may remain on the premises to utilize onsite services offered.

(g) Length of Stay. The length of stay of an individual client shall not exceed six (6) months within a twelve (12) month period; days of stay need not be consecutive.

(h) Management and Operation Plan. The applicant or operator shall submit a Management and Operation Plan for the Emergency Shelter for review and approval by the Community Development Director or designee in consultation with the Chief of Police at the time the project is proposed, prior to issuance of permits. If Site Plan Review applies, then the Management and Operational Plan should be submitted and reviewed concurrently with those applications. The Plan shall remain active throughout the life of the facility, with any changes subject to review and approval by the Community Development Director or designee in consultation with the Chief of Police. The Plan should be based on "Best Practices" and include, but not limited to, a security plan, procedures, lists of services, staff training, "good neighbor" communication plan, client transportation and active transportation plan, ratio of staff to clients, client eligibility and intake and check out process, detailed hours of operation, and an ongoing outreach plan to Cudahy homeless population. The City may inspect the facility at any time for compliance with the facility's Operational Plan and other applicable laws and standards.

(i) Restrooms. The number of toilet and showers shall comply with applicable Building Codes and Plumbing Codes.

(j) Trash Enclosure and Loading Zone. Each facility shall have a trash enclosure and loading zone as provided in CMC Chapters 20.64 and 20.80.

(k) Applicable Laws. The facility shall comply with all other laws, rules and regulations that apply, including Building and Fire codes and shall be subject to City inspections prior to Operational Plan approval.

(23) Equipment rental services, including rototillers, power mowers, sanders, power saws, cement mixers, and other similar equipment.

(24) Feed and grain sales.

(25) Fire stations.

(26) Florist shops.

(27) Food markets.

(28) Furniture stores.

(29) Furniture repair and restoration.

(30) Gift shops.

(31) Hardware stores.

(32) Hat cleaning and blocking establishments.

(33) Health food stores.

(34) Hobby supply shops.

(35) Ice cream shops.

(36) Ice sales, not to include ice plants.

(37) Interior decorating shops.

(38) Jewelry stores with incidental repairs.

(39) Knit shops.

(40) Leather goods stores.

(41) Libraries.

(42) Locksmith shops.

(43) Manager's office, property management office.

(44) Manicure parlors.

(45) Manufacturer's agent, carrying no inventory other than samples.

(46) Meat markets, not to include slaughtering.

(47) Medical clinics.

(48) Millinery shops; hats.

(49) Printing services.

(50) Mortuaries.

(51) Museums.

(52) Music stores.

(53) Newspaper stores.

(54) Notions or novelty stores.

(55) Offices, business and professional.

- (56) Paint and wallpaper stores.
- (57) Parks and playgrounds.
- (58) Pet shops.
- (59) Pet supply shops.
- (60) Photography shops.
- (61) Photography studios.
- (62) Plumbing shops.
- (63) Police stations.
- (64) Post offices.
- (65) Pottery stores.
- (66) Poultry markets, not to include slaughtering.
- (67) Public health centers.
- (68) Radio and television stores.
- (69) Real estate offices.
- (70) Shoe repair shops.
- (71) Shoe stores.
- (72) Sporting goods stores.
- (73) Stationery stores.
- (74) Tailor shops.
- (75) Tile sales, ornamental.
- (76) Tobacco shops.
- (77) Tourist information centers.
- (78) Toy shops.
- (79) Typewriter sales and incidental repairs.
- (80) Watch repair shops.
- (81) Wearing apparel shops.
- (82) Other similar uses that the planning commission finds to fall within the intent and purpose of this zone, that will not be more obnoxious or materially detrimental to the public welfare, and which the planning commission finds to be of a comparable nature and of the same class as the uses enumerated in this section. (Ord. 587 § 20-1.1740).

Section 4: In accordance with the California Environmental Quality Act (CEQA) and the State CEQA Guidelines, the adoption of this ordinance is exempt from CEQA review pursuant to California Code of Regulations section 15601(b)(3), in that the proposed amendment to the Zoning Code will not have a significant effect on the environment. A Notice of Exemption will be filed upon adoption of this ordinance.

Section 5: Any provision of the Cudahy Municipal Code or appendices thereto that conflicts with the provisions of this Ordinance, to the extent of such conflict and no further, is hereby repealed or modified to the extent necessary to affect the provisions of this Ordinance.

Section 6: If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance, or any part thereof is for any reason held to be invalid or

unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsection, subdivision, paragraph, sentence, clause or phrase would be subsequently declared invalid or unconstitutional.

Section 7: The Mayor shall sign and the City Clerk shall attest to the passage of this Ordinance. The City Clerk shall cause the same to be published once in the official newspaper within fifteen (15) days after its adoption. This Ordinance shall become effective thirty (30) days after adoption.

PASSED AND APPROVED THIS 6th DAY OF MAY, 2014 BY THE FOLLOWING ROLL CALL VOTE:

AYES:
NOES:
ABSENT:
ABSTAIN:

Mayor

ATTEST:

APPROVE AS TO FORM:
OLIVAREZ MADRUGA
CITY ATTORNEY

Secretary

By: _____
Isabel Birrueta, Assistant

ORDINANCE NO. 629**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CUDAHY ADDING CHAPTER 2.54 OF TITLE 2 OF THE CUDAHY MUNICIPAL CODE ESTABLISHING CITY CAMPAIGN ETHICS REGULATIONS**

WHEREAS, the City Council seeks to restore public trust in local government and the electoral process by preventing corruption or the appearance of corruption; and

WHEREAS, the City Council specifically desires to implement regulatory safeguards upon the giving and soliciting of campaign contributions for persons seeking to become elected officials of the City of Cudahy ("City") and those who are incumbent elected officials of the City; and

WHEREAS, the proposed regulations sought by the Council are intended to establish practices consistent with the City Council's commitment to conduct the public's business in accordance with high ethical standards and in a manner consistent with open government practices; and

WHEREAS, it is also recognized that the First Amendment affords broad protections for political expression, which includes the right to contribute to election campaigns; and

WHEREAS, it is also recognized that public policy strongly encourages the giving and receiving of campaign contributions, which must be balanced with regulating the conduct of public officials in order to circumvent scheming and impropriety; and

WHEREAS, in *Buckley v. Valeo*, the United States Supreme Court, nevertheless, held that cities may constitutionally impose limits on campaign contributions to local candidates and their controlled committees; and

WHEREAS, Elections Code section 10202 allows cities to enact municipal campaign contribution limits by resolution or ordinance; and

WHEREAS, Government Code section 8013 of the Political Reform Act (the "Act"), allows cities to impose additional requirements beyond the Act that do not prevent compliance with the Act; and

WHEREAS, Government Code section 8570(a) of the Act, authorizes cities to impose campaign contribution limits.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CUDAHY DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Title 2 (Administration and Personnel) of the Cudahy Municipal Code is hereby amended by the addition of the following Chapter 2.54 which shall read as follows:

CHAPTER 2.54 – CAMPAIGN ETHICS REGULATIONS

Sec. 2.54.010 Definitions.

Sec. 2.54.020 Prohibition Against Solicitation Contributions, Gifts, or Loans.

Sec. 2.54.030 Prohibition Against Soliciting or Accepting Campaign Contributions for Three (3) Months After Approving a Permit or Decision.

Sec. 2.54.040 Disqualification From Proceedings Due to Contributions, Gifts, or Loans Received Within Twelve (12) Months Prior to Proceeding.

Sec. 2.54.050 Referral and Enforcement.

Sec. 2.54.060 Statute of Limitations.

Sec. 2.54.010 Definitions.

For the purpose of this chapter, certain words and phrases are defined, and the definitions set forth as follows shall apply to the provisions of this chapter unless it is apparent from the context that a different meaning is necessarily intended.

“City Official” includes: (i) any elected or appointed City officeholder, including any City officeholder elected but not yet sworn in; (ii) City employees who are required to file a statement of economic interest pursuant to the California Political Reform Act, as amended; and (iii) any “public official” of the City as the term “public official” is defined under Government Code section 82048.

“Campaign Committee” means any “committee” within the meaning of Government Code section 82013, any “controlled committee” within the meaning of Government Code section 82016, any “general purpose committee” within the meaning of Government Code section 82027.5, any “primarily formed committee” within the meaning of Government Code section 82047.5, any “sponsored committee” within the meaning of Government Code section 82048.7, political action committee, association of citizens, or any other organization or association formed for the purpose

of promoting or opposing the election or reelection of a person to City elected office.

“Contribution” shall have the same meaning as set forth under Government Code section 82015.

“Gift” shall have the same meaning as set forth under Government Code section 82028.

“Loan” means the temporary transfer of money or goods for the personal use of an individual with the expectation that the money or goods will be returned.

“Person” means any natural person; any corporation of any variety; any limited liability company; any partnership of any variety; any sole proprietorship; any joint venture or like commercial venture or partnership; any trust; any independent contractor; or any organization or association of persons of any variety and formed for any purpose, including, but not limited to, any collective bargaining group or labor association.

Sec. 2.54.020 Prohibition Against Solicitation Contributions, Gifts, or Loans.

It shall be unlawful for any City Official to use his or her office or position, or exercise the power or authority of his or her office or position, in any manner intended by the City Official to induce or coerce any of the following entities to make a Contribution, Gift or Loan to the City Official or to any Campaign Committee controlled by the City Official: (a) any Person currently under contract with the City to provide any service, goods, or equipment to the City in exchange for compensation paid by the City; (b) any Person who has a proposal or bid pending before the City for the award of a contract to provide the City with any service, goods, or equipment in exchange for compensation paid by the City; (c) any Person who has just been awarded a contract to provide the City with any service, goods, or equipment but has yet to execute a contract for the same; (d) any Person who is a party to any municipal franchise agreement with the City (e.g., to provide solid waste handling services, transportation services, and the like); (e) any Person who has a proposal or bid pending before the City for the award of any municipal franchise or any Person who has been awarded a municipal franchise but has yet to execute a franchise agreement with the City; (f) any employee of the City or any person employed by a public agency under contract with the City to provide a municipal service within the City; (g) any Person directly responsible for representing any represented or unrepresented employee or group of employees of the City in negotiations with the City regarding hourly wages, salaries, benefits (including pension benefits, retirement

benefits, medical benefits, and other benefits or perks provided by the City in lieu of wages or salaries), and other workplace conditions; or (h) any Person directly responsible for representing any represented or unrepresented employee or group of employees employed by a public agency under contract with the City to provide a municipal service within the City.

Sec. 2.54.030. Prohibition Against Soliciting or Accepting Campaign Contributions for Two (2) Years After Approving a Permit or Decision.

- A. No City Official or Campaign Committee controlled by the City Official shall solicit or accept any Contribution, Gift, or Loan in excess of One Hundred Dollars (\$100) or any aggregation of multiple Contributions, Gifts, or Loans that exceeds One Hundred Dollars (\$100) from any single Person for a period of two (2) years following the date final action is taken in any of the following varieties of matters in which the City Official participated in the deliberation and/or vote of the City Council: (i) any proceeding to approve or deny a license, permit, or land use entitlement in which the contributor, gift giver, or lender was the applicant or a natural person with an ownership interest in the applicant or is the owner of the real property parcel for which the license, permit, or land use entitlement corresponds; (ii) any proceeding to award a contract to provide services, goods, or equipment to the City in exchange for compensation paid by the City wherein the contributor, gift giver, or lender was the Person awarded the contract or has an ownership interest in the Person awarded the contract or wherein the entity awarded the contract is a subsidiary entity owned or otherwise controlled by the contributor, gift giver, or lender; (iii) any proceeding to award a municipal franchise agreement wherein the contributor, gift giver or lender was the Person awarded the franchise or has an ownership interest in the franchisee or wherein the entity awarded the franchise is a subsidiary entity owned or otherwise controlled by the contributor, gift giver, or lender; (iv) any proceeding to approve a collective bargaining agreement or employment agreement in which the Person making the contribution or loan represents the represented or unrepresented employee(s) covered under the collective bargaining agreement or employment agreement; and (v) any proceeding to take action on the approval, renewal, or termination of an agreement in which another public agency will provide a municipal service to the City wherein the Person making the contribution, gift, or loan is the collective bargaining representative of the employees who will perform the municipal service on behalf of the public agency.

- B. For purposes of this section, a City Official participates in a proceeding if he or she is counted as part of the quorum when a matter is deliberated and/or acted upon. Persons who abstain on a matter but remain on the dais shall still be considered part of the quorum. Only recusal and departure from the City Council chambers while the matter is being decided upon shall constitute non-participation. Absence from a meeting in which the subject matter was decided and deliberated upon shall also qualify as non-participation.
- C. For purposes of this section, members of the public, other than the applicant, the contractor, or direct recipient of an approval, who express an opinion to the City Council through direct public comment, through testimony at a public hearing, or in writing shall not be affected by this section.
- D. A City Official who accepts a Contribution, Gift, or Loan in violation of this section shall have thirty (30) calendar days from the date he or she is provided with written notice of the violation by the City Manager to return the Contribution, Gift, or Loan in full, and, if such Contribution, Gift, or Loan is returned within such 30-day period, no violation shall be deemed to have occurred.

Sec. 2.54.040 Disqualification from Proceedings Due to Contributions, Gifts, or Loans Received Within Two (2) Years Prior to Proceeding.

- A. No City Official shall vote on or otherwise participate in the deliberation of any of the following proceedings in the event the City Official or a Campaign Committee controlled by the City Official received a Contribution, Gift, or Loan in excess of One Hundred Dollars (\$100) or any aggregation of multiple Contributions, Gifts, or Loans that exceeds One Hundred Dollars (\$100) from any single Person within the two-year period immediately preceding the commencement of any City Council proceeding to: (i) any proceeding to approve or deny a license, permit, or land use entitlement in which the contributor, gift giver, or lender is the applicant or a natural person with an ownership interest in the applicant or is the owner of a real property parcel for which the license, permit, or land use entitlement corresponds; (ii) any proceeding to award a contract to provide services, goods, or equipment to the City in exchange for compensation paid by the City wherein the contributor, gift giver, or lender is the Person who is being considered for the award of the contract or has an ownership interest in the Person being considered for the award of the contract or wherein the entity being considered for the award of a contract is a subsidiary entity owned or otherwise controlled by

the contributor, gift giver, or lender; (iii) any proceeding to award a municipal franchise agreement wherein the contributor, gift giver, or lender was the Person who is being considered for the award of the franchise or has an ownership interest in the franchisee or wherein the entity being considered for the award of the franchise is a subsidiary entity owned or otherwise controlled by the contributor, gift giver, or lender; (iv) any proceeding to approve a collective bargaining agreement or employment agreement in which the Person making the contribution, gift, or loan represents the represented or unrepresented employee(s) covered under the collective bargaining agreement or employment agreement; and (v) any proceeding to take action on the approval, renewal, or termination of an agreement in which another public agency will provide a municipal service to the City wherein the Person making the contribution, gift or loan is the collective bargaining representative of the employees who will perform the municipal service on behalf of the public agency.

- B. For purposes of this section a City Official participates in a proceeding if he or she is counted as part of the quorum when a matter is deliberated and/or acted upon. Persons who abstain on a matter but remain on the dais shall still be considered part of the quorum. Only recusal and departure from the City Council chambers while the matter is being decided upon shall constitute non-participation. Absence from a meeting in which the subject matter was decided and deliberated upon shall also qualify as non-participation.

- C. A City Official or Campaign Committee controlled by the City Official that accepts a Contribution, Gift, or Loan within the 12-month period set forth under subsection A of this section, above, may participate in any of the proceedings identified under subsection A of this section provided the City Official and/or his or her controlled Campaign Committee return the Contribution, Gift, or Loan in full no less than seven (7) calendar days prior to the date of the proceedings. The City Official and/or his or her controlled Campaign Committee must provide written confirmation and supporting documentation to the City Manager evidencing that the Contribution, Gift, or Loan has been returned prior to the meeting, and such written confirmation and supporting documentation must be entered into the record of the proceedings at the commencement of the proceedings before the City Official may be allowed to participate and vote on the matter.

Sec. 2.54.050 Prohibition Against Solicitation of Contributions and Gifts.

- A. It is unlawful for any City Official or any Campaign Committee controlled by the City Official to demand or otherwise solicit a Contribution or Gift from a City employee with knowledge that the person from whom the Contribution or Gift is solicited is a City employee.
- B. It is unlawful for any candidate for City elective office or any Campaign Committee controlled by the candidate or formed for the purpose of promoting or supporting the candidate's candidacy for City elected office to demand or otherwise solicit a Contribution or Gift from a City employee with knowledge that the person from whom the Contribution or Gift is solicited is a City employee.
- C. Notwithstanding subsections A and B, this section shall not prohibit a City Official or candidate for City elective office or any Campaign Committee controlled by such individuals from soliciting Contributions from City employees in instances where the City employee has voluntarily requested to be placed on a solicitation list or where the solicitation takes the form of a blanket solicitation made to the general public (e.g., the mass mailing, door-to-door distribution or electronic mail distribution of campaign materials which may include requests for contributions to City residents or to City residents with a particular party affiliation).
- D. Nothing in this section shall prohibit a City employee from making an unsolicited, voluntary Contribution to a City Official or candidate for City elective office, and nothing in this section shall prohibit a City Official or candidate for City elective office from accepting an unsolicited, voluntary Contribution from a City employee.

Sec.2.54.060 Referral and Enforcement.

Persons seeking to report alleged violations of this chapter shall submit their allegations in writing signed under penalty of perjury of the laws of the State of California on a form provided by the City. The writing shall specifically identify which provision(s) of this chapter have been violated and shall explain in detail the factual basis for the allegation(s). The writing shall indicate the date(s) of the alleged violations and shall also specifically identify and include any evidence in support of the allegation(s). Evidence based on the testimony of individuals shall be submitted in the form of a printed declaration signed under penalty of perjury under the laws of the State of California on forms prepared by the City. Written allegations shall be submitted to the City Manager care of the City Clerk. The City Manager shall submit the materials to the City Prosecutor for review and evaluation within seven (7) calendar days of its receipt. The City Prosecutor shall have discretion to prosecute the matter pursuant to Chapter 1.36 (Penalty Provisions) of the Cudahy Municipal Code or may refer the matter to the District Attorney for potential

prosecution as a misdemeanor pursuant to Chapter 1.36. If the allegations contend that the City Manager has violated the provisions of this chapter, the writing shall be submitted to the City Attorney who shall in turn refer the matter to the City Prosecutor in the same manner as if the matter had been submitted to the City Manager. If the District Attorney declines to prosecute the matter, the matter shall be deemed closed and no further prosecution shall be forthcoming under this chapter.

Sec. 2.54.070 Statute of Limitations.

There shall be no prosecution for any specific alleged violation of this chapter if the written form containing the allegation of the violation is submitted to the City Clerk more than sixty (60) calendar days from the date the specific violation is alleged to have occurred. The City Prosecutor or the District Attorney shall have six (6) months from the date of submission of the written allegations to the City Clerk to prosecute any alleged violations. In the event the City Prosecutor or the District Attorney shall fail to prosecute the matter within said 6-month period the matter shall be deemed closed and no further prosecution shall be forthcoming under this chapter for the violations alleged.

Section 2. Severability. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions might subsequently be declared invalid or unconstitutional.

Section 3. CEQA. The City Council finds that this Ordinance is not subject to the California Environmental Quality Act ("CEQA") pursuant to section 15061(b)(3) of the State CEQA Guidelines, California Code of Regulations, title 14, chapter 3, because it can be seen with certainty that there is no possibility that it will have a significant effect on the environment.

Section 4. Effective Date. This Ordinance shall take effect thirty (30) days after its adoption. The City Clerk shall certify to the adoption of this Ordinance and shall cause this Ordinance or a summary thereof to be published in the manner required by law.

PASSED, APPROVED AND ADOPTED at a regular meeting of the City Council of the City of Cudahy on this 6th day of May, 2014.

ORDINANCE NO. 633

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CUDAHY AMENDING SECTION 2.04.020 OF THE CUDAHY MUNICIPAL CODE REGARDING MEETING DATES AND TIMES

WHEREAS, pursuant to *Government Code* section 54954, each legislative body, including city councils, must provide, by ordinance, resolution or other rules, the time and place for holding regular meetings; and

WHEREAS, *Government Code* section ~~36805~~ requires city councils to hold regular meetings at least once a month at times fixed by ordinance or resolution; and

WHEREAS, the Cudahy City Council (the "City Council") currently conducts its regular meetings on the first and third Tuesday of each and every month at 6:30 p.m., in accordance with Ordinance No. 628 and Section 2.04.020 of Chapter 2.04 (City Council) of Title 2 (Administration and Personnel) of the Cudahy Municipal Code; and

WHEREAS, the City Council wishes to amend the meeting dates to the first Saturday and third Tuesday of each month.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF CUDAHY DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. The facts set forth in the recitals above are true and correct.

SECTION 2. Section 2.04.020, subdivision (1) of the Cudahy Municipal Code IS HEREBY AMENDED IN ITS ENTIRETY TO NOW STATE THE FOLLOWING:

2.04.020 Council Meetings.

(1) Regular Meetings. Regular meetings of the city council shall be held on the first Saturday at 9:00 a.m. and the third Tuesday of each month at 6:30 p.m., or if any such Saturday or Tuesday falls on a holiday, the next succeeding day which is not a holiday.

Any provisions of the Cudahy Municipal Code which may be inconsistent with the amendment are similarly repealed or amended to the extent of inconsistency and no further.

SECTION 3. If any section, subsection, phrase, or clause of this Ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Cudahy hereby declares that it would have passed this Ordinance and each section, subsection, phrase, or clause thereof irrespective of the fact that any one or more sections, subsections, phrases, or clauses be declared unconstitutional.

SECTION 4. The City Council finds that the actions contemplated herein do not constitute a project subject to the California Environmental Quality Act, Public Resources Code §§ 21000 et seq. "CEQA" and its implementing regulations, 14 Cal. Code Regs. §§ 15000 et seq. (the "CEQA Guidelines"), as they will not result in a direct or reasonably foreseeable indirect physical change to the environment. CEQA Guidelines §§ 15060(c)(2)-(3), 15378.

SECTION 5. Inconsistent Provisions. Any provision of the Cudahy Municipal Code or appendices thereto that conflicts with the provisions of this Ordinance, to the extent of such conflict and no further, is hereby repealed or modified to the extent necessary to affect the provisions of this Ordinance.

SECTION 6. Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance, or any part thereof is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsection, subdivision, paragraph, sentence, clause or phrase would be subsequently declared invalid or unconstitutional.

SECTION 7. Publication. The Mayor shall sign and the City Clerk shall attest to the passage of this Ordinance. The City Clerk shall cause the same to be published once in the official newspaper within fifteen (15) days after its adoption. This Ordinance shall become effective thirty (30) days after adoption.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Cudahy at the regular meeting of this 6th day of May, 2014.



AGENDA REPORT

MEETING DATE: May 6, 2014

TO: Honorable Mayor and Members of the City Council

FROM: Victor Ferrer, Management Analyst

THROUGH: Steven Dobrenen, Director of Finance

TITLE: **Procurement of a Taxicab Operator's License from the City Council by Futura Taxi**

RECOMMENDATION:

That the City Council approve a **Taxicab Operator's License** to **Futura Taxi** to allow the operation of taxi service within the City for the period of ONE calendar year commencing Wednesday, April 16, 2014 and that the license be renewable annually subject to the licensee meeting the requirements for renewal. Once the license has been approved by the City Council the applicant per CMC Section 5.08.490 shall file with the sheriff's department a policy of insurance prior to the issuance of the approved license. City Staff will provide the licensee a copy of the following Cudahy Municipal Codes:

§10.04.090 (2), which states, "No person shall park or stand any vehicle or wagon used or intended to be used in the transportation of property for hire on any street while awaiting patronage for such vehicle or wagon without first obtaining a written permit to do so from the city staff which shall designate the specific location where such vehicle may stand."; and

§20.80.010, which specifies regulations on the limitation of parking and loading facilities; and

§5.08.010 (2) and §9.04.290, which regulates advertising and the distribution of handbills; and

BACKGROUND:

Futura Taxi proposed to operate within the city limits of Cudahy by filing an application in accordance with Cudahy Municipal Code §5.08.420.

Futura Taxi provides service in Southeast Los Angeles County region specifically in the cities of Downey, Lynwood, Compton, and South Gate. Lynwood Mayor Salvador Alatorre, through a letter addressed to Cudahy Mayor Guerrero, has expressed his support to Futura Taxi Company owner Mr. German Amador stating,

"This is a reputable taxi cab business and their operation in the City of Cudahy along with other cities within Southeast Los Angeles County region enhances the mobility of persons who use taxi services in this region."

Futura Taxi is located in the City of Lynwood and provides services, twenty-four hours a day, seven days a week including holidays. Their drivers are bilingual in an effort to accommodate, and provide friendly and safe service. Their fleet includes twenty vehicles with two of those being wheelchair accessible vans to meet the needs of customers.

DISCUSSION:

Futura Taxi's dispatch center is located in the City of Lynwood, which allows them to dispatch from that location without having any taxi stands within the city. This is very important due to the density of the city and the traffic it can potentially cause by having a taxi stand within the city limits.

According to the City of Cudahy's Municipal Code (CMC) Section 5.08.420 and 5.08.430:

5.08.420 Licenses Applications - Every application for a taxicab operator's license shall be signed by the applicant. If the application is for an original license, not a renewal, it shall contain the following information: (1) The name and address of the applicant; (2) If the applicant is a corporation, the names and addresses of its directors; (3) The locations of the taxicab stands requested; (4) The places on private property, if any, where the applicant intends to park taxicabs while awaiting passengers and, if none, a statement of that fact; (5) The area within which the applicant proposes to operate; (6) The kind and amount of public liability and property damage insurance covering each vehicle to be used for the acceptance of passengers for hire within the city; (7) The taxicab color scheme and insignia; (8) The owner's trade name and business address; (9) The number of vehicles to be used for accepting passengers for hire within the city; (10) The schedule of rates proposed to be charged; (11) The applicant's estimate of the need of taxicab service in the area which he proposes to serve and the taxicab service in such area being provided by others; (12) Demonstrate that the applicant has at least 15 vehicles in its fleet to operate as taxicabs within the city; (13) Written documentation that each driver employed by the applicant has successfully passed a controlled substance and alcohol test which complies with the requirements of Government Code Section 53075.5(b)(3); (14) Written documentation that each driver employed by the applicant has complied with CMC 5.08.590; and (15) Such further information as either the sheriff's department or the city council may require. (Ord. 553 §§ 3 – 6; Ord. 505 § 3. 2002 Code § 6-21.4).

5.08.430 Requirements for granting a taxicab license - The city council may grant a taxicab operator's license if the city council finds that: (1) After all requests for the modification of existing taxicab operator's licenses have been granted, wholly or in part, or denied, the public convenience and necessity still justify the operation of one or more additional taxicabs in the area applied for; (2) The applicant is a fit and proper person to possess a taxicab operator's license; (3) The applicant has complied with all of the provisions of this chapter; and (4) The

applicant has at least 15 vehicles in its fleet to operate as taxicabs within the city.* (Ord. 553 §§ 7, 8; Ord. 505 § 3. 2002 Code § 6-21.5).”

ANALYSIS:

Approval is based on the City Council making the findings mentioned above in CMC Section 5.08.430.

Staff has reviewed the application for a taxicab operator’s license and has made the following findings:

- The applicant has provided an estimate of the need of taxicab service in the area which he proposes to serve and the taxi cab service in such an area being served by others.
- The applicant is a fit and proper person to possess a taxicab operator’s license.
- The applicant has provided the documents required by Section 5.08.420.
- The applicant has 15 vehicles in its fleet to operate as taxicabs within the city.

Staff concluded that Futura Taxi has met all the requirements needed for approval of a taxicab operator’s license.

Attachment – None



AGENDA REPORT

MEETING DATE: May 6, 2014

TO: Honorable Mayor and Members of the City Council

FROM: Henry Garcia, Interim City Manager

TITLE: **Approval of Purchase of Replacement Server**

RECOMMENDATION:

It is recommended that the City Council approve the purchase of the Server – PowerEdge R720, Intel Xeon E-2 6xx Processors for the price of \$9,356.54 including tax.

BACKGROUND/DISCUSSION:

The City's primary servers were purchased in 2006 and failed in 2014. The average life for a server is approximately five year. The server was purchased from the Manufacturer, Dell Computer. The City was eligible for government discounts from Dell Computer. The server was built to the specifications of IT Systems House, the City's internet technology service contractor. The configuration and installation of the server was performed by IT System House as part of their monthly contract with the City.

The primary hardware used by the City of Cudahy is Dell Computers. It makes the most sense to utilize the same infrastructure throughout the City to reduce the incompatibilities that often occur when hardware from different manufactures is used.

Attachment:

1. Invoice Number XJD698FN2



AGENDA REPORT

MEETING DATE: May 6, 2014

TO: Honorable Mayor and Members of the City Council

THROUGH: Henry Garcia, Interim City Manager

FROM: Isabel Birrueta, Assistant City Attorney

TITLE: Consideration of Retainer Agreement with Arent Fox LLP

RECOMMENDATION:

It is recommended that the City Council approve a Retainer Agreement with Arent Fox LLP to be administered on behalf of the City of Cudahy as Successor Agency to the Former Cudahy Community Development Commission/Cudahy Redevelopment Agency ("City as Successor Agency") by the City Attorney's Office of the City of Cudahy ("City").

SUMMARY:

An agreement to provide specialized legal services in bond financing matters. As the area of bond finance is extremely complex and specialized, these matters require experienced legal representation knowledgeable in this area of law. The work will be performed by Richard Newman or one of his associates. Mr. Newman's hourly rate is normally \$870.00, however, pursuant to the proposed agreement, Arent Fox will be providing Mr. Newman's specialized services at a municipal hourly rate of \$375.00, and his associates at an hourly rate of \$300. The City as Successor Agency may terminate this agreement at any time. The retainer agreement is provided in the agenda packet. The redaction you see on the first page of the retainer agreement is to protect sensitive confidential information and preserve attorney-client/work-product privilege.

BACKGROUND/

DISCUSSION:

Staff recommends that the City Council hire specialized legal counsel to analyze bond finance matters and provide legal advice in this complex area of law.

CEQA (CALIFORNIA ENVIRONMENTAL QUALITY ACT):

The actions contemplated herein do not constitute a project subject to the California Environmental Quality Act, Public Resources Code § 21000 et seq. "CEQA" and its implementing regulations, 14 Cal. Code Regs. §§ 15000 et seq. (the "CEQA Guidelines"), as they will not result in a direct or reasonably foreseeable indirect physical change to the environment. CEQA Guidelines §§ 15060(c)(2)-(3), 15378.

ATTACHMENTS:

Proposed Retainer Agreement

April 29, 2014

Henry Garcia
City Manager
City of Cudahy
Cudahy City Hall
5220 Santa Ana Street
Cudahy, CA 90201

Michael Zweiback

Partner
213.443.7651 DIRECT
213.629.7401 FAX
zweiback.michael@arentfox.com

Re: Engagement Agreement

Dear Mr. Garcia:

This letter describes the terms on which Arent Fox LLP (the Firm), has agreed to provide legal services to the City of Cudahy (the Client). As I have explained to you in our conversation, our internal policies and the provisions of the California Business and Professions Code require us to provide you with a written statement of the terms on which you have engaged us and on which we have agreed to provide legal services to you.

DESCRIPTION OF ENGAGEMENT

We thank you for the opportunity to represent the City of Cudahy (the "City") as special counsel on bond financing matters.



Our engagement includes any services in connection with this matter which we may have undertaken prior to the date of this letter. The scope of our engagement under this letter may be enlarged from time to time as you ask us to perform additional services and we agree to perform such additional services. No additional written agreement will be required to document these periodic changes.

DESCRIPTION OF BASIS FOR LEGAL FEES

We charge for legal services on the basis of the time devoted to your matters by our professional staff in performing the services. As we discussed, our hourly rates for attorneys and other professionals likely to be involved in your matter presently will be \$375 for all partners and \$300 per hour for all associates who work on this matter. These rates may be adjusted from time to time, typically on an annual basis. The work will be performed by Richard Newman or one of his associates. Richard Newman's normal hourly rate is \$870.00.

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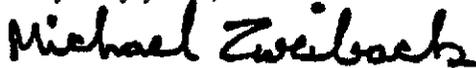
General provisions

The provisions attached to this letter and entitled "General Provisions" are incorporated into this letter with the same effect as if they were expressly set forth in this letter.

Please note that this engagement will not be effective unless and until you sign the letter and we sign the letter.

If you have any questions about this letter, please do not hesitate to call to discuss them before countersigning this letter. If you do wish to proceed, please sign the enclosed copy of this letter and return it to me to confirm your agreement to the terms of our engagement. We look forward to working with you.

Very truly yours,



Michael Zweiback
Arent Fox LLP

Agreed:

City of Cudahy as Successor Agency to the Former Cudahy Community Development Commission/Cudahy Redevelopment Agency

By: _____
Print Name: Henry Garcia
Print Title: City Manager

GENERAL PROVISIONS

Michael Zweiback

Partner

213.443.7651 DIRECT

213.629.7401 FAX

zweiback.michael@arentfox.com

DESCRIPTION OF BASIS FOR CHARGES OTHER THAN LEGAL FEES

In addition to fees, you will be responsible to reimburse us for third-party costs incurred on your behalf and to pay our customary charges for various services such as toll calls, travel, facsimile, central word processing, LEXIS/WESTLAW and other computer database uses, duplicating, messengers, secretarial overtime, and transcripts, if applicable. In some cases, our customary charges for these services exceed the direct costs incurred by us in providing these services.

BILLING AND PAYMENT PROCEDURES

Our statements will be rendered periodically, typically monthly. Charges for expenses will be based on information available to us at the time the statements are rendered. In appropriate cases, the statements may include estimated charges for expenses, in which event the estimates will be reconciled when final information becomes available.

Our statements are payable upon receipt. Prompt payment is a requirement for our continued representation. If statements are not paid within 30 days after the invoice date, we retain the right to charge interest on overdue amounts at the rate of 1% per month (12% Annual Percentage Rate). In the unfortunate event that we are forced to incur collection costs to obtain payment, you also will be responsible for the collection costs, including reasonable attorneys' fees.

You agree to review each invoice promptly after you receive it, and notify us of any objections or defenses to payment. If you fail to do so within 30 days after you receive the invoice, you will be deemed to have approved the invoice and to have waived any objections to its payment in full.

You acknowledge and agree that we have a lien on any award, judgment, recovery or other amounts payable to you in the matters on which we represent or have represented you.

TERMINATION OF REPRESENTATION

Your Right to Terminate Representation

You have the right to terminate our representation at any time.

Our Right to Terminate Representation

We may also terminate our representation of you for any reason consistent with the rules of professional conduct, including non-payment of fees and charges.

Conclusion of Our Representation

At any time there are no active matters in which we are representing you, you will be considered a former, rather than a current, client of ours, unless and until you ask us to perform additional services and we agree to perform such additional services. If you become a former client, we will be entitled, under applicable rules of professional conduct, to undertake representations adverse to you in matters that are not the same as, or substantially related to,

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any matter in which we have represented you. However, under no circumstances will we, in the course of representing any other client, use or disclose any confidential, non-public information that we have obtained as a result of any representation of you.

Upon termination of our representation, you will be responsible for the fees and charges incurred in connection with our representation up to the termination, and for the fees and charges to transfer the work to another attorney. You will give us a reasonable period of time to make copies of all client files we transfer to you or another attorney.

If, after termination, we return files to you or others you designate, and we elect not to copy all of the files, you agree (or agree to cause the recipients of the file to agree) that (i) the recipient will make the files reasonably available to us over the 90 days period after the date of transfer for review and copying (at your expense) upon our request; (ii) the recipient will retain the files for a period of at least six years from the date of transfer; (iii) the recipient will not destroy or transfer the files without giving us prior written notice, and will give us a reasonable period to review and/or copy the files prior to disposition; and (iv) the recipient will return to us any documents or files that may have been mistakenly transferred to the recipient.

LIMITATION ON OUR OBLIGATIONS

You agree that our acceptance of this engagement does not involve an undertaking to represent you or your interests in any matter other than that described under the paragraph entitled "Description of Engagement." You also agree that our representation does not entail a continuing obligation to advise you concerning legal developments that arise after we have completed an assignment for you, even if the developments affect a matter in which we have represented you.

EXISTING CONFLICTS OF INTEREST

We cannot, without appropriate consent, represent any party if there is a conflict of interest with any of our other clients. In order to avoid conflicts of interest among our clients, we maintain an index of relevant names. In connection with this matter, we searched its index for the City of Cudahy. Please advise us if you know of any other individuals or entities which may be involved in this matter. In addition, please inform us at once if you learn in the future of other persons or entities who may be involved so we can perform a conflict of interest search with respect to them. Our search revealed that we have no conflict.

ADVANCE CLEARANCE OF CONFLICTS OF INTEREST

You are aware that we represent many other companies and individuals. It is possible that some of our existing or future other clients will have disputes with you (or your affiliates) or engage in transactions with you (or your affiliates) during the time that we are representing you. Therefore, as a condition to our agreement to undertake the representation of you, you have agreed that, without further notice to you, we may continue to represent or may undertake in the future to represent existing or new clients in any matter (including, without limitation, any litigation matter) that is not the same as, or substantially related to, any matter in which we represent you, even if the interests of the other clients in those other matters (or in the matters in which we represent you) are directly adverse to you (or your affiliates). Of course, under no circumstances will we, in the course of representing any other client, use or disclose any confidential, non-public information that we have obtained as a result of our representation of you. You recognize that the agreement in this paragraph is an essential condition of our representation of you and you therefore agree that it cannot be terminated without our written consent.

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AFFILIATES

If you are an entity that has affiliates, we and you agree that only you will be our client and we will not be regarded as representing any affiliate of yours unless and until we enter into a separate written engagement letter with it.

NONLAWYER PROFESSIONALS

Some of our services may be provided by nonlawyer professionals (such as government relations directors). You should be aware that communications between you and a nonlawyer professional may not be covered by the attorney-client privilege even if the same communication would be protected by that privilege if made between you and an attorney.

RETENTION OR DESTRUCTION OF RECORDS

We adopt policies from time to time concerning the retention or destruction of records relating to engagements by clients. After the conclusion of our representation of you on any particular matter, we may destroy any records as we believe is appropriate. If you and we agree that we will retain records for a particular period, that agreement will supersede this general rule. If we are required by applicable law to retain records for a particular period, the applicable law will supersede this general rule.

DISPUTE RESOLUTION PROCEDURES

In the event of any dispute arising out of or relating to this letter, our relationship, or the services performed (including but not limited to disputes regarding attorneys' fees or costs and those alleging negligence, breach of fiduciary duty, fraud or claim based upon a statute), such dispute shall be resolved by submission to arbitration in Los Angeles County, California, before a retired judge or justice. If we are unable to agree on a retired judge or justice, each side will name one retired judge or justice, and the named persons will select a neutral judge or justice who will act as the sole arbitrator.

Your agreement to arbitrate disputes is not a condition of our representation, and if you do not wish to agree to arbitrate, you should advise us before signing this letter, and we will delete this section of the letter. In addition, you are free to discuss the advisability of arbitration with us or your independent counsel or any of your other advisors and to ask any questions which you have.

In connection with any dispute involving legal fees or expenses, neither we nor you will seek relief from any court except to enforce the arbitration award. If for any reason this arbitration procedure is unavailable, then we and you agree that any litigation will be commenced only in the United States District Court for the Central District of California (or, if that court has no jurisdiction over the matter, in the Superior Court of Los Angeles County, California) and you consent to the exclusive jurisdiction of that court.

GOVERNING LAW

The provisions in this letter will be governed by the laws of the State of California.

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CONDITION TO REPRESENTATION

Our agreement to represent you is subject to the approval of the Firm's Financial Management Committee. If for any reason the representation is not approved, we will inform you promptly. If the representation is not approved and if, at the time of such disapproval, we have commenced working on your matter, our representation will be deemed to be terminated and we will not charge you for any legal fees for our work on the matter.

ERRORS AND OMISSIONS INSURANCE

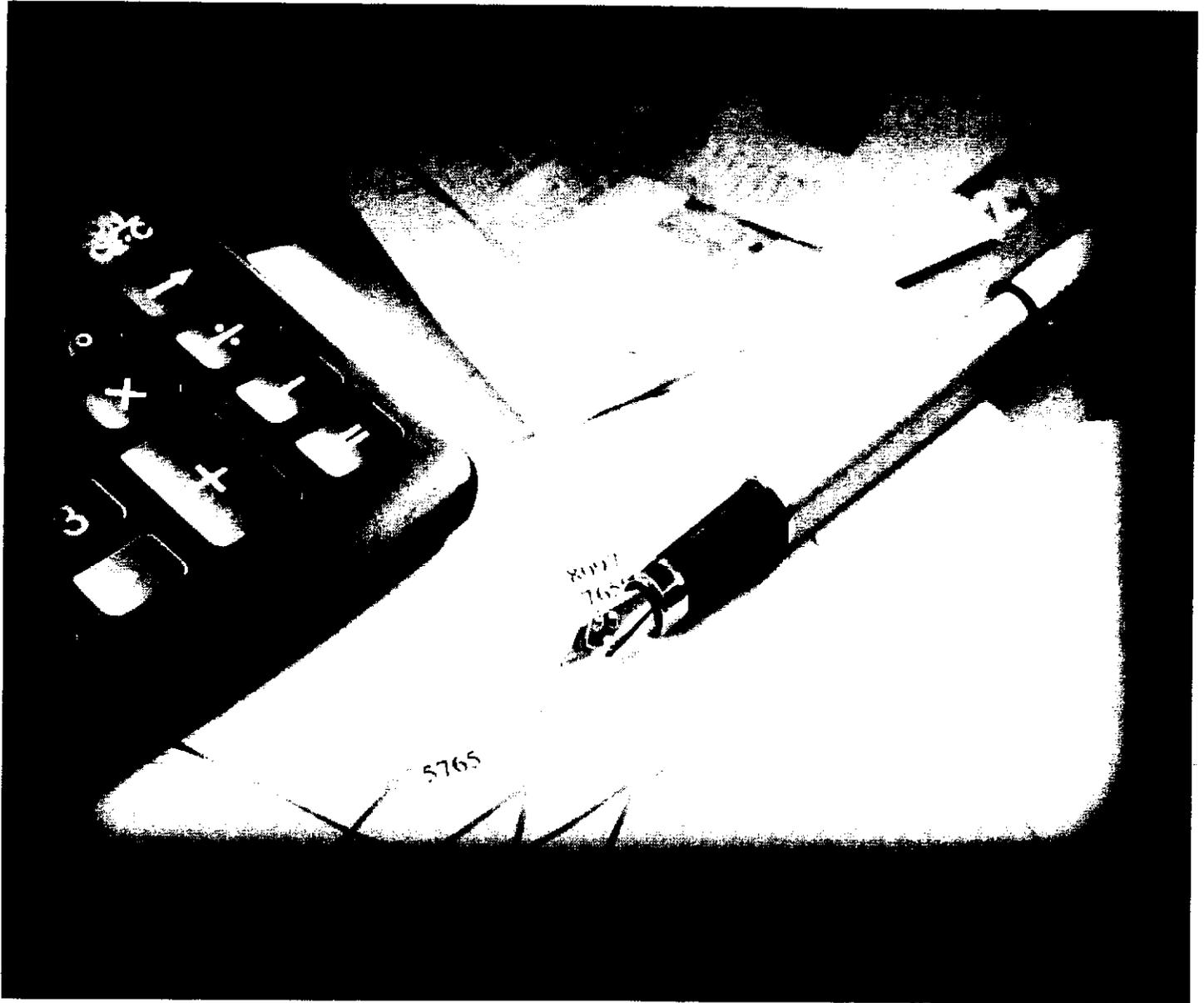
The California Business & Professions Code requires us to inform you whether we maintain errors and omissions insurance coverage applicable to the services to be rendered to you. We hereby confirm that we do maintain such insurance coverage.

YOUR ADDITIONAL DUTIES

You agree to be truthful with us, to cooperate with us, to keep us informed of developments in your matter, to abide by this letter and to keep us informed as to your addresses, telephone numbers and whereabouts. You agree to appear, if we so request, for all depositions, court appearances and meetings, and to generally cooperate fully with us in all matters related to the preparation and presentation of your claims and defenses.

CONFIDENTIALITY OF INTERNAL FIRM COMMUNICATIONS

We designate certain attorneys at our Firm to represent the Firm and its attorneys in connection with legal matters affecting the Firm which arise from time to time, such as claims brought against the Firm by clients or others, collection actions brought by the Firm against clients and others, and various other legal matters. The discussions about Firm legal matters between these designated attorneys and others at the Firm are intended to constitute confidential and privileged communications to which others, including Firm clients, are not privy. You acknowledge this and agree that you will not seek the disclosure of any such communications.



Summary of Services for **CITY OF CUDAHY**
April 2014

Smart
Arent Fox

555 West Fifth Street, 48th Floor
Los Angeles, CA 90013
T 213.629.7400 F 213.629.7401

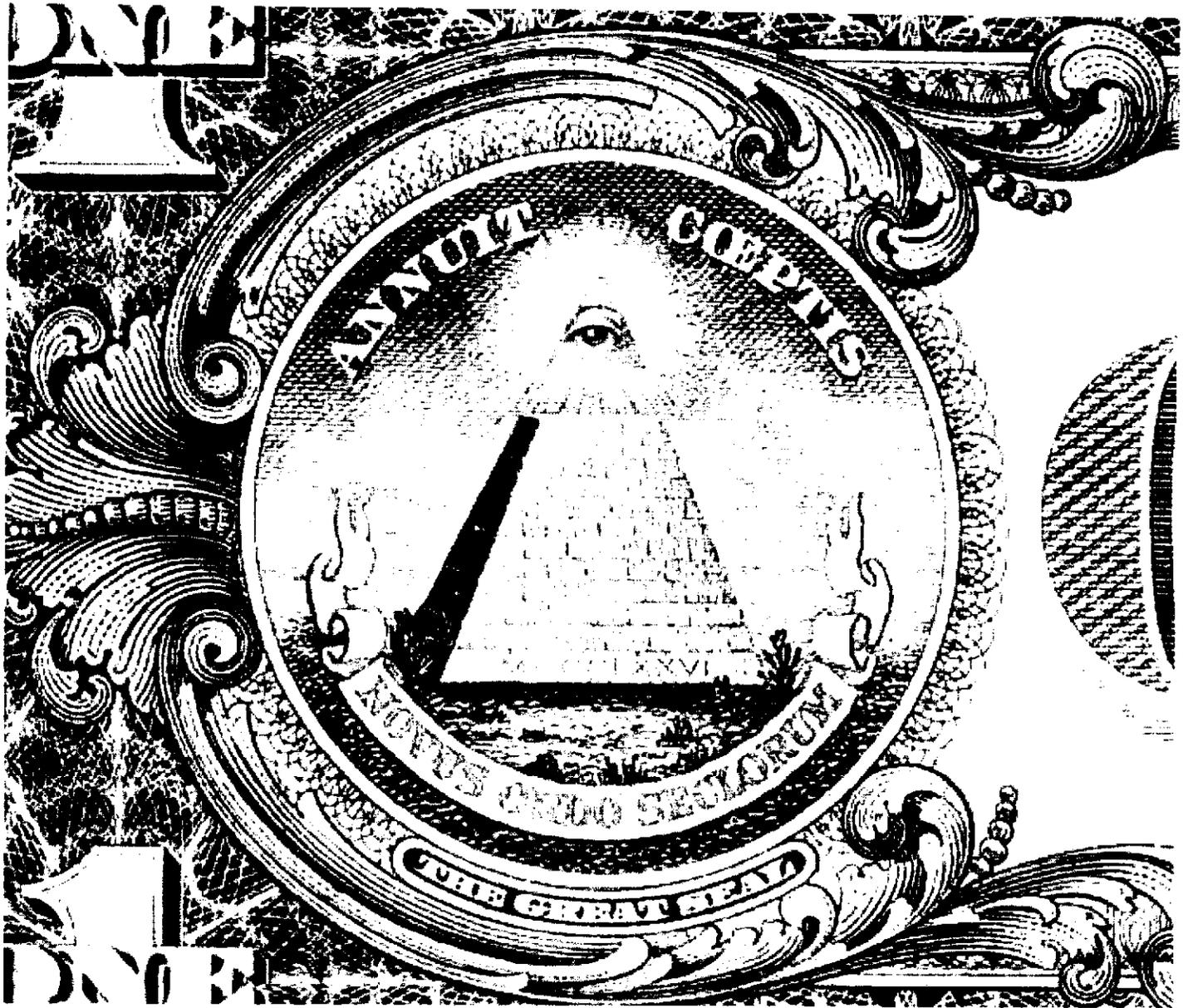
1675 Broadway
New York, NY 10019
T 212.484.3900 F 212.484.3990

55 Second Street, 21st Floor
San Francisco, CA 94105
T 415.757.5500 F 415.757.5501

1717 K Street, NW
Washington, DC 20036
T 202.857.6000 F 202.857.6001

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MUNICIPAL FINANCE

Municipal Finance

Arent Fox is nationally recognized for its experience in the area of public finance. We have represented issuers and underwriters of tax-exempt debt, corporate and nonprofit conduit borrowers and financial institutions providing credit and liquidity facilities for municipal obligations. We provide municipal market participants with an array of services relating to public finance, federal tax and securities law aspects of municipal finance, tax-exempt bond work-out and bankruptcy advice, legislative drafting, primary and secondary market disclosure and structured financial products, including derivatives.

Areas of concentration include:

- Hotels and Resorts
- Multifamily Housing
- Corporate Facilities
- Cultural Institutions
- Arenas and Stadiums
- Economic Development Projects
- Educational Institutions
- Health Care Facilities
- Industrial Facilities
- Retail Facilities
- Tax-Exempt Organizations
- Transportation Facilities

Arent Fox represents major credit enhancers that participate in transactions throughout the United States. We have worked with credit enhancers to establish unique and innovative programs and methods of providing credit enhancement and liquidity support. We have a comprehensive understanding of the perspective, needs and approach of credit enhancers to complicated credits. We work closely with the marketing, credit and underwriting teams at financial institutions to ensure maximum protection for the credit enhancer. We also represent bond trustees, bondholders and credit enhancers serving to maximize recoveries on tax-exempt bonds in the context of work-outs or bankruptcies.

Arent Fox is expert in representing corporate and nonprofit conduit borrowers. This representation includes assistance with complying with the applicable tax rules to maximize the benefits of the tax-exempt financing, practical cost-saving advice, help in working with and meeting the requirements of the bond issuer, negotiating the bond and real estate documents and organizing an efficient process to close the transaction.

We are experienced in the nuances of liberty bonds the proceeds of which are used to finance commercial and multifamily projects in Lower Manhattan.

Municipal Projects

Arent Fox has represented issuers, underwriters and credit enhancement providers in structuring short-term and long-term general obligation debt, including tax and revenue anticipation notes, bond anticipation notes, long-term bonds and commercial paper programs and have participated in the structuring and creation of programs established to issue bonds for governmental purposes backed by state appropriations.

We have participated in the financing of airport, mass transit, railroad and subway systems, toll roads, highway improvements, municipal utilities and solid waste disposal facilities. We have assisted issuers, underwriters and credit enhancers in structuring revenue-backed and appropriation-backed transactions of all kinds.

In addition to participating in airport financings, Arent Fox has represented clients in airline bankruptcy proceedings. We are expert in issues relating to loan and lease characterization in bankruptcy and the use funds held under a bond indenture.

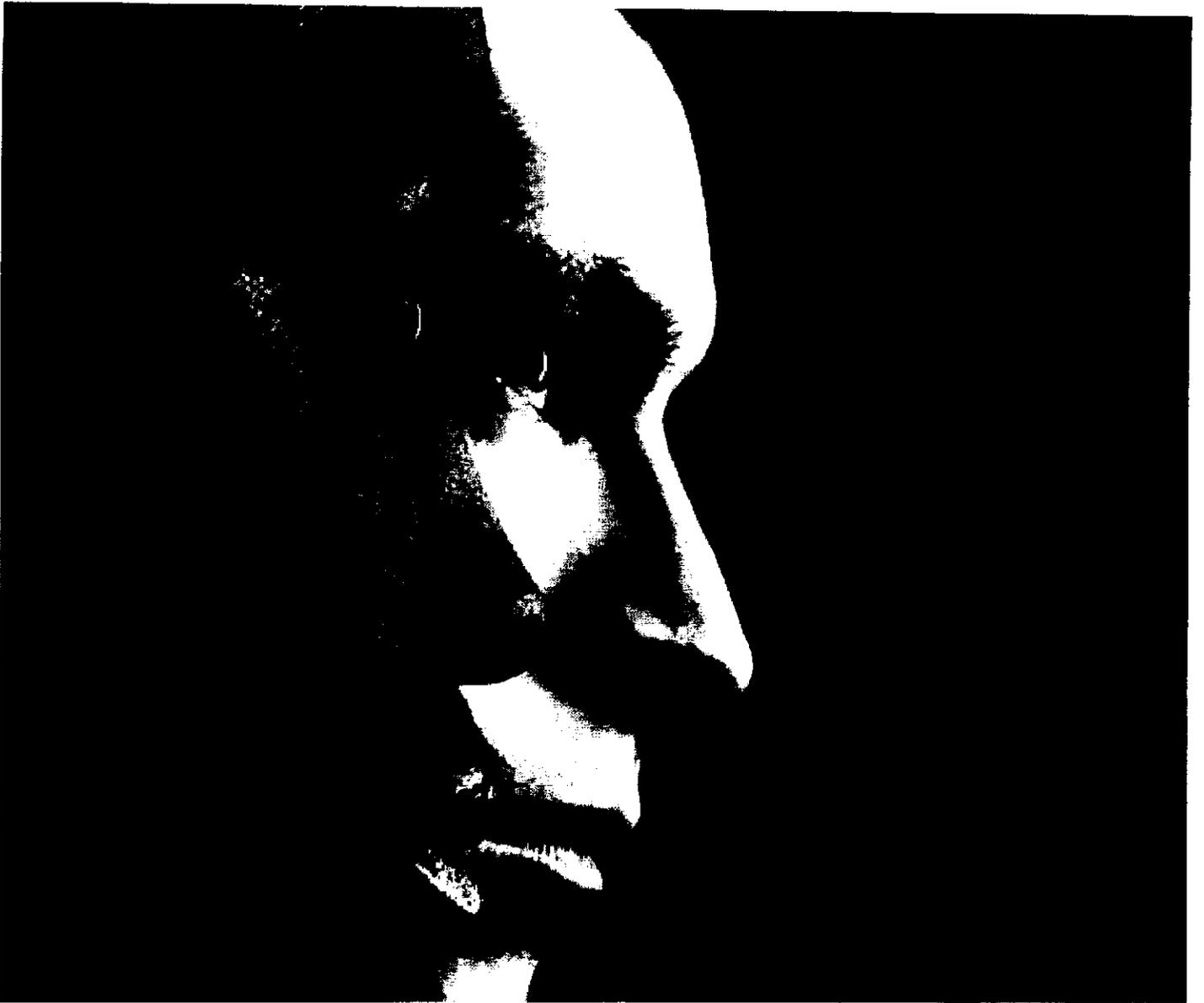
Bond Counsel

Arent Fox attorneys have served as counsel to issuers, underwriters, institutions, credit enhancers, and purchasers involving all aspects of public finance. Our attorneys have particular knowledge in the housing, health care, economic development, and energy finance areas as well as extensive experience in assisted living/senior housing, debt restructurings, education, infrastructure, international, not-for-profit, and privatizations.

Representative Governmental Taxable Bond Experience

District of Columbia TIF Note (Clyde's Inc.) Series 2011 (Borrower's Counsel)	\$	4,471,960
District of Columbia TIF Note (Howard Theatre) (Purchaser's Counsel)	\$	4,000,000
Veterans' Administration Atlanta Regional Office, Series 2010 (Insurer's Counsel)	\$	20,285,000
Veterans' Administration EUL Project (Series 2009 A, B & C) Cleveland, OH (Insurer's Counsel)	\$	115,000,000
District of Columbia Taxable Financing Notes DC Arena L.P. Project (Verizon Center) (Series 2007) (Borrower's Counsel)	\$	50,000,000
Fort Detrick CUP Project (Series 2006A) Fort Detrick, Maryland (Insurer's Counsel)	\$	128,623,000
Pacific Northwest National Laboratory Project Richland, Washington (DOE) (Credit Enhancer)	\$	13,055,000
Oak Ridge National Laboratory Project (2006) Oak Ridge, Tennessee (Underwriter's Counsel)	\$	1,800,000
Oak Ridge National Laboratory Project (2005) Oak Ridge, Tennessee (Special Disclosure Counsel)	\$	41,200,000
U.S. Army Disaster Recovery Receivables Pass-Through Certificates -- Series 2004B	\$	7,896,000
IRS Facility (2004) Kansas City, Missouri (Credit Enhancer)	\$	315,448,000

Bayview/NIH Research Facility Baltimore, Maryland (Credit Enhancer)	\$	200,000,000
U.S. Army Disaster Recovery Receivables Pass-Through Certificates – Series 2003A	\$	47,346,943
Silver Spring Metro Center Phase IV - 2002 Silver Spring, Maryland (Borrower)	\$	28,000,000
Silver Spring Metro Center Phase III - 2002 Silver Spring, Maryland (Borrower)	\$	65,000,000
Oak Ridge National Laboratory Oak Ridge, Tennessee (Underwriter)	\$	70,908,000
Erie County (PA) Hospital Authority (Underwriter)	\$	900,000
Foulger Pratt Metro Center GSA Leased, Silver Spring, Maryland (Borrower) 128,000,000	\$	128,000,000
Federal Courthouse and Post Office Project, Waco, Texas (Credit Enhancer)	\$	22,250,000
Lynchburg Virginia Courthouse and Post Office Project (Insurer)	\$	25,950,000



BIOGRAPHIES

Richard A. Newman

Partner
Washington, DC
202.857.6170
richard.newman@arentfox.com



Practice Teams

Finance
Municipal & Project Finance
Real Estate
Tax
Government Real Estate & Public Buildings
Long Term Care & Senior Living
Nonprofit

Areas of Focus

Bond & Tax-Exempt
Project Finance
Educational Facilities
Energy Facilities
Governmental Facilities
Health Care
Housing
Nonprofit Financings
Nonprofit Infrastructure/Project Finance
Nonprofit & Tax-Exempt Organizations
General Counsel & Transactional Services

Practice Areas

Richard Newman represents clients in the areas of real estate and finance, with special emphasis on municipal finance, project finance and the representation of nonprofit organizations.

Client Work

As co-chair of Arent Fox's Public Finance Group, Richard provides services as borrower's counsel, underwriter's counsel, credit enhancement counsel, trustee's counsel, servicer/originator counsel, and bond counsel to clients nationally. He also represents clients in all phases of real estate acquisition, development, financing, leasing and disposition, as well as nonprofit and for-profit organizations in federal and local tax matters, including Tax Increment Financings, Special Tax District financings, real estate tax matters, and exempt organization taxation.

Richard has extensive experience in both real estate and municipal and public finance and tax and has represented numerous public and private, for-profit and not-for-profit developers and owners of all classes of real estate, as well as lenders, credit enhancers, underwriters, trustees, and governmental entities. He regularly represents clients in the public financing of facilities for use by the federal and local governments, and has represented the developer or credit enhancer in projects for the GSA, IRS, NIH, DOE, VA, and NOAA, as well as for various localities. He has also represented the ownership of the US Air Arena and the Verizon Center in the public financings of each facility utilizing taxable and tax exempt municipal bonds.

Richard handles real estate, finance, and tax matters for numerous cultural institutions (including The Phillips Collection, The Guggenheim Museum, The Arena Stage, and The Shakespeare Theatre); public policy groups (including the World Wildlife Fund, the National Wildlife Federation, the Carnegie Endowment for International Peace, and the Planned Parenthood Federation of America); quasi-governmental entities (The Smithsonian Institution, The National Academies of Science, and the Institute for Defense Analyses); and other large and small nonprofit organizations (the Association of American Medical Colleges and the American College of Obstetricians and Gynecologists).

In the municipal finance area, Richard has, among other things, represented the first non-hospital, non-university nonprofit to achieve an investment-grade rating; the first conduit borrower to use tax exempt bonds issued by the District of Columbia; and the borrower in the largest new money 501(c)(3) issuance reported to date.

In the real estate field, Richard has represented several multifamily developers, including MuniCap, NHP/AIMCO, Lincoln Properties, and The Artery Group; in the office and commercial sectors, in addition to extensive end-user representation, Richard represents several investor groups, including The Goldstar Group and several private equity funds based in the Washington, DC area.

Richard is a former general counsel to The Wolf Trap Foundation for the Performing Arts. He is a member of the board of Arena Stage and AIA Legacy Foundation.

Previous Work

Before entering private practice, Richard worked for the US Department of Housing and Urban Development's Office of General Counsel, and was affiliated with several prominent firms in the Washington, DC area.

Professional Activities

Richard is a member of the National Association of Bond Lawyers and a fellow of the American College of Real Estate Lawyers.

Publications/Presentations/Recognitions

Richard was recognized as a leading real estate lawyer in Washington, DC by *Chambers USA* from 2006-2012, and by *American Lawyer*. He was also selected by *Super Lawyers* magazine as a leading real estate lawyer in 2011 and 2012. Richard was named a "top lawyer" in real estate by *Washingtonian* magazine in 2013, and he was listed in *The Best Lawyers in America* in 2014.

Richard speaks regularly for the Urban Land Institute, National Association of Bond Lawyers, and various trade groups, including NUASE.

Bar and Court Admissions

District of Columbia Bar

Education

Case Western Reserve University School of Law, JD, 1980
New York University, BA (cum laude), 1977

Life Beyond the Law

Richard is married, has three children, and together with his wife collects contemporary art and African masks. He also has a passion for the theater and the beach. Richard began his career as an advocate for the development and preservation of low and mixed income housing in transitional neighborhoods of Cleveland.

James Ortega

Associate
Washington, DC
202.715.8562
ortega.james@arentfox.com



Practice Teams

Real Estate

Areas of Focus

Acquisitions
Dispositions
Financing
Due Diligence

Practice Areas

James represents clients in the acquisition, financing, and sale of commercial real estate for both single-asset and portfolio transactions. In addition, James has experience representing both landlords and tenants in a variety of leasing matters.

Previous Work

Prior to joining Arent Fox, James worked in the Washington, DC office of a mid-sized firm, in the areas of leasing, acquisitions, and dispositions of commercial real estate.

Professional Activities

James is a LEED Accredited Professional (LEED AP) through the US Green Building Council's Leadership in Energy and Environmental Design "green building" rating system.

Bar and Court Admissions

District of Columbia Bar

Education

Case Western Reserve University School of Law, JD
St. Mary's College of Maryland, BA

Life Beyond the Law

James lives in Alexandria, VA with his wife, Rebecca and bulldog, Gumbo, all of whom are avid New Orleans Saints fans (and have been since before the Super Bowl win). In his spare time, James enjoys traveling abroad, listening to (good) music, playing (bad) guitar, and pretending to know about beer and food.

Ria M. Williams

Associate
Washington, DC
202.857.6113
ria.williams@arentfox.com



Practice Teams
Municipal & Project Finance
Real Estate

Areas of Focus
Acquisitions & Sales of Nonperforming
Loans & Assets
Development
Leasing
Mixed-Use Development
Multifamily Housing
Real Estate Investment Trusts (REITs)
Workouts and Loan Restructuring
Educational Facilities
Energy Facilities
Governmental Facilities
Health Care Housing
Nonprofit Financings
Nonprofit
Infrastructure/Project Finance

Practice Areas

Ria Williams is an associate in Arent Fox's Real Estate practice. Ria regularly advises clients in the acquisition, development, leasing, financing and disposition of commercial real estate projects across the United States. Ria's clients range from major publicly-traded real estate investment trusts specializing in the acquisition and operation of premium-brand hotels, to owners, investors and managers of retail shopping centers and multi-family residential properties, to nonprofit organizations seeking to obtain tax-exempt bond financing for their real estate projects. Ria also represents lenders in large, complex multi-property portfolio financings.

Ria's experience includes advising clients during the due diligence process regarding the risks associated with each transaction, as well as reviewing, negotiating and preparing purchase and sale agreements, conveyance and loan documents, and other deal-specific instruments, documents, and agreements as necessary.

Previous Work

Prior to joining Arent Fox, Ria was a pro bono law clerk at a large law firm headquartered in Washington, DC. She practiced pro bono litigation exclusively and provided direct pro bono legal services to indigent clients in the areas of family law, domestic violence, and public benefits.

During law school, Ria worked as a research assistant and was a judicial intern for the Honorable Alexander Williams of the US District Court for the District of Maryland.

Professional Activities

Ria is a member of the firm's Diversity and Inclusion Committee and regularly participates in the firm's efforts to recruit talented law students and attorneys.

Bar and Court Admissions

District of Columbia Bar

Maryland Bar

Education

Georgetown University Law Center, JD, 2009

Georgetown University, BA *cum laude*, 2004



AGENDA REPORT

MEETING DATE: May 6, 2014

TO: Honorable Vice Mayor and Members of the City Council

THROUGH: Henry Garcia, Interim City Manager

FROM: Michael Allen, Acting Community Development Director

TITLE: **Planning Entitlement Fee Update**

RECOMMENDATION:

It is recommended that the City Council adopt Resolution No. 14-32, a resolution of the City Council revising the existing development application fees (Planning and Development Fee Schedule). Additionally, staff recommends that in order to provide notice to potential applicants, staff recommends that the proposed fee schedule goes into effect July 1, 2014 and posted at City Hall, as well as on the City's website.

FISCAL IMPACT:

The recommendation action will have a positive fiscal impact, and generate close to \$60,000 in additional revenue annually, to help bridge the city's budget gap.

SUMMARY:

The City's Planning and Development Fee Schedule was last updated in 1987 through ordinance No. 376 in order to ascertain and recover costs reasonably associated with the preparation and enforcement of products and services related to the submittal of an entitlement. Because the fee schedule is out of date, the City subsidizes a range of 10%-80% of the cost for processing development applications (depending on the application). In the last year, this amounted to nearly \$60,000 spent on staff time and materials that are not covered by the current fees. In an effort to bring development fees up to date and offset the current cost to process entitlements with an appropriate fee to cover staff time and overhead, the Planning Department is proposing a new entitlement fee schedule, effective beginning January 1, 2014.

BACKGROUND / DISCUSSION:

In order to recover costs reasonably borne from fees and charges levied by regulations, products or services, the City Council adopted Ordinance No. 376 in 1987. Costs "reasonably borne" as defined in Ordinance 376 included direct costs (salaries, benefits, and supplies), indirect costs (maintenance, printing, and reproduction), fixed assets, general overhead, departmental overhead, and debt services. As a result, development fees associated with Planning entitlements were developed according to such costs in 1987. The current fees are shown in Table 1-1.

Although during the December 2013 it was recommended that City Staff look into a deposit and cost reimbursement method of payment for entitlements. However, in order to implement such a system, the Cudahy Municipal Code would need to be modified. Alternatively, CMC subsection 7-4.2 of Ordinance No. 376 delegate's authority and direction to the City Manager to annually adjust fees and charges to recover the percentage of costs reasonably borne in providing the regulation, products, or services enumerated in the Ordinance. Because the last Planning Fee Schedule update was over 25 years ago, it is necessary to bring the current

update to a public hearing to allow the opportunity for City Council to review the changes as well as provide for public participation.

A review of a typical stand-alone discretionary permit application submitted to the City calculated the current fee of an entitlement versus the range of aggregated staff time, technical assessments, public engagement, and materials. As shown in Table 1-1, the current fees are far below the cost to process, review, and prepare applications. This results in a significant imbalance, and ultimately an inequitable fee schedule. The proposed new fees are also noted in Table 1-1.

To simplify the cost of aggregated staff time, a flat aggregate rate for City Staff time was used. Using actual cost information for the various positions and function involved in the development review process, staff reviewed the level of staff involvement and estimated a number of hours devoted to a typical project and arrived at the aggregate City rate. The proposed aggregated hourly rate is approximately \$90. This amount accounts for the salary and benefit costs for employees, the operational and maintenance costs, and the various costs for overhead, and administrative functions for the various City functions.

The formula also includes an estimated number of hours devoted to a typical project to be reviewed by the City Attorney, which is \$195 an hour. Additional overhead fees were included on a project to project basis to cover the cost of postage and publishing for public noticing in a local newspaper.

Table 1-1

Entitlement/Application	Existing Fee	Cost to Process/ Proposed Fee
Minor Variance	\$250.00	\$630.00
CUP	\$700.00	\$3,500.00
Variance	\$700.00	\$3,500.00
Zone Change	\$1,500.00	\$5,260.00
Sign Permit	\$50.00	\$135.00
EIR/Neg Dec.	Deposit	Variable
County Registrar	\$25.00	\$75.00
Preliminary Project Review (SPR)	\$700.00	\$630.00
Subdivision Map Review (TTM)	\$1,500.00	\$5,260.00
Tentative Map Consideration (TPM)	\$700.00	\$5,260.00
Admin Appeal	\$30.00	\$630.00
PC/CC Appeal	\$400.00	\$1,490.00
Rebuild Letter/Zoning Verification	\$150.00	\$180.00
Temporary Use Permit Admin	\$60.00	\$450.00
Code Amendment	NA	\$4,720.00
Lot Line Adjustment	NA	\$2,250.00
Development Review Permit	\$700.00	\$5,260.00

In an effort to address current costs of preparation and materials necessary for a Planning entitlement, staff has conducted a survey of surrounding communities. These cities included Bell, Los Angeles, Lynwood, South Gate, Huntington Park, Downey, Montebello, Maywood, Vernon, and Norwalk. Staff determined that although the fees for similar applications in surrounding cities is useful in comparison, it does not properly reflect what may cover the cost of review and preparation, or offer reasonably/competitively priced entitlements in Cudahy. Below Table 2-1 summarizes these findings (full survey attached). Illustrated in Table 2-1 the

existing planning entitlement fees are well below the average of surrounding cities. In some cases, the City exceeds the average because a lack of availability of like applications to compare too, or the like application is an "at cost" variable in surrounding cities.

Table 2-1

Entitlement/Application	Cudahy (Existing)	Ball	Lynwood	South Gate	Huntington Park	Downey	Montebello	Maywood	Vernon	L.A. City	Norwalk
Minor Variance	\$250		\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
CUP	\$700	\$450	\$2,992	\$3,623	\$1,899	2,000	1,734	411	2,875	\$8,461	1,806
Variance	\$700	\$450	\$2,992	\$3,434	\$1,899	2,000	1,734	411	2,000	\$8,461	2,500
Zone Change	\$1,500	\$450	\$2,992	\$5,454	\$2,170	3,080	3,751	598		\$12,604	2,766
Sign Permit	\$50			\$63	\$160	150				\$0	201
Environmental Review Residential	\$75						2,044			\$310	
Environmental Review Commercial	\$150						2,044			\$310	
EIR/Neg Dec.	\$0	\$150					2,044			\$2,966	
County Registrar	\$25		\$75	\$75	\$75	75	75			\$75	
Preliminary Project Review (SPR)	\$700	\$350			\$217	2,000	1,481	785		\$0	675
Minor Project Review	\$150	\$50		\$448			304			\$0	
Subdivision Map Review (TTM)	\$1,500	\$300	\$2,992	\$5,763	\$1,899	2,000	2,076	2,012	2,000	\$5,000	
Tentative Map Consideration (TPM)	\$700	\$300	\$2,992	\$5,763	\$1,899	2,000	1,628	2,012	1,250	\$4,000	
Admin Appeal	\$30	\$175			\$542	50%	794	206		\$0	343
PC/CC Appeal	\$400	\$175		\$1,881	\$542	50%	794			\$5,748	20%
Entitlement Modification	\$0				\$434		50%			\$6,817	
Rebuild Letter/Zoning Verification	\$150				\$43		65		150	\$142	
Temporary Use Permit Admin	\$60				\$244	\$250				\$196	
Code Amendment	\$0		\$2,768	\$6,550	\$2,713	\$3,080	3,646	1,644		\$0	2,432
Lot Line Adjustment	\$0	\$150	\$2,992	\$3,383			1,628	206	600	\$2,000	1,348
Development Review Permit	\$700			\$4,387	\$1,627					\$1,081	

In order to develop the proposed fee schedule, staff calculated the entitlement fees by using a standard formula that considered staff time, city attorney time, postage, and cost of publishing. This formula gave a more accurate account of how much it realistically costs in order to review, prepare, and approve various Planning entitlements. Due to various updates in the Municipal Code since the current fee schedule, staff has proposed to remove the following: Environmental Review, Residential and Commercial; and Minor Project Review. In order to address current needs in the development review process, staff proposes the addition of the following: General Environmental Review; Entitlement Modification; Code Amendment; and Lot Line Adjustment.

The recommendation action will have a positive fiscal impact, and generate close to \$60,000 in additional revenue annually, to help bridge the City's budget gap. The proposed fee increase is intended to recover additional costs based on a time and material calculation. Table 3-1 below illustrates the current average volume of applications processed as well as the cost difference between the current fee schedule and proposed fee schedule.

Table 3-1

Entitlement/Application	Annual Average Processed	Fee	Annual \$\$	Realistic Cost	Projected Annual \$\$	Potential additional revenue
Minor Variance	0	\$250.00	\$0.00	\$630.00	\$0.00	\$0.00
CUP	10	\$700.00	\$7,000.00	\$3,500.00	\$35,000.00	\$28,000.00
Variance	1	\$700.00	\$700.00	\$3,500.00	\$3,500.00	\$2,800.00
Zone Change	0	\$1,500.00	\$0.00	\$5,260.00	\$0.00	\$0.00
Sign Permit	20	\$50.00	\$1,000.00	\$135.00	\$2,700.00	\$1,700.00
County Registrar	NA					\$0.00
Preliminary Project Review (SPR)	0	\$700.00	\$0.00	\$630.00	\$0.00	\$0.00
Subdivision Map Review (TTM)	0	\$1,500.00	\$0.00	\$5,260.00	\$0.00	\$0.00
Tentative Map Consideration (TPM)	1	\$700.00	\$700.00	\$5,260.00	\$5,260.00	\$4,560.00
Admin Appeal	0	\$30.00	\$0.00	\$630.00	\$0.00	\$0.00
PC/CC Appeal	2	\$400.00	\$800.00	\$1,490.00	\$2,980.00	\$2,180.00
Rebuild Letter/Zoning Verification	15	\$150.00	\$2,250.00	\$180.00	\$2,700.00	\$450.00
Temporary Use Permit Admin	10	\$60.00	\$600.00	\$450.00	\$4,500.00	\$3,900.00
Development Review Permit	3	\$700.00	\$2,100.00	\$5,260.00	\$15,780.00	\$13,680.00
Gain/-Loss			\$15,150.00		\$72,420.00	\$57,270.00

As shown in Table 3-1, the fees generated from the current average volume of entitlements that the Planning Department handles annually only covers a range of 10%-80% of the actual cost of review and preparation. Based on the average number of entitlements processed within the last 3 years, the City has lost roughly \$57,000/year on staff time and materials.

In order to augment the cost of staff time and materials spent on the review, preparation, and processing of Planning entitlements, it is necessary for the City to revise the existing fee system. The revisions bring the fee schedule up to date according to current staff hourly rates, postage requirements, and noticing requirements. In addition, the proposed fees will help the City to achieve the true cost of providing development services for the various planning, zoning, development, and subdivision activities and will enable the Community Development Department to provide an economically sustainable method of delivering services for development applicants.

In order to provide notice to potential applicants, staff recommends that the proposed fee schedule goes into effect July 1, 2014 and posted at City Hall, as well as on the City's website.

CEQA (CALIFORNIA ENVIRONMENTAL QUALITY ACT):

The proposed fee schedule has been determined to be exempt from the California Environmental Quality Act pursuant to State Guidelines 15061(b) (3) as a project that has no potential for causing a significant effect on the environment.

ATTACHMENTS:

- Table 1-1: Existing Fee vs. Cost to Process
- Preparation Breakdown
- Draft Resolution No. 14-32 adopting new Planning and Development Fee Schedule

Current Volume vs. Realistic Cost

Entitlement/Application	Annual Average Processed	Fee	Annual \$	Realistic Cost	Projected Annual \$	Gain/-Loss
Minor Variance	0	\$250	\$0	\$630	\$0	\$0
CUP	10	\$700	\$7,000	\$3,500	\$35,000	-\$28,000
Variance	1	\$700	\$700	\$3,500	\$3,500	-\$2,800
Zone Change	0	\$1,500	\$0	\$5,260	\$0	\$0
Sign Permit	20	\$50	\$1,000	\$135	\$2,700	-\$1,700
County Registrar	NA					\$0
Preliminary Project Review (SPR)	0	\$700	\$0	\$630	\$0	\$0
Subdivision Map Review (TTM)	0	\$1,500	\$0	\$5,260	\$0	\$0
Tentative Map Consideration (TPM)	1	\$700	\$700	\$5,260	\$5,260	-\$4,560
Admin Appeal	0	\$30	\$0	\$630	\$0	\$0
PC/CC Appeal	2	\$400	\$800	\$1,490	\$2,980	-\$2,180
Rebuild Letter/Zoning Verification	15	\$150	\$2,250	\$180	\$2,700	-\$450
Temporary Use Permit Admin	10	\$60	\$600	\$450	\$4,500	-\$3,900
Development Review Permit	3	\$700	\$2,100	\$5,260	\$15,780	-\$13,680
Net Gain/-Loss			\$15,150	\$72,420	-\$57,270	

Preparation Breakdown

Entitlement/Application	Existing	Current hours to prepare (all staff)	Cost @ Staff time	Attorney Fee (\$195/hr)	Mailing / Publishing	Noticing	Cost to Process
Minor Variance	\$250.00	7	\$630.00				\$630.00
CUP	\$700.00	25	\$2,250.00	\$780.00	\$70.00	\$400.00	\$3,500.00
Variance	\$700.00	25	\$2,250.00	\$780.00	\$70.00	\$400.00	\$3,500.00
Zone Change	\$1,500.00	35	\$3,150.00	\$1,170.00	\$140.00	\$800.00	\$5,260.00
Sign Permit	\$50.00	1.5	\$135.00				\$135.00
EIR/Neg Dec.	Deposit		\$10,000.00				\$10,000.00
County Registrar	\$25.00		\$75.00				\$75.00
Preliminary Project Review (SPR)	\$700.00	7	\$630.00				\$630.00
Subdivision Map Review (TTM)	\$1,500.00	35	\$3,150.00	\$1,170.00	\$140.00	\$800.00	\$5,260.00
Tentative Map Consideration (TPM)	\$700.00	35	\$3,150.00	\$1,170.00	\$140.00	\$800.00	\$5,260.00
Admin Appeal	\$30.00	7	\$630.00				\$630.00
PC/CC Appeal	\$400.00	7	\$630.00	\$390.00	\$70.00	\$400.00	\$1,490.00
Rebuild Letter/Zoning Verification	\$150.00	2	\$180.00				\$180.00
Temporary Use Permit Admin	\$60.00	5	\$450.00				\$450.00
Code Amendment	NA	35	\$3,150.00	\$1,170.00		\$400.00	\$4,740.00
Lot Line Adjustment	NA	25	\$2,250.00				\$2,250.00
Development Review Permit	\$700.00	35	\$3,150.00	\$1,170.00	\$140.00	\$800.00	\$5,260.00

RESOLUTION NO. 14-32

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CUDAHY, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, REVISING VARIOUS DEVELOPMENT FEES PAYABLE TO THE CITY UNDER ORDINANCE NO. 376 ADOPTED ON August 31, 1987 ENABLING FROM TIME TO TIME, THE UPDATING, AMENDING, AND IMPLEMENTING ALTERNATIVE METHODS FOR THE COLLECTION OF SAID FEES BY RESOLUTION ENABLING THE CITY TO RECOVER CERTAIN DEVELOPMENT PROJECT APPLICATION COSTS INCURRED BY CITY DURING THE COURSE OF PROCESSING OF THE APPLICATION.

WHEREAS, on August 31, 1987, the City council of the City of Cudahy adopted Ordinance No. 376 delegating authority and direction to the City Manager to adjust fees and charges to recover the percentage of costs reasonably borne in providing the regulation, products or services enumerated in this Section in the percentage of costs reasonably borne and on the schedule of rate review and revision as hereinafter established in Section 7-4.4 of Ordinance No. 376; and

WHEREAS, on December 14, 1987 the Planning and Development Fee Schedule was established, and has not been updated since; and

WHEREAS, a review of the aggregate cost of staff time and materials shows that the current fees are far below the cost to process, review, and prepare applications, resulting in a significant imbalance, and ultimately inequitable fee schedule; and

WHEREAS, City staff conducted a survey of surrounding communities as well as developed a formula reflecting the true cost of staff time and materials in order to develop the Planning and Development Fee Schedule; and

WHEREAS, although ordinance 376 delegates authority to modify the Planning and Development Fee Schedule, because the last update was over 25 years ago, it is necessary to bring the current update to a public hearing to allow the opportunity for City Council to review the changes as well as provide for public participation.

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

Section 1.

A full and fair public hearing was conducted by the City Council on May 6, 2014, to consider the adoption of this Resolution.

Section 2.

The Planning Fee Schedule as previously approved on December 14, 1987 is hereby amended as shown to establish and reflect the following fee schedule:

Entitlement/Application	Fee
Minor Variance	\$630.00
CUP	\$3,500.00
Variance	\$3,500.00
Zone Change	\$5,260.00
Sign Permit	\$135.00
EIR/Neg Dec.	Variable
County Registrar	\$75.00
Preliminary Project Review (SPR)	\$630.00
Subdivision Map Review (TTM)	\$5,260.00
Tentative Map Consideration (TPM)	\$5,260.00
Admin Appeal	\$630.00
PC/CC Appeal	\$1,490.00
Rebuild Letter/Zoning Verification	\$180.00
Temporary Use Permit Admin	\$450.00
Code Amendment	\$4,720.00
Lot Line Adjustment	\$2,250.00
Development Review Permit	\$5,260.00

Section 3.

The fee schedule has been determined to be exempt from the California Environmental Quality Act pursuant to State Guidelines 15061(b) (3) as a project that has no potential for causing a significant effect on the environment.

Section 4.

In keeping with the nature and intent of Ordinance 376, the City Manager is hereby delegated the authority and directed to adjust fees and charges to recover the percentage of costs reasonably borne in providing the regulation, products or services enumerated in Section 7-4.4 annually.

Section 5.

The changes herein shall become effective July 1, 2014, and shall apply to all entitlement applications as required by the Cudahy Municipal Code, Chapter 20.

Section 6. The City Clerk shall cause this Resolution to be processed according to law.

PASSED, APPROVED and ADOPTED this 6th day of May, 2014.

Chris Garcia, Mayor

APPROVED AS TO FORM:

Isabel Birrueta, City Attorney

ATTEST:

Carrie Gallagher, Interim City Clerk



AGENDA REPORT

MEETING DATE: May 6, 2014

TO: Honorable Mayor and Members of the City Council

THROUGH: City Manager's Office

FROM: Henry Garcia, Interim City Manager

TITLE: **DISCUSSION OF POTENTIAL AD HOC COMMITTEE TO SELECT A NEW SERGEANT FROM THE LOS ANGELES COUNTY SHERIFF'S DEPARTMENT TO SERVE CUDAHY**

RECOMMENDATION

Staff recommends that the City Council create an ad hoc committee to participate in the interview process of a new Sergeant to serve the City through the Los Angeles County Sheriff's Department.

BACKGROUND/DISCUSSION

Captain Wolack from the Los Angeles County Sheriff's Department East LA Station, who serves as the City's Chief of Police, has provided the City Council the opportunity to participate in the interview process of a new Sergeant. The interview process will be scheduled as soon as the ad hoc committee is created.



AGENDA REPORT

MEETING DATE: May 6, 2014

TO: Honorable Mayor and Members of the City Council

THROUGH: City Manager's Office

FROM: Henry Garcia, Interim City Manager

TITLE: DISCUSSION TO EXPLORE THE POSSIBILITY OF A JOINT FACILITY AGREEMENT BETWEEN LAUSD (ELIZABETH LEARNING CENTER) AND THE CITY OF CUDAHY

RECOMMENDATION

It is recommended that the City Council authorize staff to explore and analyze the possibility of a joint facility agreement between LAUSD, specific to Elizabeth Learning Center, and the City of Cudahy.

FISCAL IMPACT

No immediate fiscal impact during analysis.

BACKGROUND/DISCUSSION

Elizabeth Learning Center "ELC" has contacted staff to explore entering into a joint facility agreement. ELC would like to use City sports fields for sport practices and games, as well as, City facilities for academic team practices and other school events. Currently, the City uses ELC's parking lot for the City swapmeet parking.

The analysis will include how the additional use will impact City sports fields and facilities (wear and tear, access to our residents/renters, maintenance and additional cost to the City).



AGENDA REPORT

MEETING DATE: May 6, 2014

TO: Honorable Mayor and Members of the City Council

THROUGH: City Manager's Office

FROM: Henry Garcia, Interim City Manager

TITLE: **DISCUSSION TO JOIN THE V.F.W. POST 2830 AND THE AMERICAN LEGION POST 120 FOR A MEMORIAL DAY CEREMONY TO BE HELD AT PARK LAWN CEMETERY IN COMMERCE ON MAY 26, 2014 at 11:00 A.M.**

RECOMMENDATION

It is recommended that the City Council join the V.F.W. Post 2830 and the American Legion Post 120 for a Memorial Day Ceremony to be held at Park Lawn Cemetery on May 26, 2014.

SUMMARY

Staff recommends that the City of Cudahy join Commerce, Maywood, Vernon, Bell, Bell Gardens and South Gate to participate in a Memorial Day Ceremony on May 26, 2014, which will be hosted by the V.F.W. (Veterans of Foreign Wars) Post 2830 and the American Legion Post 120. A luncheon will follow the Ceremony at the V.F.W. Post 2830 located at 6611 Eastern Avenue, Bell Gardens, CA.

FISCAL IMPACT

No fiscal impact to the City.

BACKGROUND/DISCUSSION

The V.F.W. Post 2830 has invited the City of Cudahy to join and participate in the upcoming Memorial Day Ceremony to take place at Park Lawn Cemetery located at 6555 E. Gage Avenue, Commerce, CA at 11:00 A.M.

Surrounding cities, such as, Commerce, Maywood, Vernon, Bell, Bell Gardens and South Gate will also participate. The V.F.W. Post 2830 has also presented our City Council the opportunity to speak during the ceremony.

Immediately following the Ceremony the V.F.W. and the American Legion will host a luncheon at 6611 Eastern Avenue, Bell Gardens, CA. A suggested donation of \$7.00 for lunch goes towards helping returning soldiers and their families who are in of clothing, food and other items.

ATTACHMENT: V.F.W. Memorial Day Flyer

VETERANS OF FOREIGN WARS

HUNTINGTON PARK - MAYWOOD POST 2830

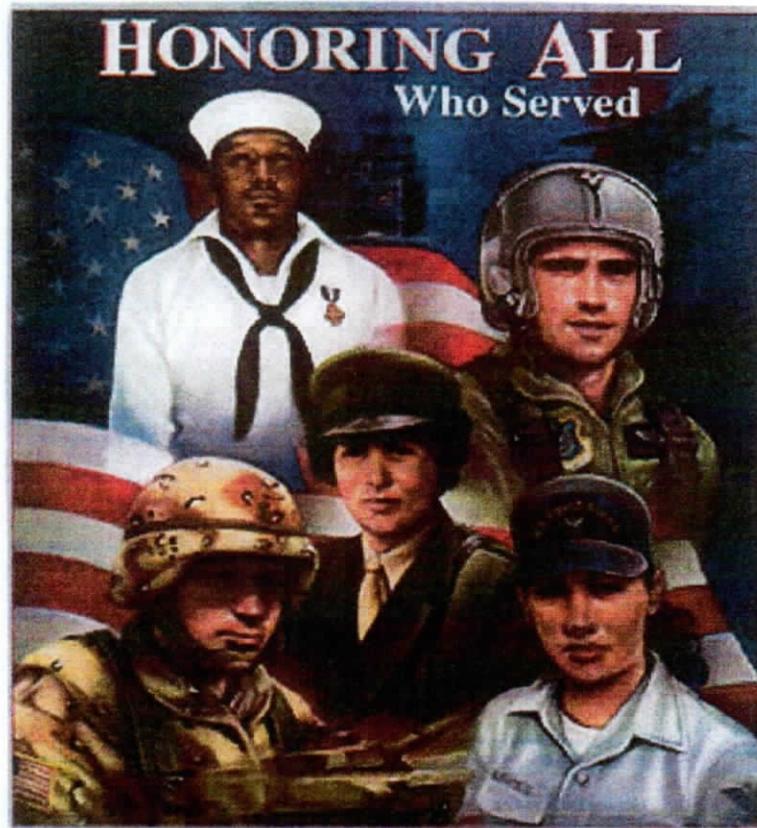
Memorial Day Service and Ceremony

MONDAY MAY 26TH, 2014 11:00 A.M.

You are cordially invited to join V.F.W. (Veteran's of Foreign Wars) Post 2830 and the American Legion Post 120 as we celebrate Memorial Day. Memorial Day is in memory of the dead members of the Armed Forces of all the wars who made the ultimate sacrifice while serving our country during times of conflict.

The Memorial Day service will be held at the Park Lawn Cemetery located at 6555 E. Gage Ave. Commerce, Ca. After the Ceremony, you and your family are invited to a luncheon to be hosted by the V.F.W. and American Legion at V.F.W. Post 2830 located at 6611 Eastern Ave. Bell Gardens, Ca.

Thank you for your continued support for all our active and retired service members of the United States Armed Forces.



THE AMERICAN LEGION



AGENDA REPORT

MEETING DATE: May 6, 2014

TO: Honorable Mayor and Members of the City Council

THROUGH: Henry Garcia, Interim City Manager

FROM: Isabel Birrueta, Assistant City Attorney

TITLE: **First Reading of an Ordinance Amending Cudahy Municipal Code Section 5.08.070 to Allow Charitable Bingo Games**

RECOMMENDATION:

Move to introduce the ordinance by a first reading of the title only.

SUMMARY:

The attached ordinance will authorize certain organizations to conduct charitable bingo games within the City of Cudahy, so long as they are conducted pursuant to state and local law.

BACKGROUND/ DISCUSSION:

Raffles and bingo games are considered lotteries under state law, which are generally illegal. Operators of such games are subject to prosecution by the District Attorney. See *People v. Shira* (1976) 62 Cal.App.3d 442; California Attorney General Opinion No. 98-1101 (1999). A lottery has three essential elements: (1) a prize, (2) distributed by chance, and (3) payment of consideration. Under state law, raffles and bingo games are permitted for charitable purposes, under certain conditions, conducted by eligible organizations, and charitable bingo games must be authorized under a municipal ordinance. At the moment, the City does not have the required ordinance permitting charitable bingo by eligible organizations to make such games legal when conducted within the City.

The Aging and Senior Citizen Commission has expressed an interest in conducting raffles and bingo games for charitable purposes. At the April 15, 2014 City Council meeting, the City Attorney's Office presented a report to the City Council outlining the manner in which bingo games and raffles may be conducted under state law. To summarize this presentation, raffles and bingo games conducted by City commissions must be donation-based (no tickets may be sold and participants cannot be required to purchase a ticket), and further, sale-based charitable bingo games may not be conducted by any person or organization in the City without an ordinance authorizing such games. Upon consideration of the City Attorney's presentation, the City Council directed staff to draw up the necessary documentation for a first reading of the proposed bingo games ordinance at the May 6, 2014 City Council meeting. In order to authorize charitable bingo games within the City of Cudahy, the City must adopt an ordinance authorizing such games. The proposed ordinance is compliant with state law and similar to cities' ordinances regulating bingo games across the state. The adoption of the proposed ordinance will allow eligible organizations to conduct charitable bingo games in the City of Cudahy.

If the Aging and Senior Citizen Commission wishes to conduct bingo and/or raffle games without violating state law, the City Attorney recommends that these games be strictly donation-based. In other words, the Commission cannot sell tickets or require a donation, and any person must be allowed to play regardless of whether he/she has paid a donation towards the game. See *People v. Cardas* (1933) 137 Cal.App.Supp. 788. By conducting the games in this fashion, the games do not incorporate an essential element of what constitutes a lottery game: payment for consideration.

Upon the adoption of the proposed ordinance, eligible organizations will be able to conduct charitable bingo games. Unfortunately, City commissions likely do not qualify as eligible organizations. However, if the City wishes to be involved in assisting charitable bingo games for seniors, the City Attorney's Office recommends that the City look into one of the following three options after an ordinance authorizing charitable bingo games has been adopted:

Option #1: The City may contact any eligible seniors' organizations that have been in existence for three (3) years to see whether the organization would be interested in conducting charitable bingo games (which would require a City license). Receipts of the game must be used for charitable purposes.

Option #2: A new seniors' organization is created and, after a period of three (3) years, that organization may get a license to conduct charitable bingo raffles. Note: this organization cannot be created with the sole purpose of operating charitable bingo games. Receipts of the game must be used for charitable purposes.

Option #3: The Aging and Senior Citizen Commission conducts bingo games but, as City commissions are not eligible organizations under state law, participation is open to anyone and donations are accepted but never required. For donation-based bingo games, receipts of the game from donations may be used for charitable purposes or as the Commission deems fit. Donation-based games may be conducted both prior to and after the adoption of the ordinance.

The City Attorney's Office is available to answer any questions or concerns regarding the proposed ordinance, the state law restrictions on charitable bingo games, and donation-based bingo games.

Under Government Code section 36931 et seq. the adoption of the attached ordinance requires the City Council to make two readings, once to introduce it and a second time to adopt it, at least 5 days later, at a regular City Council meeting. To be valid, all ordinances must be signed by the Mayor (or Vice Mayor if no Mayor is in place) and attested by the City Clerk.¹ The City Clerk is required to post ordinances within 15 days, which take effect on the 31st day after passage.²

FISCAL IMPACT:

The Council's adoption of an ordinance authorizing charitable bingo games will not increase or impact City costs once the ordinance becomes effective.

¹ Government Code section 36932.

² Government Code section 36933(a).

CEQA (CALIFORNIA ENVIRONMENTAL QUALITY ACT):

The actions contemplated herein do not constitute a project subject to the California Environmental Quality Act, Public Resources Code §§ 21000 et seq. "CEQA" and its implementing regulations, 14 Cal. Code Regs. §§ 15000 et seq. (the "CEQA Guidelines"), and they will not result in a direct or reasonably foreseeable indirect physical change to the environment. CEQA Guidelines §§ 15060(c)(2)-(3), 15378.

ATTACHMENTS: Ordinance No. 635

ORDINANCE NO 635

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CUDAHY, CALIFORNIA, AMENDING SECTION 5.08.070 (BINGO) OF CHAPTER 5.08 (BUSINESS LICENSE TAX – PARTICULAR BUSINESSES) OF TITLE 5 (BUSINESS LICENSES AND REGULATION) OF THE CUDAHY MUNICIPAL CODE RELATING TO THE REGULATION OF BINGO GAMES AND REMOTE CALLER BINGO GAMES

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

Section 1. Code Amendment. Section 5.08.070 of Chapter 5.08 of Title 5 of the Cudahy Municipal Code is hereby deleted in its entirety.

Section 2. Code Amendment. Section 5.08.070 of Chapter 5.08 of Title 5 of the Cudahy Municipal Code is hereby added to read as follows:

“SECTION 5.08.070”

BINGO GAMES

- A. Short title.
- B. Authority for enactment.
- C. Definitions.
- D. Bingo games authorized; remote caller bingo authorized.
- E. California Penal Code Section 326.3 incorporated.
- F. California Penal Code Section 326.5 incorporated.
- G. Permit required.
- H. Application for permit.
- I. Contents of permits.
- J. Permit Fee.
- K. Duration of Permit.
- L. Investigation by police.
- M. Change in facts must be reported.
- N. Posting of permit and rules.
- O. Operation and staffing of games.
- P. Bingo manager.
- Q. Bingo manager permit.

- R. Hours and days of operation.
- S. Rules of operation.
- T. Proceeds from games must be kept in separate fund.
- U. Inspection of premises.
- V. Permit revocation.
- W. Appeal.
- X. Audit and accounting requirements.
- Y. Civil remedies and criminal penalties.

Section A. Short title.

This chapter may be cited as the City of Cudahy Bingo Ordinance.

Section B. Authority for enactment.

This chapter is enacted pursuant to Article IV, Section 19(c) of the California Constitution and Penal Code Sections 326.3 and 326.5.

Section C. Definitions.

Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application:

"Bingo" has the meaning set forth in Penal Code Section 326.5(o) as it now exists or may hereafter be amended.

"Calendar week" means Monday through Sunday.

"City manager" means the city manager of the City of Cudahy or any person he or she designates to enforce the requirements of this chapter.

"Conduct," "operate" and "staff" all mean persons directly involved in the conduct of a bingo game and include, but are not limited to, calling numbers, distributing cards, and the awarding of prizes.

"Permittee organization" means an organization to which the city manager has issued a permit to conduct bingo games under this chapter.

"Premises" means real property within the city on which bingo games are or may be permitted under this chapter and which are: (i) owned or leased by an organization, or property the use of which is donated to the organization, and (ii) which is used by that organization for an office or for performance of the purposes for which the organization is organized. Premises need not be used or leased exclusively by, or donated exclusively to, a permittee organization.

"Remote caller bingo game" has the meaning set forth in Penal Code Section 326.3(u)(1) as it now exists or may hereafter be amended.

"Security personnel" means one or more persons exclusively employed to protect persons and property at bingo games.

Section D. Bingo games authorized; remote caller bingo games authorized.

1. Nothing in this chapter shall prohibit the holding of any bingo games in compliance with the requirements of this chapter by organizations exempted from payment of the bank and corporation tax by Sections 23701a, 23701b, 23701d, 23701e, 23701f, 23701g, 23791k, 23701l and 23701w, and of the Revenue and Taxation Code, or by mobilehome park associations and senior citizens organizations, and school districts, provided that the proceeds of such games are used solely for charitable purposes.

2. Bingo games for charitable purposes are authorized pursuant to Section 19, Article IV of the California Constitution, and Penal Code Section 326.5, and in accordance with the provisions of this chapter. Eligible organizations may apply for a permit to conduct bingo games in the city under the provisions of Penal Code Section 326.5 and the provisions of this chapter.

3. Remote caller bingo games for charitable purposes are authorized pursuant to Section 19, Article IV of the California Constitution, and Penal Code Sections 326.3 and 326.4. Remote caller bingo games shall be conducted in accordance with Penal Code sections 326.3 and 326.4 and this chapter and only by organizations exempted from payment of the bank and corporation tax by Sections 23701a, 23701b, 23701d, 23701e, 23701f, 23701g, 23791k, 23701l and 23701w, and of the Revenue and Taxation Code, or by mobilehome park associations, senior citizens organizations, and charitable organizations affiliated with school districts. In addition, no organization shall be authorized to conduct remote caller bingo games unless the organization (i) has been incorporated or in existence for three or more years; and (ii) has a city-issued permit to conduct bingo games.

Section E. California Penal Code Section 326.3 incorporated.

The provisions of Penal Code Section 326.3 and 326.4 are incorporated herein by this reference and apply along with provisions of this chapter to control remote caller bingo games authorized by this chapter. In the event of any conflict between the provisions of this chapter and Penal Code Section 326.3 and 326.4, Penal Code sections 326.3 and 326.4 shall control.

Section F. California Penal Code Section 326.5 incorporated.

Notwithstanding the provisions of Penal Code Section 326.5(a), the provisions of Penal Code Section 326.5 are incorporated herein by this reference and apply along with provisions of this chapter to control bingo games authorized by this chapter. In the event of any conflict between the provisions of this chapter and Penal Code Section 326.5, Penal Code Section 326.5 shall control.

Section G. Permit required.

No person or organization may conduct or allow another to conduct bingo games, and no person may act as a bingo manager, in the city without first obtaining a permit from the city manager to do so.

Section H. Application for permit.

1. Applications for a permit to conduct bingo games in the city must be in writing on a form provided by the city manager and shall contain the following information:

a. The name of the applicant organization and evidence that the applicant is an eligible organization under Section 5.08.070(D);

b. The names, and addresses and signature of the presiding officer and at least one other officer of the applicant organization;

c. The name, address and signature of each person designated as a "Bingo Manager" pursuant to Section 5.08.070(P);

d. The mailing address of the applicant organization;

e. The mailing and street addresses of the premises on which bingo games will be conducted, together with the occupancy load of the room or rooms in which bingo will be played provided by the Fire Code in effect in the City when the application is made;

f. The proposed day or days of the week and hours during which the applicant organization proposes to conduct bingo games;

g. A statement that the applicant agrees to conduct bingo games in strict accordance with the provisions of Penal Code Section 326.5 and this chapter, as they may be amended from time to time, and understands that the city manager may revoke the permit for a violation of any such provision;

h. A statement setting forth the character, location and extent of the charitable work of the applicant organization;

i. A statement of the charitable use to which the proceeds of bingo games will be put;

j. A statement that the applicant(s) have read and are familiar with the provisions of this chapter and will require all persons who operate or staff bingo games to read and be familiar with all provisions of this chapter prior to operating or staffing bingo games;

k. A statement that the applicant intends or does not intend to conduct remote caller bingo games.

l. If applicable, a statement that the applicant agrees to conduct remote caller bingo games in strict accordance with the provisions of Penal Code Sections 326.3 and 326.4 and this chapter, as they may be amended from time to time, and understands that the city manager may revoke the bingo game permit for a violation of any such provision;

m. If applicable, a valid and current license to conduct remote caller bingo issued by the California Gambling Control Commission;

n. Such other information as may be required by the city manager.

2. Such application shall be signed under penalty of perjury by a person or persons with authority to bind the applicant organization.

3. An applicant shall submit with an application a certificate of determination of exemption from the California Franchise Tax Board showing that the organization is exempt from tax under subsections (a), (b), (d), (f), (e), (k), (g), (l) or (w) of Revenue and Taxation Code Section 23701, or a letter of good standing from the Exemption Division of the Franchise Tax Board showing an exemption under one of said sections. This subsection shall not apply to a mobilehome park association, a senior citizens organization, or a school district.

Section I. Contents of permits.

Upon determining that an applicant is qualified to conduct bingo games in the city, the city manager shall issue a permit stating:

1. The name and legal nature of the organization to which the permit is issued;

2. The address of the premises on which bingo games may be conducted;

3. The capacity of the room or rooms in which bingo games may be conducted;
4. The date the permit expires;
5. Any bingo managers designated pursuant to Section 5.08.070(P);
6. Any rules for the conduct of bingo games imposed pursuant to Section 5.08.070(S); and,
7. Such other related information as may be necessary or desirable for the enforcement of this chapter.

Section J. Permit fee.

Each initial application for an organization or bingo manager permit and any renewal request related to such permit shall be accompanied by a fee of \$50 or such larger amount as may be established by resolution of the City Council consistently with Penal Code Section 326.5(l) as it now exists or may hereafter be amended. If the applicant for a permit is denied or the renewal thereof is denied, one-half of such fee shall be refunded to the applicant.

Section K. Duration of permit.

A permit issued under this chapter shall expire one year after issuance or at such earlier time that the permittee organization no longer meets the requirements of this chapter.

Section L. Investigation by police.

Upon the filing of an application for a permit, the city manager shall forward the application to the chief of police for study and investigation. The chief of police shall investigate all persons listed on the application. Background investigations related to remote caller bingo shall be conducted in accordance with the Gambling Control Act (Business and Professions Code § 19800 et seq.). No person may operate or staff a bingo game who has been convicted of embezzlement, theft, fraud or gambling. Based on the study and investigation, the chief of police shall recommend to the city manager either denial or approval of the permit application.

Section M. Change in facts must be reported.

A permittee organization or a permitted bingo manager shall immediately report to the city manager any change in the information provided on an application for a permit under this chapter. Prior to conducting remote caller bingo games, a permittee organization shall supplement its permit application by providing the city with (i) a statement that the permittee organization agrees to conduct remote caller bingo games in strict accordance with the provisions of Penal Code Section 326.3 and 326.4 and this chapter, as they may be amended from time to time, and understands

that the city manager may revoke the bingo game permit for a violation of any such provision; and (ii) a valid and current license to conduct remote caller bingo issued by the California Gambling Control Commission.

Section N. Posting of permit and rules.

At all times during which bingo is played, the permittee organization shall post conspicuously at the public entrance to the room or rooms in which bingo is played: the permittee organization permit, the bingo manager(s) permit, any rules and regulations established by the city manager for the conduct of bingo games under the permit, and the permittee organization's rules of bingo operation. The posted rules shall be legible and accessible to all players.

Section O. Operation and staffing of games.

1. Bingo games shall be operated and staffed only by members of the permittee organization, who shall not receive a profit, wage, or salary from any bingo game.

2. Only the permittee organization shall operate any bingo game or participate in the promotion, supervision or conduct of bingo games.

3. This section does not preclude a permittee organization from employing or contracting another to employ security personnel who are not members of the permittee organization. Security personnel shall not operate or staff bingo games.

Section P. Bingo manager.

1. One or more members of the permittee organization shall be designated as bingo managers on an application for a permit under this chapter and on any permit issued under this chapter. A permitted bingo manager shall be present at all times that a permittee organization conducts bingo games and that bingo manager shall be responsible for the conduct and operation of the bingo games and for compliance with all applicable laws, rules and regulations.

2. No person may be a bingo manager unless he or she is a nonsalaried, noncompensated member of the permittee organization for at least six months before he or she is designated as a bingo manager and first obtains a bingo manager permit under this Section 5.08.070(Q).

Section Q. Bingo manager permit.

An applicant for a bingo manager permit shall file a written application stating, in addition to such information as may be required by the city manager:

1. Neither the bingo manager nor the members of the permittee organization will receive any profit, wage or salary, or any other direct or indirect consideration from any bingo game;

2. The bingo manager applicant has read and understands all requirements of this chapter for the conduct of bingo games in the city and accepts full responsibility for the conduct of such bingo games consistently with the requirements of this chapter.

Section R. Hours and days of operation.

1. Except as provided in paragraph 2 of this Section 5.08.070(R), bingo games shall be conducted between noon and midnight for a maximum of six (6) hours per calendar week by any permittee organization or on any one premises whether or not more than one organization is permitted to conduct bingo games on those premises.

2. The city manager may issue a permit to allow bingo games to be played in excess of six hours per week over a consecutive three-day period provided that such permit is granted only once per calendar year to any permittee organization. A request for a permit under this paragraph 2 shall be made on a form provided, and as otherwise specified, by the city manager.

Section S. Rules of operation.

1. Except as provided in paragraph 3 of Section 5.08.070(O), no person shall receive or pay a profit, wage or salary from the proceeds of any bingo game conducted in the city. No person other than a permittee organization shall have, hold or obtain any financial interest in the conduct of bingo games.

2. No permittee organization or bingo manager shall permit:

a. any person to participate in a bingo game when that player is not physically present when the bingo game is conducted, except for remote caller bingo games;

b. any person to play any game of bingo on credit;

c. any minor to play bingo;

d. any alcoholic beverage to be served or consumed in a room where a bingo game is conducted during or between the playing of the games.

3. The total value of prizes awarded shall not exceed five hundred dollars (\$500) in cash, kind, or both, for each separate bingo game which is held.

4. All persons who operate or staff bingo games shall wear on the outside of their clothing an identification insignia or badge, no less than two and one-half by three and one-half inches in size, bearing the name of the permittee organization and the name and any title of the staff member.

5. Bingo games authorized under this chapter shall be conducted only on premises identified on the permit pursuant to which they are conducted.

6. Bingo games shall be open to the public and may not be limited to the members of the permittee organization.

Section T. Proceeds from games must be kept in separate fund.

1. All profits derived from a bingo game shall be kept in a special fund or account and shall not be commingled with any other fund or account. Such profits shall be used only for charitable purposes of the permittee organization, except as provided in paragraph 2 of this section.

2. Any permittee organization other than an organizations exempt from the bank and corporation tax under Section 23701d of the Revenue and Taxation Code, shall use the proceeds of bingo games only for the charitable purposes of the permittee organization, except as follows:

a. Such proceeds may be used for prizes and to pay permit and application fees under this chapter; and

b. The portion of such proceeds specified by Penal Code Section 326.5(k) may be used for rental of property; overhead, including the purchase of bingo equipment; administrative expenses; security equipment; and security personnel.

Section U. Inspection of premises.

1. No person shall interfere with, prevent or refuse to permit a duly authorized representative of the city manager, the fire department or any peace officer to inspect any place in which bingo games or remote caller bingo games are conducted in the city, whether or not bingo games or remote caller bingo games are being conducted at the time of the inspection.

2. Failure to allow, or interference with, an inspection constitutes a violation and shall be grounds for revocation of a permit or denial of a bingo application or permit.

Section V. Permit revocation.

1. Whenever it shall be shown or whenever the city manager has knowledge that a permittee, or agent thereof, has violated any of the provisions of this chapter, the city manager shall immediately suspend the permit and give the organization or bingo manager written notice ("Notice of Suspension") by registered mail of the suspension and a brief statement of the reasons therefor.

2. Upon receipt of the notice of suspension, the organization or bingo manager shall cease conducting any bingo game or remote caller bingo game, and the failure to do so shall constitute a separate and further violation of this chapter.

Section W. Appeal.

1. In the event of any finding or decision of the city manager which is adverse to the application of an organization or bingo manager for a permit or renewal thereof under this chapter, or if a permit is suspended or revoked, the organization or bingo manager may appeal to the city council, provided, that such appeal is filed with the city clerk within fifteen (15) calendar days from the date of the finding or decision of the city manager. The city manager shall notify the organization or bingo manager of this right to appeal, and such notice shall accompany each and every adverse finding and decision of the city manager. The finding or decision and the notice of this right to appeal shall be mailed by registered mail, to the organization or bingo manager at the address which appears on the application for a permit or renewal thereof.

2. Failure of the city manager to receive a timely request for an appeal constitutes a waiver of the right to contest the finding or decision. Unless a timely appeal is filed, a finding or decision of the city manager becomes final and unappealable.

3. Within thirty (30) calendar days of the filing date of an appeal, the city council shall conduct a hearing on the appeal. The city shall give the appellant at least five (5) calendar days' mailed notice of the date, time, and location of the hearing at the address(es) specified on the appeal. The failure of any appellant to receive a properly addressed notice of hearing shall not invalidate any action or proceeding by the city pursuant to this chapter.

4. Appeal hearings are informal, and formal rules of evidence and discovery do not apply. Within ten (10) calendar days after conclusion of the hearing, the city council shall render its decision. The decision of the city council shall be a final decision.

5. The failure of any appellant to appear at the hearing without such cause as the city council may deem sufficient to justify a continuance shall constitute a default and the finding or decision of the city manager shall thereupon be final and unappealable.

Section X. Audit and accounting requirements.

1. Prior to July 31st and prior to January 31st of each year, a permittee organization shall, at its own expense, submit on a form to be provided by the city manager a report of gross revenues, expenses and other information reasonably required by the city manager to enforce this chapter. A permittee organization shall annually submit to the city manager a copy of its federal tax return not later than sixty (60) calendar days after that return is filed with the Internal Revenue Service.

2. A permittee organization shall maintain complete and accurate records of income received from, and prizes and other expenses disbursed in connection with, the operation and staffing of bingo games.

3. The city manager may at any time demand a complete and detailed accounting of the records required under paragraph 2 of this section and any other data or information pertaining to the operation of bingo games maintained by a permitted organization. The city manager may subject that accounting and such data and information to, an agreed upon procedures examination, audit, and/or any other accounting review which may extend to, without limitation: (i) proceeds from the operation of bingo games, (ii) an accounting of the number of players and number of games played over a designated period, (iii) an inspection of bingo cards, funds, equipment or any other records or documentation in connection with the operation of games over a designated period. Such detailed accounting or further data or information shall be provided at the expense of the permittee organization if, in the sole discretion of the city manager, such detailed accounting or further data or information is necessary for the enforcement of this chapter.

4. In the event a permittee organization fails to render an accounting or provide information pursuant to the provisions of this section within sixty (60) calendar days of the city manager's request, the city manager may suspend that organization's permit until the requested accounting or information provided.

Section Y. Civil remedies and criminal penalties.

1. The city attorney may bring an action to enjoin a violation of this chapter.

2. A violation of paragraph 1 of Section 5.08.070(P) and Penal Code section 326.3(c) shall be punishable by a fine not to exceed ten thousand (\$10,000.00) dollars, which fine shall be deposited in the general fund of the city. A violation of any other provision of this chapter constitutes a misdemeanor punishable under Section 3.24.160 of this code.

Section 3. Severability. Should any section, clause, or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid or unenforceable, the same shall not affect the validity of any other portion of this Ordinance and, to that end, the provisions of this Ordinance are severable.

Section 4. Effective Date. This Ordinance shall take effect thirty (30) days after its adoption pursuant to California Government Code section 36937.

Section 5. Certification. Publication. The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause it to be posted according to law.

Ordinance No.
Page 12

PASSED, APPROVED AND ADOPTED at a regular meeting of the City Council of the City of Cudahy on this 6th day of May, 2014.

Chris Garcia, Mayor

APPROVED AS TO FORM

Rick R. Olivarez, City Attorney

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS:
CITY OF CUDAHY)

I, Carrie Gallagher, Interim City Clerk of the City of Cudahy, hereby certify that this Ordinance was introduced at a regular meeting of the City Council of the City of Cudahy on _____ day of _____, 2013, and adopted and passed at a regular meeting of the City Council of the City of Cudahy held on the _____ day of _____, 20____, by the following vote:

AYES:

NOES:

ABSENT:

Carrie Gallagher
Interim City Clerk

RESOLUTION NO. 14-03**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CUDAHY TO MODIFY CERTAIN PARKING CITATION PRACTICES AND RELATED FEES ASSESSED BY THE CITY'S MUNICIPAL OFFICERS AND/OR CODE ENFORCEMENT OFFICERS**

WHEREAS, the City of Cudahy wishes to establish reasonable parking citation fees in the City of Cudahy; and

WHEREAS, the City of Cudahy wishes to consider the regular and recurring feedback from the community about excessive fees in a relatively low-income demographic environment;

BASED UPON THE ABOVE RECITALS, THE CITY COUNCIL OF THE CITY OF CUDAHY, CALIFORNIA, DOES HEREBY FIND, DETERMINE AND RESOLVE AS FOLLOWS:

SECTION 1. Within 30 days of the date of this resolution, or as soon as practicable if the City's ticket processing agency requires more time for implementation, the illegal parking fees assessed in the City of Cudahy, shall be modified to reflect the following:

Section	Description	Revised fee
8-4	No parking between 3:00 a.m. and 6:00 p.m.	\$25
8-6	Driving on public property and in parks	\$50
8-7	Election day polling place parking	\$25
20-24.10(c)	No parking front or side yard	\$30
5204(a)	No tags	\$50
8-5	Unlawful parking city public ground	\$40
8-8(a)(1)	Red zone	\$30
8-8(a)(2)	Green zone (20 min. only)	\$40
22500(b)	Parking on crosswalk	\$40
22500(e)	Blocking driveway	\$40
22500(f)	Vehicles on sidewalk	\$40

22500(L)	Blocking disabled access ramp	\$200
22500.1	Parking in fire lane	\$40
22502(a)	Parking 18" from curb	\$30
22507.8(b)	Disabled parking off street	\$300
22507.8(c)	Parking disabled cross hatched boundary lines	\$300
8-8(A)(3)	Yellow zone loading and unloading 20 min.	\$30
8-8(a)(4)	White zone loading and unloading passengers	\$25
15.44.120(b)	Parking in non-designated parking area	\$30
15.44.140	Failure to park in designated parking spaces	\$30
15.44.160	No vehicle maintenance in public parking areas	\$30
15.64.010	Parking time limits	\$30
15.64.100	Parking disconnected trailer	\$30
15.65.140	Temporary no parking	\$35
22500(h)	Double parking	\$30
15.64.270	Parking on private/public property without consent	\$35
15.64.280	Parking wrong side of street	\$35
4000(a)	Expired registration	\$50
22514	Parking fire hydrant	\$50
15.76.120	Repairing vehicle on street	\$45
15.76.130	Washing vehicle on street	\$40
5200(a)	No front plate	\$40

SECTION 2. Fees associated with other categories of parking citations, as featured in the current parking citation schedule, "Notice of Illegal Parking", shall remain unchanged.

SECTION 3. All late fees associated with parking citations (in all categories) shall never exceed 50% of the original parking citations fee.

SECTION 4. Within 30 days of the date of this resolution, the City of Cudahy shall direct the processing agency to shift the burden of evidence in the adjudication process, as soon as practicable, from recipient of the parking citation to the City of Cudahy. For illustration purposes, a parking citation file should have an accompanying photo that clearly corroborates, beyond a reasonable doubt (and not just with a preponderance of the evidence), the validity of the parking citation to a reasonable agent of the processing agency. Otherwise, the parking citation would be adjudicated immediately in favor of the recipient of the citation.

SECTION 5. Within 30 days of the date of this resolution, the Code Enforcement and Municipal Officers shall no longer enforce parking citations in the interior of private property multi-unit residential areas. For example, parking enforcement shall cease inside gated private property communities or apartment complexes. Notwithstanding the foregoing, the Code Enforcement and Municipal Officers shall continue to enforce parking citations where required by county regulations or state laws outside the purview of the Municipal Code.

SECTION 6. This resolution shall take effect immediately upon its adoption, except as otherwise provided herein. The Mayor shall sign this resolution and the City Clerk shall attest and certify to the passage and adoption thereof.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Cudahy at its regular meeting on this 6th day of May, 2014.