

The City has carefully researched its ability to regulate the permanent supportive housing proposed by Friendship Shelter at 1608 Calle Las BOLLAS. Below is general information about the property and the City's specific findings regarding the applicability of State law and the City's zoning ordinance to the land use.

### **1608 Calle Las BOLLAS**

#### Property Information:

- Built in 1929, .20 acres
- Zoning - Residential High (RH) Density Zone
- Historic Structure - Described as a two-story multiple family residence built in 1929 and originally constructed to serve as housing for Pacific Coast League's Seattle Indians baseball team during Spring Training in 1930s.
- June 24, 1957 Certificate of Use and Occupancy issued for use of building as "Apartments"

#### Land Use:

Pre-emptive State law and the City's grandfathering provisions require that the permanent supportive housing proposed by Friendship Shelter at 1608 Calle Las BOLLAS continue to be considered a permitted multi-family use, regardless of the change in tenants.

State law establishes permanent supportive housing as a residential use and therefore local governments cannot treat it differently from other similar types of residential uses. California's Housing Element Law specifically states that "supportive housing [1] shall be considered a residential use of property, and [2] shall be subject only to those restrictions that apply to other residential dwellings of the same type in the same zone." (Gov. Code § 65583(a)(5).) For example, supportive housing located in an apartment building in a multi-family zone is permitted in the same manner as an apartment building in the same zone.

The property at 1608 Calle Las BOLLAS is zoned Residential High (RH) Density. In the City's RH zone, multi-family dwellings of 5 units or more require a Conditional Use Permit (CUP). However, the property has been used as a multi-family dwelling since it was built in 1929. According to City records, a Certificate of Use and Occupancy was issued in 1957 for use of the buildings on the property as "Apartments."

The development of the multi-family dwellings at 1608 Calle Las BOLLAS and their historic use as multi-family housing pre-dates the City's 1991 requirement for a CUP. As such, the City cannot impose new permitting requirements, including a CUP, until such time as there is a change in use. Here, the use has been multifamily and continues to be multifamily. Consequently, the use is grandfathered in as a permissible use and additional permitting requirements are prohibited, as other multi-family units built prior to 1991 are similarly grandfathered and the City does not impose a CUP requirement for those continuing uses.