

Chris Garcia, Mayor  
Cristian Markovich, Vice Mayor  
Jack Guerrero, Council Member  
Diane Oliva, Council Member  
Baru Sanchez, Council Member



CUDAHY CITY  
COUNCIL CHAMBERS  
5240 Santa Ana Street  
Cudahy, Ca, 90201  
Phone: (323) 773-5143  
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## AGENDA

### REGULAR MEETING OF THE CUDAHY CITY COUNCIL Tuesday, October 7, 2014 – 6:30 P.M.

*"Members of the Public are Advised that all PAGERS, CELLULAR TELEPHONES and any OTHER COMMUNICATION DEVICES are to be **turned off** upon entering the City Council Chambers." If you need to have a discussion with someone in the audience, kindly step out into the lobby.*

*Written materials distributed to the City Council within 72 hours of the City Council meeting are available for public inspection immediately upon distribution in the City Clerk's office at City Hall located at 5220 Santa Ana Street, Cudahy, CA. 90201.*

*In compliance with the Americans with Disabilities Act (ADA) if you need special assistance to participate in this meeting, you should contact the office of the City Clerk at (323) 773-5143 at least 72 hours in advance of the meeting.*

#### 1. CALL TO ORDER

#### 2. ROLL CALL

Council Member Guerrero  
Council Member Oliva  
Council Member Sanchez  
Vice Mayor Markovich  
Mayor Garcia

#### 3. PLEDGE OF ALLEGIANCE

#### 4. INVOCATION

#### 5. PRESENTATIONS

Presentation of "In a Drought, Shut Your Tap" program, by Priscilla Segura, a Representative from Central Basin Municipal Water District

Certificate of Recognition presented to Gregorio Luke for his educational work on immigration at the "Mural Under the Stars" event

Presentation by Council Member Bob Archuleta, City of Pico Rivera on Veteran issues

#### 6. ORAL COMMUNICATONS

(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 three (3) minutes. When addressing the Council please speak into the microphone and voluntarily state your name and address.)

**7. 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 Council Member will be allowed to speak for a period not to exceed three (3) 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 agendized. The City Attorney shall be responsible for regulating this aspect of the proceeding.)

**8. CITY MANAGER REPORT (information only)**

**9. WAIVER OF FULL READING OF RESOLUTIONS AND ORDINANCES**

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:** It is recommended that the City Council approve the waiver of full reading of Resolutions and Ordinances.

**10. CONSENT CALENDAR**

Items under the Consent Calendar are considered routine and will be enacted by one motion. There will be no separate discussion of these items unless a Council Member so requests, in which event the item will be removed from the Consent Calendar and considered separately.

- A.** Approve Minutes of the City Council Successor Agency Joint Meetings of February 18, 2014 and March 4, 2014 and the Minutes of the City Council Special Meeting of March 25, 2014

**Recommendation:** That the City Council/Agency approve the Minutes as submitted, receive and file.

**B. Monthly Reports:**

- 1) Planning Commission Actions
- 2) Parks and Recreation Commission Actions
- 3) Public Safety Commission Actions
- 4) Senior and Aging Commission Actions

*Presented by Acting Community Development Director*

**Recommendation:** Receive and File

**C. Second reading, Adopt Ordinance No. 639, ADOPTING THE LOS ANGELES COUNTY BUILDING LAWS AND FIRE CODE**

*Presented by Acting Community Development Director*

**Recommendation:** Adopt Ordinance No. 639, Adopting the Los Angeles County Building Laws and Fire Code.

**D. Approve Resolutions Pertaining to the City of Cudahy's General Municipal Elections to be held on Tuesday, March 3, 2015**

*Presented by Interim City Clerk*

**Recommendation:** Approve the following Resolutions:

- 1) Resolution No. 2014-61, Calling for the Holding of a General Municipal Election to be held on Tuesday, March 3, 2015;
- 2) Resolution No. 2014-62, Requesting that the Board of Supervisors of the County of Los Angeles Direct and Authorize the Registrar-Recorder/County Clerk for the County of Los Angeles Render Specific Election Administration Services;
- 3) Resolution No. 2014-63, Consenting to an Election Consolidation with the City of Los Angeles, Los Angeles Community College District (LACCD) and the Los Angeles Unified School District (LAUSD);
- 4) Resolution No. 2014-64, Adopting Regulations Relating to Candidate Statements; and
- 5) Resolution No. 2014-65, Providing for the Conduct of a Special Runoff Election for Elective Offices in the Event of a Tie Vote at any Municipal Election.

- A. Approval of Development Review Project: Clara Park Expansion Project Phase III and Associated Negative Declaration

*Presented by Acting Community Development Director*

**Recommendation:** Approve Resolution No. 2014-66, Approving Development Review Project Clara Park Expansion Project Phase III, and associated Negative Declaration.

- B. First reading, Introduction of Ordinance No. 634, Amending the City of Cudahy's Municipal Code Section 20 (Zoning): Emergency Shelters and Transitional and Supportive Housing

*Presented by Acting Community Development Director*

**Recommendation:** Introduce Ordinance No. 634, Amending the City of Cudahy's 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."

## 12. CITY COUNCIL BUSINESS SESSION

- A. Consideration of a Resolution Supporting the Use of Police Officer Body Cameras in the City of Cudahy and Los Angeles County (**Guerrero & Markovich**)

**Recommendation:** Adopt Resolution 2014-67, Supporting the Use of Police Officer Body Cameras in the City of Cudahy and Los Angeles County

## 13. COUNCIL DISCUSSION

- A. Discussion / Action Regarding the Use of City Logo

## 14. ORAL COMMUNICATIONS (Closed Session)

(Each person will be allowed to speak only once on closed session items and will be limited to three (3) minutes. When addressing the Council please speak into the microphone and voluntarily state your name and address)

RECESS TO CLOSED SESSION

## 15. CLOSED SESSION

- A. 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) potential 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

- B. Pursuant to Government Code Sections 54956.9(d)(2) and 54956.9(e)(1) –

Conference with Legal Counsel to Discuss Matter Involving Anticipated Litigation/Significant Exposure to Litigation: [One (1) potential matter]

- C. Pursuant to Government Code Sections 54956.9(d)(1) –  
Conference with Legal Counsel to Discuss Existing Litigation
  - a. Case Name: ECM Group, Inc. v. City of Cudahy, et al.
  - b. Case Number: VC063271

RECONVENE TO OPEN SESSION

**16. CLOSED SESSION ANNOUNCEMENT**

**17. ADJOURNMENT**

Cudahy City Council will adjourn to a Regular Meeting on Tuesday, October 21, 2014 at 6:30 p.m.

I Donna G. Schwartz, hereby certify under penalty of perjury under the laws of the State of California that the foregoing agenda was posted at Cudahy City Hall, Bedwell Hall, and Clara and Lugo Park not less than 72 hours prior to the meeting. A copy of said Agenda is on file in the Office of the City Clerk.

Dated this 3<sup>rd</sup> Day of October 2014

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DONNA G. SCHWARTZ, CMC  
Interim City Clerk

**MINUTES**  
**CUDAHY CITY COUNCIL (Regular Meeting) and**  
**CITY OF CUDAHY AS SUCCESSOR AGENCY TO THE CUDAHY DEVELOPMENT**  
**COMMISSION (Special Meeting)**  
**A Joint Meeting held in the City Council Chambers**  
**5240 Santa Ana Street, Cudahy, California**  
**Tuesday, February 18, 2014 – 6:30 P.M.**

**CALL TO ORDER**

Mayor Guerrero called the meeting to order at 6:40 p.m.

**ROLL CALL**

PRESENT: Council/Agency Member Markovich  
 Council/Agency Member Sanchez  
 Council/Agency Member Oliva  
 Vice Mayor/Vice Chair Garcia  
 Mayor/Chair Guerrero

ABSENT: None.

**PLEDGE OF ALLEGIANCE** – Led by Vice Mayor/Vice Chair Garcia

**INVOCATION** – Given by Mayor/Chair Guerrero

**PRESENTATIONS**

- Nationwide Environmental Services presented by Mr. Garcia, Operations Manager Nationwide
- Housing Rehabilitation Program Informational presented by Maria Torres

**CITY OF CUDAHY AS SUCCESSOR AGENCY BUSINESS SECTION**

(NOTE THIS ITEM WAS TAKEN AFTER PLEDGE OF ALLEGIANCE BUT SHOWED HERE IN AGENDA ORDER)

- A. Consideration and Approval of a request approve the Recognized Obligations Payment Schedule (ROPS) for the period of July 1, 2014 through December 31, 2014 for submission to the City of Cudahy Oversight Board. (ROPS SCHEDULE ATTACHED)

Cheryl Murase gave a brief presentation and discussed an adjustment for agency administrative allowance, and back payments on administrative costs.

Chair Guerrero asked for clarification of adjustments.

Ms. Murase clarified that agency costs were not always funded, and the agency may request back pay for administrative cost.

Chair Guerrero asked Finance Director if \$472,279 reflects the back pay cost.

Finance Director acknowledged the amount being true.

**Motion:** A motion was made by Guerrero, seconded by Garcia. Motion carried (5-0) to approve Item A.

AYES: Guerrero, Oliva, Sanchez, Markovich, Garcia  
NOES: None

## **PUBLIC COMMENT**

Ofelia Vargas spoke in regards to the current instructor and hours for the Zumba program, and would like to keep it same.

Maria Tellez spoke about the importance of the Zumba program and how it benefits the health of the residents.

Vice Mayor/Vice Chair Garcia clarified that there will be changes to the program that will benefit everyone.

Juan Carlos Archila spoke in regards to safety at the mobile home park.

Carmen Hernandez expressed her concern with Council Member Sanchez and his insults to the community. She also spoke of the need to get rid of corruption.

Elizabeth Alcantar announced a College Event on Saturday from 10:00 a.m. to 2:30 p.m.

Maria Valencia spoke about the need for the Council to address mobile home violations.

Danamey Aguilar asked that presentations and information be in Spanish.

Pamela Murguia voiced concern with Council Member Sanchez's request to investigate the issue with mobile home and his lack of support.

Sandra Orozco voiced concern with Council Member Sanchez and his lack of response. She asked him to step down from his position.

William Tejada expressed concerns with investigations of mobile homes.

Jose Parra requested interest forms be available at the library.

Julio Flores requested that meeting literature be available in Spanish and that contractor presentations be professional. He expressed concerns with graffiti and the allocation of federal grants.

Vice Mayor/Vice Chair Garcia explained that the City would like to implement an online graphic database so residents can follow allocation of funds.

Mayor/ Agency Chair Guerrero recognized Mr. Thomas Martin, Council Member for the City of Maywood who supported a new shopping center in Maywood to promote job growth.

Mayor/ Agency Chair Guerrero recognized Mr. David Argudo, Council Member with City of La Puente.

Maria Barajas spoke with regards to permits for overnight parking, and expressed disappointment in Council Member Sanchez.

Jose Cortez commented on the swap meet and requested that the City provide workshops and advertise the swap meet more.

Mayor/ Chair Guerrero clarified that residents are always invited to reach out to City Manager.

Brenda Rodriguez spoke about ballet classes and requested that they be able to use a bigger room for the classes.

Council Member Oliva clarified that the delay with the room for the ballet was on the side of the instructors not the City.

Estefana Gonzalez thanked the Council for their help with the mobile park and explained her interest with the process of improving the mobile park.

Rosario Pacheco spoke of towing services, and the lack of common sense in contracting with a towing company that is not from Cudahy. She voiced her concerns with Council Member Sanchez; she asked him to retire.

Adelina Garcia asked the Council to support the ballet classes and expressed her disappointment with Council Member Sanchez.

Gloria Sandoval inquired why staff buys food in places other than the Superior Market in the City so the money spent can be kept in Cudahy. She also voiced concerns about restrictions on signage for yard sales.

Patricia Covarrubias spoke in support of addressing mobile home parks violations, approving a Cudahy Welcome sign, a loud noise ordinance and Councilmember conduct at meetings.

Marcos Covarrubias spoke in support of modifying parking citation fees, and establishing an overnight parking program, and about the need to place nets around Lugo Park and trim its trees. He also asked for Council Member Sanchez to resign.

**CITY COUNCIL COMMENTS**

Council/Agency Member Markovich announced he had attended training in Sacramento while promoting the City of Cudahy. He announced he attended the Santa Fe Springs Youth Leadership Committee for High School Programs. He announced that he has had several meetings with politicians with regards to bringing better local transportation programs to the City and announced the Book Fair would be at the end of May.

Council/Agency Member Oliva informed the community that the Council needs to be more transparent with meetings and have better information available on marquis. She also stated that the City has been trying to reach out to citizens but needs more participation since she herself posted flyers and information for mobile homes but participation has been low. She requested that for next Council Meeting she would like to know what is happening with the Cudahy Youth Foundation. She also asked that Mr. Saul Bolivar present a staff report on Lugo Park at the next meeting. She clarified the dates and changes with Zumba classes because the Council believed that the instructors were volunteers but are actually being paid.

Council/Agency Member Sanchez updated residents on swap meet efforts. He clarified that the City of California now has control over inspections of Mobile Homes. He stated that he is working on a bicycling program so the City of Cudahy can commute on bicycles and raise revenues. He addressed his efforts in supporting a Farmer's Market.

Vice Mayor/Vice Chair Garcia gave direction for next meeting's agenda items. He stated that he wants to revamp the swap meet, and would like an action item on a farmer's market/swap meet for next meeting. He stated that he is glad that CDGB Funds will be available by lottery. He addressed complaints with TLC, and TLC stated that it is willing to cut down tree for free, but that the City needs to address the owner of the tree because it is on private property.

Henry Garcia stated that the City has contacted the owner and that he is willing to allow them to cut the tree but TLC was charging \$1,000.00.

Vice Mayor/ Vice Chair Garcia reminded residents that transparency is of importance to Councilmembers and that they changed the time of meetings to benefit residents and have provided translation in Spanish. He spoke of his hope to implement an online visual database where residents can track taxpayer money. He addressed changes in Office Hours, which are Friday at Cris's Burgers. He requested an agenda item for the next meeting to address sex offenders and Megan's Law. He reaffirmed his support of a Forensic Audit.

Mayor/Chair Guerrero announced that he and Council Member Oliva were in Huntington Park to welcome Presidential Candidate in Mexico from el PAN who wrote a book about Mexicans who become successful in the United States, and he and Council Member Oliva presented her with an award. He announced that he spoke about the City of Cudahy on the radio. He asked that an item for a workshop

for CDGB funds be placed on the next agenda for discussion. He asked that a discussion on the yard signs and homes for sale signs be placed on next meeting's agenda. He asked that a discussion item on tow trucks be placed on next meeting's agenda. He asked that a discussion on State Housing Authority Transfer with a Staff Report be placed on next meeting's agenda. He asked for a discussion item to discuss the Lugo Park issue, and he clarified that Cudahy needs to be careful with contracting with businesses, and needs to carefully review RFP's. He stated that he would like to make a motion to prioritize items in the Council Business Section.

#### 4. WAIVER OF FULL READING OF RESOLUTIONS AND ORDINANCES

A. 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.

**Motion:** A motion was made by Guerrero, seconded by Garcia. Motion carried (5-0) to approve Item 4A as stated.

AYES: Markovich, Oliva, Sanchez, Garcia, Guerrero  
NOES: None

#### 5. CONSENT CALENDAR

**Consent Calendar Recommendation:**

It is recommended that the City Council/Agency approve Items 5A through 5C. on the Consent Calendar.

Vice Mayor/ Vice Chair asked about Check Number 36679 for Arctic Glacier Ice because there was not a snow display for the children.

Henry Garcia, City Manager, clarified that the City prepaid for the ice but the City is in the process of recovering the money because Arctic Glacier Ice did not show.

Council Member/ Agency Member Oliva asked about a check made to CCMS.

City Clerk clarified that many minutes were not transcribed and the check was made to CCMS who has been contracted to transcribe the backlog of minutes that they are transcribing.

Council Member/ Agency Member Oliva asked about Animal Control Services costs.

Mr. Garcia, City Manager, clarified that Animal Control Services has been around in the evening.

Council Member/ Agency Member Oliva asked about a check for translation services for \$4,000.00.

Mr. Garcia, City Manager, clarified that Jenna Martinez is the deputy clerk in Bell and was helping Cudahy on contract with those services.

Mayor/ Agency Chair Guerrero asked for clarification on services that SWRCE provides for payment of \$11,534.

Mr. Garcia, City Manager, clarified that this provider provides services for the regional permit that helps monitor the water that goes into the basin, and several cities have agreed to contribute a specific fee to join in that effort.

Mayor/ Agency Chair Guerrero asked for clarification on payment of \$17,050 to the Department of Housing related to Mobile Parks Program.

Mr. Garcia, City Manager, clarified that this payment was a transfer for overdue payments to the mobile home review process to the City of California because the City of Cudahy had not paid for that mediation in 12 years.

Mayor/ Agency Chair Guerrero stated that he would have a discussion offline about the Food Distribution Program and the selection process for vendors.

Council Member/ Agency Member Oliva stated that it is important for Councilmembers review the back of the checks and signatures.

**A.** Approval of a request to approve the City Demands and Payroll for the month of December 2013.

**Motion:** A motion was made by Guerrero, seconded by Garcia. Motion carried (5-0) to approve Items 5A on the Consent Calendar with the exception of Check Number 36679.

AYES: Markovich, Oliva, Sanchez, Garcia, Guerrero  
NOES: None

**B.** A request to approve the City Treasurer's Financial Report (LAIF) for the month of December 2013.

**C.** A request to approve the Cash and Investment Report for the month of December 2013.

**Motion:** A motion was made by Guerrero, seconded by Garcia. Motion carried (4-0-1) by the following vote to approve Items 5B and 5C on the Consent Calendar.

AYES: Markovich, Sanchez, Garcia, Guerrero  
NOES: None  
ABSTAIN: Oliva

## 6. BUSINESS SESSION

- A. Consideration and approval of award of contract to IT Systemhouse Inc. to provide professional consulting services for information technology (IT) services subject to terms and conditions of attached professional services agreement. Grant authorization for Interim City Manager to execute the subject agreement with IT Systemhouse Inc.

Henry Garcia, City Manager, gave report that amount of \$3,000 a month is accurate as of tomorrow. Recommended that the contract be approved tonight.

**Motion:** A motion was made by Garcia to award contract to IT Systemhouse Inc. subject to terms of attached agreement and authorization to Interim City Manager to execute agreement on behalf of the City, seconded by Oliva. Motion carried (4-0-1) by the following vote to approve Item 6A.

AYES: Markovich, Oliva, Sanchez, Garcia  
NOES: None.  
ABSTAIN: Guerrero

- B. Consideration and approval to amend the Sonnenberg and Company agreement for an amount not to exceed \$10,000.00. (AUDIT ENGAGEMENT LETTER ATTACHED)

Henry Garcia, City Manager, provided itemization of \$10,000.00. Recommended that the City pay the \$10,000.00.

Vice Mayor Garcia spoke in favor of paying \$10,000.00.

Council Member Sanchez stated that he disagreed with this amount.

Vice Mayor Garcia stated that these are the bills for the City of Cudahy and that not paying these bills would hinder the reputation of the City of Cudahy.

Council Member Sanchez stated that these funds could be allocated elsewhere.

Mayor Guerrero stated that the City needs urgently needs an audit and therefore, the City does not have the luxury to find other contracts.

Council Member Oliva stated that her concern is whether the amount is justified, and whether the errors from the last fiscal year will be avoided in the future.

Mr. Garcia, City Manager stated that he does not anticipate changes with this service provider.

Mayor Guerrero asked if the \$10,000.00 is only for the current fiscal year.

Henry Garcia, City Manager, clarified that the amount is only for this fiscal year.

**Motion:** A motion was made by Guerrero, seconded by Garcia, and carried (3-1-1) by the following vote to approve Item 6B.

AYES: Oliva, Garcia, Guerrero  
 NOES: Sanchez  
 ABSTAIN: Markovich

- C. Consideration and approval of RESOLUTION NO. 14-16, A RESOLUTION APPROVING THE APPLICATION FOR GRANT FUNDS FOR THE SUSTAINABLE COMMUNITIES PLANNING GRANT AND INCENTIVES PROGRAM UNDER THE SAFE DRINKING WATER, WATER QUALITY AND SUPPLY, FLOOD CONTROL, RIVER AND COASTAL PROTECTION BOND ACT OF 2006 (Proposition 84). (STAFF REPORT ATTACHED)

Michael Allen, Staff, announced that next week there would be a Planning Commission Meeting. He spoke of lack of experience in managing grants, and stated that he has made contact with LA Department of Public Health to partner with them and be co-sponsors on applications. This resolution is an affirmation by City Council that they support implantation of grants. He clarified that the minimum is \$50,000 and maximum is \$1,000,000.00.

Council Member Oliva asked who they are joined with.

Mr. Allen stated that they are joined with UCLA and are not being charged to work with this agency.

**Motion:** A motion was made by Guerrero to approve Resolution No. 14-16, seconded by Garcia, and carried (5-0) to approve Item 6C.

AYES: Markovich, Oliva, Sanchez, Garcia, Guerrero  
 NOES: None.

- D. Consideration, approval and ratification of First Amendment to Agreement with Olivarez Madruga, P.C. for General Legal Services to establish a fixed monthly retainer and authorization of Mayor to execute First Amendment to Agreement.

City Attorney, Richard Padilla, reported on changes and corrections on items and discussed retainer fees and hourly fees for attorneys.

Council Member Oliva addressed meetings in Exhibit B that are not included in the retainer.

City Attorney, Richard Padilla, stated that special meetings are not considered regular meetings and they are time consuming.

Mayor Guerrero asked if Planning Commission meetings are included.

City Attorney, Richard Padilla, stated that attorneys do not regularly attend Planning Commission meetings, and that Mr. Allen runs meetings well without the aid of attorneys.

Council Oliva asked if the City was using all of the hours being paid under the retainer.

Mayor Guerrero explained the rates of the retainers according to the number of hours they use the City Attorneys.

City Attorney, Richard Padilla, clarified what kind of meetings would require additional payment.

Mayor Garcia stated that he is pleased with the engagement by the City Attorney.

**Motion:** A motion was made by Garcia to approve the first amendment to the Olivarez Madruga, P.C. agreement and authorize the Mayor to execute the agreement, seconded by Guerrero, and carried (5-0) to approve item 6D.

AYES: Markovich, Oliva, Sanchez, Garcia, Guerrero  
NOES: None.

E. City Manager's report on City matters. (Information Only)

**7. COUNCIL BUSINESS**

(NOTE THIS MOTION WAS MADE AFTER CITY COUNCIL COMMENTS BEFORE WAIVER OF FULL READING OF RESOLUTIONS AND ORDINANCES BUT SHOWED HERE IN AGENDA ORDER)

**Motion:** A motion was made by Guerrero, seconded by Garcia and carried (5-0) to table 7B, 7S, 7T, 7U (INDEFINITELY), 7W, and 7X.

AYES: Markovich, Sanchez, Oliva, Garcia, Guerrero  
NOES: None

**Motion:** A motion was made by Guerrero, seconded by Garcia to prioritize any item under Council Business items that require voting such as ordinances and resolutions.

AYES: Markovich, Sanchez, Oliva, Garcia, Guerrero  
NOES: None

A. Consideration and approval of RESOLUTION NO. 14-08, A RESOLUTION TO ESTABLISH RULES AND PROCEDURES FOR STAFF AND CITY COUNCIL INTERACTIONS WITH THE CITY ATTORNEY'S OFFICE. **(Guerrero)**

Mayor Guerrero clarified that this item is stating that Councilmembers will reach out to the City Attorney's office for consultation and ideas going forward but not for memos or finding research for resolutions that the Council has not yet agreed to.

**Motion:** A motion was made by Garcia to approve Resolution No. 14-08, seconded by Markovich, and carried (3-0-1) by the following vote to approve item 7A.

AYES: Markovich, Garcia, Guerrero  
NOES: None.  
ABSENT: Sanchez  
ABSTAIN: Oliva

- B.** Discussion item and potential direction to City staff on the subject of pension reform.

**(Guerrero)**

**Recommendation:** Motion to receive and file.

This Item was tabled to the next meeting.

- C.** Update, discussion and direction to City staff on the mobile home parks with violations and available CDBG funds for the mobile home parks.

**(Guerrero and Oliva)**

**Recommendation:** Motion to Receive and File

This item was tabled to the next meeting.

- D.** Discussion item and direction to City staff on State Controller's audit status.

**(Guerrero)**

**Recommendation:** Motion to receive and file.

This item was tabled to the next meeting.

- E.** Discussion item and direction to City Staff on loud noise ordinance. (MUNICIPAL CODE SECTION 9.04.020 ATTACHED)

**(Guerrero and Oliva)**

**Recommendation:** Motion to receive and file.

This item was tabled to the next meeting.

- F.** Discussion item and direction to City Staff on a Cudahy Welcome sign.

**(Guerrero and Garcia)**

**Recommendation:** Motion to receive and file.

This item was tabled to the next meeting.

- G.** Discussion item and direction to City Staff on City Manager recruitment process and advisory committee. (ASSIGNED DEPARTMENT: CITY MANAGER)

**(Guerrero)**

**Recommendation:** Motion to receive and file.

This item was tabled to the next meeting.

(NOTE ITEM 7H WAS TAKEN AFTER ITEM 7R BUT SHOWED HERE IN AGENDA ORDER)

**H. Discussion item and direction to City Staff on the City’s Casino License and exploration of a Casino in the City. (Garcia)**

Vice Mayor Garcia explained that he has received interest in a Casino and would like to work with the City Attorney and a sub-committee.

Mayor Guerrero asked if he could also take part in information and updates of discussions.

City Attorney Richard Padilla stated that he recommend Mayor Guerrero not be involved with an ad hoc committee.

Mayor Guerrero explained that the Council wants to address this issue as ethically as possible.

**Motion:** A motion was made by Garcia to receive and file, seconded by Guerrero, and passed (4-0) by the following vote to approve item 7H.

- AYES: Markovich, Oliva, Garcia, Guerrero
- NOES: None.
- ABSENT: Sanchez

**I. Discussion item and direction to City Staff to allow soccer to be played at Lugo Park.**

**(Guerrero and Oliva)**

**Recommendation:** Motion to receive and file.

This item was tabled to the next meeting.

(NOTE ITEMS 7J THROUGH 7M WERE TAKEN AFTER ITEM 7A BUT SHOWED HERE IN AGENDA ORDER)

**J. Consideration and approval of RESOLUTION NO. 14-13, A RESOLUTION TO ESTABLISH A HIRING FREEZE FOR PERMANENT, TEMPORARY, FULL-TIME, AND PART-TIME EMPLOYEES AT ALL LEVELS UNTIL SUCH TIME THAT THE CITY COUNCIL APPROVES THE BUDGET FOR FISCAL YEAR 2014-2015, OR SOONER IF SPECIFICALLY AUTHORIZED BY THE CITY COUNCIL. (RESOLUTION NO. 14-13 ATTACHED)**

**(Guerrero and Garcia)**

**Recommendation:** Motion to approve Resolution No. 14-13.

Mayor Guerrero reported on this item.

**Motion:** A motion was made by Guerrero, to approve Resolution No. 14-13, seconded by Garcia, and passed (4-0).

AYES: Markovich, Oliva, Garcia, Guerrero  
NOES: None.  
ABSENT: Sanchez

- K. Consideration and approval of RESOLUTION NO. 14-03, A RESOLUTION TO MODIFY CERTAIN PARKING CITATION FESS ASSESSED BY THE CITY'S MUNICIPAL OFFICERS AND/OR CODE ENFORCEMENT OFFICERS.

**(Guerrero and Oliva)**

**Recommendation:** Motion to approve Resolution No. 14-03.

Guerrero asked if it was feasible to implement modifications and how long it would take.

Mr. Saul Bolivar commented on the feasibility.

Mayor Guerrero explained the fees related to the item. He spoke about administration of parking citation process, and he capped citation fees.

City Attorney, Richard Padilla, explained the burden of proof is for ticket violations and this item's implications on the burden of proof.

Mayor Guerrero proposed to table the item to explore the legal issue on the adjudication process.

Mayor Guerrero, requested to table item 7K, no objections, item was tabled to the next meeting.

- L. Consideration and approval of RESOLUTION NO. 14-10, A RESOLUTION TO ESTABLISH POLICY AND PROCEDURES FOR CITY SPONSORSHIP OR CO-SPONSORSHIP OF CERTAIN EVENTS HELD AT CITY FACILITIES.

**(Guerrero and Oliva)**

Mayor Guerrero commented on importance of item and procedures for events.

Council Member Oliva expressed concern with proposed procedures because she would not like for people to host events and ask for donations.

Mayor Guerrero proposed changing the language of Section 2.

Vice Mayor Garcia clarified that "Club Sabor Latino" will not be using the facilities anymore.

Mayor Guerrero requested legal advice on the matter.

City Attorney, Richard Padilla, clarified that this is a resolution about who we chose to associate with for co-sponsorship. He stated that City has the right to associate or not with a group but the City cannot discriminate against who uses the facilities if they pay the fee.

Council Member Oliva stated that she feels uncomfortable with the original agreement with Club Sabor Latino and would like to see if the City voids the agreement.

Mayor Guerrero stated that there is no consideration exchanged in this agreement and the City would like to void the agreement.

**Motion:** A motion was made by Guerrero to approve Resolution No. 14-10, seconded by Markovich, and passed (4-0).

AYES: Markovich, Oliva, Garcia, Guerrero  
 NOES: None  
 ABSENT: Sanchez

**M. Consideration and approval of RESOLUTION NO. 14-06, A RESOLUTION ESTABLISHING RULES AND PROCEDURES FOR THE ENFORCEMENT OF THE CITY'S CODE OF ETHICS. (Guerrero)**

Mayor Guerrero explained the need for the Resolution. He noted some changes to the reading of the Resolution: Section F Page 6 should read, "violation of State or Federal law has occurred", Section C should replace City Council with City Attorney, and Section A should refer to Section C.

**Motion:** A motion was made by Guerrero, to approve Resolution No. 14-06 with noted changes, seconded by Garcia, and passed (4-0)

AYES: Markovich, Oliva, Garcia, Guerrero  
 NOES: None  
 ABSENT: Sanchez  
 ABSTAIN: None

(NOTE ITEM 7N WAS TAKEN AFTER ITEM 7H BUT SHOWED HERE IN AGENDA ORDER)

**N. Discussion item and direction to City Staff on proposed State of the City Address by the Mayor.**

**(Guerrero)**

**Recommendation:** Motion to receive and file.

Mayor Guerrero stated that at the next Town hall meeting he wants a Mayoral State of the City Address with comments from Councilmembers following the address.

Vice Mayor Garcia stated that his concern is that the Council is currently going through some litigation issues and that it would be premature to address them.

Council Member Oliva stated that she agrees that a State of the City Address would be premature.

Council Members agreed that an update is necessary soon but a State of the City Address should be delayed.

- O. Discussion, consideration and approval of Cudahy College preparedness program.

**(Markovich)**

**Recommendation:** Motion to receive and file.

Council Member Markovich explained the need for the College preparedness program that would help students in high school with college testing, financial aid, opening bank accounts.

Council Members unanimously stated their support for the program.

- P. Discussion and direction to City Staff regarding City sponsorship of the One City One book. (LIST OF BOOKS ATTACHED)

**(Markovich)**

**Recommendation:** Motion to receive and file.

Item was tabled to the next meeting.

(NOTE ITEMS 7Q AND 7R WERE TAKEN AFTER ITEM 7M BUT SHOWED HERE IN AGENDA ORDER)

- Q. Consideration and approval of RESOLUTION NO. 14-14, A RESOLUTION IN SUPPORT OF SENATE BILL 828, THE FOURTH AMENDMENT PROTECTION ACT. **(Guerrero and Markovich)**

Mayor Guerrero explained that this is as combined bi-Partisan Bill that requires a warrant to allow spying without Due Process. He stated that he expects the Bill will pass unanimously.

Council Member Markovich spoke of the need of being aware of the Federal Government.

Mayor Guerrero dedicated this resolution to his nephew who is reading the Book 1984.

**Motion:** A motion was made by Garcia, to approve Resolution No. 14-14, seconded by Markovich, and passed (4-0).

AYES: Markovich, Oliva, Garcia, Guerrero  
 NOES: None  
 ABSENT: Sanchez  
 ABSTAIN: None

**R. Consideration and approval of RESOLUTION NO. 14-15, A RESOLUTION TO ESTABLISH CITY COUNCILMEMBER CONDUCT AT COMMISSION MEETINGS. (Guerrero and Oliva)**

Mayor Guerrero explained that this resolution is a repeat of what already exists but is symbolic to reinforce the need for Councilmembers to follow rules of decorum.

**Motion:** A motion was made by Guerrero, to approve Resolution No. 14-15, seconded by Markovich, and passed (3-0).

AYES: Markovich, Oliva, Guerrero  
 NOES: None  
 ABSENT: Sanchez, Garcia  
 ABSTAIN: None

**Motion:** A motion was made by Guerrero, to take items 7H, 7N, 7O, 7V, and table items 7B-7G, 7I, 7P, 7S-7U and 7W-7X, seconded by Markovich, and passed (4-0),

AYES: Markovich, Oliva, Garcia, Guerrero  
 NOES: None  
 ABSENT: Sanchez  
 ABSTAIN: None

Council Member Oliva asked that they add ethics training to calendar.

**S. Discussion item and direction feedback to City Staff regarding graffiti removal progress. (Guerrero)**

**Recommendation:** Motion to receive and file.

This item was tabled to the next meeting.

**T. Discussion item and direction to City Staff on gang intervention strategies including gang intervention subcommittee.**

**(Guerrero)**

**Recommendation:** Motion to receive and file.

This item was tabled to the next meeting.

- U. Discussion item and direction to City Staff on proposed facility use by Club Sabor Latino.

**Recommendation:** Motion to receive and file.

This item was tabled indefinitely.

(NOTE ITEM 7V WAS TAKEN AFTER ITEM 7O BUT SHOWED HERE IN AGENDA ORDER)

- V. Discussion item and direction to City staff regarding the posting of Economic Development Corporation meeting information on the City's website and at City Parks.

**Recommendation:** Motion to receive and file.

Council Member Oliva asked what the Council needed to do to effectively filter information to the community. She added that she would like meeting information to be posted on the marquis so more community members can participate.

Henry Garcia, City Manager, stated that Cudahy does not have the resources to post and promote all community activities. He stated that the community also has to take responsibility to be involved.

Council Member Oliva stated that she would like for meetings to be posted on the marquis.

A Motion was made by Oliva to allow the City to publish information of the EDC, second by Garcia, no objections, motion passes.

- W. Discussion item on an overnight parking program in the City of Cudahy.  
(Garcia)

**Recommendation:** Motion to receive and file.

This item was tabled to the next meeting.

- X. Discussion item on Swap meet.

**Recommendation:** Motion to receive and file.

This item was tabled to the next meeting.

## CLOSED SESSION

(NOTE: CLOSED SESSION ITEM A WAS TAKEN AFTER CITY OF CUDAHY AS SUCCESSOR AGENCY BUSINESS SECTION, BUT RECORDED HERE IN AGENDA ORDER.)

- A. 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.**

**B. 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 Manger  
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.**

**C. 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]**

**City Attorney Report from Closed Session**

City Attorney Richard Padilla reported that the City Council/Agency met in Closed Session to discuss Item A on the Closed Session agenda.

No notes provided from City for Closed Session Item A.

City Attorney Richard Padilla reported that the City Council/Agency met in Closed Session to discuss Items B and C on the Closed Session agenda.

With respect to Items B and C, general direction was given but no formal action was taken.

**15. ADJOURNMENT**

The City Council/Agency meeting was adjourned at 12:14 a.m.

Respectfully Submitted:

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INTERIM CITY CLERK

**MINUTES**  
**CUDAHY CITY COUNCIL (Regular Meeting) and**  
**CITY OF CUDAHY AS SUCCESSOR AGENCY TO THE CUDAHY DEVELOPMENT**  
**COMMISSION (Special Meeting)**  
**A Joint Meeting held in the City Council Chambers**  
**5240 Santa Ana Street, Cudahy, California**  
**Tuesday, March 4, 2014 – 5:00 P.M.**

**CALL TO ORDER**

Mayor Guerrero called the meeting to order at 5:05 p.m.

**ROLL CALL**

**PRESENT:** Council/Agency Member Markovich  
 Council/Agency Member Oliva  
 Vice Mayor/Vice Chair Garcia (Arrived after Training Session)  
 Mayor/Chair Guerrero

**ABSENT:** Council/Agency Member Sanchez

(NOTE PLEDGE OF ALLEGIANCE WAS GIVEN AFTER TRAINING SESSION BUT NOTED HERE IN AGENDA ORDER)

**PLEDGE OF ALLEGIANCE** – Led by Vice Mayor/ Vice Chair Garcia

**TRAINING SESSION**

**A. City Manager Henry Garcia will provide training to the City Council.**

**Recommendation:** Motion to receive and file.

Henry Garcia, City Manager provided general background of the necessity and role of the City Council, the difficulties of leading with conflict and gaining consensus. He spoke about relationships between manager and Councilmembers. He spoke about various forms of government and distinguished between good governments and bad ones. He spoke about characteristics that will make the City Council successful.

Mayor Guerrero spoke about the importance of this and his commitment to transparency.

Mr. Garcia, City Manager spoke about the need for efficiency.

Council Member Oliva stated that she has trouble being informed when subcommittees are in place.

Mayor Guerrero stated that he is in support of communicating with the City Manager.

**CLOSED SESSION**

City Attorney Richard Padilla announced that the City Council/Agency would recess to Closed Session to discuss Items A through G on the Closed Session agenda.

(NOTE CLOSED SESSION ITEM A TAKEN AFTER INVOCATION, BEFORE PUBLIC SESSION BUT NOTED HERE IN AGENDA ORDER.)

- A. 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.**

(NOTE CLOSED SESSION ITEMS B THROUGH G TAKEN AFTER CITY COUNCIL BUSINESS BUT NOTED HERE IN AGENDA ORDER.)

- B. Close 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**
- C. 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 Rick Olivarez  
Party Negotiating With: Emiglia and Chiara Gigliotti  
Under Discussion: Discussion of both price and terms of payment as relates to purchase of subject property**
- D. Closed Session Pursuant To Government Code Section 54956.9(d)(1) – Conference With Legal Counsel To Discuss A Matter Of Existing Litigation – 21st Century Capital Investment Group LLC V. City Of Cudahy Et Al, LASC No. BS146970; And**
- E. Closed Session Pursuant To Government Code Section 54956.9(d)(2) And Government Code Section 54956.9(e)(3) – Conference With Legal Counsel To Discuss Matter Involving Anticipated Litigation And/Or Significant Exposure To Litigation. – [One (1) Matter]**
- F. Closed Session Pursuant To Government Code Section 54956.9(d)(1) – Conference With Legal Counsel; Existing Litigation: In The Matter Of The Application To Establish Reciprocity: Fred Guido, Respondent, And City Of Cudahy, Respondent, Case No. 9711**
- G. Closed Session Pursuant to Government Code Section 54956.9(d)(2) and 54956.9(e)(1) – Conference With Legal Counsel To Discuss Facts And Circumstances Surrounding A Matter Which Might Form The Basis For The**

**City Initiating Litigation And Which Simultaneously Could Give Rise To Litigation Against The City Or Create Significant Liability Exposure To The City If Litigation Or Other Punitive Action Were Initiated By The City – [One (1) Matter]**

**City Attorney Report from Closed Session**

City Attorney Richard Padilla reported that the City Council/Agency met in Closed Session to discuss Item A on the Closed Session agenda. **(Discussed after Section 7, City Council Comments, before Section 8, City Manager Report)**

In regard to Item A, direction was given, no action was taken.

No report provided from City for Closed Session Item B-G.

**INVOCATION**

**PRESENTATIONS**

- Multiple Sclerosis Proclamation will be given Sandra Orozco
- Proclamation will be given to Cruz M. Bustamante, California Lt. Governor (Ret.)
- Proclamation will be given to Mr. Molina, Teresa Hughes Elementary school coordinator
- Certificates will be presented to Norma Contreras, Tricia Sarmiento, Pamela Murguia

**PUBLIC COMMENT**

Dr. Richard Espiritu spoke of Title 25 mobile home parks and the need to have an emergency plan.

Elizabeth Alcantar asked that the Cudahy Youth Foundation fund Item be moved up in the meeting, and spoke in support of pension reforms, she also spoke about the minimum wage.

Angel Alcantar referenced the City of Maywood who does not have Public Comment and commended Cudahy's Council Members. He also spoke about the necessity for a truthful audit.

Beatriz Rivera was present representing the Adult Activity Center and presented the Council with a letter in regards to a parking issue at the Adult Activity Center.

Angel Sotelo spoke about tree trimming at Lugo Park and support for the Youth Foundation.

Alan Beltran spoke in support of a mural in the city and gang intervention, and support for the Youth Foundation.

Luis Garcia did not come forward when his name was called.

Angela Sambrano spoke in favor of resolution dealing with undocumented immigrants.

Pamela Murguia spoke about the CDBG workshop, overnight parking, and playing soccer at Lugo Park.

William Tejedo spoke about the mobile home assistance application.

Sandra Orozco spoke in support of the L.A. County Sheriff's Department and Multiple Sclerosis Research.

Felix Reyes spoke about the need to conduct an evaluation, tree trimming at Lugo Park, and in support of the Sheriff's contract.

Everardo Navarro spoke in support of the Sheriff's Department and the graffiti resolution, and the swap meet.

Javier Flores spoke in support of the Sherriff's contract, and about the CDBG application.

Jose Cortez spoke about needed support at the swap meet and security. He also spoke in support of the Sheriff's contract.

Marcos Covarrubias spoke in support of the resolution to trim tree in Lugo Park and the resolution for the Sheriff's Department.

Adelina Garcia spoke in support of the sign at Lugo Park and thanked the Council.

Patricia Covarrubias spoke in support of selecting applicants to serve on the Aging Committee. She also spoke in support of the grant for playing soccer at Lugo Park.

Maria Rodriguez asked for an increase in transparency and that workshops and trainings be given in Spanish.

Javier Flores Arias thanked the company that agreed to trim the tree at Lugo Park, and about the need to light the Park better.

Danamey Aguilar asked that Councilmembers have a professional demeanor. She stated that the graffiti issue needs to be addressed, and recommended some locations for the swap meet/ farmer's market.

## CITY COUNCIL COMMENTS

Council Member Markovich thanked residents for attending City Council Meetings. He gave an updated on the City Book Fair and stated that he hoped for a summer concert series by local residents. He spoke about the College Preparedness Program and Youth Leadership Committee for Cudahy High School Students.

Council Member Oliva asked about the cost involved evaluating the mobile homes and confirmed the day in March that the mobile homes application would be due. She informed that the Property Manager at the Senior Center extended an invitation for residents to attend their monthly birthday parties. She asked that Council Members deal with priorities on the agenda even if meetings have to run longer than eleven o'clock.

Henry Garcia, City Manager, stated that agenda items need to be reviewed without policy considerations.

Isabel Birrueta, City Attorney stated that a different time would be more appropriate to address concerns about prioritizing.

Vice Mayor congratulated Mr. Molina for his heroic efforts. He reminded citizens of office hours on Fridays. He spoke about the removal of plaques from public property with names of prior City Council individuals who were recently indicted.

Mayor Guerrero thanked the recipients honored during the invocation. He clarified that all Council Members participated in training in Sacramento. He corrected the record and stated that no discussion has been held with BPD. He stated that he would like to establish a Chamber of Commerce.

## 4. WAIVER OF FULL READING OF RESOLUTIONS AND ORDINANCES

Vice Mayor Garcia identified items that should be tabled and prioritized.

Mayor Guerrero stated he does want to address 6W.

City Attorney Birrueta stated that discussing a Moratorium tonight would not be legally permitted, and Council Members should provide direction instead.

Council Member Oliva stated she would like to discuss item 6W.

**Motion:** A motion was made by Guerrero, seconded by Garcia, and carried (4-0) to table items 6A, 6C, 6G, 6I, 6J, 6Q, 6R, 6S, 6X, 6Y and 6Z, and prioritize items 6AA, 6M, 6F, and 6E.

AYES:	Markovich, Oliva, Garcia, Guerrero
NOES:	None
ABSENT:	Sanchez
ABSTAIN:	None

- A. 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

**Motion:** A motion was made by Guerrero, seconded by Garcia, and carried (4-0) to waive full text reading of all Resolutions and Ordinances by single motion.

AYES: Markovich, Oliva, Garcia, Guerrero  
 NOES: None  
 ABSENT: Sanchez  
 ABSTAIN: None

**5. BUSINESS SESSION**

- A. Discussion and appointments of applicants who submitted an application to serve in the Aging and Senior Citizen Commission and Parks Recreation Commission. (COMMISSION APPLICATIONS ATTACHED)

**(City Clerk)**

**Recommendation:** It is recommended that the City Council review the applications, interview the applicants who are present at the meeting and make a motion to approve the appointments to the Aging and Senior Citizen Commission and Parks and Recreation Commission.

Mayor Guerrero asked that members who are present introduce themselves. He highlighted the terms he would like to establish for the Commission.

Isabel Birrueta, City Attorney, explained that the Code does not allow for an automatic renewal, and would caution against it.

Mayor Guerrero explained that he would like to fill a vacancy that does not require an ordinance.

**Motion:** A motion was made by Guerrero, seconded by Oliva, and carried (4-0) to retain Marco Covarrubias and Roberto Venegas and allow them to renew for an additional two-year term in the Parks and Recreation Commission.

AYES: Markovich, Oliva, Garcia, Guerrero  
 NOES: None  
 ABSENT: Sanchez  
 ABSTAIN: None

Mayor Guerrero asked Mr. Jose Cortez, Mr. Felix Reyes and Ms. Brenda Rodriguez to introduce themselves and entertain questions from City Councilmembers. They stated why they are interested in serving on the Commission.

**Motion:** A motion was made by Garcia, seconded by Markovich, and carried (4-0) to appoint Jose Cortez, Felix Reyes and Brenda Rodriguez to replace current Commissioners in the Parks and Recreation Commission.

AYES: Markovich, Oliva, Garcia, Guerrero  
NOES: None  
ABSENT: Sanchez  
ABSTAIN: None

Mayor Guerrero stated why he would like for Mr. Cornejos to remain on the Aging and Senior Citizen Commission.

**Motion:** A motion was made by Guerrero, seconded by Garcia, and carried (4-0) to keep Mr. Cornejos on the Aging and Senior Citizen Commission.

AYES: Markovich, Oliva, Garcia, Guerrero  
NOES: None  
ABSENT: Sanchez  
ABSTAIN: None

Mayor Guerrero asked Maria Barajas, Patricia Covarrubias, Rosa Estrada, Maura Peña, Michelle Gesner, Concepcion Trujillo, and Blanca Cuevas to introduce themselves and entertain questions from City Councilmembers. They stated why they are interested in serving on the Commission.

**Motion:** A motion was made by Oliva, seconded by Guerrero, and carried (4-0) to have Michelle Gesner and Patricia Covarrubias replace current Commissioners.

AYES: Markovich, Oliva, Garcia, Guerrero  
NOES: None  
ABSENT: Sanchez  
ABSTAIN: None

**Motion:** A motion was made Oliva, seconded by Guerrero, and carried (4-0) to appoint Maura Peña to the Commission for next year.

AYES: Markovich, Oliva, Garcia, Guerrero  
NOES: None  
ABSENT: Sanchez  
ABSTAIN: None

**Motion:** A motion was made by Garcia, seconded by Guerrero, and carried (4-0) to appoint Concepcion Trujillo to the Commission for next year.

AYES: Markovich, Oliva, Garcia, Guerrero  
NOES: None

ABSENT: Sanchez  
ABSTAIN: None

- B. Consideration and approval of a new agreement with the L.A. County Sheriff's Department for continuation of police services. (STAFF REPORT ATTACHED)  
**(City Manager)**

**Recommendation:** Motion to approve the agreement to the police services agreement and allow the City Manager to execute the same on behalf of the City with final review of the City Attorney's Office.

Henry Garcia, City Manager gave a report on the agreement dealing with fees, and guarantees.

Mayor Guerrero stated that he is concerned about the fees of the agreement.

Vice Mayor Garcia stated that he is appreciative of the Sheriff's service.

Council Member Oliva stated that she is concerned with the Sheriff's organization.

Council Member Guerrero tabled the item to the meeting in April. He gave direction to the City Manager to reach out to the acting Sheriff of the City of Los Angeles to address questions to Councilmembers about current concerns.

No motion was made.

- C. City Manager's report on City matters.  
**Recommendation:** Motion to receive and file.

City Manager had no items.

## 6. COUNCIL BUSINESS

- A. Discussion and direction to City staff on the matter of pension reform.  
**(Guerrero)**  
**Recommendation:** Motion to receive and file.

This Item was tabled to the next Regular Meeting.

(NOTE ITEM 6B WAS TAKEN AFTER ITEM 6M BUT NOTED HERE IN AGENDA ORDER).

- B. Discussion item and direction to City staff on State Controller's audit status.  
**(Guerrero)**  
**Recommendation:** Motion to receive and file.

Mayor Guerrero reported that the Controller completed the fieldwork related to the previous administration, and that a report would be issued within the next thirty days.

- C. Discussion item and direction to City staff on loud noise ordinance. (MUNICIPAL CODE SECTION 9.04.020 ATTACHED)

**(Guerrero and Oliva)**

**Recommendation:** Motion to receive and file

This Item was tabled to the next Regular Meeting.

(NOTE ITEM 6D WAS TAKEN AFTER ITEM 6E BUT NOTED HERE IN AGENDA ORDER).

- D. Discussion item and direction to City staff regarding Cudahy Welcome Sign.

**(Guerrero and Garcia)**

**Recommendation:** Motion to receive and file.

Vice Mayor Garcia requested that an RFP be sent out as soon as possible.

(NOTE ITEM 6E WAS TAKEN AFTER ITEM 6F BUT NOTED HERE IN AGENDA ORDER).

- E. Discussion item and direction to City staff on City Manager recruitment process and advisory committee. (ASSIGNED DEPARTMENT: CITY MANAGER)

**(Guerrero)**

**Recommendation:** Motion to receive and file.

Mayor Guerrero recommended that Commission be formed to provide feedback. He would like to come up with a proposal by the next Commission meeting with the structure of the Commission and the nature of the Commission's work.

Vice Mayor Garcia stated that they would entertain off-line email suggestions and publicly vote on it.

Mayor Guerrero asked that Councilmembers provide the City Attorney with their recommendations.

Henry Garcia, City Manager, stated that the suggestions would be due by next Monday, the 10<sup>th</sup>.

Mayor Guerrero gave the following recommendations: 10 person Commission with a member appointed by every council Member and represented by every Chairman of the Commissions, and invite a representative from the Employee Association to join.

(NOTE ITEM 6F WAS TAKEN AFTER ITEM 6B BUT NOTED HERE IN AGENDA ORDER).

- F. Discussion item and direction to City staff to authorize the playing of soccer at Lugo Park.

**(Guerrero and Oliva)**

**Recommendation:** Motion to receive and file.

Mayor Guerrero stated that it is time to update the Municipal Code.

Council Member Oliva stated that the Council could rescind the resolution.

City Attorney stated that rescinding the resolution would be easier than updating the Municipal Code.

Council Members gave direction to City Attorney to draft a resolution for the next Council Meeting that allows soccer to be played at parks.

- G. Consideration and approval or RESOLUTION NO. 14-03, A RESOLUTION TO MODIFY CERTAIN PARKING CITATION FEES ASSESSED BY THE CITY'S MUNICIPAL OFFICERS AND/OR CODE ENFORCEMENT OFFICERS. (RESOLUTION NO. 14-03 ATTACHED)

**(Guerrero and Oliva)**

**Recommendation:** Motion to approve Resolution No. 14-03.

This Item was tabled to the next Regular Meeting.

(NOTE ITEM 6H WAS TAKEN AFTER ITEM 6D BUT NOTED HERE IN AGENDA ORDER).

- H. Discussion item on ending City Council meetings at 11:00 p.m.

**(Markovich)**

**Recommendation:** Motion to receive and file.

Mayor Guerrero suggested a study session is added on a Saturday of the month to discuss more agenda items.

Council Member Markovich stated that the resolution is to be more efficient at Council Meetings.

Vice Mayor Garcia stated that he is in support of having a study session, and voiced the need to have more efficient Meetings.

Mayor Guerrero stated that the Council will have a study session and maintain communication with the City Manager.

Council Member Oliva asked that agenda items are prioritized before the meetings.

Direction given that items will be prioritized between the Mayor, Vice Mayor and City Manager before Council Meetings.

- I. Discussion item and direction/feedback to City staff regarding graffiti removal progress.

**(Guerrero)**

**Recommendation:** Motion to receive and file.

This Item was tabled to the next Regular Meeting.

- J. Discussion item and direction to City staff on gang intervention strategies including gang intervention subcommittee.

**(Guerrero)**

**Recommendation:** Motion to receive and file.

This Item was tabled to the next Regular Meeting.

- K. Discussion item on combining the City's Swap meet with a Farmer's Market.

**(Garcia and Sanchez)**

**Recommendation:** Motion to receive and file.

Vice Mayor Garcia reported that he has an issue with the location of the swap meet and would recommend closing off some streets as a new location and raising revenue through permits.

Discussion was received and filed.

- L. Discussion item and direction to City staff regarding the City's emergency preparedness plan.

**(Guerrero)**

**Recommendation:** Motion to receive and file.

Mayor Guerrero asked for clarification on the emergency's plan.

Henry Garcia, City Manager stated that the city currently does not have an emergency preparedness plan but that Staff is in the process of putting the plan back together.

(NOTE ITEM 6M WAS TAKEN AFTER ITEM 6AA BUT NOTED HERE IN AGENDA ORDER).

- M. Discussion item and direction to City staff regarding the development of an overnight parking program in the City of Cudahy.

**(Garcia)**

**Recommendation:** Motion to receive and file.

Vice Mayor Garcia gave information on the nature of the property surveys.

Council Member Oliva stated that she would also like property owners who do not reside in Cudahy to receive notice.

Item was received and filed.

- N. Discussion and update from staff on the status of the transfer of authority to the State Department of Mobile homes.

**(Guerrero)**

**Recommendation:** Motion to receive and file.

Henry Garcia gave a brief report and stated that the transfer was effective.

- O. Discussion item and direction to City staff regarding the conduct of a CDBG workshop for the community.

**(Guerrero)**

**Recommendation:** Motion to receive and file.

Mayor Guerrero recommended that City Council address this item at the next meeting.

Henry Garcia, City Manager recommended this item be addressed soon.

Council Member Oliva stated that she wants a workshop for existing funds to know where they can be allocated, and would like for the Council to make a decision as to what programs they will use.

Mr. Garcia gave clarifications of fund availability and where funding gets distributed.

Mayor Garcia stated that they would like to seek a new contract.

- P. Discussion item and direction to City staff regarding Towing Services in the City.

**(Guerrero)**

**Recommendation:** Motion to receive and file.

Mayor Guerrero asked City Manager to bring up the issue with the Sheriff.

Vice Mayor Garcia stated that this is not a Sheriff issue and that the City is missing out on a lot of revenue for Cudahy and recommended the City solicits and RFP to see what services they can get.

Mayor Guerrero stated that they would bring up this issue with negotiations with the Sheriff.

- Q. Discussion item and direction to City staff regarding the posting of Yard Sale signs.

**(Guerrero)**

**Recommendation:** Motion to receive and file.

This Item was tabled to the next Regular Meeting.

- R. Discussion item and direction to City staff regarding Property for Sale signs.  
**(Guerrero)**

**Recommendation:** Motion to receive and file.

This Item was tabled to the next Regular Meeting.

- S. Discussion item on Megan's Law.  
**(Garcia)**

**Recommendation:** Motion to receive and file.

This Item was tabled to the next Regular Meeting.

- T. Discussion and report from city staff on the Cudahy Youth Foundation fund.  
**(Oliva)**

**Recommendation:** Motion to receive and file.

Council Member Oliva would like to have a report of processes at the Cudahy Youth Foundation.

Henry Garcia, City Manager, stated who approves funds and that the most recent report says the Foundation has about \$52,000.00.

Council Member Oliva asked if tax returns were available.

Mr. Garcia stated that he needed more time to generate a report.

Council Member Oliva stated her concerns with the amounts reported.

- U. Discussion and update on the placing of the Net and tree trimming at Lugo Park.  
**(Oliva)**

**Recommendation:** Motion to receive and file.

This Item was tabled to the next Regular Meeting.

- V. Consideration and approval of RESOLUTION NO. 14-17, A RESOLUTION REQUESTING THE RESIGNATION OF RONALD S. CALDERON FROM THE POSITION OF CALIFORNIA STATE SENATOR REPRESENTING THE 30<sup>TH</sup> SENATORIAL DISTRICT. (RESOLUTION NO. 14-17 ATTACHED)

**(Guerrero)**

**Recommendation:** Motion to approve Resolution No. 14-17.

Mayor Guerrero listed some of the allegations that lead to the indictment of the Senator.

Mayor Guerrero asked for the Senator's resignation.

**Motion:** A motion was made by Guerrero, seconded by Oliva, and carried (4-0) to approve Resolution No. 14-17.

AYES: Markovich, Oliva, Garcia, Guerrero  
 NOES: None  
 ABSENT: Sanchez  
 ABSTAIN: None

- W.** Consideration and approval of RESOLUTION NO. 14-18, A RESOLUTION TO IMPLEMENT A MORATORIUM ON ALL NON-ESSENTIAL PROFESSIONAL SERVICES, until such time that the City Council approves a balanced budget which affirmatively re-incorporates these services. (RESOLUTION NO. 14-18 ATTACHED)

**(Guerrero)**

**Recommendation:** Motion to approve Resolution No. 14-18.

Mayor Guerrero explained his resolution and outlined services that are essential to the City and those that are not.

Council Member Oliva asked whether services were essential or if the contract was found in our records. She asked for a Staff Report.

Henry Garcia, City Manager, stated that there is no written correspondence to this Council that merits why the City is paying \$2,000.00.

Vice Mayor Garcia stated that this item is still vague and would like to discuss this at the next meeting.

Council Member Oliva asked if there could also be a Staff Report on the Gas Company and suggested that all receipts are retained.

Mr. Garcia stated that the Street Sweeper cancelled his appearance at this meeting.

- X.** Discussion and direction to City staff to limit incidental expenditures at community town halls and city council meetings.

**(Guerrero)**

**Recommendation:** Motion to receive and file.

This Item was tabled to the next Regular Meeting.

- Y.** Discussion item on budget process and schedule for fiscal year 2014-2015.

**(Guerrero)**

**Recommendation:** Motion to receive and file.

This Item was tabled to the next Regular Meeting.

- Z.** Discussion on ORDINANCE NO. 629, AN ORDINANCE ADDING CHAPTER 2.54 OF TITLE 2 OF THE CITY OF CUDAHY MUNICIPAL CODE ESTABLISHING CITY CAMPAIGN ETHICS REGULATIONS. (DRAFT ORDINANCE NO. 629 ATTACHED)

**(Guerrero)**

**Recommendation:** Motion to receive and file.

This Item was tabled to the next Regular Meeting.

(NOTE ITEM 6AA WAS TAKEN AFTER SECTION 5, BEFORE ITEM 6A BUT NOTED HERE IN AGENDA ORDER).

- AA.** Consideration of RESOLUTION NO. 14-19, A RESOLUTION URGING THE SUSPENSION OF FURTHER DEPORTATIONS OF UNDOCUMENTED IMMIGRANTS, EXTENSION OF THE DEFERRED ACTION FOR CHILDHOOD ARRIVALS (DACA) PROGRAM, AND AN END TO THE FIRINGS OF UNDOCUMENTED WORKERS. (RESOLUTION NO. 14-19 ATTACHED)

**(Garcia)**

**Recommendation:** Motion to approve Resolution No. 14-19.

Vice Mayor Garcia stated the need to reach out to President Obama to end deportations for undocumented workers and end firings of undocumented workers.

Mayor Guerrero stated his three-prong solution to illegal immigration, and why this resolution is difficult for him.

**Motion:** A motion was made by Garcia, seconded by Oliva, and carried (3-1) Motion to approve Resolution No. 14-19.

AYES: Markovich, Oliva, Garcia,  
 NOES: None  
 ABSENT: Sanchez  
 ABSTAIN: Guerrero

**15. ADJOURNMENT**

The City Council/Agency meeting was adjourned at 11:20 p.m.

Respectfully Submitted:

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INTERIM CITY CLERK

**MINUTES**  
**CUDAHY CITY COUNCIL (Special Meeting)**  
**A Special Meeting held in the City Council Chambers**  
**5240 Santa Ana Street, Cudahy, California**  
**Tuesday, March 25, 2014 – 6:00 P.M.**

**CALL TO ORDER**

Mayor Guerrero called the meeting to order at 6:15 p.m.

**ROLL CALL**

PRESENT: Council Member Markovich  
Council Member Oliva  
Council Member Sanchez (Arrived at 6:23 p.m.)  
Vice Mayor Garcia  
Mayor Guerrero

ABSENT:

**PLEDGE OF ALLEGIANCE** – Led by Vice Mayor Garcia

**3. PUBLIC COMMENT**

No Speakers – Public Comment closed

(NOTE PUBLIC COMMENT WAS RE-OPENED DURING DISCUSSION OF ITEM 4A, AFTER COUNCIL MEMBER MARKOVICH'S MOTION WAS RESCINDED)

Juan Carlos Archila stated that when he attempted to file a police report for elderly abuse against his mother, deputies accused him of being drugged and refused to file a police report.

Gloria Sandoval stated that she thinks the Sheriff's Department is doing well, and she requested that more units patrol more often.

Rosario Pacheco spoke in support of renewal of the contract, but she stated that she would like to see more patrolling.

Marcos Covarrubias thanked the Council and the Sheriff's Department for their work and gave his personal experience with the Sheriff's Department.

Adelina Garcia spoke in support of renewing the contract with the Sheriff's Department.

Javier Flores spoke in support of renewing the contract with the Sheriff's Department but asked that officers rotate positions and management.

Trinidad Barajas spoke in support of renewing the contract with the Sheriff's Department, and asked that the Sheriffs patrol the City more often.

Everardo Navarro spoke in support of reviewing the contract with the Sheriff's Department and asked for more supervision of graffiti, and more information about the process for recording minutes of service.

Susie de Santiago spoke about the issue of marijuana, and the need to restrict marijuana use.

Patricia Covarrubias spoke in support of the Sheriff's Department and asked that the Sheriff's rotate positions to prevent corruption.

#### 4. BUSINESS SESSION

- A. Consideration and approval of a new agreement with the L.A. County Sheriff's Department for continuation of police services. (STAFF REPORT ATTACHED)  
**Recommendation:** Motion to approve the agreement to the police services agreement and allow the City Manager to execute the same on behalf of the City with final review of the City Attorney's Office.

Jessica Balandran, Senior Administrative Analyst gave a brief report about the services agreement, and the services that the Sheriff's Department provides.

Captain Norris, Course Captain at East Los Angeles Location, introduced other Sheriff's Department Staff Members: Course Sergeant Valencia, and 2 guests from the contract law unit, Sergeant Wallach and Captain Murren.

Captain Murren explained the type of contracts that the Department engages in. He explained that all forty-two cities they contract with sign this agreement, and outlined the terms of the agreement.

Mayor Guerrero explained the terms of the agreement in Spanish; this contract is a new process to resolve disputes between the City and the Sheriff's Department, and that under the new contract, there would be an analysis and more aggressive time keeping of the services provided to the City, and the terms of ending the contract.

Vice Mayor Garcia had a question regarding the provision for termination of the agreement and the purpose of a five-year agreement.

Captain Murren explained that entering into a five-year term would be easier for the Department, but they can still terminate at given date every year.

Mayor Guerrero asked what the consequences are of not getting the contract signed by the July 1<sup>st</sup> deadline.

Captain Murren stated that the law allows the Sheriff's Department to police the City and the contractor is the City County, but without the contract, they are not legally bound to protect the City.

Mayor Guerrero explained in Spanish.

Council Member Oliva noted lack of supervision by the Sheriff's Department as she drove through the city, and stated that she expected her City to be safe.

Captain Norris stated that he could provide where his units are at any given time. He added that the City has the units they pay for, a sergeant, and a field sergeant providing service.

Mayor Guerrero asked what happens to the units during emergencies in Maywood.

Captain Norris explained that not all units would be removed from Cudahy if Maywood had an emergency. He also explained that Cudahy is getting more service than they pay for.

County Attorney, Isabel Birrueta, asked if it could be negotiated so that there is always at least one unit in each city even during emergencies.

Sheriff's Department Staff Member commented that city managers collectively do not want to make their contract too specific because it can negatively affect them.

County Attorney, Birrueta, asked how the City could assure itself that they are receiving the services.

Mayor Guerrero explained Council Member Oliva's concerns in Spanish, and that the services will be recorded and time will be kept.

Council Member Oliva asked if the report of the type of crimes the Sheriffs tend to would be reported to the City Council weekly.

Sheriff's Department Staff Member asked if she wants an additional report to the one they are already receiving.

Council Member Oliva stated that she is concerned with parolees being missed.

Sheriff's Department Staff Member stated that they have to register, and that they are closely monitored, and that he can provide specifics on how many are being released.

Sergeant Valencia stated that residents could view online how many sex offenders live around the area. He stated that about fifteen sex-registered individuals are around the area of Cudahy, and fifty parolees.

Mayor Guerrero stated that he would like to see Part 1 Crimes and Part 2 Crimes statistics on a more regular basis.

Sheriff's Department Staff Member stated that he could provide that information on Mondays, and that Cudahy's crime rates are going down.

Mayor Guerrero explained Part 1 Crimes and Part 2 Crimes in Spanish.

Vice Mayor Garcia asked about reports that compare the City of Cudahy with others.

Council Member Oliva spoke about a shooting that recently occurred in Cudahy where another agency had to cover the Sheriff's Department Staff because they were not present.

Sheriff's Department Staff Member stated that the situation was difficult to deal with because it happened on the border and the City of Bell received the 911 call.

Mayor Guerrero asked about the service hours.

Sheriff's Department Staff Member stated that Captain Wallach deploys units, but that the service hours in the contract represents something else.

Mayor Guerrero explained Council Member Oliva's concern in Spanish, and the issue about service hours.

Vice Mayor asked how the GPS data is tracked onto a report.

Sheriff's Department Staff Member explained how the GPS and tracking data works.

Mayor Guerrero explained the GPS tracking system in Spanish.

Mayor Guerrero requested specific information on rates and contract terms.

Sheriff's Department Staff Member explained the monetary and liability benefits of engaging in this agreement.

City Attorney Birrueta stated that her office provided Council Members with a MEMO with regards to liability information and indemnification. She noted item six of the MEMO, which states that there has to be consultation with the county if there is a lawsuit that involves both the City and the County. She did not make any recommendations because it is a universal agreement, and any changes would be a long process.

Mayor Guerrero asked for a scenario where the City would be legally required to indemnify the County.

Henry Garcia, City Manager, explained that this situation is not likely to occur.

City Attorney, Birrueta, explained that in the event of a lawsuit where both the City and County are involved, this clause could expose the City to liability.

Council Member Oliva asked why Cudahy Sergeants and Officers are not amicable like L.A. Sergeants.

Sheriff's Department Staff Member stated that there are about 189 deputies at the station, and are assigned by him. He states that he assigns deputies with regards to both providing fresh faces, and keeping experienced and knowledgeable deputies in a specific location. He stated that any issues of rude deputies could be referred to him.

Mayor Guerrero explained the last three points in Spanish.

Vice Mayor Garcia asked if the City Council should explore other RFP's from other Departments that could provide the service.

Council Member Sanchez stated that he has been pleased with the Sheriff's Department.

Council Member Markovich noted that crime rate has dropped since they have been in service, and that they have completed community service projects.

Council Member Guerrero asked if either Council Member Markovich or Council Member Sanchez would rescind their motion so both the master and the supplemental agreement could be approved.

**Motion:** A motion was made by Markovich, seconded by Sanchez, and failed because Council Member Markovich rescinded his motion, to approve item 4A.

(NOTE THIS DISCUSSION CONTINUED AFTER PUBLIC COMMENT)

Mayor Guerrero stated that he supports the contract with the Sheriff's Department but that the Council is concerned with saving money.

Vice Mayor Guerrero explained that contracts could not be too specific. He stated that he would like to have Cudahy Sheriffs in the future.

Council Member Sanchez stated that accepting the general contract states that the City does want to keep the Sheriff's Department, but that Negotiating Form 4575 means that the City is cutting public safety. He expressed that he does not want to risk public safety and is in support of the Sheriff's Department.

Council Member Oliva stated that she wants to assure that the services they approve in the contract will be provided with good quality. She asked why the Council is rushing the approval if they have until July 1<sup>st</sup> to approve the contract.

Sheriff's Department Staff Member stated that they need at least six weeks.

Mayor Guerrero stated that with regards to the 575 form, he still believes negotiation is necessary. He pointed out that law enforcement services consume half of the City's budget.

Vice Mayor Garcia explained concerns about costs in Spanish.

Council Member Oliva explained in Spanish that a cut of cost does not mean that the City will cost services where they are needed.

Council Member Sanchez stated in Spanish that it is like assessing the cost of buying gap insurance. He also stated that the costs in the City are expensive because the City is somewhat large. He added that it is not that he is not concerned with expenditures, but rather, that he just wants to approve the contract itself on the condition that costs can be negotiated.

Mayor Guerrero stated that if he is forced to vote he will vote yes but would like to revise Form 575. He added that the Council had until April 15<sup>th</sup> to decide.

Captain introduced Lieutenant Arellano who has worked with Cudahy, and stated that the Sheriff's Department is willing to be available for communications immediately.

Recommendation by Mayor Guerrero to bring the agreement back to final approval by next Tuesday's meeting.

**Motion:** A motion was made by Oliva, seconded by Guerrero, and carried (3-0-1), to form an ad hoc committee composed of Mayor Guerrero and Vice Mayor Garcia to immediately commence negotiations with respect to Form 575, and consider both agreements at the meeting on April 1, 2014.

AYES: Oliva, Garcia, Guerrero

NOES: None

ABSENT: None

ABSTAIN: Markovich, Sanchez

## **5. CLOSED SESSION**

City Attorney Isabel Birrueta announced that the City Council/Agency would recess to Closed Session to discuss Item A on the Closed Session agenda.

- A. 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.**

### **City Attorney Report from Closed Session**

No notes provided regarding Closed Session Item 5A report out.

**15. ADJOURNMENT**

The City Council Meeting was adjourned at 8:55 p.m.

Respectfully Submitted:

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INTERIM CITY CLERK

# Memo

10B

To: Honorable Mayor & Members of the City Council

From: Michael Allen, Acting Community Development Director

Date: October 7, 2014

Re: **City Commissions Actions and Minutes**

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Please find enclosed the actions and available minutes for the City of Cudahy Commissions.

## Parks and Recreation Commission; August 29, 2014:

\*Actions unavailable at this time.

- 4B. Discussion on benefits of a vegetable garden.
  - Commission discussed the possibility of having a vegetable garden in one of the city parks, or local schools. (Receive and File)
- 4C. Discussion on adding classed for people with special needs.
  - Commission secretary gave brief verbal report on the procedures of having classes for kids/adults with special needs. Commission Secretary told the commission that it was up to the City Council to pass the budget, and if the budget was big enough to run a program on that level. (Receive and File)
- 4D. Discussion on adding music/art classes.
  - Commission secretary gave a brief verbal report on the procedures for any and all music classes. (Receive and File)

## Planning Commission; September 15, 2014 Actions:

- 5A. Conditional Use Permit 38.350, 8111 Atlantic Avenue to allow the transfer of liquor license issued by the Alcoholic Beverage Control. Staff recommended Planning Commission to table Agenda Item 5A to the next Planning Commission meeting held on October 20, 2014. (Tabled to the Oct. 20, 2014 Planning Commission Meeting)

## Public Safety Commission; September 9, 2014:

- 4A. Monthly report from the Volunteers on Patrol. (RECEIVE AND FILE)
- 4B. Monthly report from the L.A. County Sheriff's Department (RECEIVE AND FILE)
- 4C. Monthly report from Code Enforcement Department (RECEIVE AND FILE)
- 4D. A request to approve the minutes of the regular Public Safety Commission Meeting held on June 10, 2014. (APPROVED)

- 4E. A request to approve the minutes of the regular Public Safety Commission meeting held on August 12, 2014. (APPROVED)

Aging and Senior Citizen Commission; September 8, 2014:

- 4B. Discussion on purchases for events for the months of September and October.
  - Approved purchases for: Halloween party – Oct. 31, Mexican Independence Day – September 19, Celebrating Seniors Birthdays for the month of September – September 26.

## MINUTES

Cudahy Parks and Recreation Commission,  
Cudahy Youth Foundation (CYF)  
A Special meeting held in the Council Chambers,  
5220 Santa Ana St, Cudahy, CA 90201  
**Friday August 29<sup>th</sup>, 2014 - 6:00 p.m.**

**1. Chairperson Covarrubias called the meeting to order at 6:10 p.m.**

### 2. ROLL CALL

Present:	Commissioner Cortes Commissioner Reyes Commissioner Rodriguez Chairperson Pro-Tem Venegas Commissioner Covarrubias
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Pledge of Allegiance was led by Commission Secretary

### 3. PUBLIC COMMENT

Chairperson Covarrubias announced that this was the time set aside for citizens to address the Parks and Recreation Commission/Foundation on matters relating to Commission/Foundation business.

**Rosa Guzman** - A letter was read by Commissioner Reyes from MS. Guzman. She thank the commission for fixing the leaky sinks in Clara St. Park, but she stated that the chairs in the lobby are no good, and need to be thrown out.

**Patricia Covarrubias** - Also thank the commission on the fixing the leaky sink, and reiterate the lobby chairs in Clara Park need to be replace. She also said the restrooms need be clean more frequently.

**Hearing no more speakers Chairperson Covarrubias closed the public comment portion of the agenda.**

### 4. COMMISSION/CYF BUSINESS

**5A. A request to approve the minutes of the Special Parks and Recreation meeting held on Friday June 11, 2014. And the Regular Parks and Recreation meeting held on Friday July 25, 2014**

**Recommendation:** Motion to approve the July 11, 2014 Special Parks and Recreation Meeting minutes and the July 25 regular parks and recreation meeting minutes.

Commissioner Rodriguez motion to approve the April 25<sup>th</sup>, and April 16<sup>th</sup> Parks and Recreation Meeting minutes, seconded by Commissioner Cortez

Ayes: Commissioner Cortes, Chairperson Pro- Tem Venegas, Chairperson Covarrubias.  
Commissioners Reyes, Commissioner Rodriguez,

Noes:

Abstention: None

**4B. Discussion on benefits of a vegetable garden.**

(Staff report Attached)

**Recommendation:** Motion to file and receive report.

Commission discussed the possibility of having a vegetable garden in one of the city parks, or local schools

Commissioner Rodriguez motion to file and receive report, seconded by Commissioner Reyes

Ayes: Commissioner Cortes, Reyes, Rodriguez, Pro- Tem Venegas Chairperson Covarrubias  
Chairperson

Noes:

Abstention: None

**4C Discussion on adding classes for people with special needs.**

**Recommendation:** Motion to receive and file report.

Commission secretary gave brief verbal report on the procedures of having classes for kids/adults with special needs. Commission Secretary told the commission that it was up to the City council to pass the budget, and if the budget was big enough to run a program of that level.

Commissioner Rodriguez motion to file and receive report, seconded by Commissioner Cortez

Ayes: Commissioner Cortes, Reyes, Rodriguez, Pro- Tem Venegas Chairperson Covarrubias  
Chairperson

Noes:

Abstention: None

**4D Discussion in adding music/art classes**

**Recommendation:** Motion to receive and file report.

Commissioner Rodriguez motion to file and receive report, seconded by Chairperson Covarrubias

Ayes: Commissioner Cortes, Reyes, Rodriguez, Pro- Tem Venegas Chairperson Covarrubias  
Chairperson

Noes:

Abstention: None

## **5. COMMISSION/CYF BUSINESS**

Commissioner Rodriguez requested to have a discussion on the installation on the Net in Lugo Park.

## **7. ADJOURNMENT**

Hearing no objections Chairperson Covarrubias ordered the meeting to be adjourned.

The regular meeting of the Cudahy Parks & Recreation Commission was adjourned at 7:28p.m. on Friday August 29 in the Council Chambers, 5220 Santa Ana St, Cudahy, California 90201

**PASSED, APPROVED AND ADOPTED this 26 day of September 2014**

\_\_\_\_\_  
Chairperson

ATTEST:

\_\_\_\_\_  
Commission Recorder  
Victor Santiago

**MINUTES**

CUDAHY PLUBLIC SAFETY COMMISSION  
A Regular Meeting to be held in the City Council Chambers  
5240 Santa Ana Street, Cudahy, California,  
**Tuesday-June 10, 2014 – 5:00 P.M.**

**1. CALL TO ORDER**

Chairperson Pro Tem Carrera called the meeting to order at 5:00 p.m.

**2. ROLL CALL**

**MEMBERS PRESENT:** Commissioner Cardonne  
Commissioner Cruz  
Commissioner Gelder  
Chairperson Pro Tem Carrera

**MEMBER ABSENT:** Chairperson Parrish

Pledge of Allegiance was led by Chairperson Pro Tem Carrera.

**STAFF PRESENT:** Los Angeles County Sheriff's, Sgt. Bearse; Commission Secretary Raul Mazariegos; and Acting City Manager Michael Allen

**3. PUBLIC COMMENT**

Chairperson Pro Tem Carrera announced that this was the time set aside for citizens to address the Public Safety Commission on matters relating to Commission business. Anyone wishing to speak, please fill out the form located at the Council Chambers entrance and submit it to the Commission Recorder when approaching the podium. **Each person will be allowed to speak only once and will be limited to five (5) minutes.** When addressing the Commission, please speak into the microphone and voluntarily state your name and address. The proceedings for this meeting are recorded on audio CD.

1. Susie de Santiago, resident of Cudahy, spoke on the lack of enforcement around the Schools.

Hearing no further speakers, Chairperson Pro Tem Carrera closed the public comment.

**4. PRESENTATIONS**

**4A.** Presentation from the L.A County Department of Public Health regarding the Safe Routes to School program development.

Acting City Manager Michael Allen noted that the representative from the L.A County Department of Public Health was not able to get clearance on time to be present at the meeting and requested to move the item to next month.

Mr. Allen provided detail on what the Department of Health would speak about. He noted that

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Department of Health will assist the City in creating a safe route to schools program. He provided further detail of the process that it will take to complete the program.

**5. BUSINESS SESSION**

**5A.** Monthly report from The Volunteers on Patrol.

**Recommendation:** *Motion to receive and file report.*

In the absence of Chairperson Parrish, Commissioner Gelder reported out that he is currently working in the swapmeet.

Chairperson Pro Tem Carrera's inquired how many are in the program.

Mr. Allen reported 3 active volunteers.

Chairperson Pro Tem Carrera inquired how he can be part of the program.

Mr. Allen stated that the applications were available but no one has applied. He also noted that per the Bylaws all the Public Safety Commissioners should be part of the Volunteers Program but he will review them and get back to the Commission.

**MOTION:** Commissioner Cruz moved the motion to receive and file the report. Motion was seconded by Commissioner Cardonne which carried with the following voice vote:

Ayes: Commissioner Gelder, Cardonne, Cruz, and Chairperson Pro Tem Carrera  
Noes: None  
Abstention: None  
Absent: Chairperson Parrish

**5B.** Monthly report from the Code Enforcement Department.

**(Report attached)**

**Recommendation:** *Motion to receive and file report.*

Code Enforcement Officer Mazariegos gave a brief report on the item.

Chairperson Pro Tem Carrera inquired of the number of cases shown in the report.

Code Enforcement Officer Mazariegos responded that per CDBG they should not have many cases shown in the report but there are a few others pending.

**MOTION:** Commissioner Cruz moved the motion to receive and file. Motion was seconded by Commissioner Cardonne which carried with the following voice vote:

Ayes: Commissioner Gelder, Cardonne, Cruz, and Chairperson Pro Tem Carrera  
Noes: None  
Abstention: None  
Absent: Chairperson Parrish

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Before continuing with Commission Business, Mr. Allen introduced Sergeant Bearnse who is replacing Sergeant Valencia.

Sergeant Bearnse introduced herself and provided the Commission with the month of May's crime report for their review.

## **6. COMMISSION BUSINESS**

Chairperson Pro Tem Carrera inquired of the By Laws that staff is preparing for the Commission and asked for the status.

He also inquired of the City's Emergency Preparedness Plan.

Mr. Allen responded that the City hired a Consultant to prepare the Emergency Preparedness Plan and the Commissioners are welcomed to go to City Hall and review the draft plan.

Chairperson Pro Tem Carrera inquired of the minutes and requested to have them at the next meeting. He also addressed Ms. Susie de Santiago's comment during Public Comment.

Mr. Allen encouraged the residents or any member from the community who has concerns of the safety of the students to contact LAUSD.

Chairperson Pro Tem Carrera commented on the item and expressed his concern with the safety of the kids.

Commissioner Cardonne inquired if the dirty water issue had been addressed.

In response to Commissioner Cardonne inquiry Mr. Allen responded that unfortunately he has not heard anything but the City has no jurisdiction on the Water Companies and is only a customer.

Commissioner Cardonne inquired of their business cards.

Mr. Allen stated that they have proofs of the business cards and only need the approval from the commissioners.

Chairperson Pro Tem Carrera requested to add a presentation from the Water Companies on the agenda.

Mr. Allen responded that he will contact them and see if they are willing to present to the Commission.

Commissioner Cruz agreed and also inquired of the status of the Volunteers of Patrol Program.

Mr. Allen responded that there is a standard application at City Hall that they can obtain.

Commissioner Cruz inquired of the draft Volunteers of Patrol guidelines.

Mr. Allen stated that he would look into it.

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**7. Chairperson Pro Tem Carreras adjourned the meeting.**

**I, Raul Mazariegos, Commission Secretary, certify that the foregoing minutes were approved by the Public Safety Commission at a regular meeting held on September 9, 2014.**

\_\_\_\_\_  
**Chairperson**

\_\_\_\_\_  
**Secretary**

**MINUTES**

CUDAHY PLUBLIC SAFETY COMMISSION  
A Regular Meeting to be held in the City Council Chambers  
5240 Santa Ana Street, Cudahy, California,  
**Tuesday-August 12, 2014 – 5:00 P.M.**

**1. CALL TO ORDER**

Chairperson Parrish called the meeting to order at 5:00 p.m.

**2. ROLL CALL**

**ALL MEMBERS PRESENT:** Commissioner Cardonne  
Commissioner Cruz  
Commissioner Gelder  
Chairperson Pro Tem Carrera  
Chairperson Parrish

Pledge of Allegiance was led by Chairperson Parrish.

**STAFF PRESENT:** Los Angeles County Sheriff's, Lt. Arellano; Commission Secretary Raul Mazariegos; and Acting Director of Community Development Michael Allen.

**3. PUBLIC COMMENT**

Chairperson Pro Tem Carrera announced that this was the time set aside for citizens to address the Public Safety Commission on matters relating to Commission business. Anyone wishing to speak, please fill out the form located at the Council Chambers entrance and submit it to the Commission Recorder when approaching the podium. **Each person will be allowed to speak only once and will be limited to five (5) minutes.** When addressing the Commission, please speak into the microphone and voluntarily state your name and address. The proceedings for this meeting are recorded on audio CD.

Hearing no speakers, Chairperson Parrish closed the public comment.

**4. BUSINESS SESSION**

**4A.** Monthly report from The Volunteers on Patrol.

**Recommendation:** *Motion to receive and file report.*

Chairperson Parrish announced that he didn't have the specific hours of what the volunteers worked for the month.

Chairperson Pro Tem Carrera asked Commissioner Gelder if he had anything to report.

In response to Chairperson Pro Tem Carrera's inquiry Commissioner Gelder responded no.

**MOTION:** Commissioner Cruz moved the motion to receive and file the report. Motion was

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seconded by Chairperson Pro Tem Carrera which carried with the following voice vote:

Ayes: Commissioner Gelder, Cardonne, Cruz, Chairperson Pro Tem Carrera and  
Chairperson Parrish  
Noes: None  
Abstention: None  
Absent: None

**4B. Monthly report from the Sheriff's Department.  
(Report attached)**

**Recommendation:** Motion to receive and file report.

Lt. Arellano gave a brief report on the item. He noted that in the past couple of year's crime had decreased significantly in the area where the East Los Angeles Sheriff's Control. He also stated that specifically in the City of Cudahy in the past 4 years crime has decreased significantly. He provided further detail on the report that was attached to the agenda.

Chairperson Pro Tem Carrera made an inquiry of the report that was provided to them.

Lt. Arellano stated that they only provide the Commission with a crime 1 report and there is also a crime 2 report that has further detail of the daily phone calls.

Chairperson Pro Tem Carrera commented on a few police officers recently at one of the schools and inquired for further detail.

Lt. Arellano noted that those officers are usually from LAUSD unless they ask for the Sheriff's assistance.

**MOTION:** Commissioner Cruz moved the motion to receive and file the report. Motion was seconded by Commissioner Cardonne which carried with the following voice vote:

Ayes: Commissioner Gelder, Cardonne, Cruz, Chairperson Pro Tem Carrera,  
Chairperson Parrish  
Noes: None  
Abstention: None  
Absent: None

**4C. Monthly report from the Code Enforcement Department.  
(Report attached)**

**Recommendation:** Motion to receive and file report.

Code Enforcement Officer Mazariegos gave a brief report on the item.

Chairperson Pro Tem Carrera commented on vehicles parking on the white zone on Elizabeth Street, near the school, and an Officer possibly giving them citations.

Code Enforcement Officer Mazariegos provided detail on why vehicles shouldn't park in the white zone and advised the Commissioners that the Parking Enforcement Officers are giving out

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friendly reminders to those in violation.

**MOTION:** Commissioner Cruz moved the motion to receive and file. Motion was seconded by Commissioner Cardonne which carried with the following voice vote:

Ayes: Commissioner Gelder, Cardonne, Cruz, Chairperson Pro Tem Carrera and Chairperson Parrish  
Noes: None  
Abstention: None  
Absent: None

**4D.** A request to approve the minutes of the regular Public Safety Meeting held on May 13, 2014.

**(Minutes attached)**

**Recommendation:** *Motion to approve the minutes for the May 13, 2014 meeting.*

**4E.** A request to approve the minutes of the regular Public Safety Meeting held on July 8, 2014.

**(Minutes attached)**

**Recommendation:** *Motion to approve the minutes for the July 8, 2014 meeting.*

**MOTION:** Commissioner Cruz moved the motion to approve items 4D and 4E. Motion was seconded by Commissioner Cardonne which carried with the following voice vote:

Ayes: Commissioners Cardonne, Gelder, Cruz, Chairperson Pro Tem Carrera, Chairperson Parrish  
Noes: None  
Abstention: None  
Absent: None

## **5. COMMISSION BUSINESS**

Commissioner Cardonne advised Lt. Arellano that there were cars speeding on Hartle and also on the traffic around the schools.

Lt. Arellano stated that's a problem that many schools have.

Acting Director of Community Development Michael Allen provided further detail on how the City is preparing to control that issue.

Chairperson Pro Tem Carrera made a few comments.

## **6. ADJOURNMENT**

**I, Raul Mazariegos, Commission Secretary, certify that the foregoing minutes were approved by the Public Safety Commission at a regular meeting held on September 9, 2014.**

MINUTES  
PUBLIC SAFETY COMMISSION  
Tuesday August 12, 2014  
Page 4

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**Chairperson**

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**Secretary**



Item Number

**10C**

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## STAFF REPORT

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**Date:** October 7, 2014  
**To:** Honorable Mayor & Council Members  
**From:** Jose E. Pulido, City Manager  
By: Michael Allen, Acting Community Development and Services Director  
**Subject:** **ORDINANCE NO. 639 ADOPTING LOS ANGELES COUNTY BUILDING AND FIRE CODES**

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### **RECOMMENDATION**

The City Council is requested to approve the attached Ordinance No. 639 and amendment to the Cudahy Municipal Code (Attachment 1), for second reading, which adopts: the Los Angeles County Titles 26, 27, 28, 29, 30, 31 and 32.

### **BACKGROUND**

The proposed Ordinance No. 639 was presented for a first reading accompanied with the mandatory findings at the September 16, 2014 City Council meeting and was approved for a second reading.

The City of Cudahy (the "City") traditionally adopts the State of California ("State") Building and Fire Codes as modified by Los Angeles County local amendments by reference as its local City regulations. Most recently, the City adopted the 2011 Los Angeles Building and Fire Codes by reference.

Health and Safety Code section 17958 mandates that the California Standards Commission adopt and publish the California Building Standards Code (Title 24 of the California Code of Regulations). This process occurs every three (3) years. The State amended the foundational model building code entitled the "2012 International Building Code" to establish the "2013 California Building Code." The 2013 California Building Code, codified in California Code of Regulations, Title 24, became effective statewide on January 1, 2014. The 2014 Los Angeles County Code has additional requirements for the local region. Health and Safety Code sections 17958.5 and 18941.5 authorize

cities and counties to modify the California Building Code by adopting more restrictive standards and modifications if such standards and modifications are accompanied by express findings that they are reasonably necessary because of the local climactic, geological, or topographical conditions. The following is the basis of the 2014 Los Angeles County Building Codes:

2012 International Building Code	Base Document
2013 California Building Code	State Modification of International Code
2014 Los Angeles County Code	County Amendment to State Code

The Los Angeles County Board of Supervisors adopted the 2014 Los Angeles County Building, Residential, Plumbing, Mechanical, Electrical, and Green Building Codes amending Titles 26, 27, 28, 29, 30 and 31 of the Los Angeles County Code at its November 26, 2013 meeting. The proposed ordinance would enable the City to adopt the Los Angeles County Building Codes by reference and implement these safer measures as soon as possible.

Similarly, the proposed ordinance would allow the City to adopt the 2014 Consolidated Fire Protection District of Los Angeles County Fire Code ("2014 County Fire Code"), which was adopted by the Los Angeles County Board of Supervisors on March 25, 2014, acting as governing body of the Consolidated Fire Protection District of Los Angeles County. The 2014 County Fire Code adopted, by reference, the 2013 California Fire Code and 2012 International Fire Code, with certain local amendments. The City lies within the jurisdictional boundaries of the Consolidated Fire Protection District of Los Angeles County in the East Region. The following is the basis of the 2014 Los Angeles County Fire Code:

2012 International Fire Code	Base Document
2013 California Fire Code	Amended by the State
2014 Los Angeles Fire Code	Amended by the County

**ANALYSIS**

Attachment 1 of this report includes all proposed amendments to the Cudahy Municipal Code, as well as all proposed 2014 Los Angeles County amendments to the California 2013 Building, Residential, Plumbing, Mechanical, Electrical, Green Building Standards and Fire Codes. Existing requirements of the Municipal Code are continued except where specifically amended or deleted. The following is a summary of the codes proposed for adoption.

- A. 2014 Los Angeles County Title 26 Building Code Amendments to the 2013 California Building Code.

The 2014 Los Angeles County amends the 2013 California Building Code, which is based on the International Building Code, 2012 Edition, as published by the International Code Council.

- B. 2014 Los Angeles County Title 30 Residential Code Amendments to the 2013 California Residential Code.

The 2014 Los Angeles County amends the 2013 California Residential Code, which is based on the International Residential Code, 2012 Edition, as published by the International Code Council.

- C. 2014 Los Angeles County Title 28 Plumbing Code Amendments to the 2013 California Plumbing Code.

The 2014 Los Angeles County amends the 2013 California Plumbing Code, which is based on the Uniform Plumbing Code, 2012 Edition, as published by the International Association of Plumbing and Mechanical Officials.

- D. 2014 Los Angeles County Title 29 Mechanical Code Amendments to the 2013 California Mechanical Code.

The 2014 Los Angeles County amends the 2013 California Mechanical Code, which is based on the Uniform Mechanical Code, 2012 Edition, as published by the International Association of Plumbing and Mechanical Officials.

- E. 2014 Los Angeles County Title 27 Electrical Code Amendments to the 2013 California Electrical Code.

The 2014 Los Angeles County amends the 2013 California Electrical Code, which is based on the National Electrical Code, 2011 Edition, as published by the National Fire Protection Association.

- F. 2014 Los Angeles County Title 31 Building Code Amendments to the 2013 California Green Building Standards Code.

The 2014 Los Angeles County amends the 2013 California Green Building Standards Code, which is established and published by order of the California Legislature.

- G. 2014 Los Angeles County Title 32 Fire Code California Amendments to the 2013 California Fire Code.

The 2014 Los Angeles County amends the 2013 California Fire Code, which is based on the International Fire Code, 2012 Edition as published by the International Code Council.

### **CONCLUSION**

Pursuant to sections 17922, 17958, 17958.5 and 17958.7 of the Health and Safety Code, the City may adopt the provisions of the California Buildings Standards Code and District Fire Code, with certain amendments to the provisions of the codes which are reasonably necessary to protect the health, wealth and safety of citizens of Cudahy because of local climatic, geological and topographical conditions. Under Health and Safety Code section 13869.7(c), local amendments containing more restrictive building standards are not effective within the jurisdictional boundaries of the City unless ratified by the City Council. Accordingly, the proposed amendment adopts the 2014 Los Angeles County Fire Code and makes appropriate findings substantiating such amendments based upon the City's climatic, geological and topographical conditions.

### **FINANCIAL IMPACT**

The City Clerk is required to have a complete set of codes available for public review. The cost of a set of codes is approximately \$1,200.00 from the General Fund.

### **ATTACHMENTS**

- ATTACHMENT ONE: DRAFT ORDINANCE NO. 639

ALL ATTACHMENTS TO ORDINANCE NO. 639 CAN BE LOCATED AT THE CITY OF CUDAHY CITY CLERK'S OFFICE OR CAN BE FOUND IN THE SEPTEMBER 16, 2014 AGENDA PACKET ONLINE [HTTP://CITYOFCUDAHY.COM/MEETINGS/MEETINGS.ASP](http://CITYOFCUDAHY.COM/MEETINGS/MEETINGS.ASP)



Item Number

**10D**

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## CLERK STAFF REPORT

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**Date:** October 7, 2014  
**To:** Honorable Mayor & Council Members  
**From:** Jose E. Pulido, City Manager  
Donna G. Schwartz, Interim City Clerk  
**Subject:** Approve Resolutions Pertaining to the City of Cudahy's General Municipal Election to be held Tuesday, March 3, 2015

### RECOMMENDATION

The City Council is requested to approve the following Resolutions:

- A. **Resolution No. 14-61**, Calling for the Holding of a General Municipal Election to be held on Tuesday, March 3, 2015 for the Election of Certain Officers as Required by the Provision of the Laws of the State of California Relating to General Law Cities; and
- B. **Resolution No. 14-62**, Requesting that the Board of Supervisors of the County of Los Angeles Direct and Authorize the Registrar-Recorder/County Clerk for the County of Los Angeles to Render Specific Election Administration Services in Connection with the General Municipal Election of the City of Cudahy to be held Tuesday, March 3, 2015; and
- C. **Resolution No. 14-63**, Consenting to an Election Consolidation with the City of Los Angeles, Los Angeles Community College District (LACCD) and the Los Angeles Unified School District (LAUSD) and Ordering that the Four (4) Seats on the Board of Trustees of LACCD and the Four (4) seats on the LAUSD Appear on the Ballot of the General Municipal Election to be held on Tuesday, March 3, 2015; and
- D. **Resolution No. 14-64**, Adopting Regulations Relating to Candidate Statements for Candidates for Elective Office to be Elected by the Voters at the General Municipal Election to be held on Tuesday March 3, 2015; and
- E. **Resolution No. 14-65**, Providing for the Conduct of a Special Runoff Election for Elective Offices in the Event of a Tie Vote at any Municipal Election.

## **BACKGROUND**

The City of Cudahy, as a general law city, is required under the provisions of the State of California to hold a General Municipal Election to elect its municipal officers. The City's General Municipal Elections are held the first Tuesday after the first Monday in March of odd-numbered years. The City Council of the City of Cudahy is comprised of five (5) members and currently three (3) of these members have terms that will expire in March 2015.

## **ANALYSIS**

The purpose of this election is for the voters to elect three (3) members of the City Council for the full term of four years. Consolidating the elections will allow the City of Cudahy, City of Los Angeles, Los Angeles Unified School District and the Los Angeles Community College District to share the cost of conducting the election in the impacted areas (e.g., polling place operations, sample ballot mailing, etc.) thus reducing a proportionate share of the cost to all participating jurisdictions.

## **CONCLUSION**

Ensuring the Los Angeles County Registrar / Recorders County Clerk / Elections Division conduct the City of Cudahy's 2015 General Municipal Elections allows for full transparency and shared cost by consolidating with the City of Los Angeles; Los Angeles Unified School District (LAUSD); and the Los Angeles Community College District (LACCD). Consolidating the elections will eliminate the need for voters to vote a separate ballot at the same polling place or worse, go to separate polling places to vote.

## **FINANCIAL IMPACT**

The upcoming City of Cudahy's General Municipal Election, to be held Tuesday, March 3, 2015 will have a financial impact of approximately \$106,000. Funding will be included in the City Clerk's operating budget for Fiscal Year 2014-15.

## **ATTACHMENTS**

- A. Resolution No. 14-61, Calling for the Holding of a General Municipal Election to be held on Tuesday, March 3, 2015.
- B. Resolution No. 14-62, Requesting that the Board of Supervisors of the County of Los Angeles Direct and Authorize the Registrar-Recorder/County Clerk for the County of Los Angeles to Render Specific Election Administration Services.
- C. Resolution No. 14-63, Consenting to an Election Consolidation with the City of Los Angeles, Los Angeles Community College District (LACCD) and the Los Angeles Unified School District (LAUSD).
- D. Resolution No. 14-64, Adopting Regulations Relating to Candidate Statements.
- E. Resolution No. 14-65, Providing for the Conduct of a Special Runoff Election for Elective Offices in the Event of a Tie Vote at any Municipal Election.

**RESOLUTION NO. 14-61**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CUDAHY, CALIFORNIA, CALLING FOR THE HOLDING OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, MARCH 3, 2015, FOR THE ELECTION OF CERTAIN OFFICERS AS REQUIRED BY THE PROVISIONS OF THE LAWS OF THE STATE OF CALIFORNIA RELATING TO GENERAL LAW CITIES**

**WHEREAS**, under the provisions of Section 1000 of the Elections Code and Section 36503 of the Government Code of the State of California, a General Municipal Election shall be held on March 3, 2015, for the election of Municipal Officers.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CUDAHY, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:**

**SECTION 1.** That pursuant to the requirements of the laws of the State of California relating to General Law Cities, the City Council hereby calls and orders a General Municipal Election on Tuesday, March 3, 2015, to be held in the City of Cudahy for the purpose of electing three (3) Members of the City Council for the full term of four years.

**SECTION 2.** That the ballots to be used at the election shall be in form and content as required by law or as directed by the Registrar-Recorder for the County of Los Angeles to facilitate the consolidation of the 2015 City Election with the County-administered election of the same date.

**SECTION 3.** That the City Clerk is authorized, instructed and directed to procure and furnish any and all official ballots, notices, printed matter and all supplies, equipment and paraphernalia that may be necessary in order to properly and lawfully conduct the election.

**SECTION 4.** That the polls for the election shall be open at seven o'clock a.m. of the day of the election and shall remain open continuously from that time until eight o'clock p.m. of the same day when the polls shall be closed, pursuant to Election Code § 10242, except as provided in § 14401 of the Elections Code of the State of California.

**SECTION 5.** That any compensation afforded to precinct board members and other poll workers pursuant to Elections Code § 12310 shall be in keeping with the rates set forth by the Registrar of Voters for the County of Los Angeles.

**SECTION 6.** That in all particulars not recited in this resolution, the election shall be held and conducted as provided by law for holding municipal elections.

**SECTION 7.** That notice of the time and place of holding the election is given and the City Clerk is authorized, instructed and directed to give further or additional notice of the election, in time, form and manner as required by law.

**SECTION 8.** That the City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

**SECTION 9.** The City Council authorizes the City Clerk to administer said election and all reasonable and actual election expenses shall be paid by the City upon presentation of a properly submitted bill.

**PASSED, APPROVED AND ADOPTED** by the City Council of the City of Cudahy at its regular meeting on this 7<sup>th</sup> day of October, 2014.

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Chris Garcia, Mayor

ATTEST:

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Donna G, Schwartz, CMC  
Interim City Clerk

STATE OF CALIFORNIA        )  
COUNTY OF LOS ANGELES    )     SS:  
CITY OF CUDAHY             )

I, Donna G. Schwartz, Interim City Clerk of the City of Cudahy, hereby certify that the foregoing Resolution No. 14-61 was passed and adopted by the City Council of the City of Cudahy at a regular meeting held on the 7th day of October, 2014 and that said Resolution was adopted by the following vote, to-wit:

AYES:            Council Member(s):

NOES:            Council Member(s):

ABSENT:          Council Member(s):

ABSTAIN:         Council Member(s):

\_\_\_\_\_  
Donna G. Schwartz, CMC  
Interim City Clerk

(SEAL)

RESOLUTION NO. 14-62

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CUDAHY, CALIFORNIA REQUESTING THAT THE BOARD OF SUPERVISORS OF THE COUNTY OF LOS ANGELES DIRECT AND AUTHORIZE THE REGISTRAR-RECORDER/COUNTY CLERK FOR THE COUNTY OF LOS ANGELES TO RENDER SPECIFIC ELECTION ADMINISTRATION SERVICES IN CONNECTION WITH THE GENERAL MUNICIPAL ELECTION OF THE CITY OF CUDAHY TO BE HELD TUESDAY, MARCH 3, 2015**

**WHEREAS**, the City Council called a General Municipal Election to be held in the City of Cudahy, California (hereinafter, the "City"), on Tuesday, March 3, 2015 in accordance with City Council Resolution No. 2014-61 and other applicable law; and

**WHEREAS**, the City Council of the City of Cudahy passed and approved Resolution No. 2014-62 requesting that the Board of Supervisors of the County of Los Angeles ("Board of Supervisors") authorize and direct the Registrar-Recorder/County Clerk for the County of Los Angeles ("County Registrar") to administer and manage the City's March 3, 2015 General Municipal Election; and

**WHEREAS**, all necessary expenses incurred by the County Registrar in performing these services shall be compensated by the City of Cudahy.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CUDAHY, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:**

**SECTION 1.** Pursuant to the requirements of Elections Code section 10403, it is respectfully requested that the Board of Supervisors of the County of Los Angeles consent and agree to the consolidation of the 2015 City Election with the County-administered election of the same date, March 3, 2015.

**SECTION 2.** The City Council respectfully requests that the Board of Supervisors for the County of Los Angeles ("Board") authorize and direct the County Registrar to plan for, coordinate and administer the General Municipal Election of the City of Cudahy to be held on Tuesday, March 3, 2015; and

**SECTION 2.** In connection with the County Registrar's administration of the City of Cudahy's March 3, 2015 General Municipal Election, the City Council of the City of Cudahy further requests that the County Registrar be authorized and directed to: (a) review and verify absentee voter applications and signatures; (b) conduct registered voter verifications (including signature verifications) associated with the processing of any proposed General Municipal Election ballot measure; (c) provide the City of Cudahy with the appropriate election precinct data, to the extent required; (d) make available to

the City of Cudahy such election facilities, ballot casting equipment and assistance as may be necessary to conduct the election in compliance with state law and the Board of Supervisor's approval; (e) canvass the election returns; (f) print and supply ballots for the election; (g) mail the City of Cudahy's sample ballots, including ballot measure question, arguments, rebuttals and impartial analysis; and (h) administer the City of Cudahy's General Municipal Election in all respects as if it were part and parcel of any other County Registrar administered election, implementing all such legally required or customarily employed measures and practices as may be necessary to conduct the election in a timely and legally compliant manner.

**SECTION 3.** The City of Cudahy shall reimburse the County Registrar for any costs associated with the administration of the City of Cudahy's March 3, 2015 General Municipal Election.

**SECTION 4.** The City Clerk of the City of Cudahy is authorized and directed to forward without delay to the Board of Supervisors and the County Registrar, a certified copy of this Resolution.

**SECTION 5.** That the City Clerk of the City of Cudahy shall certify to the passage and adoption of this Resolution and enter it into the book of original resolutions. This Resolution shall be effective immediately upon adoption.

**PASSED, APPROVED AND ADOPTED** by the City Council of the City of Cudahy at its regular meeting on this 7<sup>th</sup> day of October, 2014.

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Chris Garcia, Mayor

ATTEST:

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Donna G. Schwartz, CMC  
Interim City Clerk

STATE OF CALIFORNIA            )  
COUNTY OF LOS ANGELES    )  
CITY OF CUDAHY                )        SS:

I, Donna G. Schwartz, Interim City Clerk of the City of Cudahy, hereby certify that the foregoing Resolution No. 14-62 was passed and adopted by the City Council of the City of Cudahy at a regular meeting held on the 7<sup>th</sup> of October, 2014 and that said Resolution was adopted by the following vote, to-wit:

AYES:            Council Member(s):

NOES:            Council Member(s):

ABSENT:          Council Member(s):

ABSTAIN:         Council Member(s):

\_\_\_\_\_  
Donna G. Schwartz, CMC  
Interim City Clerk

(SEAL)

**RESOLUTION NO. 14-63**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CUDAHY, CALIFORNIA, CONSENTING TO AN ELECTION CONSOLIDATION WITH THE CITY OF LOS ANGELES, INCLUDING THE LOS ANGELES COMMUNITY COLLEGE DISTRICT AND THE LOS ANGELES UNIFIED SCHOOL DISTRICT AND ORDERING THAT THE FOUR (4) SEATS ON THE BOARD OF TRUSTEES OF THE LOS ANGELES COMMUNITY COLLEGE DISTRICT AND THE FOUR (4) SEATS ON THE BOARD OF EDUCATION OF THE LOS ANGELES UNIFIED SCHOOL DISTRICT APPEAR ON THE BALLOT OF THE GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, MARCH 3, 2015**

**WHEREAS**, a General Municipal Election will be held on Tuesday, March 3, 2015, and has been called by Resolution No. 2014-61, adopted by the City Council of the Cudahy on October 7, 2014; and

**WHEREAS**, in accordance with the City of Los Angeles' Resolution, the City Council of the City of Cudahy is hereby requested to consent to a consolidation with the Primary Nominating Election of the City of Los Angeles, including the Los Angeles Community College District and the Los Angeles Unified School District, with the City's General Municipal Election scheduled to be held March 3, 2015; and

**WHEREAS**, the City of Los Angeles agrees to pay its' proportionate share of the costs relating to the conduct of this election.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CUDAHY, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:**

**SECTION 1.** That pursuant to the requirements of the laws of the State of California relating to General Law Cities, the City Council of the City of Cudahy hereby consents to consolidate the Primary Nominating Election of the City of Los Angeles, including the Los Angeles Community College District and the Los Angeles Unified School District for the purpose of electing four (4) Members of the Board of Trustees for the Los Angeles Community College District in Districts 1, 3, 5 and 7 and four (4) Members of the Board of Education of the Los Angeles Unified School District in Districts 1, 3, 5 and 7 with the General Municipal Election of the City of Cudahy.

**SECTION 3.** In the event that the General Municipal Election to be held in the City of Cudahy should be cancelled due to insufficient candidates, then the City of Los Angeles will be responsible for the conduct of their election within the boundaries of the City of Cudahy.

**SECTION 4.** That in all particulars not recited in this resolution, the election shall be held and conducted as provided by law for holding municipal elections.

**SECTION 5.** That the City Clerk shall forward without delay, a copy of said resolution to the Los Angeles County Board of Supervisors, the Los Angeles County Registrar-Recorder/County Clerk, and to the City Clerk of the City of Los Angeles.

**SECTION 6.** That the City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

**PASSED, APPROVED AND ADOPTED** by the City Council of the City of Cudahy at its regular meeting on this 7<sup>th</sup> day of October, 2014.

\_\_\_\_\_  
Chris Garcia, Mayor

ATTEST:

\_\_\_\_\_  
Donna G. Schwartz, CMC  
Interim City Clerk

STATE OF CALIFORNIA        )  
COUNTY OF LOS ANGELES    )  
CITY OF CUDAHY             )        SS:

I, Donna G. Schwartz, Interim City Clerk of the City of Cudahy, hereby certify that the foregoing Resolution No. 14-63, was passed and adopted by the City Council of the City of Cudahy at a regular meeting held on the 7th day of October, 2014 and that said Resolution was adopted by the following vote, to-wit:

AYES:            Council Member(s):

NOES:            Council Member(s):

ABSENT:          Council Member(s):

ABSTAIN:         Council Member(s):

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Donna G. Schwartz, CMC  
Interim City Clerk

(SEAL)

RESOLUTION NO. 14-64

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CUDAHY, CALIFORNIA ADOPTING REGULATIONS RELATING TO CANDIDATE STATEMENTS FOR CANDIDATES FOR ELECTIVE OFFICE TO BE ELECTED BY THE VOTERS AT THE GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, MARCH 3, 2015**

**WHEREAS**, Elections Code § 13307 provides that the governing body of any local agency may adopt regulations pertaining to the recovery of certain costs associated with the printing, handling, translation, and mailing of candidate statements as filed with the elections officer; and

**WHEREAS**, the City Council approves the printing of the General Municipal Election information for the election to be held on Tuesday, March 3, 2015, in the English and Spanish languages to satisfy the requirements of the Voting Rights Act of 1965; and

**WHEREAS**, the City Council approves the publication of the Notice of Election to be published in the English and Spanish languages.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CUDAHY, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:**

**SECTION 1.** Pursuant to § 13307 of the California Elections Code, each candidate for elective office to be voted for at the General Municipal Election to be held in the City of Cudahy on Tuesday, March 3, 2015 may prepare a candidate statement on a form acceptable to the County Registrar and made available through the City Clerk.

**SECTION 2.** Pursuant to § 13307(a)(1) of the Elections Code candidate statements **may** include the following:

- (A) The name, age, and occupation of the candidate; and
- (B) A brief description of no more than 200 words of the candidate's education and qualifications as expressed by the candidate himself or herself.

**SECTION 3.** Pursuant to Elections Code § 13307(a)(1), candidate statements **shall not** include the following:

- (A) The party affiliation of the candidate; or
- (B) References to membership or activity in partisan political organizations.

**SECTION 4.** All prospective candidates should be aware of the holding in *Dean v. Superior Court* (1998) 62 Cal.App.4th 638, which holds that a statement prepared by a candidate for inclusion in the voters' pamphlet **may not** include comments or statements concerning the qualifications (or alleged lack of qualifications) of one's opponents. Candidates, in an abundance of caution, should avoid making any reference to opponents in their candidate statements. Candidates should seek the advice of private legal counsel if unsure as to whether their candidate statement does or does not comply with applicable law before filing.

**SECTION 5.** The candidate statement shall be filed in typewritten form at the Office of the City Clerk at the time the candidate's nomination papers are filed. The candidate statement may be withdrawn, but not changed, during the period for filing nomination papers and until 5:00 p.m. of the next working day after the close of the nomination period.

**SECTION 6.** Subject to any logistical constraints imposed by the Los Angeles City Clerk by virtue of consolidation, the City Clerk shall have translated (from the English to the Spanish language) and printed in the voters' pamphlet only the candidate statement of those candidates who request such translation and printing at the time of filing the candidate statement.

**SECTION 7.** No candidate for any elected office of the City shall be permitted to include additional materials in the voters' pamphlet and sample ballot package.

**SECTION 8.** Each candidate for any of the offices to be elected at the General Municipal Election to be conducted on March 3, 2015, who files a candidate statement shall, as a condition of having his or her candidate statement included in the voters' pamphlet, concurrently deposit with the City Clerk an amount, as reasonably estimated by the City Clerk, to pay in advance his or her estimated *pro rata* share of the actual costs of printing and handling such candidate statements incurred by the City of Cudahy and/or the County Registrar as a result of providing such service at the time of filing such statement with the City Clerk. In the event that the amount paid as a deposit by a candidate includes overpayment of actual costs incurred by the City of Cudahy and/or the County Registrar, the City Clerk shall prorate the excess amount among the candidates and refund the excess amount paid within thirty (30) days following the date of the election.

**SECTION 9.** The City Clerk shall provide each candidate or candidate's representative a copy of this Resolution at the time nominating petitions are issued.

**SECTION 10.** The City Clerk of the City of Cudahy shall certify to the passage and adoption of this Resolution and enter it into the book of original resolutions. This Resolution shall take effect immediately upon adoption.

**PASSED, APPROVED AND ADOPTED** by the City Council of the City of Cudahy at its regular meeting on this 7<sup>th</sup> day of October, 2014.

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Chris Garcia, Mayor

ATTEST:

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Donna G, Schwartz, CMC  
Interim City Clerk

STATE OF CALIFORNIA     )  
COUNTY OF LOS ANGELES    )     SS:

CITY OF CUDAHY )

I, Donna G. Schwartz, Interim City Clerk of the City of Cudahy, hereby certify that the foregoing Resolution No. 14-64 was passed and adopted by the City Council of the City of Cudahy at a regular meeting held on the 7<sup>th</sup> day of October, 2014 and that said Resolution was adopted by the following vote, to-wit:

AYES: Council Member(s):

NOES: Council Member(s):

ABSENT: Council Member(s):

ABSTAIN: Council Member(s):

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Donna G. Schwartz, CMC  
Interim City Clerk

(SEAL)

RESOLUTION NO. 14-65

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CUDAHY, CALIFORNIA, PROVIDING FOR THE CONDUCT OF A SPECIAL RUNOFF ELECTION FOR ELECTIVE OFFICES IN THE EVENT OF A TIE VOTE AT ANY MUNICIPAL ELECTION**

**WHEREAS**, a General Municipal Election is to be held in the City of Cudahy, California on Tuesday, March 3, 2015; and

**WHEREAS**, § 15651(b) of the Elections Code of the State of California authorizes the City Council, by majority vote, to adopt provisions to require the conduct of a Special Runoff Election to resolve a tie vote involving those candidates who received an equal number of votes and the highest number of votes for an elective office.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CUDAHY, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:**

**SECTION 1.** That pursuant to § 15651(b) of the Elections Code of the State of California, if any two or more persons receive an equal and the highest number of votes for an office to be voted for within the city, there shall be held within the city a Special Runoff Election to resolve the tie vote. A Special Runoff Election shall be called and held on a Tuesday not less than 40 nor more than 125 days after the administrative or judicial certification of the election which resulted in a tie vote.

**SECTION 2.** That this resolution shall apply only to the election to be held on Tuesday, March 3, 2015 and shall then be repealed.

**SECTION 3.** That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

**PASSED, APPROVED AND ADOPTED** this 7<sup>th</sup> day of October 2014.

\_\_\_\_\_  
Chris Garcia, Mayor

ATTEST:

\_\_\_\_\_  
Donna G. Schwartz, CMC

Interim City Clerk  
STATE OF CALIFORNIA        )  
COUNTY OF LOS ANGELES    )  
CITY OF CUDAHY             )        SS:

I, Donna G. Schwartz, Interim City Clerk of the City of Cudahy, hereby certify that the foregoing Resolution No. 14-65 was passed and adopted by the City Council of the City of Cudahy at a regular meeting held on the 7<sup>th</sup> day of October, 2014 and that said Resolution was adopted by the following vote, to-wit:

- AYES:            Council Member(s):
- NOES:            Council Member(s):
- ABSENT:         Council Member(s):
- ABSTAIN:        Council Member(s):

\_\_\_\_\_  
Donna G. Schwartz, CMC  
Interim City Clerk

(SEAL)



Item Number

**11A**

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## STAFF REPORT

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**Date:** October 7, 2014

**To:** Honorable Mayor & City Council Members

**From:** Jose E. Pulido, City Manager  
By: Michael Allen, Acting Community Development and Services Director

**Subject:** **Development Review Project: Clara Park Expansion Project Phase III, and associated Negative Declaration**

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### **RECOMMENDATION**

Staff recommends that the City Council approve Resolution No. XX approving Development Review Project Clara Park Expansion Project Phase III, and associated Negative Declaration.

### **BACKGROUND**

As of July 28, 2014, the California Department of Parks and Recreation approved the City's request for a scope change for the Clara Expansion Park Phase II. The scope change included the acquisition and development of approximately .45 acres of land, with fencing, open space turf, landscaping, lighted path, picnic area, and exercise stations. Additionally, the grant amount was reduced from \$2,500,000 to \$1,790,750 reflecting the removal of a second parcel to the acquisition schedule. This approval results in the Clara Park Expansion Project Phase III.

The site survey was completed Sept. 19, 2014 by Hirsch & Associates, and relocation notices have gone out providing notice of the availability of the Relocation Plan from Sept. 17 - Oct. 16th 2014. Subsequently, proper relocation notices and services were provided to the impacted residents. Escrow officially opened, and is pending the City's due diligence, final adoption of the CEQA documents, final design, and transfer/advancement of funds from the State.

The Negative Declaration was published, noticed, and available for public review and comment from August 29, 2014, to September 28, 2014. The Relocation plan was published, noticed, and available for public review from September 17, 2014, to October 16, 2014. City Council

consideration of the proposed Development Review Project Clara Park Expansion Project Phase III and associated Negative Declaration for the October 7, 2014 City Council meeting was published, noticed and advertised on September 26, 2014.

Additionally, on September 26, 2014 the Parks and Recreation Commission reviewed and provided feedback on the Clara Park Expansion Project Phase III site plan. Subsequently on October 6, 2014, the Planning Commission will hold a public hearing and to recommended approval or denial of the Development Review Project Clara Park Expansion Project Phase III and the associated Negative Declaration through PC Resolution No. XX.

## **ANALYSIS**

Approval by the City Council is based on the following findings taken from CMC Section 20.40.040 Basis for Approval or Denial of a development review permit.

“The project is compatible with the city of Cudahy general plan, any applicable specific plan, and any plan of another governmental agency made applicable by statute or ordinance.”

The project is compatible with the City of Cudahy’s General Plan because it is located in the Parks zone. The Parks zone is intended to provide residents with opportunities for recreation and other outdoor activities. The proposed development is consistent with the city of Cudahy general plan and any other plans applicable being that it is an expansion of an existing park to include a walking path, exercise stations and BBQ stations.

“The height, bulk, and other design features of structures are in proportion to the building site, and external features are balanced and unified so as to present a harmonious appearance.”

The proposed development includes ornamental landscaping, softscape, a walking path, exercise stations, and BBQ stations, consistent with the height, bulk, and other design features required by the City Zoning design guidelines, providing a unified and uniform look to the existing park space.

“The project design contributes to the physical character of the community, relates harmoniously to existing and anticipated development in the vicinity, and is not monotonously repetitive in and of itself or in conjunction with neighboring uses and does not contribute to excessive variety among neighboring uses.”

The existing surrounding sites include single story and two story single family and multifamily residences as well as a park facility immediately to the north. The proposed development is consistent with the height, bulk, and other design features found in the surrounding area. The proposed project is consistent with the purpose and intent of the General Plan and zone designation, providing passive open space compatible with the surrounding neighborhood.

"The site layout and the orientation and location of structures and their relationship to one another and to open spaces, parking areas, pedestrian walks, signs, illumination, and landscaping achieve safe, efficient, and harmonious development."

The proposed development is designed to maximize the use of the space including providing adequate pedestrian circulation, and provides open space and green areas while providing a safe, efficient, and harmonious development that meets design guidelines for any new development in the City.

"The grading and site development show due regard for the qualities of the natural terrain and landscape and do not call for the indiscriminate destruction of trees, shrubs, and other natural features."

The proposed development includes demolition, minor grading, and minor removal of trees, shrubs, or other natural features that contribute to the natural terrain and landscape. Therefore, the proposed park space shows due regard for the qualities of the natural terrain and landscape, and does not call for the indiscriminate destruction of trees, shrubs, or other natural features, and will be adding new landscaping features to the property.

"Mechanical equipment, machinery, trash, and other exterior service areas are screened or treated in a manner which is in harmony with the design of the structures and grounds."

There are no proposed mechanical equipment, machinery, trash, or other exterior service areas, therefore there is no required screening which is in harmony with the design of the structures and grounds. If such equipment were to be installed, it must comply with design guidelines of the Cudahy Municipal Code and Building Code, requiring all mechanical equipment, machinery, trash, and other exterior service areas to be screened.

"The project shows proper consideration for adjacent residentially zoned or occupied property and does not adversely affect the character or value of such property."

The proposed development is designed to be consistent with the character of adjacent properties in that the design is consistent with the City's General Plan and zoning designation, meets all development standards, and compatible with the surrounding residential and park uses, and will not adversely affect the value or quality of the neighborhood.

## **CONCLUSION**

Consequence of the grant funds liquidating on June 30, 2015, the project must be complete, open to the public and final paperwork submitted to the Office of Grants and Local Services by March 31, 2015. Due to a condensed schedule, City staff has moved forward with the award of professional service agreements for project management, design, and relocation services.

Approval of the Clara Park Expansion Project Phase III and associated Negative Declaration will enable the City to move forward in closing escrow with the current property owner. As a result the project will stay on schedule and meet the March 31, 2015 deadline.

### **CALIFORNIA ENVIRONMENTAL QUALITY ACT**

The Project has been environmentally reviewed pursuant to the provisions of the California Environmental Quality Act (Public Resources Code Sections 21000, et seq. ("CEQA"), the State CEQA Guidelines (California Code of Regulations, Title 14, Sections 15000, et seq.), and the City's Local CEQA Guidelines. The City prepared an initial study and, based on the information contained in the initial study, determined that there will not be a significant effect.

During construction of the Project, demolition and grading activities will comply with all construction regulations to ensure that any noise or dust impacts will be less than significant. Moreover, any such impacts are temporary and will have no long-term effect, and are more than offset by the Project's aesthetic and recreational benefits to the community.

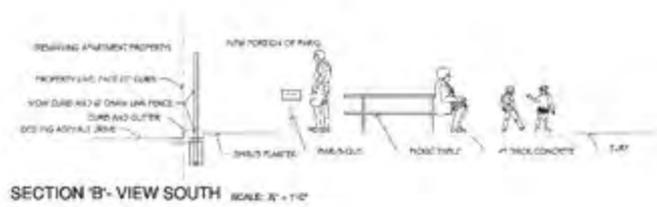
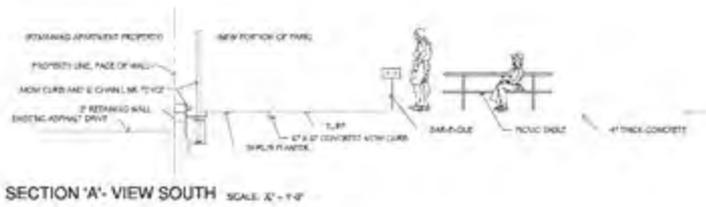
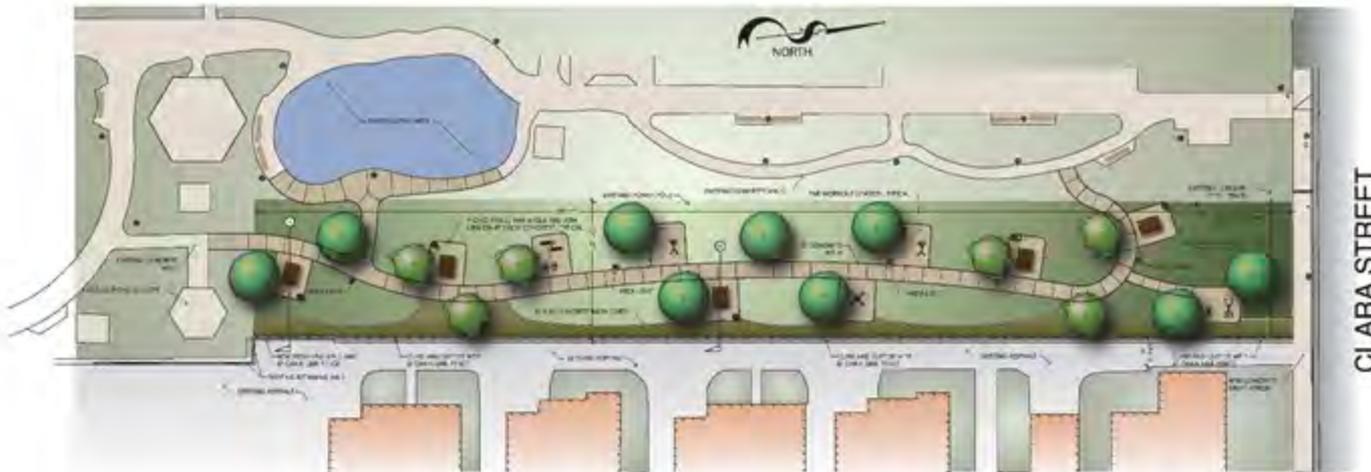
Accordingly, the City prepared a Negative Declaration ("ND") in accordance with Section 15070 of the State CEQA Guidelines. Notice of the preparation of the MND was posted for the period of August 29, 2014 through September 28, 2014. Based on the initial study, the ND, the comments received thereon, staff hereby finds that the ND prepared for the Project represents the independent judgment of the City and that there is no substantial evidence in light of the whole record before City that the proposed project, as revised, may have a significant effect on the environment consistent with Public Resources Code Sections 21064.5 and 21080(c). The documents and other material that constitute the record on which this decision is based are located in the Department of Community Development and are in the custody of the Director of Community Development.

### **FINANCIAL IMPACT**

The Clara Park Expansion Project Phase III is funded by the California Department of Parks and Recreation, Project Number UP-19-023A Clara Street Sports Complex. Project costs will have an immediate impact on the general fund, however these grant funds are 100% reimbursable up to \$1,790,750, consistent with the projects budget. Reimbursement requests will be submitted and processed on a monthly basis to ensure minimal impact on the City's general fund.

### **ATTACHMENTS**

- A - SITE PLAN
- B - NEGATIVE DECLARATION
- C - RELOCATION PLAN
- D - PC RESOLUTION (DRAFT)
- E - CC RESOLUTION NO. XX



**CONCEPTUAL PLAN**  
 Clara Street Park - 4835 Clara Street, Cudahy, California 90201



## Initial Study Negative Declaration

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### Private Property Acquisition – Clara Park Expansion Phase III

4840 – 4844 Clara Street

#### **Lead Agency**

City of Cudahy

5202 Santa Ana Street

Cudahy, CA 90201

Contact: Michael Allen, Acting Community Development Director

(323) 773-5143

#### **Project Applicant**

City of Cudahy

5220 Santa Ana Street

Cudahy, CA 90201

Contact: Michael Allen, Acting Community Development Director

(323) 773-5143



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# Introduction

## 1 PURPOSE

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This environmental assessment has been prepared to evaluate the impacts of the proposed project as required by the California Environmental Quality Act (CEQA). CEQA requires that public agencies consider the environmental consequences of projects over which they have discretionary authority before taking action on those projects (Public Resources Code [PRC] 21000 et seq.). For this project, the City is the lead agency under CEQA because it has the primary responsibility for approving and implementing the project, and therefore the principal responsibility for ensuring CEQA compliance.

### 1.2 Public Comments

Comments from all agencies and individuals are invited regarding the information contained in this environmental study and negative declaration. Such comments should explain any perceived deficiencies in the assessment of impacts, identify the information that is purportedly lacking in the study or indicate where the information may be found. All comments on the study are to be submitted to:

Michael Allen, Acting Community Development Director  
City of Cudahy  
5220 Santa Ana Street  
Cudahy, California 90201  
323-773-5143

### 1.3 Availability of Materials

All materials related to the preparation of this study are available for public review. To request an appointment to review these materials, please contact:

Michael Allen, Acting Community Development Director  
City of Cudahy  
5220 Santa Ana Street  
Cudahy, California 90201  
323-773-5143



## **2 LOCATION & ENVIRONMENTAL SETTING**

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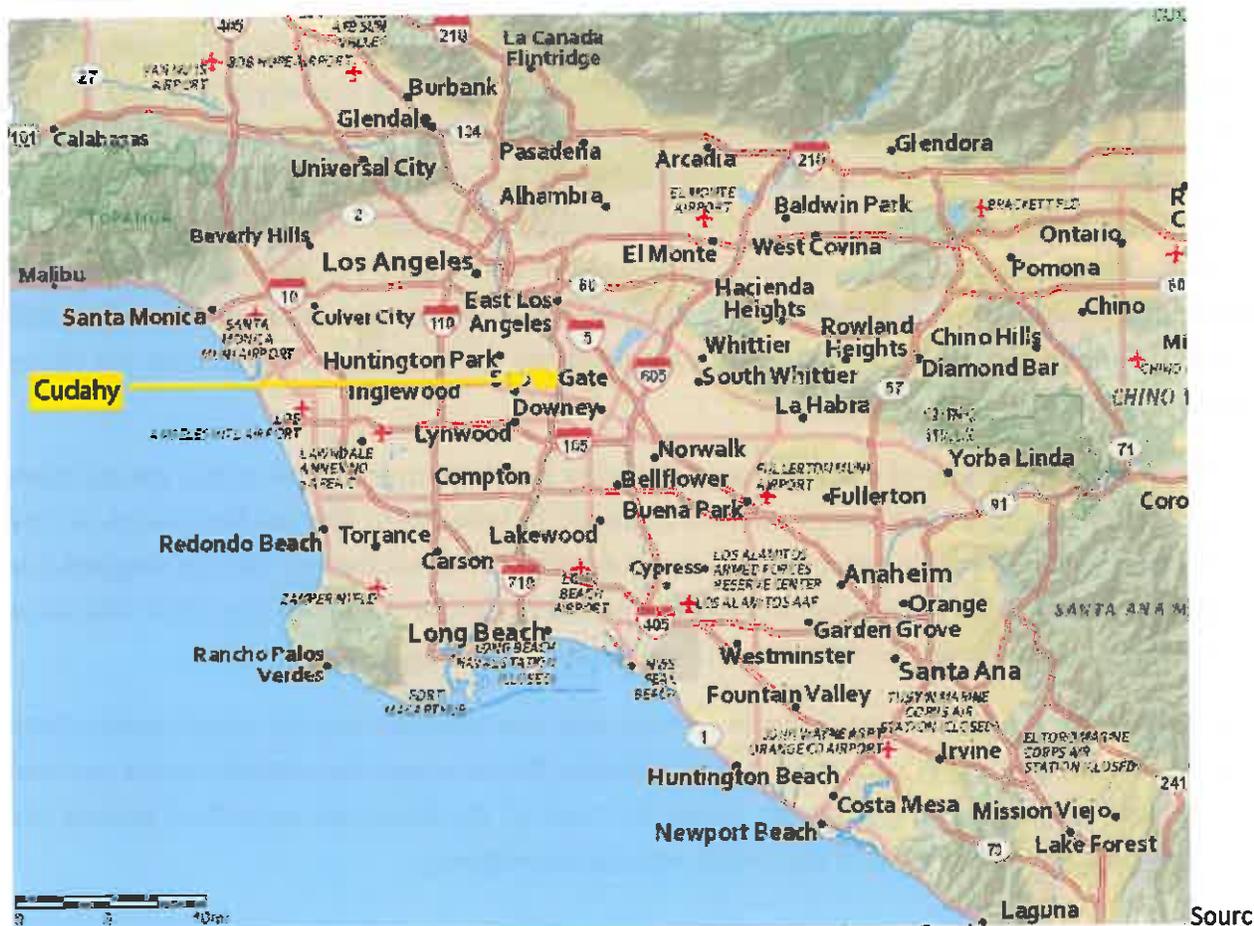
The City of Cudahy is located eight miles southeast of downtown Los Angeles and immediately west of the Los Angeles River and the Long Beach Freeway (SR-710). Cudahy is bounded on the north by Bell, on the west by Huntington Park, on the east by Bell Gardens, and on the south by South Gate. The location of Cudahy in a regional context is shown in figure 1 (pg 6). Cudahy is located just south of an industrial district that includes the cities of southeast Los Angeles, Vernon, Huntington Park, Commerce, Montebello, and Santa Fe Springs. As industrial development occurred in the area, Cudahy along with the neighboring communities of Bell, Bell Gardens, Huntington Park, and Maywood, provided the homes and shopping areas for those working in the nearby industrial areas.

Environmentally, the City of Cudahy is set within the North Central section of the coastal plain of Los Angeles County. The coastal plain is bounded by: the Santa Monica Mountains on the north; the Elysian, Repetto, Merced and Puente Hills on the northeast; the Los Angeles-Los Angeles County line on the southeast; and the Pacific Ocean on the south and west. The plain slopes gently from the north and northeast highlands, south towards the ocean.

The Los Angeles Basin's climate is Mediterranean and characterized by mild, sunny winters with occasional rain and warm, dry summers. The Pacific Ocean keeps the climate temperate and the coastal mountains ranges on the north and east of the Basin act as buffers against the extreme heat and winter cold of the desert and plateau regions.



Figure 1: Cudahy's Regional location



Source: SWIRTS GIS Map; <http://tims.berkeley.edu/tools/gismap/index.php>

## 2.1 GEOLOGY & SOILS

The geology of Cudahy and the surrounding region is characterized by a top layer consisting of undivided successions of non-marine sand and gravel of Quaternary age and marine sandstone and siltstone of Pleistocene and late Pliocene age. This layer is approximately 11,600 feet deep. The more recent sedimentary deposits are believed to have been caused by the weathering and erosion of rocks, granites, schist, shale and sandstone in the surrounding mountains. Under the upper layer are rocks commonly called the Repetto Formation. This layer is 6,400 feet deep of marine fine to coarse grained sandstone with minor interbedded siltstone. Underlying the Repetto formation are undivided upper Miocene rocks. The Miocene rocks are at least 5,200 feet deep of probably marine sandstone with interbedded sandstone and shale. Undivided Lower Tertiary and Upper Cretaceous rocks underlie the Miocene rocks which are probably marine elastics sedimentary rocks with extrusive igneous rocks near the top. The lowest known



layer consists of granitoid intrusive rocks of the Jurassic to early Late Cretaceous Age.<sup>1</sup>

The City of Cudahy is overlain by two soil associations. The Tujunga-Soboba association covers approximately 20 percent of the western and eastern sections of the City. The Hanford association covers the remainder (and majority) of the City.<sup>1</sup> However, the City is highly urbanized and the soils have been altered by past development.

## **2.2 GROUNDWATER**

Cudahy is underlain by the complex groundwater system of the Los Angeles coastal plain. There are four groundwater basins in the coastal plain; the City is within the Central basin.

## **2.3 HABITAT & WILDLIFE**

Trees and lush vegetation used to be found along the rivers surrounding the City of Cudahy. Urbanization and the channelization of the Rio Hondo and Los Angeles Rivers have destroyed native vegetation and brought in non-native lawn grass, hedges and trees. The Los Angeles River is lined and concrete dikes have been built on both sides of the channel. This resulted in the loss of natural riparian habitats. Without the natural environment, native plants and animal communities are not expected to be present. Only small birds and an occasional migratory flock are spotted in the area.

## **2.4 AIR QUALITY**

The city is located in the 6,000 square-mile South Coast Air Basin (SCAB), which includes Los Angeles County and portions of Riverside, and San Bernardino Counties. The topography and climate of Southern California combine to make the SCAB an area of high air pollution potential. Despite the South Coast Air Quality Management District's (SCAQMD) planning and regulatory effort, the SCAB fails to meet federal air quality standards for multiple criteria pollutants.

## **2.5 PALEONTOLOGICAL & CULTURAL RESOURCES**

Records of known sites do not indicate the presence of paleontological resources in the City or surrounding area. The Los Angeles Basin was pre-historically occupied by the Gabrielinos Indians. The Gabrielino migrated into the Los Angeles coastal areas in 500 B.C. They lived in



small villages near water streams and along sheltered portions of the coast and did not have permanent dwellings and survived on hunting, gathering and fishing.<sup>2</sup> Limited archaeological resources have been found within the City borders. The Spaniards established missions in the area in the 1770s and the Gabrielino populations began to decline. Cudahy was once part of 29,500-acre rancho Antonio, which was granted to a Spanish soldier, in 1810.

The City is home to several historic structures; many of which are considered worthy of preservation. It has been found that, 9% of the housing units identified in the 2000 Census were constructed prior to 1939. Furthermore, a total of 12 structures were identified ranging from 83-105 years of age.<sup>3</sup>

### **3 PROJECT DESCRIPTION**

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#### **3.1 Project Title**

Clara Park Expansion – Phase III, Grant No. UP-19-023A

#### **3.2 Lead Agency Name and Address**

City of Cudahy  
Community Development Department  
5220 Santa Ana Street  
Cudahy, California 90201

#### **3.3 Contact Person and Phone Number**

Michael Allen, Acting Community Development Director  
323-773-5143

#### **3.4 Project Location**

4840-4844 Clara Street, Cudahy, California 90201

#### **3.5 Project Sponsor**

City of Cudahy  
Community Development Department  
5220 Santa Ana Street  
Cudahy, California 90201



### 3.6 General Plan Land Use Designation

City Parks (CP)

### 3.7 Zoning District

City Parks (CP)

### 3.8 Project Description

The Clara Street Sports Complex was included in the LA County Open Space Assessment District (Prop A), of 1992-96 for \$2.7 million dollars. The proposed project, Clara Park Expansion Phase III is to acquire one additional parcel (.45 acres). The scope of the project includes the purchase of one property, relocation of all residents, demolishing the buildings and developing park improvements on the one parcel including lighting, landscaping, picnic seating, exercise equipment and fencing.



-  PEDESTRIAN PATH
-  BARBEQUE STATION
-  WORK-OUT STATION
-  TREE
-  GRASS



### 3.9 Surrounding Land Uses

The proposed project is surrounded on the north, south, east, and west by multi-family and single-family uses. Immediately north of the property is City of Cudahy, Clara Park, and immediately west of the subject property is Clara Park Expansion Phase I, and a school.

Surrounding Land Uses Table

	GENERAL PLAN/ZONING	LAND USE
PROJECT SITE	City Park/City Park	Multi-Family Residential
NORTH	City Park/City Park	City Park
EAST	High Density Residential/High Density Residential	Multi-Family Residential
SOUTH	High Density Residential/High Density Residential	Multi-Family Residential
WEST	Schools	School

## 4 THE PROJECT IN CEQA CONTEXT

Cudahy is preparing this Negative Declaration (CEQA **§21064**) of The Property Acquisition and development of Clara Park Expansion Phase III (the project). The Clara Street Sports Complex was included in the LA County Open Space Assessment District (Prop A), of 1992-96 for \$2.7 million dollars. The City's Clara Street Sport Complex applied for and won this Proposition 40 State Grant of \$2.5 million in 2002. As July 28, 2014, the grant award has been reduced to \$1.7 million. The proposed project is to acquire one additional parcel (.45 acres). The scope of the project will include purchase of one property, relocation of all residents, demolishing the buildings and developing park improvements on one parcel including lighting, landscaping, and picnic seating and fencing.

Although the proposed project is intended to encourage and facilitate the development of a City Park, specific future projects are subject to regulation of the General Plan, performance standards and permitting processes of the City's Municipal Code, including the Planning and Zoning Regulations, CEQA review of each proposed project, and all mitigation measures contained in applicable CEQA documents.



## 5 ENVIRONMENTAL CHECKLIST

Table 5-1 Environmental Checklist

ENVIRONMENTAL CHECKLIST				
Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation	Less Significant Impact	No Impact
<b>1. AESTHETICS</b> Would the project:				
a) Have a substantial adverse effect on a scenic vista?				X
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?				X
c) Substantially degrade the existing visual character or quality of the site and its surroundings?				X
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?				X
<p>Comments:</p> <p>a) The City's General Plan does not designate any scenic resources in the City limits. The project concerns development which would occur in a developed urban setting; the project would not enable future development of parks which exceed the maximum allowed building height in the zoning districts. No impact will occur.</p> <p>b) The City's General Plan does not designate any major State scenic highway corridors or roadways within the City or vicinity of Cudahy.<sup>4</sup> Therefore, the proposed project will not impact scenic resources, including trees, rock outcroppings, or historical buildings, within a State scenic highway. No impact will occur.</p> <p>c) The subject project includes the demolition of six single family homes and the development of a passive open space park. The reduction of the intensification of the land use from residential to park space results in an improvement of the subject property and visual character and quality of the site. Additionally, the park expansion provides open space and park space that the community is currently deficient of. This offsets a high demand, improving the quality of surroundings and visual characteristics of the community. Therefore, no impacts will occur.</p> <p>d) Development of projects consistent with general Plan land use designations would create new sources of light and glare in the City. There are lighting sources in vicinity of the project site, including free standing lights. However light spillover and flare will be avoided by requiring lights to be designed to prevent the light</p>				



from shining directly onto surrounding property per the requirements of the Cudahy Municipal Code Section 20.80.070. Compliance with City regulations and future project-level CEQA mitigation measures will reduce light and glare impacts. Therefore, no impacts will occur.

<sup>4</sup>[http://www.dot.ca.gov/hq/LandArch/scenic\\_highways/index.htm](http://www.dot.ca.gov/hq/LandArch/scenic_highways/index.htm)

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation	Less Significant Impact	No Impact
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**2. AGRICULTURE RESOURCES**

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project, and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board.

Would the project

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				X
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 511049g)?				X
d) Result in the loss of forest land or conversion of forest land to non-forest use?				X
e) Involve other changes in the existing environment, which, due to their location of nature could result in conversion of Farmland, to non-agricultural use?				X

Comments:

a) The State department of Conservation does not map the area of Los Angeles County that includes Cudahy

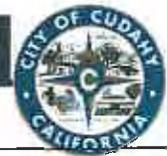


because of the existing urbanized land use. Therefore, the Department does not have a farmland designation for the City.<sup>5</sup> The project will not cover Prime farmland, unique farmland, or Farmland of Statewide importance (Farmland) in or adjacent to the City of Cudahy. No impact will occur.

- b) There are no Williamson Act contracts on any lands identified in the Sites Inventory. In addition, all sites have existing Park General plan and zoning designations. Therefore, no conflicts with existing zoning for agricultural use or a Williamson Act contract are anticipated. No impact will occur.
- c) The project site has already been graded and development with residential use, with no substantial vegetation onsite, with the exception of limited ornamental landscaping. There will be no impact to any timberland zoning. Therefore, no impact will occur.
- d) The project site has already been graded and development with residential use, with no substantial vegetation onsite, with the exception of limited ornamental landscaping. There will be no impact to any forest land or conversion of forest land to non-forest use. Therefore, no impact will occur.
- e) The project site is a currently developed site within a suburban environment. The project is surrounded by other residential uses. None of the surrounding sites contain existing forest uses. Development of this project will not change the existing environment in a manner that will result in the conversion of forest land to a non-forest. Therefore, no impact will occur.

<sup>5</sup>Kerri Kisko, California state department of Conservation, August 5, 2006

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation	Less Significant Impact	No Impact
<b>3. AIR QUALITY.</b>				
Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations.				
Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?				X
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?			X	
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?			X	
d) Expose sensitive receptors to substantial pollutant concentrations?			X	



e) Create objectionable odors affecting a substantial number of people?				x
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Comments:

a) The City of Cudahy lies in the South Coast Air Basin (SoCAB), which is under the jurisdiction of the South Coast Air Quality Management District (SCAQMD). The air quality plan in effect in the SoCAB is the SCAQMD's 2012 Air Quality Management Plan (AQMP). The regional emissions inventory for the SoCAB is compiled by the SCAQMD and SCAG. Regional population, housing, and employment projections developed by SCAG, which are based on the land use designation of the City's General Plan, form, in part, the foundation for emissions inventory of the AQMP. Projects that are consistent with the growth anticipated by the City's General Plan are therefore consistent with AQMP emissions assumptions.

The proposed project is the acquisition of property and development of a soft-scape park. The project would result in short-term construction and long-term pollutant emissions that are less than the CEQA significance emissions thresholds established by the SCAQMD. Additionally the project is not an amendment to the General Plan. Therefore, the impact will be less than significant.

b) SCAQMD's SCAB is a nonattainment area for ozone and particulate matter. Local levels of particulate matter are high enough that excessive contributions from new sources could contribute to a projected air quality violation. The 2012 AQMP establishes the strategy to reduce emissions through regulatory controls.

As a proposed park, operational emissions are expected to be none, and long term emissions will not exceed the daily thresholds established by SCAQMD. Impacts will be less than significant.

c) Cumulative short-term, construction related emissions and long term, operational emissions from the project will not contribute considerably to any potential cumulative air quality impact because short term project and operational emissions will not exceed any SCAQMD daily threshold. As required of the proposed project, other concurrent construction projects and operations in the region will be required to implement standard air quality regulations and mitigation pursuant to state CEQA requirements. Impacts will be less than significant

d) Parks are not generally considered a generator of significant pollutants. Any odors affecting people are subject to the Commercial and Industrial performance standards. Offending air emissions would be abated to concentration levels that do not affect people. The impact will be less than significant.

e) The project does not involve processes that generate odors because it is passive open space. Subsequent parks are not typically considered a generator of significant odors. No impact will occur.

<sup>6</sup><http://www.aqmd.gov/ceqa/oldhdbk.html>

<sup>7</sup><http://www.aqmd.gov/rules/reg/reg04/r402.pdf>



Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation	Less Significant Impact	No Impact
<b>4. BIOLOGICAL RESOURCES</b> Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				x
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?				x
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act through direct removal, filling, hydrological interruption, or other means?				x
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?				x
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				x
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?				x
<b>Comments:</b>				
<p>a) The City is highly urbanized and surrounded by other highly urbanized cities. As a result, all native biological resources were removed years ago in conjunction with development of the City and the surrounding areas. All natural plant communities and associated animals that may have existed prior to the development of the areas were removed and destroyed years ago. Predominant vegetation in the City consists of introduced urban plants species and include trees, flowers and shrubs. Animals are limited to species that are typically found in urban environments such as rabbits, mockingbirds, opossum, skunks, ground squirrels, stray dogs and cats, etc. because the City is urbanized and residential sites have been developed and/or distributed by grading there are no plant or animals species that could be classified as a candidate, sensitive, or special status and regulated by the California Department of Fish and game of U.S. fish and Wildlife Service. The project is a park development and does not have the potential to impact any sensitive plant or animal</p>				



species of concern to either California Fish and Game or U.S. Fish and Wildlife Service because none exist in the City.

- b) Existing vegetation in the City consists of introduced urban landscaping and does not qualify for regulation by the California Department of Fish and Game or U.S. fish and Wildlife Service. The Rio Hondo and Los Angeles Rivers were lined with concrete decades ago resulting in the loss of natural riparian habitats. The project will not impact riparian habitat or other sensitive natural communities since none exist. No impact will occur.
- c) There are no known wetlands in or adjacent to the City. Therefore, the project will not impact federally protected wetlands. No impact will occur.
- d) The City is highly urbanized and is not used for wildlife corridor or wildlife nursery because there is no native vegetation to support a wildlife corridor or nursery. No existing wildlife corridors are located in the vicinity of the City. The project will not interfere with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites. No impact will occur.
- e) The City of Cudahy does not have a tree preservation ordinance that recognizes oak trees or any other species of tree as significant historical, aesthetic, and ecological resource and establishes conditions for their preservation and propagation. The project will not impact oak or any other species of trees. No impact will occur.
- f) No part of the City is included in any adopted Habitat Conservation Plan (HCP) or any other Natural Community Conservation Plan (NCCP) or other approved local, regional, or state habitat conservation plan. Therefore, property acquisition and park development would not conflict with provisions of an adopted HCP, NCCP, or other approved local, regional, or state habitat conservation plan. No impact will occur.

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation	Less Significant Impact	No Impact
<b>5. CULTURAL RESOURCES.</b>				
Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in § 15064.5?				x
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?			x	
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?			x	
d) Disturb any human remains, including those interred outside of formal cemeteries?			x	
Comments:				
a) The Cudahy "Survey of Old Homes in the Community" identifies (12) historical structures in the City. None of the (12) historical structures are either on or adjacent to a site identified in the Residential Sites Inventory.				



The project does not have the potential to adversely affect any historical resource. No impact will occur.

- b) Cudahy is highly urbanized. Residential sites have been graded and distributed in the past and any archeological resources that may have been present were likely removed or destroyed during grading or construction activity. Future residential development would be required to undergo CEQA guidelines includes measures to protect and/or salvage any cultural resources that may be uncovered during construction of future proposed projects. Should suspected cultural resources, including archeological resources, be uncovered during project grading and construction the sources will be protected as required by CEQA Guidelines Section 15064.5. No archaeological resources are known or suspected to be present and impacts to cultural resources discovered during future residential construction activity will be reduced with implementation of CEQA Guidelines protective/salvage measures. General Plan Conservation Element Policy 1 states: "The City of Cudahy shall safeguard the community's heritage by identifying and preserving appropriate structures and sites which have historical significance." Implementation of exiting General Plan policy, CEQA Guidelines Section 15064.5, and future project-specific mitigation measures will ensure that the impact will be less than significant.
- c) Cudahy is highly urbanized and residential sites have been graded and disturbed in the past and paleontological resources that may have been present were likely removed or destroyed during grading or construction activity. However, future grading for residential development consistent with General plan land use designations has the potential to impact paleontological resources. Earthwork activities, such as grading and trenching operations, cut into the geologic deposits (formations) within which fossils may be buried. These direct impacts could occur in the form of physical destruction of fossil remains and could result in the loss of paleontological resources, including, an undetermined number of unrecorded fossil sites, associated geologic and geographic site data, and fossil bearing rocks. Future residential development will undergo site-specific CEQA analysis and projects with potential to impact paleontological resources will be required to comply with mitigation measures related to protection of paleontological resources and unique geologic features. Impacts associated with this project will be less than significant.
- d) There are no known human remains in the vacant sites identified in the Residential Sites Inventory & Analysis (Section II Housing Background Report of the 2013-2021 Housing Element Update). However, future grading activities from development consistent with General Plan land use designations could uncover previously unknown human remains. Future development will undergo site-specific CEQA analysis and projects with potential to impact cultural resources, including human remains, will be required to comply with mitigation measures related to protection of human remains.

If human remains were found during construction, those remains would require proper treatment, in accordance with applicable laws. State of California Health and Safety Code Section 7050.5-7055 describe the general provisions for human remains. Specifically, Health and Safety Code Section 7050.5 describe the requirements if any human remains are accidentally discovered during excavation of a site. As required by State law, the requirements and procedures set forth in Section 5097.98 of the California Public Resources Code would be implemented, including notification of the County Coroner, notification of the Native American Heritage Commission, and consultation with the individual identified by the Native American Heritage Commission to be the "most likely descent." If human remains are found during excavation, excavation must stop in the vicinity of the find and any area that is reasonably suspected to overly adjacent remains until the County coroner has been called out, and the remains have been investigated and appropriate recommendations have been made for the treatment and disposition of the remains. Following compliance with State regulations, which detail the appropriate actions necessary in the event human remains are encountered, impacts in this regard, would be considered less than significant.



Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation	Less Significant Impact	No Impact
<b>6. GEOLOGY AND SOILS.</b> Would the project:				
a)				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.				X
ii) Strong seismic ground shaking?			X	
iii) Seismic-related ground failure, including liquefaction?			X	
iv) Landslides?				X
b) Result in substantial soil erosion or the loss of topsoil?			X	
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?			X	
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?			X	
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?				X
<b>Comments:</b>  a)  i) The city of Cudahy is located in southern California, which is a seismically active region. Although the City is located in a seismically active area, it is not located in an Earthquake Fault Zone (Alquist-Priolo) and there are no known active or potentially active surfaces faults on the site. The project consists of property acquisition and minor improvements therefore; there is no potential for rupture of a known earthquake fault in the City, no impact will occur.				



ii) The City, like most of the Los Angeles Basin, lie over the area of one or more known earthquake faults, and potentially more unknown faults, particularly so-called lateral or blind faults. The major faults that have potential to affect the greater Los Angeles Basin, and therefore the City of Cudahy are the: Norwalk, Raymond Hill, Malibu Coast-Santa Monica-Hollywood, San Andreas, Newport-Inglewood, San Fernando, Sierra Madre, & Whittier. Future development may be exposed to severe ground shaking from a regional earthquake the same as the existing development on the site and other development in the City of Cudahy. The major cause of structural damage from earthquake is ground shaking. The intensity of ground motion expected at a particular site depends upon the magnitude of the earthquake, the distance to the epicenter and the geology of the area between the epicenter and the property. Greater movement can be expected at sites on poorly consolidated material, such as loose alluvium, close proximity to the causative fault, or in response to an event of great magnitude.

Park development consistent with General Plan land use designations is located in seismic active Southern California and is subject to ground shaking from regional earthquake activity. Development will be required to meet all applicable building code requirements pertaining to seismic events that could affect and impact proposed developments. More specifically, the city of Cudahy is located within Seismic Zone 4, as identified by the 2011 L.A. County Building Code that is incorporated in the City's Municipal Code (Title 20). Seismic Zone 4 is characterized by the most stringent requirements for building design. The incorporation of all applicable design and construction methods in compliance with Cudahy Municipal Code will reduce potential seismic hazard impacts.

Construction of any development is required to comply with all seismic design parameters set forth in the CBC. Compliance with the seismic design parameters contained in the CBC and future project-level CEQA mitigation measures relate to strong seismic ground shaking will reduce project-level impacts. Impacts associated with the proposed project will be less than significant.

iii) Liquefaction refers to loose, saturated sand or silt deposits that lose their load supporting capability when subjected to intense shaking. Any development that occurs under the proposed project would be subject to future CEQA review and consideration of potential soil related impacts. Compliance with future project-level CEQA mitigation measures related to seismic ground failure, including liquefaction will reduce impacts. Impacts associated with proposed project will be less than significant.

iv) The City is relatively flat and there are no significant slopes or hills in the vicinity of future development sites. It is anticipated that minor cut-and-fill grading may be necessary, but no significant slopes are anticipated. Additionally, the projects is required to comply with CBC standards. Landslide impacts are not anticipated as a result of the proposed project. No impact will occur.

b) Topsoil is used to cover surface areas for the establishment and maintenance of vegetation due to its high concentrations of organic matter and microorganisms. Little, if any, native topsoil is likely to occur on site because the site contains existing structures and associated fill soils. The project has the potential to expose surficial soils to wind and water erosion during construction activities. Wind erosion will be minimized through soil stabilization measures required by SCAQMD Rule 403 (fugitive Dust), such as daily watering. Water erosion will be prevented through the City's standard erosion control practices required pursuant to the California Building Code such as silt fencing or sandbags. Following project construction, the site would be covered completely by paving, structures, and landscaping. Impacts related to soil erosion and loss of topsoil will be less than significant with the implementation of existing regulations.

c) Impacts related to liquefaction and landslides are discussed in Section 6.a. Lateral spreading is the downslope movement of surface sediment due to liquefaction in a subsurface layer. The downslope movement is due to the combination of gravity and earthquake shaking. Such movement can occur on slope gradients of as little as one degree. Lateral spreading typically damages pipelines, utilities, bridges, and structures. Lateral spreading of the ground surface during seismic activity usually occurs along the weak shear zones within a liquefiable soil layer and has been observed to generally take place toward a free face (i.e. retaining wall, slope, or channel) and to lesser extent on ground surfaces with a very gentle slope. There is little potential for lateral spread to occur on



site because there is no slope or fee face adjacent to or on the site.

General Plan requires that soils report of critical facilities be prepared when applicable. Compliance with existing CBC regulations would limit hazard impacts arising from unstable soils to less than significant.

d) The CBC requires special design considerations for foundations of structures built on soils with expansion indices greater than 20. The site has previously been developed and the existing on-site soils consist of compacted, engineered fill and thus would not contain expansive soils. The project will comply with all recommendations provided in the soils report upon submittal for grading and building permits. No impact will occur.

e) The project site is served by a fully functional municipal sewer system. The project will connect to this system and will not require use of septic tanks. Therefore, no impact will occur.

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation	Less Significant Impact	No Impact
<b>7. GREENHOUSE GAS EMISSIONS:</b> Would the Project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			X	
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?				X

**Comments:**

a) The subject project is designated and constructed in accordance with the provisions of the City's Zoning and Planning Regulations and land use policies of the General Plan. The project does not change any land use policy or any building regulations at that would raise or otherwise change development levels that could contribute to an increase in greenhouse gases.

Greenhouse gas emissions associated with the proposed project would not exceed the 3,000 MTCO<sub>2</sub>E threshold. Therefore, impacts will be less than significant.

b) SB 375 requires Metropolitan Planning Organizations (MPOs) to prepare a Sustainable Communities Strategy (SCS) in Regional Transportation Plans. SCAG is responsible for developing an overall strategy for the region including Los Angeles, Orange, Riverside, San Bernardino, Ventura, and Imperial counties. On April 4, 2012, SCAG adopted the 2012-2035 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS): Towards a Sustainable Future.<sup>9</sup> The RTP/SCS is the culmination of a multi-year effort involving stakeholders from across the SCAG Region. The SCAG RTP/SCS sets forth a development pattern for the region, which, when integrated with the transportation network and other transportation measures and policies, would reduce GHG emissions from transportation. The RTP/SCS is meant to provide individual jurisdiction with growth strategies that, when taken together, achieve the regional GHG emissions reduction targets.

The proposed project is consistent with and advances the goals and objectives of the SCAG RTP/SCS. Since the proposed project will not conflict with a greenhouse gas emissions plan, policy or regulation, no impact will occur.



<sup>6</sup><http://scagrpt.net>

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation	Less Significant Impact	No Impact
<b>8. HAZARDS AND HAZARDOUS MATERIALS.</b> Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?			x	
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?			x	
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?			x	
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				x
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				x
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				x
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?			x	
h) Expose people or structures to a significant risk of loss, injury or death involving wild land fires, including where wild lands are adjacent to urbanized areas				x



or where residences are intermixed with wild lands?

Comments:

- a) General Plan Safety element Policy 1.2 states: "The City of Cudahy will support the enforcement of state and federal laws on the control of hazardous waste, landfills, and other issues". This policy is intended to reduce impacts associated with transport, use, or disposal of hazardous materials.

The Phase I Environmental Site Assessment revealed evidence of two recognized environmental conditions in connection with the Property: 1) Duct insulation located within the attic of the subject units containing 20% Chrysotile asbestos that was determined to be friable and 2) Asbestos-cement pipes observed in the attic of each unit that are assumed to contain non-friable asbestos.

Compliance with Safety Element Policy 1.2 and project-level CEQA mitigation measures related to transport, use, or disposal of hazardous materials, will reduce impacts. Asbestos-containing materials will be removed by an abatement contractor, and construction personnel will be made aware of the ACM and be instructed not to disturb or damage the ACM. Current federal and State regulations require that any demolition of ACM be conducted by workers and contractors who have been properly trained in the proper handling of asbestos. Current applicable federal, state, and local statutes specify work practice requirements for demolition activities, and the associated disturbance of ACM, as well as the storage and disposal of asbestos-containing waste material. Proper notification, removal techniques, clean-up procedures, and waste storage and disposal requirements are mandated in connection with demolition activities. A mandatory 10 day (for non-emergency asbestos removal) notification is required by the USEPA and most local air quality pollution districts prior to the planned removal of 100 square feet or more ACM (greater than 1% asbestos).

Current federal Occupational Safety and Health Administration (OSHA), State (DOSH or Cal/OSHA), and additional local regulatory agencies mandate that ACM (manufactured material containing greater than 1/10 of 1% asbestos), regardless of quantity, shall be handled during removal, repair, etc., by asbestos trained and qualified individuals or contractors. Identified ACM must also be removed by state licensed Asbestos Abatement Contractors prior to any demolition or construction activities if more than 100 square feet of ACM will be disturbed or impacted.

Impacts associated with this project will be less than significant.

- b) Releases of hazardous materials may occur during a natural disaster. Likewise, improperly stored containers of hazardous substances may overturn or break, pipelines may rupture, and storage tanks may fail. General Plan Safety Element Policy 1.2 is intended to reduce impacts associated with release of hazardous materials into the environment. Compliance with Safety Element Policy 1.2 and future project-level CEQA mitigation measures related to release of hazardous materials into the environment will reduce impacts. The project as proposed includes property acquisition and development of soft scape park space which does not include containers of hazardous substances, pipelines, or storage tanks, therefore impacts associated with the project will be less than significant.
- c) General Plan Safety element Policy 1.2 states: "The City of Cudahy will support the enforcement of state and federal laws on the control of hazardous waste, landfills, and other issues". This policy is intended to reduce impacts associated with transport, use, or disposal of hazardous materials.

The Phase I Environmental Site Assessment revealed evidence of two recognized environmental conditions in connection with the Property: 1) Duct insulation located within the attic of the subject units containing 20% Chrysotile asbestos that was determined to be friable and 2) Asbestos-cement pipes observed in the attic of each unit that are assumed to contain non-friable asbestos.

Compliance with Safety Element Policy 1.2 and project-level CEQA mitigation measures related to transport, use, or disposal of hazardous materials, will reduce impacts. Asbestos-containing materials will be removed by an abatement contractor, and construction personnel will be made aware of the ACM and be instructed not to disturb or damage the ACM. Current federal and State regulations require that any demolition of ACM be conducted by workers and contractors who have been properly trained in the proper handling of asbestos. Current applicable federal, state, and local statutes specify work practice



requirements for demolition activities, and the associated disturbance of ACM, as well as the storage and disposal of asbestos-containing waste material. Proper notification, removal techniques, clean-up procedures, and waste storage and disposal requirements are mandated in connection with demolition activities. A mandatory 10 day (for non-emergency asbestos removal) notification is required by the USEPA and most local air quality pollution districts prior to the planned removal of 100 square feet or more ACM (greater than 1% asbestos).

Current federal Occupational Safety and Health Administration (OSHA), State (DOSH or Cal/OSHA), and additional local regulatory agencies mandate that ACM (manufactured material containing greater than 1/10 of 1% asbestos), regardless of quantity, shall be handled during removal, repair, etc., by asbestos trained and qualified individuals or contractors. Identified ACM must also be removed by state licensed Asbestos Abatement Contractors prior to any demolition or construction activities if more than 100 square feet of ACM will be disturbed or impacted.

Impacts associated with this project will be less than significant.

- d) The proposed project is not located on a site listed on the state Cortese List, a compilation of various sites throughout the state that have been compromised due to soil or groundwater contamination from past users. Therefore, there is no impact.
- e) The closest public airports are the Long Beach Airport and Los Angeles International Airport, which are located approximately 16-20 miles west of the City. The proposed project is not located within two miles of a public airport and therefore, will not expose residents to public airport hazards. No impact will occur.
- f) The closest private airport is the Compton Woodley Airport located approximately 10 miles southwest of the City and the El Monte Airport located 17 miles northeast of Cudahy. The proposed project is not located near a private airport, and therefore, will not expose residents to private airport hazards. No impact will occur.
- g) The proposed project is an infill project, replacing existing multi-family residential units with a passive open space park. Given the reduction in intensity of use, the proposed project reduces the impact on any existing plan. All project elements, including landscaping, would be sited with sufficient clearance from existing and proposed structures so as not to interfere with emergency access to and evacuation from the project. Project impacts will be less than significant.
- h) The project site is not located within a fire hazard zone, as identified on the latest Fire Hazard Severity Zone maps prepared by the California Department of Forestry and Fire Protection. There are no wild land conditions in the suburbanized area that the project site is located. No impact will occur.

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation	Less Significant Impact	No Impact
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9. HYDROLOGY AND WATER QUALITY				
Would the project				
a) Violate any water quality standards or waste discharge requirements?				X
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have				X



been granted)?				
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?				X
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?				X
e) Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?				X
f) Otherwise substantially degrade water quality?				X
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				X
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?				X
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?			X	
j) Inundation by seiche, tsunami, or mudflow?				X

**Comments:**

- a) Pursuant to Section 402 of the Federal Clean Water Act, the National Pollutant Discharge Elimination System (NPDES) permit program controls water pollution by regulating point sources that discharge pollutants. The types of projects subject to Standard Urban Storm Water Mitigation Plan are hillside projects, residential subdivisions of 10 units or more, new commercial development of 100,000 square feet or more, and projects located adjacent to or discharging into environmentally sensitive areas. This project would therefore not be subject to SUSMP requirements. Therefore, there would be no impact.
- b) The project site is not located in an area that is used for groundwater production. As such, no depletion of groundwater will occur from the project and no environmental impact will result.
- c) Pursuant to Section 402 of the Federal Clean Water Act, the National Pollutant Discharge Elimination



System (NPDES) permit program controls water pollution by regulating point sources that discharge pollutants. The types of projects subject to Standard Urban Storm Water Mitigation Plan are hillside projects, residential subdivisions of 10 units or more, new commercial development of 100,000 square feet or more, and projects located adjacent to or discharging into environmentally sensitive areas. This project would there for not be subject to SUSMP requirements. Therefore, there would be no impact.

- d) Pursuant to Section 402 of the Federal Clean Water Act, the National Pollutant Discharge Elimination System (NPDES) permit program controls water pollution by regulating point sources that discharge pollutants. The types of projects subject to Standard Urban Storm Water Mitigation Plan are hillside projects, residential subdivisions of 10 units or more, new commercial development of 100,000 square feet or more, and projects located adjacent to or discharging into environmentally sensitive areas. This project would there for not be subject to SUSMP requirements. Therefore, there would be no impact.
- e) No streams traverse the project site; thus, the project would not result in the alteration of any stream course. During construction, the project is required to comply with drainage and runoff guidelines pursuant to Cudahy Municipal Code Sections 13.08.120. Construction of the proposed project would not significantly increase the net area of impermeable surfaces on the site because the site currently is developed. Therefore, substantially increased discharges to the City's existing storm drain system will not occur and will not impact local storm drain capacity. The project is not an industrial use and therefore not result in substantial pollutant loading such that treatment control BMPs would be required to protect downstream water quality. There will be no impact.
- f) Pursuant to Section 402 of the Federal Clean Water Act, the National Pollutant Discharge Elimination System (NPDES) permit program controls water pollution by regulating point sources that discharge pollutants. The types of projects subject to Standard Urban Storm Water Mitigation Plan are hillside projects, residential subdivisions of 10 units or more, new commercial development of 100,000 square feet or more, and projects located adjacent to or discharging into environmentally sensitive areas. This project would there for not be subject to SUSMP requirements. Therefore, there would be no impact.
- g) The Federal Emergency management Agency (FEMA) prepares and maintains Flood Insurance Rate Maps (FIRMs), which show the extent of Special Flood Hazard Areas (SFHAs) and other thematic features related to flood risk, in participating jurisdiction. Portions of the City are located within the 100-year flood zone where the potential for private property flooding exist. However, only the Los Angeles River and the Rio Hondo are in the 100-year flood zone. The 100-year flood (one percent annual chance flood), also known as the base flood, is the flood that has a one percent chance of being equaled to exceeded in any given year. The subject site is located in Zone X, which is outside of the 100-year flood boundary. No impact will occur.
- h) The subject site is located in Zone X, which is outside of the 100-year flood boundary. No impact will occur.
- i) The City of Cudahy is subject to inundation from a dam failure with the Whittier Narrows and Sepulveda Dams and Garvey Reservoir. The entire City and certainly portions of the City west of River Road could be subject to flooding due to river channel overflow of the Rio Hondo River and Los Angeles River<sup>10</sup>. The Emergency Operation Plan has emergency response actions that will be implemented to protect existing and future residents in the event of a dam failure. Since Cudahy us unlikely to be inundated from failure of a dam or levee and the City has measures that will be implemented to protect residents from flooding, the potential exposure of people to significant risk of flooding if a levee or dam failed is less than significant.
- j) The City is located more than 15 miles from the Pacific Ocean. Therefore there is not threat of impact from tsunami. The City if generally flat and therefore there is little or no potential for exposing people or structures to risk of inundation by siege and/or mudflow. No impact will occur.

<sup>9</sup>General Plan Land Use Elements, pg 2-1 through 2-22

<sup>10</sup> City of Cudahy Emergency Operation Plan, September 15, 2010, page 6-17.



Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation	Less Significant Impact	No Impact
<b>10. LAND USE AND PLANNING.</b> Would the project:				
a) Physically divide an established community?				X
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?				X
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?				X
<p>Comments:</p> <ul style="list-style-type: none"> <li>a) The proposed project implementation is limited in scope to recreational land uses and would not physically divide any established community. No impacts would result from the project.</li> <li>b) The proposed project conforms to the General Plan, Zoning Code, and any other applicable land use plans, policies or regulations. Therefore there would be no impact.</li> <li>c) No part of the City is included in an adopted Habitat Conservation Plan (HCP) or Natural Community Conservation Plan (NCCP). Therefore, the proposed project does not conflict with provisions of an adopted HCP or NCCP. No impact will occur.</li> </ul>				
Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation	Less Significant Impact	No Impact
<b>11. MINERAL RESOURCES.</b> Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				X
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				X



**Comments:**

- a) The Cudahy General Plan does not identify any known mineral resource in the City that would be of value to the region and the residents of the State. No impact will occur.
- b) The Cudahy General Plan does not identify any locally important mineral resource in the City. No impact will occur.

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation	Less Significant Impact	No Impact
<b>12. NOISE</b> Would the project				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?				X
b) Exposure of persons to or generation of excessive ground borne vibration or ground borne noise levels?				X
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?				X
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?			X	
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				X
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				X

**Comments:**

- a) Noise levels from the proposed project would be limited in scope to recreational land uses. No significant noise impacts would result from project implementation.
- b) Project activities would include temporary construction equipment that could create minor elevated levels of



ground borne vibrations or noises. However, vibration from use of heavy construction equipment would be below the thresholds to cause damage to nearby structures set by the General Plan. Therefore there will be no impact.

- c) Project activities would include temporary construction equipment that could create minor elevated levels of ground borne vibrations or noises. However, vibration from use of heavy construction equipment would be below the thresholds to cause damage to nearby structures set by the General Plan. Therefore there will be no impact.
- d) Noise Element Policy 2.3 and the City's noise Regulation is intended to reduce temporary noise impacts. Compliance with Noise Element Policy 2.3, the City's Municipal Code, and existing program-level and CEQA mitigation measures is anticipated to reduce potential construction-related noise impacts. Impacts associated with project will be less than significant.
- e) The project is not located within two miles of any airport and therefore, will not expose residents to excessive noise levels from airport operations. No impact will occur.
- f) The project does not occur within two miles of any airport and therefore residents will not be exposed to excessive noise levels from airport operations.

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation	Less Significant Impact	No Impact
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**13: POPULATION AND HOUSING:**  
Would the project:

a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?				x
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?			x	
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?			x	

**Comments:**

- a) The project includes property acquisition and a development of a new park and would not require system expansions to accommodate new development beyond the limits of the project. No additional facilities would be required to serve the project and no new construction which could cause significant environmental impacts, would occur. The proposed project does not create any new housing units or employment generating land uses and would therefore have no population growth impacts.
- b) The proposed project includes the demolition of six single family units that are tenant occupied. Upon the completion of the Relocation Plan, all of the respondent households indicated a preference for relocating within the City of Cudahy or surrounding cities. The survey identified a total of 61 For Rent units, and an ample supply of comparable rental property available to the displacees. The City will be responsible for assisting each household in relocating to comparable replacement housing. Any replacement housing unit approved by the City must meet decent, safe and sanitary housing requirements in accordance with Section



6012 of the California Code of Regulations, Title 25, and Chapter 6. Relocation Services will be provided to ensure that displacement does not result in different or separate treatment of households based on race, nationality, color, religion, notational origin, sex, marital status, familial status, disability, or any other basis protected by the federal Fair Housing Amendments Act, the Americans with Disabilities Act, Title VI of the Civil Rights Act of 1964, Title VIII of the Civil Rights Act of 1968, the California Fair Employment and Housing Act, and the Unruh Act, as well as any other arbitrary or unlawful discrimination. The City will be providing a comprehensive Relocation Assistance Program to all families displaced by the project. The City's Relocation Program is designed to minimize the hardship and re responsive to unique project circumstances. Therefor there will be a less than significant impact.

- c) The proposed project includes the demolition of six single family units that are tenant occupied. Upon the completion of the Relocation Plan, all of the respondent households indicated a preference for relocating within the City of Cudahy or surrounding cities. The survey identified a total of 61 For Rent units, and an ample supply of comparable rental property available to the displacees. The City will be responsible for assisting each household in relocating to comparable replacement housing. Any replacement housing unit approved by the City must meet decent, safe and sanitary housing requirements in accordance with Section 6012 of the California Code of Regulations, Title 25, and Chapter 6. Relocation Services will be provided to ensure that displacement does not result in different or separate treatment of households based on race, nationality, color, religion, notational origin, sex, marital status, familial status, disability, or any other basis protected by the federal Fair Housing Amendments Act, the Americans with Disabilities Act, Title VI of the Civil Rights Act of 1964, Title VIII of the Civil Rights Act of 1968, the California Fair Employment and Housing Act, and the Unruh Act, as well as any other arbitrary or unlawful discrimination. The City will be providing a comprehensive Relocation Assistance Program to all families displaced by the project. The City's Relocation Program is designed to minimize the hardship and re responsive to unique project circumstances. Therefor there will be a less than significant impact.

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation	Less Significant Impact	No Impact
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**14. PUBLIC SERVICES**

Would the project result in substantial adverse physical impacts associated with the provisions of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts or order to maintain acceptable service ratios, response times or other performance objectives for any of the public services.

a) Fire Protection?				x
b) Police Protection?				x
c) Schools?				x
d) Parks?				x
e) Other public facilities?				x

**Comments:**

a) The Los Angeles County Fire Department provides fire protection for the City of Cudahy. General Plan Safety Element Policy 2.2 states: "The City of Cudahy will provide for the highest quality of fire, police, and health protection possible, within reasonable economic limits, for all Cudahy residents." The project does not include any new housing units or any other type of structure. The project would therefore not significantly impact existing fire service ratios and response times, and would not increase the demand for additional fire protection services.

b) The Cudahy Sheriff's Department provides police protection for the City. General Plan safety Element Policy 2.2



states: "The City of Cudahy will provide for the highest quality of fire, police, and health protection possible, within reasonable economic limits, for all Cudahy residents." Since the proposed park is a less intense recreation use, no new impacts or substantially more severe impacts would result from the modification from a residential property to a public park. Therefore the project would not significantly impact existing police service ratios and response times, and would not increase the demand for additional police protection services.

c) The City is served by the Los Angeles Unified School District. The project does not involve new housing units or employment generating land uses, and therefore would not create the demand for any new school facilities.

d) Exhibit 4-1 of the City of Cudahy general Plan Open Space and recreation Element indicates that the City has five public parks totaling 17.92 acres. The Open Space Element points out that based on the Los Angeles County establishes a standard of 4 acres of parkland per 1,000 residents. Park development consistent with General Plan land use designations would increase the availability of parkland and recreational facilities. Compliance with existing City parkland dedication standards and future project-level CEQA mitigation measures will reduce impacts. The project does not involve new housing units. The project consists an expansion of an existing park use, which will serve to accommodate existing demand for park space as opposed to creating any new demands for parks or recreational facilities. As such, the project would not result in an increased number of residents or visitors in the area using community parks. Therefore impacts on parks due to the expansion of an existing park will have no impact.

e) Park development consistent with general Plan land use designations would decrease the demands for other public facilities. Future developments would be subject to CEQA review and impacts on other public facilities would be considered. Project implementation would not increase the demand for any other public facilities or create the need for alteration or construction of any governmental buildings. Expansion of an existing park will have no negative impact on other public facilities.

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation	Less Significant Impact	No Impact
<b>15. RECREATION</b>				
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?			x	
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?			x	

**Comments:**

a) The proposed project is an expansion of park space. Implementation of the Conservation and Open Space Element standard of 4 acres of parkland per 1,000 residents is intended to reduce deterioration through ongoing maintenance and rehabilitation. Implementation of the City's parkland standards and future project-level CEQA mitigation measures will reduce impacts. As a park facility, the project would accommodate existing demand for park use in an underserved area. As such, the project would not create any new demands for parks or recreational facilities. Impacts to parks and recreational facilities due to the park expansion will be less than significant.

b) The proposed project is an expansion of park space. Implementation of the Conservation and Open Space



Element standard of 4 acres of parkland per 1,000 residents is intended to reduce deterioration through ongoing maintenance and rehabilitation. Implementation of the City's parkland standards and future project-level CEQA mitigation measures will reduce impacts. As a park facility, the project would accommodate existing demand for park use in an underserved area. As such, the project would not create any new demands for parks or recreational facilities. Impacts to parks and recreational facilities due to the park expansion will be less than significant.

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation	Less Significant Impact	No Impact
<b>16. TRANSPORTATION/TRAFFIC:</b> Would the project:				
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways, and freeways, pedestrian and bicycle paths, and mass transit?			x	
b) Conflict with an applicable congestion management program, including but not limited to level service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?			x	
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that result in substantial safety risks?				x
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?				x
e) Result in inadequate emergency access?				x
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle or otherwise decrease the performance or safety of such facilities?				x
Comments:				



- a) The General Plan Circulation Element shows that the project would not substantially increase delays in persons crossing intersections and delays at intersection to buses and pedestrians and would not be in conflict with General Plan policies.

The applicable plan establishing measures of effectiveness for the performance of the City's circulation system is the General Plan Transportation Element. General Plan Transportation Element policies 1.1 through 2.5 are intended to reduce traffic impacts of development in the City. Specific development proposals are subject to CEQA review and would be required to evaluate potential traffic impacts in comparison to applicable levels of service standards for the City of Cudahy. Compliance with Circulation element policies and CEQA mitigation measures will reduce circulation and mobility impacts.

Furthermore, it should be noted that the park expansion is not anticipated to increase the level of service to the existing park facility or exceed any established measures of performance related to vehicular traffic, pedestrian and bicycle paths, or mass transit. Rather the park expansion is addressing an underserved facility which is expected to generate less vehicular traffic or foot traffic than the existing multi-family residential use. Impacts associated with the park expansion will be less than significant.

- b) The General Plan Circulation Element shows that the project would not substantially increase delays in persons crossing intersections and delays at intersection to buses and pedestrians and would not be in conflict with General Plan policies.

The applicable plan establishing measures of effectiveness for the performance of the City's circulation system is the General Plan Transportation Element. General Plan Transportation Element policies 1.1 through 2.5 are intended to reduce traffic impacts of development in the City. Compliance with Circulation element policies and CEQA mitigation measures will reduce circulation and mobility impacts.

Furthermore, it should be noted that the park expansion is not anticipated to increase the level of service to the existing park facility or exceed any established measures of performance related to vehicular traffic, pedestrian and bicycle paths, or mass transit. Rather the park expansion is addressing an underserved facility which is expected to generate less vehicular traffic or foot traffic than the existing multi-family residential use. Impacts associated with the park expansion will be less than significant.

- c) The proposed project is an expansion to an existing park and would not directly impact any airport facilities, and thus would not cause a change in the directional patterns of aircraft. The project itself would not involve building any structures and thus would not result in any changes to air traffic patterns and in any substantial safety risks related to aircraft traffic. Furthermore, the nearest airports are more than ten miles away from the City and therefore future development cannot impact airport operations. Therefore, no impact will occur.
- d) The project would not alter the design features of any streets or alleys and would not introduce or encourage any incompatible land uses in the project vicinity. No further environmental analysis is required.
- e) The project reduces the intensity of land use of the subject property from multi-family residential to open space, and will not alter any transportation patterns, or emergency access routes. No further environmental analysis is required.
- f) Public transportation is available to Cudahy's residents through the MTA. MTA operates several bus routes serving the City of Cudahy. The project does not set forth or encourage any proposals or projects that would conflict with any adopted alternative transportation policies. No further environmental analysis is required.



Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation	Less Significant Impact	No Impact
<b>17. UTILITIES AND SERVICE SYSTEMS.</b> Would the project				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?			x	
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			x	
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			x	
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?		x		
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?			x	
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?			x	
g) Comply with federal, state, and local statutes and regulations related to solid waste?			x	
Comments:  a) The park expansion does not directly result in wastewater. Wastewater demand estimates are based upon land use designations, and the proposed project is a reduction of land use intensity from multi-family residential to open space. The County Sanitation Districts of Los Angeles County treats all wastewater generated in Cudahy, which is located in the boundary of District no. 2. The park expansion project would connect to the public sewer system where wastewater would eventually flow to Joint Water Pollution Control Plant located in the City of Carson, which has design capacity of 400 million gallons per day (MGD) and processed an average flow of 273 MGD in 2011. <sup>11</sup> Wastewater treatments at Joint Water Pollution Control Plant facility is required to meet applicable Regional Water Quality Control Board standards. Given that the Joint Water Pollution Control Plant has approximately 127 MGD average daily treatment capacity, impacts to wastewater treatment due to the park expansion will be less than significant.				



- b) The park expansion does not directly result in wastewater. Wastewater demand estimates are based upon land use designations, and the proposed project is a reduction of land use intensity from multi-family residential to open space. Tracts 349 & 180 Water Companies provide potable water in the City through a network of water distribution lines. Development of park space consistent with General Plan land use designations would increase water consumption, placing greater demands on water facilities. However the park expansion is a reduction of land use intensity and demand on the existing water facilities. Therefore, the park development will not result in or necessitate the construction of new water or wastewater treatment facilities or the expansion of existing facilities. Impacts to water supply and wastewater treatment facilities will be less than significant.
- c) Existing storm drain lines would be utilized by the park expansion, and low impact development standards will be implemented on all landscaping. The park expansion is a reduction of land use intensity and demand on the existing water facilities. Therefore, the park development will not result in or necessitate the construction of new water or wastewater treatment facilities or the expansion of existing facilities. Impacts to storm water drainage facilities due to park expansion would be less than significant.
- d) The park expansion project will be served by Tracts 349 or 180 Water Companies, which provide potable water in the City through a network of water distribution lines. The Water Companies obtain the bulk of their water supply from Metropolitan Water District. The project is a reduction of intensity and will reduce the demand on the water companies.
- e) The park expansion does not directly result in wastewater. Wastewater demand estimates are based upon land use designations, and the proposed project is a reduction of land use intensity from multi-family residential to open space. The County Sanitation Districts of Los Angeles County treats all wastewater generated in Cudahy, which is located in the boundary of District no. 2. The park expansion project would connect to the public sewer system where wastewater would eventually flow to Joint Water Pollution Control Plant located in the City of Carson, which has design capacity of 400 million gallons per day (MGD) and processed an average flow of 273 MGD in 2011.<sup>11</sup> Wastewater treatments at Joint Water Pollution Control Plant facility is required to meet applicable Regional Water Quality Control Board standards. Given that the Joint Water Pollution Control Plant has approximately 127 MGD average daily treatment capacity, impacts to wastewater treatment due to the park expansion will be less than significant.
- f) The Puente Hills Landfill serves the City of Cudahy. The park expansion is not anticipated to have a discernible long term impact on landfill capacity or operations. The City of Cudahy has a Solid Waste Handling and Recycling Services (Chapter 8.12 of the Municipal Code). Demolition of the exiting residential facilities is required to comply with the Cudahy Municipal Code as applicable to reduce the volume of solid waste that will be generated by residential projects. Compliance with the Municipal Code Chapter 8.12 and will reduce solid waste impacts. Impacts associated with the park expansion will be less than significant.
- g) Solid waste disposal service will be provided by the Puente Hills Landfill. The landfill is required to comply with all landfill regulations from federal, state and local regulatory agencies. The landfill is subject to regular inspections from the California Integrated Waste Management Board, including the Board's Local Enforcement Agency, the California Regional Water Quality Control Board and the South Coast Air Quality Management District to ensure compliance with all federal, state and local regulations.

The City is mandated by state law (AB 939) to reduce the quantity of solid waste entering the landfill. The City of Cudahy has a Solid Waste Handling and Recycling Services (Chapter 8.12 of the Municipal Code). Park expansion development will be required to comply with the Ordinance and recycle materials to reduce the quantity of solid waste from the site that is hauled to the landfill. Compliance with the Municipal Code Chapter 8.12 and future project-level CEQA mitigation measures will reduce solid waste impacts. Impacts associated with adoption of the zoning text amendment will be less than significant.



Project development is required to comply with all the applicable standards and regulations related to solid waste, including local regulations requiring recycling/deconstruction of existing buildings and materials. The impact will be less than significant.

<sup>11</sup><http://www.lacsd.org/wastewater/wwfacilities/iwpcp/performance/default.asp>

<sup>12</sup>Assuming 250 gallons per day per dwelling unit. See:  
[http://www.sdwas.com/Documents/Vol1/Section4/4.2\\_SewerPlanning.pdf](http://www.sdwas.com/Documents/Vol1/Section4/4.2_SewerPlanning.pdf)



Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation	Less Significant Impact	No Impact
<b>18. MANDATORY FINDINGS OF SIGNIFICANCE</b>				
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?				x
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?			x	
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?			x	
Comments:				
<p>a) The proposed project is located within an established urbanized setting. As determined in Section 4 Biological Resources, and Section 5 Cultural Resources, the project would have no impacts on biological or cultural resources. The project would not degrade the quality of the environment, impact any natural habitats, impact any fish or wildlife populations, threaten any plant or animal communities, alter the number or restrict the range of any rare or endangered plants or animals, or eliminate any examples of the major periods of California history or prehistory.</p> <p>Since the City and surrounding areas are highly developed and devoid of natural habitat, there are little or no potential impacts to sensitive biological resources. Similarly, potential impacts to archaeological or paleontological resources would be reduced with adherence to the regulatory requirements and mitigation, which provides instructions in the event a material of potential cultural significance is uncovered. If necessary, additional mitigation would be required to reduce potential impacts to a less than significant level. Compliance with project-level CEQA mitigation measures will reduce impacts.</p> <p>A park expansion would not significantly degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory. It is hereby found that the proposed projects contribution to adverse impacts on wildlife resources, individually or cumulative, will be less than significant.</p>				



- b) Due to the projects limited nature and scope reducing the intensity of land use from multi-family to passive open space, project implementation would not have any significant impacts that are individually limited but cumulatively considerable.
  
- c) The proposed project consists of the expansion of an existing park. The project is designed in conformance with the City's General Plan and applicable low impact development standards. The proposed project reduces the intensity of the land use, which reduces traffic generation, run off, and related constraints on public services. Potential project impacts have been analyzed in this environmental assessment and, as concluded in the discussions on these issues, the project would have a less than significant impact on the environment and would not have significant adverse effects on human beings.



**Table 5-2 Environmental Factors That Could Result in a Potentially Significant Impact**

The environment factors listed below that are checked indicate that the proposed project would result in environmental effects that are either "Potentially Significant" or "Less Than Significant With mitigation."

- Aesthetics
- Biological Resources
- Greenhouse gas Emissions
- Land Use/planning
- Population/Housing
- Transportation/Traffic

- Agriculture
- Cultural Resources
- Hazards & Hazardous Materials
- Mineral Resources
- Public Services
- Utilities/Services System

- Air Quality
- Geological/Soils
- Hydrology/Water Quality
- Noise
- Recreation
- Mandatory findings of Significance

Environmental Determination



On the basis of this initial evaluation:

- I find that the proposed project could not have a significant effect on the environment, and a **Negative Declaration** would be prepared.
- I find that although the proposed project could have a significant effect on the environment, there would not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A **Mitigated Negative Declaration** would be prepared.
- I find that the proposed project **MAY** have significant effects on the environment, and an **Environmental Impact Report** is required.
- I find that the proposed project **MAY** have a “potentially significant impact” or “potentially significant unless mitigated” impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measure based on the earlier analysis as described on attached sheets. An **Environmental Impact Report** is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier **EIR** or **Negative Declaration** pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier **EIR** or **Negative Declaration**, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signed:  Date: 8/27/14

Name: Michael Allen Phone: 323-773-5143

Title: Acting Community Development Director







## 6.0 REFERENCES

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[http://www.sdwas.com/Documents/Vol1/Section4/4.2\\_SewerPlanning.pdf](http://www.sdwas.com/Documents/Vol1/Section4/4.2_SewerPlanning.pdf)
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**City of Cudahy**  
**Clara Street Sports Complex Expansion Project**

**Draft Relocation Plan**

**September 2014**



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## **I. GENERAL INFORMATION**

### **INTRODUCTION**

The City of Cudahy (“City”) proposes to adopt a Relocation Plan (“Plan”) for the Clara Street Sports Complex Project (“Project”). Clara Street Park is located at 4835 Clara Street in the City of Cudahy. It is 2.27 acres in size and is improved with basketball courts, picnic areas with barbeque facilities, playground equipment, restrooms and playing fields. The Project proposes to expand Clara Street Park by acquiring one parcel, which is .45 acres in size and abuts Clara Street Park on the east. This parcel is currently improved with a six (6) unit apartment complex. The proposed Project will require the displacement of all six (6) residential households from the Project area.

Proposed improvements include the installation of lighting, landscaping using native plants, fencing and additional picnic seating.

The Project will be funded by a grant from the California State Parks Department, and specifically from the Urban Park Active 2001 Grant Program.

The Plan was completed by Paragon Partners, Ltd. (“Paragon”) and is organized into six sections as follows:

- I. General Information
- II. Project Data
- III. Assessment of Relocation Needs
- IV. Relocation Resources
- V. Relocation Assistance Program
- VI. Administrative Provisions

### **PURPOSE OF THE RELOCATION PLAN**

The purpose of the Plan is to provide the City with information about the impacts of the proposed Project on residential occupants to be displaced and to develop solutions to minimize the impacts of these displacements. More specifically, the primary objectives of the Plan are as follows:

1. To conduct a survey of relocation needs of the households displaced by the proposed Project.
2. To perform an analysis of the relocation needs of individuals and families. This includes a determination of the location factors and characteristics required in identifying comparable replacement housing sites. The replacement housing sites should exhibit:
  - a. Comparability to the displacement unit
  - b. Compliance with applicable local housing codes
  - c. Decent, safe, and sanitary condition
  - d. Affordability to the displaced person
  - e. Availability in areas which are compatible with the housing needs and location factors identified in the survey
  - f. Availability on the market
  - g. Availability to displacees without regard to age, race, color, religion, sex, marital status, or national origin
3. To conduct a survey and analysis of available relocation resources. This survey will aid in determining whether comparable replacement resources are available to the affected residences.
4. To outline the City's relocation procedures, funding sources, and time frame for relocation activities. This is to assure that uniform, fair, and equitable treatment is provided to all displacees of the proposed Project.
5. To determine the needs of displacees as well as the potential costs to effectively relocate the displacees.
6. To determine any need for Last Resort Housing for relocation of any household that will require financial assistance beyond the limits set by state statute.

## **CITIZEN PARTICIPATION**

In accordance with Section 6012 of the California Code of Regulations, Title 25, Chapter 6, the City will ensure the following:

1. Timely and full access to all documents relevant to the relocation program. The City will only restrict access to material where its confidentiality is protected by law or its disclosure is prohibited by law.
2. The information in documents provided does not compromise the privacy of eligible persons.
3. The provision of technical assistance necessary to interpret elements of the Plan and other pertinent materials.
4. A general notice of the Plan shall be provided to all displacees within the proposed Project area. The draft Plan will also be available for public review for 30 days and may be distributed to displacees, interested citizen groups, and other public agencies for review and comment.
5. Copies of the Plan shall be available for review within 30 days prior to final approval and adoption by the City. Comments from displacees and other interested persons regarding the Plan should be sent to:

Peter Rhoad  
Paragon Partners, Ltd.  
5762 Bolsa Avenue, #201  
Huntington Beach, CA 92649

6. The right of any person to submit written or oral comments and objections to the Plan when it is forwarded to the City for final approval.
7. Prompt written responses to any written comment, objection, or criticism.
8. Upon receipt of public comments, the Plan will be reviewed to ensure that it is

feasible, complies with applicable environmental standards, locally adopted rules, and applicable laws and regulations.

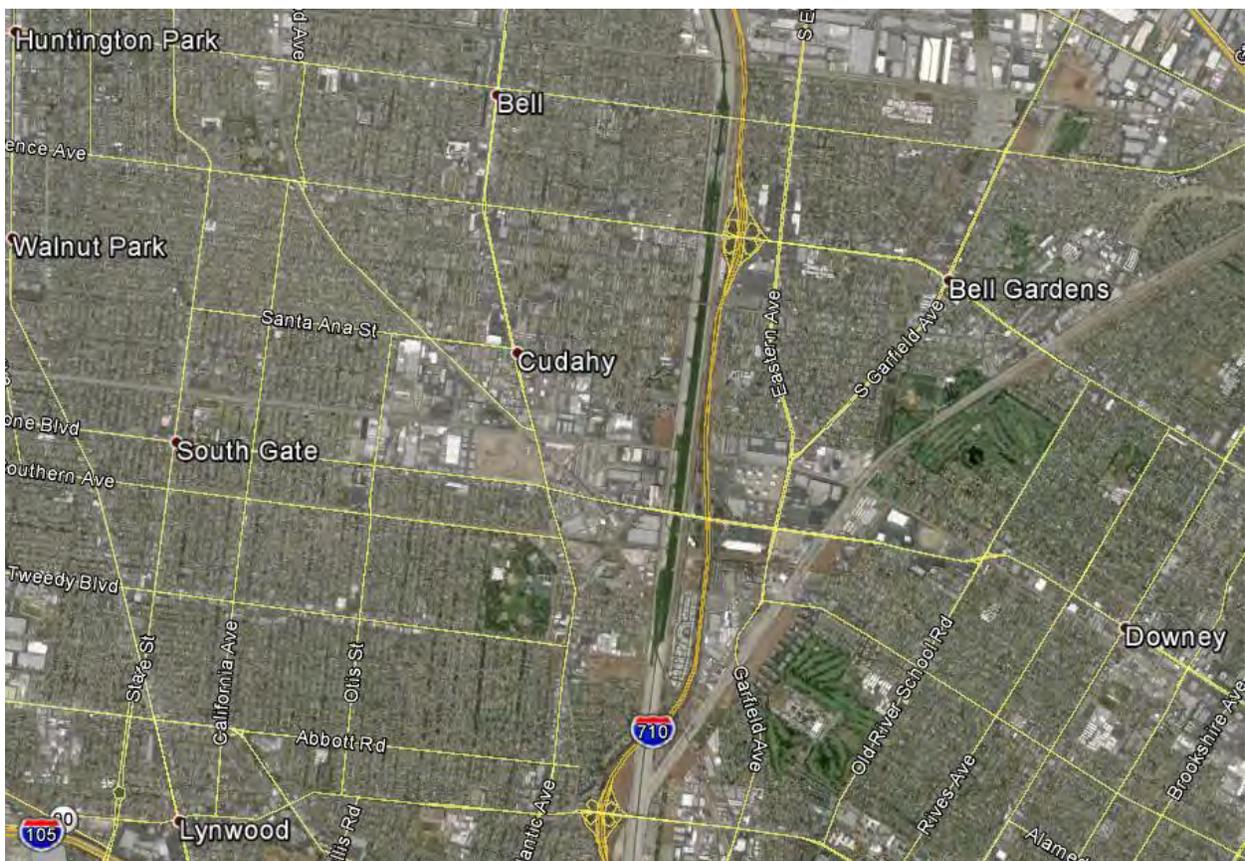
9. Public comments and the City's response will be included in the Final Plan, which will be presented for adoption by the City.

## II. PROJECT DATA

### REGIONAL LOCATION AND DESCRIPTION

The City of Cudahy is located southeast of downtown Los Angeles, and is bordered by the Cities of Huntington Park, Bell, South Gate, Lynwood and Bell Gardens. Cudahy is also bounded on the east by the Los Angeles River and 710 Freeway. **Figure 1** below, is a map showing the regional location of the Project.

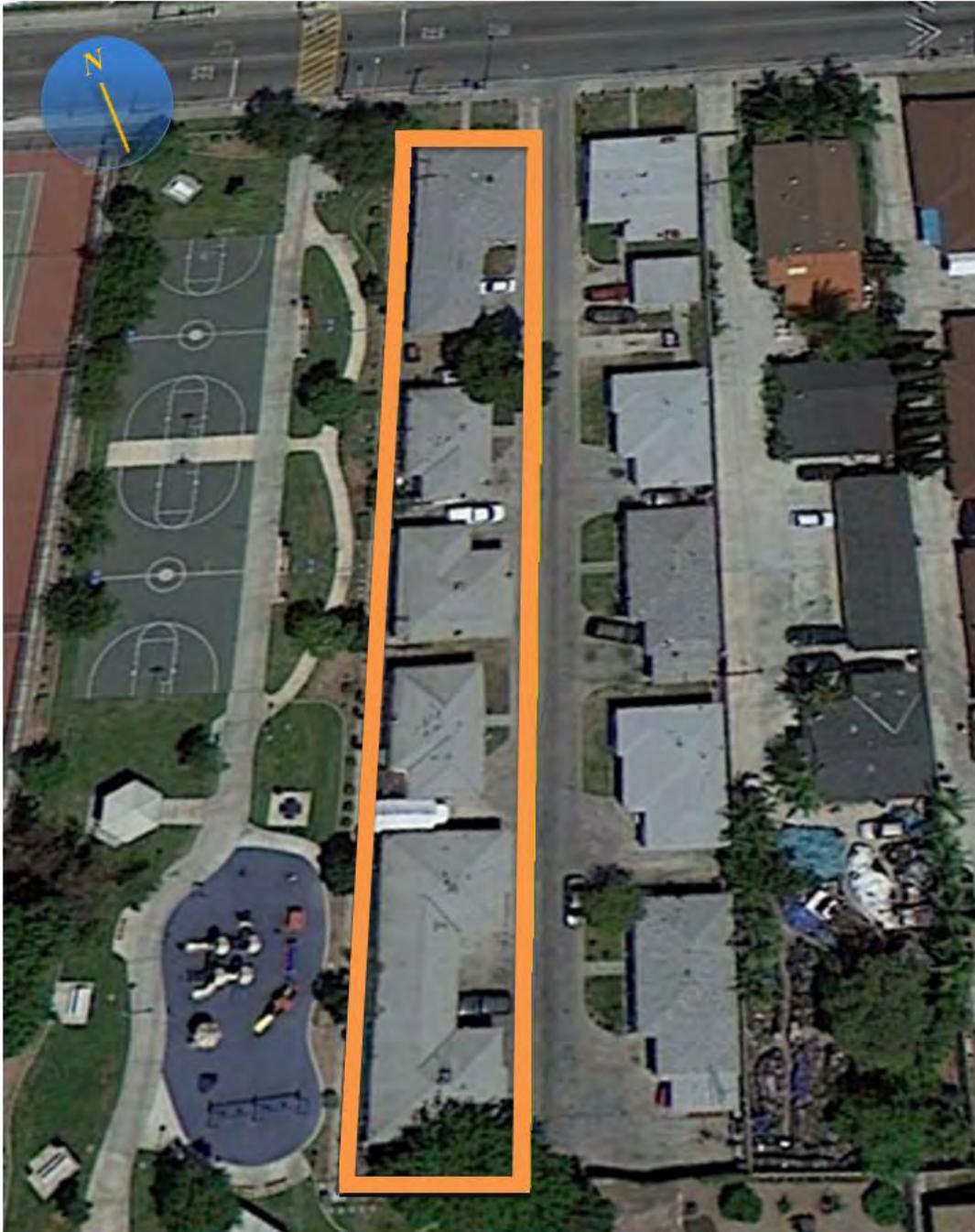
**Figure 1:** Project Area Regional Map



## SPECIFIC PROJECT LOCATION

The Project area is located at 4840-44 Clara Street and is bounded by residential uses, the Elizabeth Learning Center, and a school with kindergarten through high school grades. **Figure 2** below depicts the Project Area.

**Figure 2:** Project Area



## DEMOGRAPHICS

Tables 1 and 2, below, compare census data between the city of Cudahy and Census Tract 5344.05, within which the Project is located. Data is based on the 2010 US Census.

<b>TABLE 1: 2010 Census Population – City of Cudahy and Census Tract 5344.05</b>				
<b>Population</b>	<b>City</b>	<b>%</b>	<b>CT 5344.05</b>	<b>%</b>
White	11,708	49.2	2,115	49.3
Black or African American	333	1.4	68	1.6
American Indian or Alaska Native	246	1.0	43	1.0
Asian	137	0.6	32	0.7
Native Hawaiian or Other Pacific Islander	24	0.1	0.0	0.0
Some Other Race	10,339	43.4	1,803	42
Two or More Races	1,018	4.3	231	5.4
<b>Total Population</b>	<b>23,805</b>	<b>100</b>	<b>4,292</b>	<b>100</b>
Hispanic or Latino (of Any Race)	22,850	96	4,134	96.3

<b>TABLE 2: 2010 Census Housing Units – City of Cudahy and Census Tract 5344.05</b>				
<b>Type</b>	<b>City</b>	<b>%</b>	<b>CT 5344.05</b>	<b>%</b>
Owner-Occupied	1,011	18	103	89.4
Renter-Occupied	4,596	82	868	10.6
<b>Total Occupied Units</b>	<b>5,607</b>	<b>100</b>	<b>971</b>	<b>100</b>
Available for Sale Only (of Total Vacant Units)	13	8	2	8
Available for Rent – Full Time Occupancy (of Total Vacant Units)	106	65	16	67
Sold or Rented – Not Occupied	25	15	3	13
Otherwise Not Available (e.g. seasonal, recreational, migratory, occasional use)	4	3	1	4
Other Vacant	15	9	2	8
<b>Vacant Housing Units</b>	<b>163</b>	<b>100</b>	<b>24</b>	<b>100</b>

### **III. ASSESSMENT OF RELOCATION NEEDS**

#### **SURVEY METHOD**

To gather the necessary information for the Plan, personal interviews were conducted with residents within the Project Area in June 2014. (See Exhibit A for a sample Survey Form). The occupants were asked about the household characteristics, such as the number of occupants, unit size, length of occupancy, disabilities or special needs, household income, and the desired area for a replacement dwelling. The information provided by the respondents has not been verified and is based solely on verbal information, which is sufficient for the purpose of completing the Plan.

#### **RESIDENTIAL DATA AND NEEDS ASSESSMENT**

##### **Field Survey Data**

All six (6) of the units are tenant occupied and all of the six (6) occupants cooperated with the Plan Survey. Therefore, the information provided only reflects data obtained from the occupants who completed the survey. The occupied households consist of six (6) tenant occupied households. The monthly rent ranges from \$1,395 to \$2,195 with an average rental rate of \$1,535. There are five (5) 2-Bedroom units and one (1) 3-Bedroom unit. In terms of ethnicity, all six (6) of the households are Hispanic. The respondent households include a total of forty (40) total individuals, comprised of twenty-four (24) adults and sixteen (16) children. There are no occupants receiving Section 8 Rental Assistance. Spanish is identified as the primary language spoken by five (5) households and English is identified as the primary language by the remaining household. All of the respondent households indicated a preference for relocating within the City of Cudahy or surrounding cities.

##### **Households with Senior or Persons with Disabilities**

One of the households reported having a senior occupant and none of the households reported having a person with a disability.

## **Income**

Three (3) of the six (6) households did not respond to questions regarding annual income. Of the three (3) remaining households, two (2) qualify as Lower Income and one (1) qualifies as Extremely Low Income, based on the U.S. Department of Housing and Urban Development's (HUD) 2014 Income Limits for Los Angeles County.

## **Replacement Housing Needs**

Replacement housing needs for tenant occupants are based on the ratio of total household occupants to number of bedrooms. The HUD standard for the maximum number of occupants within a particular dwelling follows a 2 + 1 Theory, which allows for two (2) occupants per bedroom, with one (1) additional occupant being permitted to occupy a separate den, living room, or family room. Thus, a one (1) bedroom dwelling may accommodate up to a maximum of three (3) people; a two (2) bedroom may accommodate up to a maximum of five people, and a three (3) bedroom may accommodate up to a maximum of seven (7) people.

Based on this occupancy standard, three (3) of the respondent households have been identified as being overcrowded in regards to their specific housing needs. One (1) of these households has chosen to move separately into two (2) dwellings. Referrals presented to any potential tenant displacee will reflect the appropriate bedroom count as required by the HUD and any municipal standards.

#### IV. RELOCATION RESOURCES

The information gathered from the on-site interviews was used as the basis for a Resource Survey conducted during July 2014 to determine the availability of replacement rental housing. The following sources were utilized:

- Classified rental listings from local newspapers and *For Rent* publications
- Multiple-Listing Services
- Internet resources

#### RESIDENTIAL PROPERTY FOR RENT

The Survey generally identified properties in Cudahy and surrounding cities. However, as with any resource survey, results reflect conditions at a given point in time, and individual units may or may not be available at the time of displacement. A total of 61 For Rent units were identified. Rental Housing Survey data is summarized in **Table 3**, below:

<b>Table 3: Available Replacement Sites - Rental Housing</b>		
<b>No. Dwellings Available / (Needed)</b>	<b>No. Bedrooms</b>	<b>Asking Price Range and Average</b>
<b>23 (2)</b>	<b>2 BR</b>	<b>\$1,195 - \$1,795 \$1,329</b>
<b>33 (4)</b>	<b>3 BR</b>	<b>\$1,150 - \$3,200 \$1,884</b>
<b>6 (1)</b>	<b>4 BR</b>	<b>\$1,925 - \$3,999 \$2,521</b>

As previously stated, one of the households will move into two separate dwellings. One of these split households will require a 2 bedroom unit and the other will require a 4 bedroom unit. This will result in a net of seven (7) replacement households.

The housing resource survey indicates that there is an ample supply of comparable rental property available to the displacees. While adequate replacement sites are available, current rents paid by displaced occupants may increase. Any such rental

increase will be addressed through the City's obligation under the Relocation Program, including Last Resort Housing requirements, as described within Section V of this Plan.

The City will be responsible for assisting each household in relocating to comparable replacement housing. Any replacement housing unit approved by the City must meet decent, safe and sanitary housing requirements in accordance with Section 6012 of the California Code of Regulations, Title 25, Chapter 6. In order to meet these standards, a replacement site must meet the following criteria:

- Be structurally sound, weather tight, and in good repair
- Contain a safe electrical wiring system adequate for lighting and other devices
- Contain a safe heating system capable of sustaining a reasonable temperature
- Be adequate in size with respect to the number of rooms and area of habitable living space needed to accommodate the displaced household
- Contain unobstructed egress to safe, open space at ground level. If the dwelling unit is on the second story or above, with access directly from or through a common corridor, the common corridor must have at least two means of egress.
- For a person who is mobility impaired, the unit must be free of barriers which would restrict reasonable ingress, egress, or use of the dwelling

## **ALTERNATE HOUSING PROGRAMS**

Section 8 Housing Vouchers are granted by the Housing Authority of the County of Los Angeles ("Housing Authority"), when available, to qualified low and moderate income families, seniors, and disabled persons to secure suitable and affordable housing. Residential Displaced Persons fall under the jurisdiction of the Housing Authority. Regardless, one of the functions of the Relocation Program is to provide qualified displaced households with rental assistance for any incurred rental increase for a period of forty-two (42) months. Therefore, the scope of assistance provided by the Relocation Program through the City should meet the displacement needs.

## **TEMPORARY HOUSING NEEDS**

The City does not foresee a need for temporary housing as a result of Project acquisition or relocation requirements. However, should such a need arise, the City will respond appropriately and in accordance with applicable laws, regulations, and guidelines.

## **PROGRAM ASSURANCES AND STANDARDS**

There are adequate funds to relocate all the households that would be displaced if the Project is implemented. Relocation Services will be provided to ensure that displacement does not result in different or separate treatment of households based on race, nationality, color, religion, national origin, sex, marital status, familial status, disability, or any other basis protected by the federal Fair Housing Amendments Act, the Americans with Disabilities Act, Title VI of the Civil Rights Act of 1964, Title VIII of the Civil Rights Act of 1968, the California Fair Employment and Housing Act, and the Unruh Act, as well as any other arbitrary or unlawful discrimination.

## **COMPETING PROJECTS**

There are other active and proposed projects in the neighboring communities. However, these projects, individually or combined, are not on a scale that would negatively impact the availability of replacement housing for the Project area residents.

## **SUMMARY**

The purpose of the Plan is to evaluate and assess the needs of residential displacees impacted by the proposed Project. Based on information gathered from survey data, adequate sites are available to successfully relocate residential displacees. Therefore, the Clara Street Sports Complex Expansion Project will not require special consideration other than Last Resort Housing.

## **V. RELOCATION ASSISTANCE PROGRAM**

The City will be providing a comprehensive Relocation Assistance Program to all families displaced by the Project. The City's Relocation Program is designed to minimize hardship and be responsive to unique project circumstances. Services will be provided in such a manner to ensure consistent and equal treatment of displacees, without regard to race, nationality, color, religion, national origin, sex, marital status, familial status or disability.

The City's comprehensive Relocation Assistance Program consists of advisory and financial assistance. These principal components will be implemented in accordance with the California Relocation Assistance Law (Government Code 7260) and the California Code of Regulations, Title 25, Chapter 6.

### **ADVISORY SERVICES**

Individuals and/or families moving from existing homes as a result of the Project will receive advisory assistance, including the following:

1. Provision of all required brochures and notices (See Section VI, Administrative Provisions).
2. Determination of the needs of each residential displacee eligible for relocation assistance.
3. Provide displacees with referrals to replacement properties within a reasonable time prior to displacement.
4. Provide reasonable services and assistance to successfully relocate residents being displaced by the Project.
5. Assure that no occupant is required to move without a formal written 90-Day Notice to Vacate the premises (See Exhibit E).
6. Provide advisory assistance to a displacee in regards to the process of filing a formal grievance or appeal.

## **RELOCATION BENEFITS TO RESIDENTIAL OCCUPANTS**

The Relocation Benefit Program will help eligible occupants by paying costs and expenses to relocate to a replacement site in accordance with applicable relocation guidelines. These costs are limited to those necessary for the purchase or rental of a comparable replacement property and moving costs of personal property. During the course of personal interviews and ongoing contact, each displacee will be counseled as to available options and the consequences of any choice with respect to financial assistance. Moving costs and relocation benefits will be paid to eligible displacees upon submission of required claim forms and documentation in accordance with the City's administrative procedures. These include:

### **MOVING EXPENSE PAYMENTS**

Any displaced person who lawfully occupies the property being acquired, regardless of the length of occupancy, will be eligible for reimbursement of moving costs associated with personal property located at the displacement site. Displacees will receive either a Fixed Moving Payment based on a room count schedule or reimbursement of Actual Costs associated with a professional move.

#### **A. Fixed Payment (Room Count Schedule)**

The displacee, while taking the responsibility for the move, may elect to receive a Fixed Moving Payment for a Self-Move based on a room count of furnished rooms in the displacement dwelling. The Fixed Moving Payment is a one-time allowance for a Self-Move that does not require back-up documentation. The current schedule for Fixed Moving Payments is set forth in **Table 4** below:

<b>Table 4: Fixed Moving Schedule</b>	
<b>Occupants-Furnished Rooms</b>	
<b>Room Count</b>	<b>Payment</b>
1 Room	\$685
2 Rooms	\$880
3 Rooms	\$1,100
4 Rooms	\$1,295
5 Rooms	\$1,570
6 Rooms	\$1,815
7 Rooms	\$2,090
8 Rooms	\$2,365
Each additional room	\$250
<b>Occupants-Unfurnished Rooms</b>	
1 Room not furnished	\$450
Each additional room	\$85

### **B. Actual Cost (Professional Move)**

The displacee may elect to retain the services of a licensed professional mover. If this option is selected, the City will pay for the actual cost of the move within a fifty (50) mile Project radius, based on the lower of two (2) acceptable moving bids. After the move is complete, the displacee may pay the mover directly and seek reimbursement from the City or request a direct payment to the mover.

### **RENTAL ASSISTANCE PAYMENTS TO TENANT-OCCUPANTS**

Residential tenants who have established their residency in the displacement dwelling for a period of at least 90 days prior to the first written offer to purchase the property by the City, will be eligible to receive a Rental Assistance Payment (“RAP”), in addition to a payment for moving expenses. Payment to residential tenants are determined on the basis of their current rent, their ability to pay rent, market rent of a comparable replacement dwelling, actual rent of the replacement unit, and any estimated cost increase for utilities. With the exception of “Last Resort Housing” situations, the Relocation Guidelines, the maximum allowable RAP is \$5,250.

<b>Sample Calculation of Rental Assistance Payment</b>		
<b>Select Lesser Of:</b>		
1. Old Rent	\$750	Old Rent plus utilities
2. Ability to Pay	\$650	30% of gross household income
	\$650	<b>Yields Base Rent</b>
<b>Subtract Base Rent From The Lesser Of:</b>		
4. Comparable Rent	\$800	Replacement site plus utilities
<b>OR</b>		
5. Actual Rent Paid	\$750	Actual new rent plus utilities
	<b>\$750</b>	<b>Yields New Rent Factor</b>
<b>Rental Assistance Payment</b>		
6. Monthly Need	\$100	Rent Factor (\$750) minus Base Rent (\$650)
<b>Payment</b>	<b>\$4,200</b>	<b>Monthly Need multiplied by 42 months</b>

Tenants may choose to use their RAP for a down payment allowance and/or non-recurring closing costs when electing to purchase a replacement home.

A residential tenant who has not been in residency for at least 90 days prior to the first written offer is only entitled to receive a moving expense payment unless they qualify under Last Resort Housing, which is discussed below. A tenant who has occupied the displacement property less than 90 days prior to the City's original written purchase offer to the property owner is eligible for Last Resort Housing based solely on income qualification.

## **LAST RESORT HOUSING**

The Relocation Guidelines contain policies and procedures for implementing a Last Resort Housing Program. Such assistance is authorized when comparable replacement housing is not available within the tenant's financial means, and the Rental Assistance Payment would exceed the statutory limit of \$5,250 for tenant occupied households. Based on the results of the survey, all of the respondent households in the Project Area will likely qualify for Last Resort Housing. The following is the recommended course of action for the Project displacees and a summary of their entitlements for replacement housing:

- Provide additional rent and replacement housing supplements above the statutory limits of \$5,250, with payments being made toward the rent differential or down payment to purchase a replacement site.

## **VI. ADMINISTRATIVE PROVISIONS**

### **NOTICES**

Any official notice that the City is required to provide to a Project displacee shall be personally delivered or sent by certified or registered first-class mail, return receipt requested. Each notice will indicate the name and telephone number of a person who may be contacted for answers to questions or other additional assistance.

The four (4) principal notices are:

1. General Information Notice (See Exhibit B)
2. Relocation Brochure (See Exhibit C)
3. Notice of Eligibility (See Exhibit D)
4. 90-Day Notice To Vacate (See Exhibit E)

The General Information Notice and Relocation Brochure are intended to provide potential displacees with a description of the City's relocation program, eligibility criteria, information regarding potential financial assistance, and appeal rights. The Notice of Eligibility will contain a determination of eligibility for relocation assistance and a description or itemization of potential entitlement benefits.

No lawful occupant affected by the Project will be required to move without having received a 90-Day, advance written notice of the earliest date by which the move will be necessary. The 90-Day Notice will either state a specific vacation date or state that the occupant will receive a further notice at least 60 days in advance of the specific date by which they are required to move. A 90-Day Notice will not be issued to any residential displacee without first being given information regarding comparable housing.

### **LANGUAGE ASSISTANCE**

If requested, language assistance will be available for occupants who do not understand and/or speak English.

## **RELOCATION APPEAL PROCESS**

A person who is dissatisfied with a determination as to eligibility for benefits, a payment amount, comparable housing referrals, or the City's property management practices may file a request for a review and/or appeal in accordance with the City's Grievance Procedures.

## **EVICITION POLICY**

The City recognizes that eviction is permissible only as a last resort. Eviction will only take place in cases of illegal occupancy, nonpayment of rent, serious or repeated violations of the material terms of the rental agreement, a dangerous or illegal act in the unit, or if the occupants refuse all reasonable offers to comparable housing. In all cases, relocation records must be documented to reflect the specific circumstances surrounding the eviction. If a tenant is evicted for cause, all relocation benefits to which they may be entitled may be jeopardized. Tenants who are evicted retain their right to claim relocation benefits, although deductions may be made from any future relocation payments. The City pledges that an eviction will not be undertaken for the purpose of evading its obligation to make payments under its Relocation Assistance Program, or other assistance to which a Displaced Person may otherwise be entitled.

## **PROJECTED DATES OF DISPLACEMENT**

No displacee will be required to vacate without a minimum of a 90 Day advance written notice. However, an occupant in the Project Area may choose to vacate prior to the issuance of a "Notice to Vacate," after they receive their Notice of Eligibility and are assured that they will receive relocation assistance. The projected dates of displacement are between November 2014 and January 2015. The City anticipates that date specific Notices to Vacate will not be issued prior to November 1, 2014

## ESTIMATED RELOCATION COSTS

The relocation budget estimate is based on data obtained through occupant interviews, available replacement sites and the experience and judgment of Paragon staff. The relocation budget estimate does not include any payment for property acquisition or professional fees necessary to implement the Relocation Assistance Program. The City pledges to appropriate, on a timely basis, the funds necessary to ensure the successful completion of the Project, in accordance with applicable relocation laws.

### THE ESTIMATED RELOCATION COST FOR THE PROJECT IS:

	\$ 181,000	
	\$ 18,100	(10 % Contingency)
<b>ESTIMATED TOTAL</b>	<b>\$ 199,100</b>	

# EXHIBIT A: Relocation Interview Form

## RESIDENTIAL QUESTIONNAIRE

Date: \_\_\_\_\_ Project Name: \_\_\_\_\_ Interviewer: \_\_\_\_\_

### TENANT INFORMATION

Occupant Name: \_\_\_\_\_ Move-in Date: \_\_\_\_\_  
 Address: \_\_\_\_\_ Rent Amount: \_\_\_\_\_  
 \_\_\_\_\_ Security Deposit: \_\_\_\_\_  
 Home Phone: \_\_\_\_\_ Work Phone: \_\_\_\_\_ Cell Phone: \_\_\_\_\_  
 Social Security#: \_\_\_\_\_ Ethnicity: \_\_\_\_\_ Primary Language: \_\_\_\_\_

### Occupancy

Bedrooms: \_\_\_\_\_ Baths: \_\_\_\_\_ Garage/Carport: \_\_\_\_\_ Total # of Rooms: \_\_\_\_\_ Bedrooms Needed: \_\_\_\_\_  
 Gas: Tenant [ ] Owner [ ] Electricity: Tenant [ ] Owner [ ] Water/ Sewer/Garbage: Tenant [ ] Owner [ ]  
 \_\_\_\_\_ Rent \_\_\_\_\_ Lease \_\_\_\_\_ Mortgage \_\_\_\_\_ Own \_\_\_\_\_ Vacant \_\_\_\_\_ No Contact  
 \_\_\_\_\_ Elderly Household \_\_\_\_\_ Handicap Household \_\_\_\_\_ Section 8 Recipient

### TYPE OF STRUCTURE/OTHER INFO

\_\_\_\_\_ SRO \_\_\_\_\_ SFR \_\_\_\_\_ Apt \_\_\_\_\_ Duplex/Triplex \_\_\_\_\_ Condo/Townhouse \_\_\_\_\_ Hotel/Motel \_\_\_\_\_ Vacant

Do you own your own car: **Yes** [ ] **No** [ ] Home business: **Yes** [ ] **No** [ ] What Type: \_\_\_\_\_

Do you need to be close to transportation (metro, bus): **Yes** [ ] **No** [ ] Do you need to be close to Hospital, School: **Yes/No**

Area Preference: \_\_\_\_\_ Do you own any pets: \_\_\_\_\_ What Type: \_\_\_\_\_

### OWNER-OCCUPANT INFORMATION

Purchase Price: \_\_\_\_\_ Principal Balance: \_\_\_\_\_ Loan Type: \_\_\_\_\_

Term Left Months: \_\_\_\_\_ Living Area Sq. Ft.: \_\_\_\_\_ Lot Size Sq. Ft.: \_\_\_\_\_

### HOUSEHOLD OCCUPANTS

Name	Sex	Age	Monthly Income/ School Attended	Comments (source of income, list disabilities, if any)

Notes:

## EXHIBIT B: General Information Notice

Date

Name

4840-4844 Clara Street  
Cudahy, CA 90201

### **SUBJECT: GENERAL INFORMATION NOTICE – Residential Occupant**

Dear Tenant:

As part of the Clara Street Sports Complex Expansion Project, the City of Cudahy (“City”) seeks to acquire the property located at 4840-4844 Clara Street. If the City acquires the property and you are displaced by the Project, you may be eligible for relocation assistance in accordance with the California Relocation Assistance Law, Government Code Section 7260, et seq., (“Law”), and the Relocation Assistance and Real Property Acquisition Guidelines (California Code of Regulations, Title 25, Division 1, Chapter 6, Section 6000 et seq., (“Guidelines”).

The following is information about potential relocation services and payments:

**ADVISORY ASSISTANCE** includes providing replacement property referrals, preparing and filing payment claims, coordinating moving options, and other various services.

**MOVING EXPENSES** may be paid to those who are required to relocate personal property from the displacement property acquired by the City.

**RESIDENTIAL TENANTS** who have occupied the displacement home for at least 90 days immediately prior to the City’s first written offer to purchase the displacement dwelling may be eligible for increased rental cost payments. A decent, safe and sanitary replacement dwelling must be rented or purchased within one year of moving from the displacement dwelling.

**WHEN PAYMENTS CAN BE MADE** No relocation payment can be made until the City has made a written offer to acquire the real property where the person lives or operates his/her business, farm or nonprofit organization.

In addition, the person who is lawfully occupying real property required for the project will not be asked to move without first being given at least 90 days advance written notice. No residential occupant, eligible for relocation payments, will be required to move unless adequate decent, safe and sanitary replacement housing, which is open to all persons regardless of race, color, religion, sex, or national origin, has been made available to them by the City or they have secured such housing for themselves.

**APPEALS** Any person may appeal to the City if that person believes that the City has failed to properly determine the person's eligibility or the amount of payment authorized by the Law. You have the right to be represented by legal counsel, but it is not required. If you still believe a proper determination has not been made, you may seek judicial review.

**THIS NOTICE DOES NOT REQUIRE YOU TO MOVE AT THIS TIME**

**This is not a notice to vacate** and does not establish eligibility for relocation payments or other relocation assistance. If the City decides not to purchase the property, you will be notified in writing. If you move before receiving a Notice of Eligibility, you may not be entitled to relocation assistance. You must continue to pay your rent and to comply with all terms and conditions of your lease or rental agreement with your landlord. If you are evicted, you may not qualify for relocation assistance.

**NONDISCRIMINATION** All services and/or benefits to be derived from any right of way activity will be administered without regard to race, color, national origin or sex in compliance with Title VI of the 1964 Civil Rights Act.

If you have any questions please call me at (323) 773-5143.

Sincerely,

Michael Allen  
Acting Community Development Director

# EXHIBIT C: INFORMATIONAL BROCHURE

- I. General Information
- II. Assistance In Locating A Replacement Dwelling
- III. Moving Benefits
- IV. Replacement Housing Payment – Tenants
- V. Section 8 Tenants
- VI. Replacement Housing Payment - Homeowners
- VII. Qualification For And Filing Of Relocation Claims
- VIII. Last Resort Housing Assistance
- IX. Rental Agreement
- X. Evictions
- XI. Appeal Procedures
- XII. Tax Status Of Relocation Benefits
- XIII. Additional Information And Assistance Available

## **I. GENERAL INFORMATION**

The residential unit in which you currently reside is in an area to be improved by the City of Cudahy (City), as part of the Clara Street Sports Complex Expansion Project. As the project schedule proceeds, it will be necessary for you to move from your dwelling. You will be notified in a timely manner as to the date by which you must move.

Please read this information as it will be helpful to you in determining your eligibility and the amount of your relocation benefits you may receive under the Federal and/or State law. The City has retained (Name of Consultant) (“Consultant”) to provide you with relocation assistance and explain the relocation program. Spanish speaking representatives are available. **Si necesita esta información en español, por favor llame a su representante.**

**DO NOT MOVE PREMATURELY. THIS IS NOT A NOTICE TO VACATE YOUR DWELLING.** However, if you desire to move sooner than required, you must contact your relocation representative with (NAME OF CONSULTANT) so you will not jeopardize any benefits. This is a general informational brochure only, and is not intended to give a detailed description of either the law or regulations pertaining to the City’s relocation assistance program. Once the City acquires the property, you may be required to pay rent to the City. Failure to pay rent may reduce any relocation payment that you may be eligible to receive.

## **II. ASSISTANCE IN LOCATING A REPLACEMENT DWELLING**

The City, through its representatives, will assist you in locating a comparable replacement dwelling by providing referrals to comparable housing units. However, you should actively seek such housing as well. When a desired replacement dwelling has been found, your relocation consultant will inspect the unit and advise you as to whether it meets decent, safe and sanitary housing requirements. A decent, safe and sanitary housing unit provides adequate space for its occupants, proper weatherproofing,

heating, electrical and plumbing systems. Your new dwelling must pass this inspection before relocation assistance payments can be authorized.

### **III. MOVING BENEFITS**

If you must move as a result of displacement by the City, you will receive a payment to move your personal property. The actual, reasonable and necessary expenses for moving your personal property may be determined based on either:

- A Fixed Moving Payment based on the number of rooms you occupy (see below); **or**
- A payment for your Actual Reasonable Moving and Related Expenses based on at least two written estimates and receipted bills

#### **A. Fixed Moving Payment (Self Move)**

A Fixed Moving Payment is based upon the number of rooms you occupy and whether or not you own your own furniture. The payment is based upon a schedule approved by the City and ranges from \$450 for one furnished room to \$2,365 for eight rooms in an unfurnished dwelling. Your relocation representative will inform you of the amount you are eligible to receive if you choose this type of payment.

<b>FIXED MOVING SCHEDULE - CALIFORNIA</b>			
<b>Occupant owns furniture</b>		<b>Occupant does NOT own furniture</b>	
1 room	\$685	1 room	\$450
2 rooms	\$880	each additional room	\$85
3 rooms	\$1,100		
4 rooms	\$1,295		
5 rooms	\$1,570		
6 rooms	\$1,815		
7 rooms	\$2,090		
8 rooms	\$2,365		
Each additional room	\$250		

If you select a fixed payment, you will be responsible for arranging your own move and the City will assume no liability for any loss or damage of your personal property. A fixed payment also includes utility hook-up, credit check and other related moving fees.

## B. **Commercial Move**

If you wish to engage the services of a licensed commercial mover and have the City pay the bill, you may claim the ACTUAL cost of moving your personal property up to 50 miles. Your relocation representative will inform you of the number of competitive moving bids which may be required, and assist you in developing a scope of services for the move.

## **IV. REPLACEMENT HOUSING PAYMENT – 90-DAY OCCUPANTS**

Tenant-occupants may be eligible for a payment up to \$5,250 to assist in renting or purchasing a comparable replacement dwelling. In order to qualify, you must be a tenant who has occupied your present dwelling for at least 90 days immediately prior to the City's first offer to purchase the property.

- A. **Rental Assistance.** If you **wish to rent** your replacement dwelling, your rental assistance benefits will be based upon the difference over a forty-two (42) month period between the lesser of the rent of your actual replacement dwelling and rent you must pay for a comparable replacement dwelling, and the lesser of your current rent or thirty percent (30%) of your monthly household income if your total gross income is classified as "low income" by the U. S. Department of Housing and Urban Development's Annual Survey of Income Limits for Public Housing and Section 8 Programs. You will need to verify your monthly rent and household income in order to determine eligibility for this payment; **or**
- B. **Down Payment Assistance.** If you qualify, and **wish to purchase** a home as a replacement dwelling, you can apply up to the total amount of your rental assistance payment toward the down payment and non-recurring incidental expenses. Your relocation representative will clarify procedures necessary to apply for this payment.

## **V. "SECTION 8" TENANTS**

When you do move, you may be eligible to transfer your Section 8 eligibility to a replacement site. In such cases, a comparable replacement dwelling will be determined based on your family composition at the time of displacement and the current housing program criteria. This may not be the size of the unit you currently occupy. Your relocation representative will provide counseling and other advisory services along with moving benefits.

## **VI. REPLACEMENT HOUSING PAYMENT - HOMEOWNERS**

- A. If you owned and occupied a dwelling purchased by the City for **at least 180 days** prior to the first offer to purchase, you may be eligible to receive a payment of up to \$22,500 to assist you in purchasing a comparable replacement dwelling. If you choose to rent rather than purchase a replacement dwelling, the payment will be based on a determination of market rent for the acquired dwelling compared to a comparable rental dwelling available on the market. This

payment is intended to cover the following items:

1. **Purchase Price Differential** - An amount which, when added to the amount for which The City purchased your property, equals the lesser of the actual cost of your replacement dwelling; **or** the amount determined by the City as necessary to purchase a comparable replacement dwelling. Your relocation representative will explain both methods to you.
  2. **Mortgage Interest Differential** – A payment to cover any increased mortgage interest costs for the replacement dwelling.
  3. **Incidental Expenses** – A payment for one time incidental costs related to purchasing a replacement unit, such as escrow fees, recording fees, and credit report fees. Recurring expenses such as prepaid taxes and insurance premiums are not compensable.
- B. **Rental Assistance Option** - If you are an owner-occupant and choose to rent rather than purchase a replacement dwelling, you may be eligible for a Rental Assistance Payment of up to the amount that could have been received under the Purchase Price Differential, explained above. The payment will be based on the difference between the fair market rent of the dwelling you occupy and the rent you must pay for a comparable replacement dwelling.

If you receive a Rental Assistance Payment, as described above, and later decide to purchase a replacement dwelling, you may apply for a payment equal to the amount you would have received if you had initially purchased a comparable replacement dwelling, less the amount you have already received as a rental assistance payment.

## **VII. QUALIFICATION FOR AND FILING OF RELOCATION CLAIMS**

To qualify for a Replacement Housing Payment, you must rent or purchase and occupy a comparable replacement unit **within one year from the following**:

- For a tenant, the date you move from the displacement dwelling
- For an owner-occupant, the latter of:
  - a. The date you receive final payment from the City for the acquired dwelling, or in the case of condemnation, the date the full amount of estimated just compensation is deposited in court or;
  - b. The date which you moved from the acquired dwelling, whichever is later

All claims for relocation benefits must be filed with the City **within eighteen (18) months** from the date on which you receive final payment for your property, or the date, on which you move, whichever is later.

## **VIII. LAST RESORT HOUSING ASSISTANCE**

If comparable replacement dwellings are not available when you are required to move, or if replacement housing is not available within the monetary limits described above, the City will provide Last Resort Housing Assistance to enable you to rent or purchase a replacement dwelling on a timely basis. Last Resort Housing Assistance is based on the individual circumstances of the displaced person. Your relocation representative will explain the process for determining whether or not you qualify for Last Resort Assistance.

If you are a tenant, and you choose to purchase rather than rent a comparable replacement dwelling, the entire amount of your Rental Assistance and Last Resort eligibility must be applied toward the down-payment of the home you intend to purchase.

## **IX. RENTAL AGREEMENT**

As a result of the City's action to purchase the property where you live, you may become a tenant of the City. If this occurs, you will be asked to sign a rental agreement that will specify the monthly rent to be paid, when rent payments are due, where the payments need be sent, and other pertinent information.

## **X. EVICTIONS**

Eviction for cause must conform to applicable state and local law. Anyone who occupies the real property and is not in unlawful occupancy on the date of initiation of negotiations is presumed to be entitled to relocation benefits, unless the City determines that:

- The person received an eviction notice prior to the initiation of negotiations and as a result was later evicted; or
- The person is evicted after the initiation of negotiations for serious or repeated violation of material terms of the lease; and
- In either case, the eviction was not undertaken for the purpose of evading relocation assistance regulations.

## **XI. APPEAL PROCEDURES**

Any person aggrieved by a determination as to eligibility for a relocation payment, or the amount of a payment, may have his/her claim reviewed or reconsidered in accordance with the City's appeals procedure. Details on appeal procedures are available upon request from the City.

## **XII. TAX STATUS OF RELOCATION BENEFITS**

Relocation benefit payments are not considered income for the purpose of the Internal Revenue Service Code of 1986, or the Personal Income Tax Law, Part 10 (commencing with Section 17001) of Division 2 of the Revenue and Taxation Code, or the Bank and Corporation Tax law, Part 11 (commencing with Section 23001) of Division 2 of the

Revenue and Taxation Code. The preceding statement is not tendered as legal advice in regard to tax consequences, and you should consult with your tax advisor or legal counsel to determine the current status of such payments.

### **XIII. ADDITIONAL INFORMATION AND ASSISTANCE AVAILABLE**

Those responsible for providing you with relocation assistance hope to assist you in every way possible to minimize the hardships involved in relocating to a new home. Your cooperation will be helpful and greatly appreciated. If you have any questions at any time during the process, please do not hesitate to contact your relocation representative.

# EXHIBIT D: Notice of Eligibility

Date

Via Hand Delivery

Name

4840-4844 Clara Street  
Cudahy, CA 90201

Dear Tenant:

On (date) the City of Cudahy ("City") made an offer to acquire the property which you currently occupy. As the eligible occupant of the property, you may be entitled to certain benefits under the California Code of Regulations, Title 25, Division 1, Chapter 6, and the California Government Code, Title 1, Chapter 16, Section 7260 et. seq. These benefits are briefly outlined below and are discussed in further detail in the Informational Statement which was previously provided to you.

As an eligible occupant of the property, you are entitled to:

**RELOCATION ADVISORY ASSISTANCE** provided by (Name of Consultant), a firm hired by the City to provide relocation assistance to you.

1. **MOVING EXPENSES.** You may select either one of following payments:

- A. A Fixed Moving Payment based on the number of rooms you occupy (from moving schedule). Your entitlement under this option is \$xx; or
- B. A payment for your Actual Reasonable Moving and Related Expenses based on at least two written estimates and receipted bills.

2. **REPLACEMENT HOUSING PAYMENT.** If you occupied the property for 90 consecutive days or more immediately preceding the date of the City's offer, you may be eligible for financial assistance to purchase or rent comparable replacement housing. To receive such payments, you must rent or purchase your replacement dwelling within one (1) year from the date of vacating your displacement dwelling. **Failure to act within the one (1) year period could result in loss of all replacement housing benefits.** This assistance is composed of the following replacement housing benefits:

A. **If you RENT replacement housing, you may file a claim for:**

A RENTAL ASSISTANCE payment equal to the difference between the lesser of 1) the monthly rent and estimated average monthly cost of utilities for a comparable replacement dwelling as determined by the City, or 2) the actual monthly rent of your replacement dwelling and estimated average monthly cost of utilities AND the base monthly rent during the three months immediately prior to vacation from the displacement dwelling, multiplied by 42 months. Base monthly rent is defined as the lesser of 1) the average monthly rent and estimated

average monthly cost of utilities at the displacement dwelling, or 2) thirty percent (30%) of your gross monthly household income, or 3) if you are receiving a welfare assistance payment, the portion of such payment that is specifically designated for shelter and utilities. If you are paying little to no rent for the City acquired dwelling, the Rental Assistance Payment will be based on “economic rent,” which is rent typically charged for a comparable unit in your area.

Listed below are three “comparable replacement housing units” that you may wish to consider:

Address	Rent & Estimated Utilities	Contact

Based on the above list of comparable housing units, the unit located at (address) is the most representative of your present home. Based on the information you have provided about your income and/or present rent, you may be eligible for a Rental Assistance Payment of up to \$xx. If you rent a decent, safe and sanitary home where the monthly rent and average estimated utility costs are less than \$xx, your Rental Assistance Payment will be based on the actual cost of such unit.

Calculations are based on information you provide to us, including your current rent, income information, and the scheduled rent as described above. Failure to supply adequate income information may result in a delay or denial of benefits based on income. Rental Assistance Benefits are paid in at least two installments, consisting of an advance and a final payment. Based on the information you provided and the comparable rent as listed below, your estimated Rental Assistance Payment calculation is as follows:

1	Current Rent (\$xx) + Utility allowance (\$xx)	\$xx
2	Current Total Gross Monthly Household Income	\$xx
3	Ability-To-Pay Rent (30% of Line 2)	\$xx
4	Rent for Comparable Replacement Dwelling (\$xx) + (\$xx) Utilities	\$xx
5	Lower of Current Rent <b>OR</b> Ability-To-Pay	\$x
6	Monthly Rental Need (Line 4 minus Line 5)	\$xx
7	<b>Estimated Total 42 Months Eligibility</b> (Line 6 times 42)	<b>\$xx</b>

**B. If you BUY replacement housing, you may file a claim for:**

DOWN PAYMENT ASSISTANCE you may use the full amount of your Rental Assistance Payment for a down payment and incidental purchase expenses on a replacement dwelling. All amounts used as a down payment and incidental expenses must be applied to the purchase of the replacement dwelling. If you have received any amount as rental supplements, then those amounts will be deducted from all eligible down payment calculations.

Before a relocation payment can be issued to you, your replacement dwelling must be inspected to assure that it meets “decent, safe and sanitary standards.” For this reason, **DO NOT MOVE** from your home and **DO NOT CONTRACT** to rent or purchase a replacement dwelling without first contacting your relocation consultant.

**You will be given a written notice at least 90 days before you will be required to move from your property.**

If you remain in occupancy of your present dwelling after the City has completed the purchase, you must pay fair market rent to the City for the period of your tenancy. Failure to pay rent may reduce the replacement housing payment, which you are eligible to receive.

As part of our advisory services, we have also enclosed referrals to available replacement units on the market in your area. Please notify us, if you identify a unit that you would be interested in securing as a replacement home.

The Relocation Assistance Program is complex. It is important that you read and understand the matters explained in your Informational Statement. If you want assistance, please contact your relocation agent.

Sincerely,

Michael Allen  
Acting Community Development Director

## **ACKNOWLEDGEMENT**

I was personally contacted by the above agent for the City of Cudahy. I have had the services and entitlements available explained to me. I was further advised that the City of Cudahy's relocation agent is available to assist me if any questions arise or as assistance is needed. I have been given a copy of this notice.

Date: \_\_\_\_\_

Displacee: \_\_\_\_\_

# EXHIBIT E: 90 Day Notice to Vacate

Date

**Via Personal Delivery**

Name

4840-4844 Clara Street, Unit xx  
Cudahy, CA 90201

**Subject: Notice of Termination of Tenancy**

Dear Tenant:

You are currently renting the property at 4840-4844 Clara Street, Unit xx (“Premises”) from the City of Cudahy (“City”). You are hereby notified that the City finds it necessary to terminate your tenancy. Your tenancy is terminated effective (Date), which is at least ninety (90) days after the date of this notice. This notice is the legally required 90 day notice of termination of tenancy. No additional notices will be sent.

You are required to vacate and deliver up possession of the Premises to the City on or before (Date). Failure to vacate and deliver possession of the Premises to the City on or before that date may result in the commencement of legal proceedings to evict you and to recover damages.

Your obligation to pay rent in advance continues until the date of termination. The amount of any excess prepaid rent will be refunded to you, should you vacate the Premises prior to the last day of the month.

During this period, we will continue to work with you to provide relocation assistance and answer any questions you may have. I may be reached at (323) 773-5143.

Sincerely,

Michael Allen  
Acting Community Development Director

cc: (Consultant)

## EXHIBIT F: 2014 HUD Income Limits

### Los Angeles County

2014 HUD Income Limits (Los Angeles County)								
Income Category	Number of Persons in Household							
	1	2	3	4	5	6	7	8
Extremely Low	17,950	20,500	23,050	25,600	27,650	29,700	31,750	33,800
Very Low Income	29,900	34,200	38,450	42,700	46,150	49,550	52,950	56,400
Lower Income	47,850	54,650	61,500	68,300	73,800	79,250	84,700	90,200
Median Income	45,350	51,850	58,300	64,800	70,000	75,150	80,350	85,550
Moderate Income	54,450	62,200	70,000	77,750	83,950	90,200	96,400	102,650
<b>Area Median Income</b>	<b>\$64,800</b>							

# EXHIBIT G: Public Comment and Written Response

## RESOLUTION PC NO. 14-XX

### **A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CUDAHY RECOMMENDING APPROVAL TO THE CUDAHY CITY COUNCIL OF CLARA PARK EXPANSION PROJECT PHASE III, AND RECOMMENDING APPROVAL OF THE NEGATIVE DECLARATION FOR THE CLARA PARK EXPANSION PROJECT PHASE III.**

**WHEREAS**, on July 28, 2014 the California Department of Parks and Recreation approved the City's request for a scope change for the Clara Park Expansion Project Phase III; and

**WHEREAS**, grant funds liquidate on June 30, 2015, and the project must be complete, open to the public and all project close out requests submitted to the Office of Grants and Local Services by March 31, 2015; and

**WHEREAS**, the Clara Park Expansion Project Phase III includes the acquisition and development of approximately .45 acres of land, with fencing, open space, turf, landscaping, lighted path, picnic area, and exercise station; and

**WHEREAS**, the Negative Declaration was posted on August 29, 2014 through September 28, 2014, and the Relocation Plan is posted from September 17, 2014 through October 16, 2014, and the public hearing was duly posted, noticed and published September 26, 2014; and

**WHEREAS**, this matter was duly posted and set for public hearing for the October 6, 2014 Planning Commission meeting at 6:00 P.M. consistent with the City of Cudahy's Zoning Ordinance procedures for Development Review, and the Negative Declaration.

**NOW THEREFORE**, the Planning Commission of the City of Cudahy hereby resolves:

**SECTION 1.** Recommendation of approval to the City Council is based on the following findings taken from CMC Section 20.40.040 Basis for Approval or Denial of a development review permit.

**“The project is compatible with the city of Cudahy general plan, any applicable specific plan, and any plan of another governmental agency made applicable by statute or ordinance.”**

The project is compatible with the City of Cudahy's General Plan because it is located in the Parks zone. The Parks zone is intended to provide residents with opportunities for recreation and other outdoor activities. The proposed development is consistent with the city of Cudahy general plan and any other plans applicable being that it is an expansion of an existing park to include a walking path, exercise stations and BBQ stations.

**“The height, bulk, and other design features of structures are in proportion to the building site, and external features are balanced and unified so as to present a harmonious appearance.”**

The proposed development includes ornamental landscaping, softscape, a walking path, exercise stations, and BBQ stations, consistent with the height, bulk, and other design features

required by the City Zoning design guidelines, providing a unified and uniform look to the existing park space.

**“The project design contributes to the physical character of the community, relates harmoniously to existing and anticipated development in the vicinity, and is not monotonously repetitive in and of itself or in conjunction with neighboring uses and does not contribute to excessive variety among neighboring uses.”**

The existing surrounding sites include single story and two story single family and multifamily residences as well as a park facility immediately to the north. The proposed development is consistent with the height, bulk, and other design features found in the surrounding area. The proposed project is consistent with the purpose and intent of the General Plan and zone designation, providing passive open space compatible with the surrounding neighborhood.

**“The site layout and the orientation and location of structures and their relationship to one another and to open spaces, parking areas, pedestrian walks, signs, illumination, and landscaping achieve safe, efficient, and harmonious development.”**

The proposed development is designed to maximize the use of the space including providing adequate pedestrian circulation, and provides open space and green areas while providing a safe, efficient, and harmonious development that meets design guidelines for any new development in the City.

**“The grading and site development show due regard for the qualities of the natural terrain and landscape and do not call for the indiscriminate destruction of trees, shrubs, and other natural features.”**

The proposed development includes demolition, minor grading, and minor removal of trees, shrubs, or other natural features that contribute to the natural terrain and landscape. However, the proposed park space shows due regard for the qualities of the natural terrain and landscape, and does not call for the indiscriminate destruction of trees, shrubs, or other natural features, and will be adding new landscaping features to the property.

**“Mechanical equipment, machinery, trash, and other exterior service areas are screened or treated in a manner which is in harmony with the design of the structures and grounds.”**

There are no proposed mechanical equipment, machinery, trash, or other exterior service areas, therefore there is no required screening which is in harmony with the design of the structures and grounds. If such equipment were to be installed, it must comply with design guidelines of the Cudahy Municipal Code and Building Code, requiring all mechanical equipment, machinery, trash, and other exterior service areas to be screened.

**“The project shows proper consideration for adjacent residentially zoned or occupied property and does not adversely affect the character or value of such property.”**

The proposed development is designed to be consistent with the character of adjacent properties in that the design is consistent with the City’s General Plan and zoning designation, meets all development standards, and compatible with the surrounding residential and park uses, and will not adversely affect the value or quality of the neighborhood.

**SECTION 2.** The Project has been environmentally reviewed pursuant to the provisions of the California Environmental Quality Act (Public Resources Code Sections 21000, et seq. (“CEQA”), the State CEQA Guidelines (California Code of Regulations, Title 14, Sections 15000, et seq.), and the City’s Local CEQA Guidelines. The City prepared an initial study and, based on the information contained in the initial study, determined that there will not be a significant effect.

Accordingly, the City prepared a Negative Declaration (“ND”) in accordance with Section 15070 of the State CEQA Guidelines. Notice of the preparation of the MND was posted for the period of August 29, 2014 through September 28, 2014. Based on the initial study, the ND, the comments received thereon, staff hereby finds that the ND prepared for the Project represents the independent judgment of the City and that there is no substantial evidence in light of the whole record before City that the proposed project, as revised, may have a significant effect on the environment consistent with Public Resources Code Sections 21064.5 and 21080(c). The documents and other material that constitute the record on which this decision is based are located in the Department of Community Development and are in the custody of the Director of Community Development.

**SECTION 3.** Now, therefore, be it resolved, that the Planning Commission recommends to the City Council of Cudahy to approve the Clara Park Expansion Project Phase III, and recommends approval of the associated negative declaration.

**PASSED AND APPROVED THIS 6<sup>th</sup> DAY OF OCTOBER, 2014 BY THE FOLLOWING ROLL  
CALL VOTE:**

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
Chairman

ATTEST:

APPROVED AS TO FORM:  
CITY ATTORNEY

\_\_\_\_\_  
City Clerk

By: \_\_\_\_\_  
Isabel Birrueta

## CITY COUNCIL RESOLUTION NO. 14-66

### A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CUDAHY ADOPTING THE NEGATIVE DECLARATION PREPARED FOR THE PROJECT AND APPROVING DEVELOPMENT REVIEW PROJECT CLARA PARK EXPANSION PROJECT PHASE III

**WHEREAS**, on July 28, 2014 the California Department of Parks and Recreation approved the City's request for a scope change for the Clara Park Expansion Project Phase III; and

**WHEREAS**, grant funds liquidate on June 30, 2015, and the project must be complete, open to the public and all project close out requests submitted to the Office of Grants and Local Services by March 31, 2015; and

**WHEREAS**, the Clara Park Expansion Project Phase III includes the acquisition and development of approximately .45 acres of land, with fencing, open space, turf, landscaping, lighted path, picnic area, and exercise station; and

**WHEREAS**, the Negative Declaration was posted on August 29, 2014 through September 28, 2014, and the Relocation Plan is posted from September 17, 2014 through October 16, 2014, and the public hearing was duly posted, noticed and published September 26, 2014; and

**WHEREAS**, the Planning Commission of the City of Cudahy held a public hearing on the proposed Development Review Project Clara Park Expansion Project Phase III on October 6, 2014 and recommended approval of the project and the Negative Declaration; and

**WHEREAS**, this matter was duly posted and set for public hearing for the October 7, 2014 City Council meeting at 6:30 P.M. consistent with the City of Cudahy's Zoning Ordinance procedures for development review permits, and the Negative Declaration.

**NOW THEREFORE**, the City Council of the City of Cudahy hereby resolves:

**SECTION 1.** Recommendation of approval to the City Council is based on the following findings taken from CMC Section 20.40.040 Basis for Approval or Denial of a development review permit.

**“The project is compatible with the city of Cudahy general plan, any applicable specific plan, and any plan of another governmental agency made applicable by statute or ordinance.”**

The project is compatible with the City of Cudahy's General Plan because it is located in the Parks zone. The Parks zone is intended to provide residents with opportunities for recreation and other outdoor activities. The proposed development is consistent with the city of Cudahy general plan and any other plans applicable being that it is an expansion of an existing park to include a walking path, exercise stations and BBQ stations.

**“The height, bulk, and other design features of structures are in proportion to the building site, and external features are balanced and unified so as to present a**

**harmonious appearance.”**

The proposed development includes ornamental landscaping, softscape, a walking path, exercise stations, and BBQ stations, consistent with the height, bulk, and other design features required by the City Zoning design guidelines, providing a unified and uniform look to the existing park space.

**“The project design contributes to the physical character of the community, relates harmoniously to existing and anticipated development in the vicinity, and is not monotonously repetitive in and of itself or in conjunction with neighboring uses and does not contribute to excessive variety among neighboring uses.”**

The existing surrounding sites include single story and two story single family and multifamily residences as well as a park facility immediately to the north. The proposed development is consistent with the height, bulk, and other design features found in the surrounding area. The proposed project is consistent with the purpose and intent of the General Plan and zone designation, providing passive open space compatible with the surrounding neighborhood.

**“The site layout and the orientation and location of structures and their relationship to one another and to open spaces, parking areas, pedestrian walks, signs, illumination, and landscaping achieve safe, efficient, and harmonious development.”**

The proposed development is designed to maximize the use of the space including providing adequate pedestrian circulation, and provides open space and green areas while providing a safe, efficient, and harmonious development that meets design guidelines for any new development in the City.

**“The grading and site development show due regard for the qualities of the natural terrain and landscape and do not call for the indiscriminate destruction of trees, shrubs, and other natural features.”**

The proposed development includes demolition, minor grading, and minor removal of trees, shrubs, or other natural features that contribute to the natural terrain and landscape. Therefore, the proposed park space shows due regard for the qualities of the natural terrain and landscape, and does not call for the indiscriminate destruction of trees, shrubs, or other natural features, and will be adding new landscaping features to the property.

**“Mechanical equipment, machinery, trash, and other exterior service areas are screened or treated in a manner which is in harmony with the design of the structures and grounds.”**

There are no proposed mechanical equipment, machinery, trash, or other exterior service areas, therefore there is no required screening which is in harmony with the design of the structures and grounds. If such equipment were to be installed, it must comply with design guidelines of the Cudahy Municipal Code and Building Code, requiring all mechanical equipment, machinery, trash, and other exterior service areas to be screened.

**“The project shows proper consideration for adjacent residentially zoned or occupied property and does not adversely affect the character or value of such property.”**

The proposed development is designed to be consistent with the character of adjacent properties in that the design is consistent with the City’s General Plan and zoning designation, meets all development standards, and compatible with the surrounding residential and park uses, and will not adversely affect the value or quality of the neighborhood.

**SECTION 2.** The Project has been environmentally reviewed pursuant to the provisions of the California Environmental Quality Act (Public Resources Code Sections 21000, et seq. (“CEQA”)),

the State CEQA Guidelines (California Code of Regulations, Title 14, Sections 15000, et seq.), and the City's Local CEQA Guidelines. The City prepared an initial study and, based on the information contained in the initial study, determined that there will not be a significant effect.

Accordingly, the City prepared a Negative Declaration ("ND") in accordance with Section 15070 of the State CEQA Guidelines. Notice of the preparation of the MND was posted for the period of August 29, 2014 through September 28, 2014. Based on the initial study, the ND, the comments received thereon, staff hereby finds that the ND prepared for the Project represents the independent judgment of the City and that there is no substantial evidence in light of the whole record before City that the proposed project, as revised, may have a significant effect on the environment consistent with Public Resources Code Sections 21064.5 and 21080(c). The documents and other material that constitute the record on which this decision is based are located in the Department of Community Development and are in the custody of the Director of Community Development.

**SECTION 3.** Now, therefore, be it resolved, that the City Council of Cudahy approves Development Review Project Clara Park Expansion Project Phase III, and the associated negative declaration.

Guidelines relating thereto and, that the City Council hereby certifies the Negative Declaration and instructs that a "Notice of Determination" be filed with the Los Angeles County Clerk and the City of Cudahy City Clerk, in accordance with Guidelines for the implementation of CEQA, as amended.

**PASSED, APPROVED AND ADOPTED** by the City Council of the City of Cudahy at its regular meeting on this 7<sup>th</sup> day of October, 2014.

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Chris Garcia, Mayor

ATTEST:

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Donna G, Schwartz, CMC  
Interim City Clerk

STATE OF CALIFORNIA            )  
COUNTY OF LOS ANGELES        )        SS:  
CITY OF CUDAHY                    )

I, Donna G. Schwartz, Interim City Clerk of the City of Cudahy, hereby certify that the foregoing Resolution No. 14-66 was passed and adopted by the City Council of the City of Cudahy at a regular meeting held on the 7th day of October, 2014 and that said Resolution was adopted by the following vote, to-wit:

AYES:            Council Member(s):

NOES:            Council Member(s):

ABSENT:          Council Member(s):

ABSTAIN:         Council Member(s):

\_\_\_\_\_  
Donna G. Schwartz, CMC  
Interim City Clerk

(SEAL)



Item Number

**11B**

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## STAFF REPORT

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**Date:** October 7, 2014

**To:** Honorable Mayor & City Council Members

**From:** Jose E. Pulido, City Manager  
By: Michael Allen, Acting Community Development Director

**Subject:** **First Reading of 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."

Lastly, the recommendation has been modified to reflect public comment during the April 15th, 2014 City Council meeting requesting a greater distance from schools and parks, leaving the Commercial Manufacturing (CM) zone as an alternative zone. Therefore, a second option includes 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 20.68.080 to add "Transitional and Supportive Housing," along with "Emergency Shelters."

### **SUMMARY**

Request to approve option "A" or option "B" of Zoning Ordinance No. 634.

**Option "A"** of 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.”

At the April 15th, 2014 Cudahy City Council heard the first reading of proposed Zoning Ordinance No. 634. During the public hearing, City Council requested additional information from the City Attorney’s office regarding the limitations of how restrictive the guidelines for adoption could be according to SB2.

Public comment during the City Council meetings on April 15th, April 23rd, and May 6th suggested a desire to permit such facilities at a greater distance from schools and parks, leaving the Commercial Manufacturing (CM) zone as an alternative zone. This would place transitional and supportive housing as well as, emergency shelters in a zone that was established to provide a range of commercial, manufacturing, and wholesaling facilities resulting in option “B” identified below.

**Option “B”** of 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 20.68.080 to add “Transitional and Supportive Housing,” and “Emergency Shelters.” As well as, removing heavy industrial uses from the CM Zone Section 20.68.130 specifically section(s) 20.68.130(3)(o)(i-xiii),(p), & (w).

(o) Manufacturing, assembly, and compounding or treating of articles of merchandise from the following previously prepared materials:

- (i) Bone.
- (ii) Canvas.
- (iii) Cellophane.
- (iv) Cloth.
- (v) Felt.
- (vi) Fur.
- (vii) Glass.
- (viii) Leather, except machine belting.
- (ix) Paper.
- (x) Plastics, from previously molded material.
- (xi) Shell.
- (xii) Textiles.
- (xiii) Yarn.
- (p) Metals, manufacturing products of rare and precious.
- (w) Stones, manufacturing products of precious or semi-precious.

By removing the uses listed above from the CM Zone, it will make the zone more suitable to allow emergency shelters and transitional and supportive housing. Furthermore, since there are no other possible zones for the uses mentioned above to concentrate, there is not potential of secondary effects that can be expected to follow the adoption of the Ordinance.

## **BACKGROUND**

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 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.

At the May 6th, 2014 Cudahy City Council heard the first reading of proposed Zoning Ordinance No. 634. During the public hearing, City Council requested additional information from the City Attorney's office regarding the limitations of how restrictive the guidelines for adoption could be according to SB2. This analysis will be provided as an addendum to the staff report upon availability.

### 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 Assessment:**

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).

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.

**“Option A”: 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.

**“Option B”: 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 use 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.

According to SB2, the following considerations need to be made from a Memorandum from the Department of Housing and Community Development in May, 2008 (page 9):

- Zoning explicitly allows the use.
- 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.

Of note, page 8 of the 2008 Memo states that when identifying an existing zone for emergency shelters, the consideration should address the compatibility and suitability of the zone. Consideration should be taken in regards to other uses that 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. Suitability would take into consideration flooding, seismic hazards, chemical contamination, air quality, or noise. Additionally, there should be close proximity to transit, jobs centers, and public and community services.

Commercial Manufacturing Zone compatibility assessment:

As mentioned above the City's most recent assessment in the Housing Element, indicate that the City 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 concluded that the Community Commercial zone district was better suited for the development of emergency shelters due to its proximity to the core services and transportation corridor within the City. However, based on public comment/feedback staff has completed an additional assessment of the Commercial Manufacturing Zone to identify the feasibility of adding "Transitional and Supportive Housing," along with "Emergency Shelters."

The Commercial Manufacturing Zone is concentrated on the southerly portion of the City below Santa Ana Street; with a portion of the CM Zone located along the west side of the City limits on Salt Lake Avenue. The Commercial Manufacturing zone was established to provide areas that permit a complete range of commercial activities and, in addition, permit limited and restricted manufacturing and wholesaling facilities. Standards are intended to control the intensity of use, the external effects upon surrounding areas, and generally limit the uses to those that can be operated in a clean and quiet manner.

Services are concentrated along the City's major corridor which is Atlantic Avenue; this 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).

The Commercial Manufacturing zone is all located less than ¼ mile from the services mentioned above, providing adequate access. The CM Zone will have adequate access being that the distance from the major services is not of major significance. However, it is important to note according to the State Housing and Community Development memo on SB2, 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 use. The following uses are considered heavy industrial uses, permitted through a conditional use permit:

- Manufacturing of bone, canvas, cellophane, cloth, felt, fur, glass, leather, paper, plastics, shell, textiles, yarn, metals, and stone. (Full list attached under CMC Section 20.68.120 (2), (3)).

Such uses may pose environmental hazards pertaining chemical contamination, air quality, or noise. Therefore, by allowing emergency shelters and transitional and supportive housing in the Commercial Manufacturing zone, the previously mentioned heavy industrial uses will have to be removed from the CM Zone Section 20.68.130 specifically section(s) 20.68.130(3)(o)(i-xiii),(p), & (w).

(o) Manufacturing, assembly, and compounding or treating of articles of merchandise from the following previously prepared materials:

- (i) Bone.
- (ii) Canvas.
- (iii) Cellophane.
- (iv) Cloth.
- (v) Felt.
- (vi) Fur.
- (vii) Glass.
- (viii) Leather, except machine belting.
- (ix) Paper.
- (x) Plastics, from previously molded material.
- (xi) Shell.
- (xii) Textiles.
- (xiii) Yarn.

(p) Metals, manufacturing products of rare and precious.

(w) Stones, manufacturing products of precious or semi-precious

By removing these uses from the CM Zone, it will make the zone more suitable to allow emergency shelters and transitional and supportive housing. Furthermore, since there are no other possible zones for the uses mentioned above to concentrate, there is not potential of secondary effects that can be expected to follow the adoption of the Ordinance.

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; and
- Land Use Element Goal 1. The City of Cudahy will ensure that future development enhance the quality of life in the City.

Based on the analysis above, it is recommended that the City Council adopt one of the options (Option A or Option B) of Zoning Ordinance No. 634.

Proposed Modifications:

**Option A:**

**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 1/2 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.*

**Option B:**

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

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

*(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.*

*(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.*

**Section 20.68.130 of the Cudahy Municipal Code proposed removal is as follows:**

*(3) The following uses require a conditional use permit, except the director of community development may issue an exemption provided the proposed use is compatible with surrounding uses. The following uses, provided no drop hammers or automatic screw machines are permitted; no punch presses in excess of five tons capacity are permitted; and any motors used to operate lathes, drill presses, grinders, shapers, milling machines, saws, polishers, or metal cutters shall not exceed one horsepower capacity:*

*~~(e) Manufacturing, assembly, and compounding or treating of articles of merchandise from the following previously prepared materials:~~*

*~~(i) Bone.~~*

*~~(ii) Canvas.~~*

*~~(iii) Cellophane.~~*

*~~(iv) Cloth.~~*

*~~(v) Felt.~~*

*~~(vi) Fur.~~*

*~~(vii) Glass.~~*

*~~(viii) Leather, except machine belting.~~*

*~~(ix) Paper.~~*

*~~(x) Plastics, from previously molded material.~~*

*~~(xi) Shell.~~*

~~(xii) Textiles~~

~~(xiii) Yarn.~~

~~(p) Metals, manufacturing products of rare and precious.~~

~~(w) Stones, manufacturing products of precious or semi-precious.~~

## **CONCLUSION**

### 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.

### 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.

## **FINANCIAL IMPACT**

There is no fiscal impact associated with adoption of the Zoning Ordinance.

## **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 15061(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**

- A - California Department of Housing and Community Development Memorandum, 2008
- B - City Council Ordinance No. 634 (Option A)
- C - City Council Ordinance No. 634 (Option B)

**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](http://www.hcd.ca.gov) or the Senate's website at [www.senate.ca.gov](http://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.<sup>1</sup>

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.

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<sup>1</sup> *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 (4<sup>th</sup> 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.

~~(6)~~ 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, wherewhen 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, wherewhen 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\(axpyp555dhn54z45ghpgvni4\)\)/Default.aspx?AspxAutoDetectCookieSupport=1](http://www.nrchmi.samhsa.gov/(X(1)S(axpyp555dhn54z45ghpgvni4))/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](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 October 7, 2014 conducted a public hearing and first reading of Ordinance No. 634 and conducted a public hearing; and

WHEREAS, the Cudahy City Council, pursuant to law, on October 21, 2014 conducted a public hearing and second reading of Ordinance No. 634 and conducted a 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 October 7, 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 was held before the City Council of the City of Cudahy on October 21, 2014 to consider the zone text amendment. All evidence, both written and oral, presented during October 7, 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 Lifter 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 12<sup>th</sup> 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 15061(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 21<sup>ST</sup> DAY OF OCTOBER, 2014 BY THE FOLLOWING ROLL CALL VOTE:**

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

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Mayor

ATTEST:

APPROVE AS TO FORM:  
OLIVAREZ MADRUGA  
CITY ATTORNEY

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Secretary

By: 

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Isabel Birrueta, Assistant

**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 20.68.080 TO ADD "TRANSITIONAL AND SUPPORTIVE HOUSING" AND "EMERGENCY SHELTERS." AND MODIFY CMC SUBSECTION 20.68.120 TO REMOVE SECTIONS 20.68.130(3)(O) (I-XIII),(P), & (W).**

WHEREAS, the Cudahy City Council, pursuant to law, on October 7, 2014 conducted a public hearing and first reading of Ordinance No. 634 and conducted a public hearing; and

WHEREAS, the Cudahy City Council, pursuant to law, on October 21, 2014 conducted a public hearing and second reading of Ordinance No. 634 and conducted a 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 October 7, 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 was held before the City Council of the City of Cudahy on October 21, 2014 to consider the zone text amendment. All evidence, both written and oral, presented during October 7, 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 20.68.080, and Section 20.68.120 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 Lifter 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 20.68.080: CC Zone – Principal uses permitted.**

(Corresponding Numbers of Subsequent permitted uses will shift accordingly with the addition of “emergency shelters,” and “transitional and supportive housing”).

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 12<sup>th</sup> 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) 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.*

- (80) Typewriter sales and incidental repairs.
- (81) Watch repair shops.
- (82) Wearing apparel shops.
- (83) 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 20.68.130: CM Zone – Principal uses permitted.**

(Corresponding Numbers of Subsequent permitted uses will shift accordingly with the removal of “sections 20.68.130(3)(o) (i-xiii),(p), & (w)”).

Premises in Zone C-M may be used for:

(1) The following principal uses:

- (a) Antique shops.
- (b) Appliance stores, household.
- (c) Art supply shops.
- (d) Automobile supply stores.
- (e) Bakery goods distributors.
- (f) Bakery shops.
- (g) Barber and beauty shops.
- (h) Bicycle sales.
- (i) Bicycle, scooter, and similar vehicle rentals.
- (j) Book binders.
- (k) Book stores.
- (l) Building materials, sale of new material.
- (m) Children’s clothing apparel stores.
- (n) Cleaning and dyeing agencies, including incidental spotting, sponging, pressing, and repairs.
- (o) Clothing stores.
- (p) Confectionery or candy stores.
- (q) Costume design studios.
- (r) Dental clinics.
- (s) Delicatessens (deli).
- (t) Department stores.
- (u) Dress shops.
- (v) Drug stores.
- (w) Dry goods stores.
- (x) Equipment rental services, including rototillers, power mowers, sanders, power saws, cement mixers, and other similar equipment.
- (y) Feed and grain sales.
- (z) Florist shops.
- (aa) Furniture stores.
- (bb) Furrier shops.
- (cc) Gift shops.
- (dd) Glass edging, beveling, and silvering in connection with the sale of mirrors and glass decorating furniture.
- (ee) Hardware stores.
- (ff) Hat cleaning and blocking establishments.
- (gg) Health food stores.
- (hh) Hobby supply shops.
- (ii) Ice cream shops.
- (jj) Ice sales, not to include ice plants.

- (kk) Interior decorating shops.
- (ll) Jewelry stores, including incidental repairs.
- (mm) Knit shops.
- (nn) Leather goods stores.
- (oo) Libraries.
- (pp) Locksmith shops.
- (qq) Manicure parlors.
- (rr) Manufacturer's agent, carrying no inventory other than samples.
- (ss) Medical clinics.
- (tt) Millinery shops.
- (uu) Printing services.
- (vv) Mortuaries.
- (ww) Museums.
- (xx) Music stores.
- (yy) Newspaper stores.
- (zz) Notions or novelty stores.
- (aaa) Offices, business and professional.
- (bbb) Paint and wallpaper stores.
- (ccc) Parks and playgrounds.
- (ddd) Photo engraving.
- (eee) Photography shops.
- (fff) Photography studios.
- (ggg) Post offices.
- (hhh) Pottery stores.
- (iii) Printers or publishers.
- (jjj) Real estate offices.
- (kkk) Shoe repair shops.
- (lll) Shoe stores.
- (mmm) Sporting goods stores.
- (nnn) Stained glass assembly.
- (ooo) Stationery stores.
- (ppp) Tailor shops.
- (qqq) Tile sales, ornamental.
- (rrr) Tobacco shops.
- (sss) Toy shops.
- (ttt) Typewriter sales and incidental repairs.
- (uuu) Watch repair shops.
- (vvv) Wearing apparel shops.
- (www) Wholesale businesses with samples on the premises but not including general storage.

(2) The following uses require a conditional use permit, except the director of community development may issue an exemption provided the proposed use is compatible with surrounding uses:

- (a) Auditoriums and conference rooms.

- (b) Banks and financial institutions.
- (c) Bowling alleys.
- (d) Community social centers.
- (e) Employment agencies.
- (f) Fire stations.
- (g) Food markets.
- (h) Gymnasiums.
- (i) Laboratories, film, research, or testing.
- (j) Mail order houses, not to include warehousing.
- (k) Markets, wholesale or jobbers.
- (l) Meat markets, not to include slaughtering.
- (m) Motion picture processing, reconstruction, and the synchronizing of film with sound tracks.
- (n) Plumbing shops.
- (o) Police stations.
- (p) Poultry markets, not including slaughtering.
- (q) Parking lots and parking buildings, subject to the conditions of CMC 20.80.010 (Off-Street Parking and Loading Requirements).
- (r) Pet shops.
- (s) Pet supply shops.
- (t) Produce markets, wholesale.
- (u) Public markets.
- (v) Radio and television stores.
- (w) Radio broadcasting studios. Health centers.
- (x) Recording studios.
- (y) Reducing salons.
- (z) Restaurants and other eating establishments.
- (aa) Shoeshine stands.
- (bb) Stations, bus, railroad, and taxicab.
- (cc) Skating rinks.
- (dd) Tourist information centers.

(3) The following uses require a conditional use permit, except the director of community development may issue an exemption provided the proposed use is compatible with surrounding uses. The following uses, provided no drop hammers or automatic screw machines are permitted; no punch presses in excess of five tons capacity are permitted; and any motors used to operate lathes, drill presses, grinders, shapers, milling machines, saws, polishers, or metal cutters shall not exceed one horsepower capacity:

- (a) Assaying.
- (b) Assembly of:
  - (i) Electrical appliances;
  - (ii) Electronic instruments; and
  - (iii) Radios, phonographs, or television sets, including the manufacturing of small parts such as coils, condensers, transformers or crystal holders.

- (c) Bakery.
- (d) Candy manufacturing.
- (e) Confectionery manufacturing.
- (f) Cookie manufacturing.
- (g) Cosmetics manufacturing.
- (h) Donut manufacturing.
- (i) Food commissaries.
- (j) Golf balls manufacturing.
- (k) Hay barns.
- (l) Ice cream manufacturing.
- (m) Jewelry manufacturing.
- (n) Lapidary shops.

**~~(o) Manufacturing, assembly, and compounding or treating of articles of merchandise from the following previously prepared materials:~~**

- ~~(i) Bone.~~
- ~~(ii) Canvas.~~
- ~~(iii) Cellophane.~~
- ~~(iv) Cloth.~~
- ~~(v) Felt.~~
- ~~(vi) Fur.~~
- ~~(vii) Glass.~~
- ~~(viii) Leather, except machine belting.~~
- ~~(ix) Paper.~~
- ~~(x) Plastics, from previously molded material.~~
- ~~(xi) Shell.~~
- ~~(xii) Textiles.~~
- ~~(xiii) Yarn.~~

**~~(p) Metals, manufacturing products of rare and precious.~~**

- (o) Motion picture studios, not including outdoor sets.
- (p) Optical goods manufacturing.
- (q) Oxygen and similar gases, storage of compressed, in Interstate Commerce Commission approved type cylinders.
- (r) Packaging businesses.
- (s) Perfume manufacturing, blending and bottling.
- (t) Pie factory.

**~~(w) Stones, manufacturing products of precious or semi-precious.~~**

- (u) Testing laboratories.
- (v) Toiletries manufacturing, not including soap.
- (w) Scientific instrument and equipment manufacturing, or precision machine shops.

(4) 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.

(5) Notwithstanding anything to the contrary hereinabove, premises in Zone C-M that are located in the Atlantic Boulevard Corridor may be used for the purposes enumerated in this section only if a permit has first been obtained pursuant to the provisions of CMC 20.44.010 (Conditional Use Permits and Variances). (Ord. 587 § 20-1.1765).

**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 15061(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 21<sup>st</sup> DAY OF OCTOBER, 2014 BY THE FOLLOWING ROLL CALL VOTE:**

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

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Mayor

ATTEST:

APPROVE AS TO FORM:  
OLIVAREZ MADRUGA  
CITY ATTORNEY

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Secretary

By: 

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Isabel Birrueta, Assistant

**RESOLUTION NO. XX-XX**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CUDAHY SUPPORTING THE USE OF POLICE OFFICER BODY CAMERAS IN THE CITY OF CUDAHY AND LOS ANGELES COUNTY**

WHEREAS, police departments across the country have begun conducting pilot programs testing the use of police officer body cameras during interactions between police officers and civilians; and

WHEREAS, according to a recent Wall Street Journal article, research from the Community Oriented Policing Services arm of the Justice Department and the Police Executive Research Forum found that the Rialto, California, police saw a 60% reduction in the use of force by officers and an 88% cut in citizen complaints after implementing police officer body cameras. This research also found that Mesa, Arizona, saw 75% fewer use-of-force complaints and 40% fewer total complaints for officers with cameras during a pilot camera program; and

WHEREAS, the City of Cudahy ("City") recently experienced a violent confrontation between Los Angeles County police officers and a civilian. In May 2013, 34-year-old Rigoberto Arceo was shot and killed in the City of Cudahy by a Los Angeles County Sheriff's Deputy. Had officers been wearing body cameras, the facts of this fatal shooting may not have been in dispute.

BASED UPON THE ABOVE RECITALS, THE CITY COUNCIL OF THE CITY OF CUDAHY, CALIFORNIA, DOES HEREBY FIND, DETERMINE AND RESOLVE AS FOLLOWS:

SECTION 1. The City Council supports the use of police officer body cameras and believes such devices will reduce use-of-force incidents and use-of-force complaints from citizens.

SECTION 2. The City Council hereby announces its support and recommendation for the use of police officer body cameras within the City of Cudahy and throughout Los Angeles County.

SECTION 3. The City Clerk is hereby directed to submit a certified copy of this Resolution to the Los Angeles County Sheriff.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Cudahy at its regular meeting on this 7th day of October, 2014.

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Chris Garcia,  
Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_

\_\_\_\_\_

Donna Schwartz  
Interim City Clerk

Isabel Birrueta  
Assistant City Attorney

STATE OF CALIFORNIA            )  
COUNTY OF LOS ANGELES        )  
CITY OF CUDAHY                    )        SS:

I, Donna Schwartz, Interim City Clerk of the City of Cudahy, hereby certify that the foregoing Resolution No.\_\_\_\_\_ was passed and adopted by the City Council of the City of Cudahy, signed by the Mayor and attested by the City Clerk at a regular meeting of said Council held on the 7<sup>th</sup> day of October, 2014 and that said Resolution was adopted by the following vote, to-wit:

AYES:

NOES:

ABSTAIN:

ABSENT:

\_\_\_\_\_  
Donna Schwartz  
Interim City Clerk