

SPECIAL MEETING **AGENDA**

**A Special Meeting of the Bradbury City Council
To be held on Tuesday, October 9, 2018 at 6:00 P.M.
at the Bradbury Civic Center
600 Winston Avenue, Bradbury, CA 91008**

The City of Bradbury will gladly accommodate disabled persons wishing to communicate at a City public meeting. Should you need special equipment or assistance to communicate at a public meeting, please inform the City Manager's Office at (626) 358-3218 a minimum of 48 hours prior to the scheduled meeting.

Materials related to an item of this agenda submitted to the City Council after distribution of the agenda packet will be available for public inspection in the City Hall during normal business hours; 8:30 a.m. – 5:00 p.m., Monday through Friday – (626) 358-3218.

CALL TO ORDER

ROLL CALL Mayor Barakat
Mayor Pro-Tem Hale
Councilmembers Lewis, Bruny and Lathrop

PUBLIC COMMENT

Citizens wishing to address the City Council on any matter not scheduled on this agenda may do so at this time. Please state your name and address clearly for the record and limit your remarks to five minutes. Please note that the City Council values your comments, but cannot respond to, nor take action on any matter not on this agenda until such time as the matter appears on a forthcoming agenda. Routine requests for action should be referred to City staff at City Hall during normal business hours, 8:30 a.m. – 5:00 p.m., Monday through Friday – (626) 358-3218.

STUDY SESSION

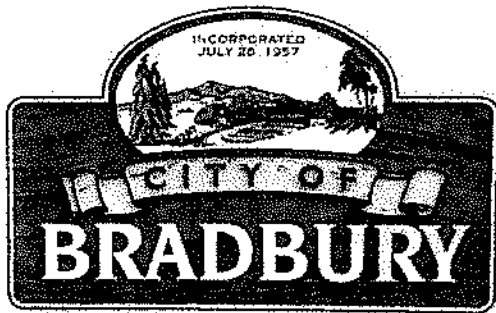
- **Discussion of Housing Element Code Amendments: Regulations for Residential Care Facilities and Supportive and Transitional Housing, Adding a New Definition of Multi-Family Dwellings, Amending the Accessory Living Quarters Definitions and Regulations, and Adding Reasonable Accommodation Procedures for Disabled Persons.**

ADJOURNMENT

The City Council will adjourn to a Regular Meeting at the Bradbury Civic Center, 600 Winston Avenue, Bradbury, CA 91008 on Tuesday, October 16, 2018 at 7:00 p.m.

"I, Claudia Saldana, City Clerk, hereby certify that I caused this agenda to be posted at the Bradbury City Hall entrance no later than at 5:00 p.m. on Friday, October 5, 2018."

Claudia Saldana
CITY CLERK - CITY OF BRADBURY



Richard Barakat, Mayor (District 3)
Richard Hale, Mayor Pro-Tem (District 1)
Elizabeth Bruny, Council Member (District 5)
Bruce Lathrop, Council Member (District 4)
Montgomery Lewis, Council Member (District 2)

City of Bradbury City Council Agenda Report

TO: Honorable Mayor and Council Members

FROM: Kevin Kearney, City Manager
By: Jim Kasama, City Planner

DATE: October 9, 2018

SUBJECT: STUDY SESSION – DISCUSSION OF HOUSING ELEMENT CODE AMENDMENTS: REGULATIONS FOR RESIDENTIAL CARE FACILITIES AND SUPPORTIVE AND TRANSITIONAL HOUSING, ADDING A NEW DEFINITION OF MULTI-FAMILY DWELLINGS, AMENDING THE ACCESSORY LIVING QUARTERS DEFINITIONS AND REGULATIONS, AND ADDING REASONABLE ACCOMMODATION PROCEDURES FOR DISABLED PERSONS

INTRODUCTION

A required update of the City's Housing Element of the General Plan was due October 15, 2017. However, before an update can be submitted to the State Department of Housing and Community Development, the City must adopt Development Code amendments and a General Plan amendment that the State required for the previous update in 2014.

At the September 18, 2018, regular meeting, the City Council opened a public hearing for Ordinance No.360 for the various Development Code amendments, and Resolution No. 18-25 for a General Plan, Land Use Map amendment to apply the Affordable Housing Overlay to the civic center site to designate that the site can be used for an emergency shelter. The September 18, 2018, agenda report is attached. The City Council adopted Resolution No. 18-25 and called for a study session to review the code amendments presented in Ordinance No. 360.

Attachments for the proposed code amendments have been prepared to show the amendments in relation to the four Housing Element program directives. The attachments are for the following four subjects: Residential Care Facilities, Supportive & Transitional Housing, Multi-Family Residential, and Reasonable Accommodation Procedures for Disabled Persons. Also attached are reference documents that include most of the State codes related to the amendments called for in the Housing Element, and other documents that help explain the necessity for the amendments.

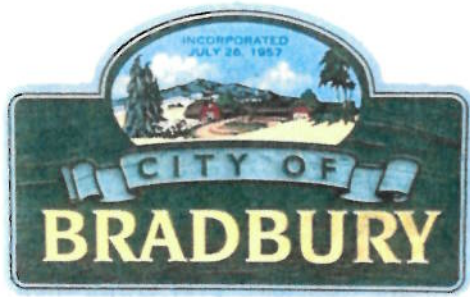
In preparing the attachments, it was found that corrections were needed for the Multi-Family Residential proposal. In particular, for paragraph (c) under, 'Sec. 9.85.010 – Permitted.' In addition to a couple of typographic changes, the beginning of the paragraph has been corrected to strikeout the limitation of only one attached single-room-occupancy (SRO) unit in the A-1, A-2 and A-5 zones. The corrections have been carried over into the attached draft Ordinance No. 360.

RECOMMENDATION

The City Council is to discuss the proposed amendments, which are presented in the attachments base on the four subject areas. The amendments need not be discussed in any particular order. Following the discussion of the proposed amendments, it is recommended that the City Council direct staff to make any agreed upon changes to the proposed amendments and draft Ordinance No. 360, and schedule another public hearing on the Ordinance for the November 20, 2018, regular meeting.

ATTACHMENTS

September 18, 2018 Agenda Report
Residential Care Facilities Proposal
Supportive & Transitional Housing Proposal
Multi-Family Residential Proposal
Reasonable Accommodation Procedures for Disabled Persons
Reference Documents for Housing Element Code Amendments
Draft Ordinance No. 360



Richard Barakat, Mayor (District 3)
Richard Hale, Mayor Pro-Tem (District 1)
Elizabeth Bruny, Council Member (District 5)
Bruce Lathirop, Council Member (District 4)
Montgomery Lewis, Council Member (District 2)

City of Bradbury City Council Agenda Report

TO: Honorable Mayor and Council Members

FROM: Kevin Kearney, City Manager
By: Jim Kasama, City Planner

DATE: September 18, 2018

SUBJECT: ORDINANCE NO. 360 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRADBURY AMENDING THE BRADBURY MUNICIPAL CODE TO DEFINE AND ADD REGULATIONS FOR RESIDENTIAL CARE FACILITIES AND SUPPORTIVE AND TRANSITIONAL HOUSING, ADD A NEW DEFINITION OF MULTI-FAMILY DWELLINGS, AMEND THE ACCESSORY LIVING QUARTERS DEFINITIONS AND REGULATIONS, AND ADD REASONABLE ACCOMMODATION PROCEDURES FOR DISABLED PERSONS

RESOLUTION NO. 18-25 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY BRADBURY AMENDING THE BRADBURY GENERAL PLAN TO ADD THE AFFORDABLE HOUSING OVERLAY TO THE CIVIC CENTER SITE AT 600 WINSTON AVENUE

AGENDA ITEM NO. 4

INTRODUCTION

A required update of the City's Housing Element of the General Plan was due October 15, 2017. However, before an update can be submitted to the State Department of Housing and Community Development, the City must adopt Development Code amendments and a General Plan amendment that the State required for the previous update in 2014.

The City has retained a consultant, Karen Warner Associates that prepared the 2014 Housing Element Update to prepare the current Housing Element update. In preparing

for the update, the consultant found that the policies of the 2014 Housing Element that called for various amendments had not been implemented. Attached is Chapter VI of the Housing Element – Housing Policies, Programs & Quantified Objectives. The Code amendments and General Plan amendment need to be in place before the City can submit the next update to the State. The necessary amendments are as follows:

- New definitions and regulations for allowing residential care facilities, and supportive and transitional housing – these are called for by policies no. 2 and no. 6 of the 2014 Housing Element.
- A definition of multi-family dwelling, and amendment of the accessory living quarters regulations to include multi-family dwellings as a permitted use – this is called for by policy no. 2.
- Addition of reasonable accommodation procedures for disabled persons – this is called for by policy no. 4.
- Amendment of the General Plan to apply the affordable housing overlay to the civic center site to enable the site to be developed with an emergency shelter by right – this is called for by policy no. 6.

PROPOSED AMENDMENTS

The proposed Development Code amendments are presented for review as follows as exhibits to the attached Planning Commission Resolution No. PC 18-275:

Exhibit 'A' – New Definitions & Regulations for Residential Care Facilities, and Supportive & Transitional Housing

Exhibit 'B' – New Definition of Multi-Family Dwelling, and Amend Accessory Living Quarters Definitions

Exhibit 'C' – Delete Accessory Living Quarters Regulations from the Residential Zones to Avoid Inconsistencies

Exhibit 'D' – Amend Accessory Living Quarters Regulations

Exhibit 'E' – Add Reasonable Accommodation Procedures for Disabled Persons

There is not an exhibit for the General Plan amendment to add the affordable housing overlay to the civic center site. The land use map of the General Plan will be revised to indicate that this overlay has been applied to the civic center site.

The Development Code amendments are to be adopted by ordinance, and have been transferred into the attached draft Ordinance No. 360. The General Plan amendment is to be adopted by resolution, and the attached Resolution No. 18-25 has been drafted for this amendment.

ENVIRONMENTAL DOCUMENT

It is recommended that the proposed Ordinance No. 360 and Resolution No. 18-25 are exempt under the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3) which states that the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to review under CEQA.

PLANNING COMMISSION REVIEW

In accordance with Chapter 13 of Title IX of the Bradbury Municipal Code and State planning law, the Planning Commission held a duly-noticed public hearing for the proposed Development Code amendments and General Plan amendment at their regular meetings on March 28, 2018, and April 25, 2018, and directed staff to draft the attached Resolution No. PC 18-275. Due to the absence of two Commissioners at the May 23, 2018 meeting, the adoption of the resolution was held over to the June 27, 2018, regular meeting at which the resolution was unanimously adopted with an exemption under the California Environmental Quality Act (CEQA).

In adopting Resolution No. PC 18-275, the Planning Commission expanded the permitting of supportive and transitional housing to all zones. Staff had drafted the amendment to include these uses only in the R-7,500 and R-20,000 zones as these zones are more typical residential areas, and staff's opinion is that communal residential care facilities would not be compatible in the A-1, A-2, and A-5 zones where agricultural and equestrian uses are prevalent.

CITY COUNCIL ALTERNATIVES

The City Council is to open a public hearing and solicit testimony on the proposed ordinance. At that time, the City Council will have the following choice of actions:

Option 1. Close the public hearing and determine that the proposed ordinance and resolution are to be approved as drafted with an exemption under CEQA, and approve a motion to introduce the ordinance and adopt the resolution.

Option 2. Close the public hearing and determine that the proposed ordinance and/or resolution need minor modifications, and approve a motion to introduce the ordinance and adopt the resolution with the minor modifications as stated by the Council.

Option 3. If the City Council determines that the proposed ordinance or resolution need to be substantially modified in a manner that has not been previously considered by the Planning Commission, the Council should approve a motion to close the public hearing and refer the draft ordinance and/or resolution back to the Planning Commission for its review and recommendation on the changes. In accordance with Chapter 13 of Title IX of the Bradbury Municipal Code, the Planning Commission is to report back within 45 days.

RECOMMENDATION

Option 1 is recommended; that the City Council introduce Ordinance No. 360 and adopt Resolution No. 18-25 as drafted with a determination that the ordinance and resolution are exempt under the California Environmental Quality Act (CEQA).

ATTACHMENTS

Chapter VI of the Housing Element – Housing Policies, Programs & Quantified Objectives
Planning Commission Resolution No. PC 18-275
Ordinance No. 360
Resolution No. 18-25

City Council Study Session – Residential Care Facilities Proposal

Housing Element Policy & Program

Housing Policy 2

The City will promote the development of a variety of housing types and continue to identify sites that are available for new residential development.

Program 2 – Zoning Code Provisions

The City has made numerous revisions to its Zoning Code (described in the Governmental Constraints Section) to provide for a variety of housing types. In order to better facilitate the provision of housing for special needs populations, and persons with disabilities in particular, the City will further amend the Code to define and explicitly permit both small (six and fewer residents) and large (more than six) community care facilities. Small facilities will be permitted without discretionary approvals, while larger facilities will require some discretionary approval as allowed by State regulations.

Proposed Code Amendments per Program Directives

Define small and large community care facilities

Residential Care Facility, Large, means any State licensed facility, place, or structure that is maintained and operated to provide non-medical residential care, day treatment, adult day care, supportive or transitional housing, or foster agency services for seven or more adults, children, or adults and children, as defined in the California Health and Safety Code § 1502.

Residential Care Facility, Small, means any State licensed facility, place, or structure that is maintained and operated to provide non-medical residential care, day treatment, adult day care, supportive or transitional housing, or foster agency services for six or fewer adults, children, or adults and children, as defined in the California Health and Safety Code § 1502.

Explicitly permit small community care facilities without discretionary approvals

Add Small Residential Care Facility as a principal use to each residential zone:

(1) Principal uses.

- *Small Residential Care Facility (six or fewer residents). ("c." for zones R-7,500 & R-20,000 and "d." for zones A-1, A-2 & A-5)*

Permit large community care facilities with discretionary approvals as allowed by State regulations; i.e., with a C.U.P.

Add Large Residential Care Facility as a conditional use to zones R-7,500; R-20,000; A-1; A-2 & A-5:

(3) Conditional uses.

- b. Large Residential Care Facility (seven or more residents).*

- See attached Exhibit A -

City Council Study Session – Exhibit A

Regulations for Residential Care Facilities and Supportive & Transitional Housing

The Permitted Uses sections of the R-7,500; R-20,000; A-1, A-2 and A-5 Zones are to be amended as shown below to add Residential Care Facilities, Supportive Housing, and Transitional Housing as permitted uses:

(1) Principal uses.

- *Small Residential Care Facility (six or fewer residents). (c. for Chapters 61 & 64, and d. for Chapters 67, 70, & 73)*
- *Supportive and Transitional Housing. (d. for Chapters 61 & 64, and e. for Chapters 67, 70, & 73)*

(2) Accessory uses.

- *Supportive and Transitional Housing. (j. for Chapter 61, and k. for Chapters 64, 67, 70, & 73)*

(3) Conditional uses.

- a. *Land Reclamation.*
- b. *Large Residential Care Facility (seven or more residents).*

Chapter 49 (Conditional Use Permits) is to be amended as follows:

Sec. 9.49.020. – Applicability.

The following uses shall be permitted in any zone provided that a conditional use permit shall first be obtained pursuant to the provisions of the chapter. The purposes of any conditional use permit shall be to ensure that the proposed use will be rendered compatible with other existing and permitted uses located in the general area of the proposed use.

- (1) Land reclamation. The term "land reclamation" means the grading, excavation and/or fill of any parcel of land or tract of land as to which such operations are required to prepare the site for any use authorized by this Code and where there is an import or export of materials in excess of 10,000 cubic yards over a period of 12 consecutive months.
- (2) Any use which the State has mandated as a residential use within the City but for which the City is authorized to require a conditional use permit pursuant to State law, *including but not limited to Large Residential Care facilities.*

City Council Study Session – Supportive & Transitional Housing Proposal

Housing Element Policy & Program

Housing Policy 6

The City will assist and address the needs of the homeless.

Program 2

Transitional and Supportive Housing

The City permits transitional and supportive housing subject only to those restrictions that apply to other residential uses of the same type in the same zone. Based on input from the State Department of Housing and Community Development (HCD) and in order to ensure compliance with SB 2, the City will amend the Zoning Code to regulate transitional and supportive housing as a permitted residential use within all residential zoning districts.

The City's Housing Element Consultant explains Transitional and Supportive Housing as follows:

Transitional housing is a type of supportive housing used to facilitate the movement of people experiencing homelessness into permanent housing. A person experiencing homelessness may live in a transitional apartment for a predetermined period of time, however not less than six months while receiving supportive services that enable independent living.

Supportive housing is permanent rental housing linked to a range of support services designed to enable residents to maintain stable housing and lead fuller lives.

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 (Gov't Code Sec. 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 limits) not imposed on similar dwellings (e.g., single-family homes & 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 multi-family zone is permitted in the same manner as an apartment building in the same zone, and supportive housing located in a single-family zone is permitted in the same manner as a single-family home in the same zone.

Proposed Code Amendments per Program Directives

Add Transitional and Supportive Housing as permitted uses to each residential zone

(1) Principal uses.

— *Supportive and Transitional Housing. (d. for R-7,500 & R-20,000; and e. for A-1, A-2 & A-5)*

(2) Accessory uses.

— *Supportive and Transitional Housing. (j. for R-7,500 and k. for R-20,000; A-1; A-2 & A-5)*

The following definitions are already included in the Municipal Code as follows:

Supportive housing is defined in Health and Safety Code § 50675.14 as housing with no limit on length of stay, that is occupied by the target population, and that is linked to on-site or off-site services that assist the supportive housing resident in retaining the housing, improving their health status, and maximizing their ability to live and when possible, work in the community.

Transitional Housing is defined in Health and Safety Code § 50675.2 as 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.

Target Population, affordable housing, is defined in Health and Safety Code § 50675.14(b)(3) as persons with low incomes 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 Welfare and Institutions Code § 4500) of the Welfare and Institutions Code) and may include, among other populations, adults, emancipated youth, families, families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, and homeless people.

- See attached Exhibit A -

City Council Study Session – Exhibit A Regulations for Residential Care Facilities and Supportive & Transitional Housing

The Permitted Uses sections of the R-7,500; R-20,000; A-1, A-2 and A-5 Zones are to be amended as shown below to add Residential Care Facilities, Supportive Housing, and Transitional Housing as permitted uses:

(1) Principal uses.

- *Small Residential Care Facility (six or fewer residents). (c. for Chapters 61 & 64, and d. for Chapters 67, 70, & 73)*
- *Supportive and Transitional Housing. (d. for Chapters 61 & 64, and e. for Chapters 67, 70, & 73)*

(2) Accessory uses.

- *Supportive and Transitional Housing. (j. for Chapter 61, and k. for Chapters 64, 67, 70, & 73)*

(3) Conditional uses.

- a. *Land Reclamation.*
- b. *Large Residential Care Facility (seven or more residents).*

Chapter 49 (Conditional Use Permits) is to be amended as follows:

Sec. 9.49.020. – Applicability.

The following uses shall be permitted in any zone provided that a conditional use permit shall first be obtained pursuant to the provisions of the chapter. The purposes of any conditional use permit shall be to ensure that the proposed use will be rendered compatible with other existing and permitted uses located in the general area of the proposed use.

- (1) Land reclamation. The term “land reclamation” means the grading, excavation and/or fill of any parcel of land or tract of land as to which such operations are required to prepare the site for any use authorized by this Code and where there is an import or export of materials in excess of 10,000 cubic yards over a period of 12 consecutive months.
- (2) Any use which the State has mandated as a residential use within the City but for which the City is authorized to require a conditional use permit pursuant to State law, *including but not limited to Large Residential Care facilities.*

City Council Study Session – Multi-Family Residential Proposal

Housing Element Policy & Program

Housing Policy 2

The City will promote the development of a variety of housing types and continue to identify sites that are available for new residential development.

Program 3

Multi-Family Land Use / Zoning

The City will amend the Zoning Code to specifically permit multi-family housing of up to five units as an accessory use within the A-1, A-2 and A-5 zone districts.

The Code will also be amended to define "multi-family residential" as structures with between two and five attached residential dwelling units.

Proposed Code Amendments per Program Directives

Add multi-family residential structure as a permitted accessory use in the A-1, A-2 and A-5 zones

(2) Accessory uses.

- ~~b. Living quarters attached to the main residence. One attached single-room occupancy (SRO) dwelling unit is permitted. Accessory Living Quarters as specified in Chapter 85 of this Title.~~
- ~~c. One detached living quarters or guest house on the same premises (under the same ownership) as the main building; such detached living quarters or guest house shall be not less than 20 feet from such main building. One attached or detached second dwelling unit or guest house may be permitted, provided that such detached structure shall be located a minimum of 20 feet from the main dwelling unit. (Reserve for Accessory Dwelling Units as required by State law.)~~

Add definition of "multi-family residential" as structures of two to five attached units

Multi-Family Dwelling is a detached building of two or more attached accessory living quarters as defined herein.

- See attached Exhibit B for amended definitions of accessory living quarters. The amendments allow for "multi-family dwellings" as multi-tenant SRO buildings. The amendments also eliminate redundancies.
- See attached Exhibit C for the deletion of accessory living quarters regulations from the individual zone regulations. This is to avoid inconsistencies and to have all the accessory living quarters regulations in one place.
- See attached Exhibit D-1 for the amended Accessory Living Quarters regulations.
- See attached Exhibit D-2 for a comparison of the current regulations with the proposed regulations.

City Council Study Session – Exhibit B

Amend definition of “accessory living quarters” to include “multi-family dwelling”

Accessory living quarters means living quarters in addition to the main dwelling unit ~~to~~ and include the following:

- (1) Single-room occupancy units (SROs), ~~and multi-tenant single room occupancy buildings as follows~~ defined as living accommodations that may be provided to house personnel involved in the care and maintenance of the primary dwelling, ~~the premises in general, or the associated on-site farming agricultural and/or equestrian activity, and which are occupied by the same tenants for an uninterrupted period of not less than 28 days.~~ SROs are also known as servant or domestic ~~employee quarters, bunk houses, or groom’s quarters or pool houses.~~
 - (a) *Single-room occupancy (SRO) unit is a room of not more than 250 square feet of floor area, without a kitchen, with or without a toilet, and occupied by not more than two occupants for living and sleeping. The maximum number of SRO units is specified elsewhere in this Title.*
 - (b) *Single-room occupancy (SRO) building is an accessory building used primarily for multi-tenant single-room occupancy, containing two or more single-room occupancy units with a shared kitchen, and shared or private bathrooms. The maximum size of a single-room occupancy building is specified elsewhere in this Title.*
- (2) ~~Second dwelling units, defined as~~ are attached or detached dwelling units inclusive of complete kitchen facilities. The maximum size of the permitted second dwelling units ~~shall be~~ is specified elsewhere in this title.
- (3) ~~Guest house and pool house are~~ is defined as living accommodations ~~for guests and visitors of the occupants of the main and/or second dwelling units~~ that do not include complete kitchen facilities. ~~The maximum size of guest and pool houses are specified elsewhere in this Title.~~
- (4) ~~Bunk houses designed to house individuals associated with the on-site farming activities. Such facilities shall not include complete kitchen facilities.~~
- (5) ~~Groom’s quarters designed to house individuals associated with the on-site care of animals. Such facilities shall not include complete kitchen facilities.~~
- (6) ~~Servant of domestic quarters defined as an attached single room occupancy (SRO) dwelling that does not include kitchen facilities.~~
- (7) ~~Pool houses defined as an attached or detached single room occupancy (SRO) dwelling that does not include kitchen facilities.~~

City Council Study Session – EXHIBIT C
Delete Accessory Living Quarters Regulations
from the Residential Zones to Avoid Inconsistencies

The Accessory Uses subsections of the residential zones are to be amended as follows to avoid inconsistencies:

R-7,500 Zone (Chapter 61):

- b. ~~Living quarters attached to the main residence. Detached accessory living quarters are not permitted. One attached accessory living quarters is permitted.~~ *Accessory Living Quarters as specified in Chapter 85 of this Title.*

R-20,000 Zone (Chapter 64):

- b. ~~Living quarters attached to the main residence. One attached single-room occupancy (SRO) dwelling unit is permitted.~~ *Accessory Living Quarters as specified in Chapter 85 of this Title.*
- c. ~~One detached living quarters or guest house on the same premises (under the same ownership) as the main building; such detached living quarters or guest house shall be not less than 20 feet from such main building. One attached or detached second dwelling unit or guest house may be permitted, provided that such detached structure shall be located a minimum of 20 feet from the main dwelling unit.~~ *(Reserve for Accessory Dwelling Units as required by State law.)*

A-1, A-2 & A-5 Zones (Chapters 67, 70 & 73):

- b. ~~Living quarters attached to the main residence. One attached single-room occupancy (SRO) dwelling unit is permitted.~~ *Accessory Living Quarters as specified in Chapter 85 of this Title.*
- c. ~~One detached living quarters or guest house on the same premises (under the same ownership) as the main building; such detached living quarters or guest house shall be not less than 20 feet from such main building. One attached or detached second dwelling unit or guest house may be permitted, provided that such detached structure shall be located a minimum of 20 feet from the main dwelling unit.~~ *(Reserve for Accessory Dwelling Units as required by State law.)*

City Council Study Session – EXHIBIT D-1

Amend Accessory Living Quarters Regulations

Chapter 85 (Accessory Living Quarters) is to be amended as follows to resolve inconsistencies in the regulations and to add multi-family dwellings:

Sec. 9.85.010. – Permitted.

- (a) One second-dwelling accessory living quarter shall be permitted on each legally created parcel of land in the R-7,500, R-20,000, A-1, A-2, and A-5 zones, subject to the applicable development standards of the zone and this chapter.
- (b) ~~Attached or detached second dwelling units, guest houses, groom's quarters, bunk houses or pool houses, and/or single room occupancy units (SROs) suitable for living accommodations shall be permitted on each legally created parcel of land zoned A-1, A-2 or A-5, provided that not more than one accessory dwelling unit per gross acre shall be permitted. One single-room occupancy (SRO) unit attached to the main dwelling, and one detached accessory living quarter on each legally created parcel of land in the R-20,000 zones, subject to the applicable development standards of the zone and this chapter.~~
- (c) ~~Not more than one attached Single room occupancy (SRO) dwelling unit(s) attached to the main dwelling, such as a servant's quarters or similar living accommodations, and detached accessory living quarters (including multi-family dwellings or multi-tenant single room occupancy buildings) at a density of one unit per gross acre shall be permitted on each legally created parcel of land zoned R-20,000, A-1, A-2 or A-5, subject to the applicable development standards of the zone and this chapter.~~
- (d) ~~Open off street parking spaces equivalent to one open space per accessory dwelling unit shall be provided. Tandem parking shall be permitted to meet this requirement.~~

Sec. 9.85.020. – Development standards for ~~second dwelling units accessory living quarters.~~

~~Second dwelling units shall be developed in accordance with the following standards:~~

- (1) Maximum size. ~~One second dwelling unit is permitted on any legally created lot in each zone as follows Accessory living quarters shall be limited to the following maximums:~~

	Second Dwelling Unit Maximum Square Footage Permitted
R-7,500	1,200 sq. ft. (attached to main dwelling only)
R-20,000	1,200 sq. ft.
A-1	1,500 sq. ft.
A-2	2,000 sq. ft.
A-5	2,500 sq. ft.

**City Council Study Session – EXHIBIT D-1
Amend Accessory Living Quarters Regulations**

Zone	Single Room Occupancy (SRO) Building	Second Dwelling Unit	Guest House Or Pool House
R-7,500	N.A.	1,200 sq. ft.	1,200 sq. ft.
R-20,000	N.A.	1,200 sq. ft.	1,200 sq. ft.
A-1	Three SRO units & 900 sq. ft.	1,500 sq. ft.	1,500 sq. ft.
A-2	Five SRO units & 1,500 sq. ft.	2,000 sq. ft.	2,000 sq. ft.
A-5	Ten SRO units & 2,500 sq. ft.	2,500 sq. ft.	2,500 sq. ft.

- (2) ~~Second dwelling units~~ Accessory living quarters are permitted only on residential lots which are developed with a main single-family residence.
- (3) Accessory living quarters, ~~to include second dwelling units,~~ must comply with the Uniform Housing Code, fire code, health and safety codes *Bradbury Residential Code*, applicable at the time the plans for the building permits for the accessory living quarters are submitted. ~~The primary dwelling unit shall be brought into compliance with the current building codes prior to occupancy of the accessory living quarters unit.~~
- (4) All accessory living quarters, whether attached or detached, must conform to all setback, lot coverage, floor area, and building bulk requirements of the applicable zone, ~~and if detached, must be at least 20 feet from any other building.~~
- (5) The maximum allowed height for a detached accessory living quarters unit or ~~building~~ shall not exceed 28 feet.
- (6) The owner of the property or the master lessor of the entire property must occupy either the ~~primary main~~ dwelling unit or ~~the an~~ accessory living quarters unit.
- (7) A minimum of one on-site parking space shall be provided for ~~the each~~ accessory living quarters, in addition to the parking requirement for the ~~primary main single-family dwelling unit.~~ The ~~additional parking spaces for the accessory living quarters~~ need not be covered, ~~except for multi-family dwellings for which the parking spaces shall be in carports.~~ ~~but All parking spaces~~ shall be paved and accessible from a single, common driveway for ~~both primary the main and~~ accessory units. Tandem parking is ~~not~~ permitted to meet this off-street parking requirement.

City Council Study Session – EXHIBIT D-1

Amend Accessory Living Quarters Regulations

Sec. 9.85.030. – Neighborhood compatibility review; ~~conditions~~ *standards*.

All development of accessory living quarters in excess of 400 square feet of enclosed floor area shall be subject to the procedures for neighborhood compatibility review and approval pursuant to Chapter 40 of this title. In addition to the standards and determinations required by Chapter 40 of this title, the following findings shall be required for approval of accessory living quarters having an enclosed floor area in excess of 400 square feet:

- (1) The accessory living quarter(s) ~~unit~~ will be appropriate to the size and character of the lot on which it will be located, and to the character of the neighborhood.
- (2) The accessory living quarter(s) ~~unit~~ will not overload the capacity of the neighborhood to absorb the physical and use impacts of the unit(s) in terms of parking, adequacy of water and sewer services, traffic volumes and flows, and utilities consumption.
- (3) The accessory living quarter(s) ~~unit~~ will not be materially detrimental to the public health, safety and general welfare, or to the use, enjoyment or valuation of property of other persons located in the vicinity.

Sec. 9.85.040. – Abatement of nonconforming uses.

No nonconforming accessory living quarter(s) ~~unit~~ may be expanded or remodeled by the addition of any space or addition of plumbing fixtures or cooking facilities unless it is brought into compliance with the ~~conditions~~ *provisions* set forth in this ~~chapter~~ *Code* prior to occupancy.

City Council Study Session – Exhibit D-2
Comparison of current and proposed Accessory Living Quarters regulations

Section 9.85.010 – ALQs Permitted

<u>Current</u>	<u>Proposed</u>
(a) One 2 nd dwelling unit in all zones	(a) One ALQ in R-7,500
(b) Attached or detached 2 nd dwelling units, guest houses, groom's quarters, bunk houses or pool houses, and/or SROs in the A-1, A-2 & A-5 zones at a maximum of 1 accessory dwelling unit per gross acre	(b) <i>One SRO attached to the main dwelling & one detached ALQ in R-20,000</i>
(c) One attached SRO unit in R-20,000, A-1, A-2 & A-5	(c) <i>One SRO attached to the main dwelling and detached ALQs (including multi-family dwellings or multi-tenant SRO buildings) at one unit per gross acre in A-1, A-2 & A-5</i>
(d) Open off-street parking of 1 space per accessory dwelling unit with tandem acceptable	(d) <i>Deleted -- see (7) below - -</i>

City Council Study Session – Exhibit D-2

Comparison of current and proposed Accessory Living Quarters regulations

Section 9.85.020 – Development standards for ALQs

<u>Current</u>		<u>Proposed</u>			
(1) Maximum size. One 2 nd dwelling unit in all zones as follows:		(1) ALQs shall be limited to the following maximums:			
			<u>SRO Bldg.</u>	<u>2nd d.u.</u>	<u>Guest/Pool Hs.</u>
R-7,500	1,200 s.f. (attached only)	R-7,500	N.A.	1,200 s.f.	1,200 s.f.
R-20,000	1,200 s.f.	R-20,000	N.A.	1,200 s.f.	1,200 s.f.
A-1	1,500 s.f.	A-1	3 SRO units 900 s.f.	1,500 s.f.	1,500 s.f.
A-2	2,000 s.f.	A-2	5 SRO units 1,500 s.f.	2,000 s.f.	2,000 s.f.
A-5	2,500 s.f.	A-5	10 SRO units 2,500 s.f.	2,500 s.f.	2,500 s.f.
(2) 2 nd dwelling units permitted only on lots developed with a single-family residence.		(2) ALQs permitted only on lots developed with a <i>main</i> single-family residence.			
(3) ALQs, including 2 nd dwelling units must comply with Uniform Housing Code, fire code, health & safety codes applicable when plans are submitted. The primary dwelling shall be made to comply with current codes prior to occupancy of the ALQs unit.		(3) ALQs must comply with the <i>Bradbury Residential Code</i> applicable when plans are submitted.			
(4) All ALQs whether attached or detached must conform to all setback, lot coverage, floor area, and building bulk requirements of the applicable zone.		(4) All ALQs whether attached or detached must conform to all setback, lot coverage, floor area, and building bulk requirements of the applicable zone, <i>and if detached, must be 20 feet from any other building.</i>			
(5) Maximum height for a detached ALQ unit is 28 feet.		(5) Maximum height for a detached ALQ unit <i>or building</i> is 28 feet.			
(6) Owner or master lessor must occupy either the primary dwelling unit or the ALQ unit.		(6) Owner or master lessor must occupy either the <i>main</i> dwelling unit or <i>an</i> ALQ unit.			
(7) Minimum of 1 on-site parking space for the ALQ, in addition to the parking required for the primary unit. The additional space need not be covered, but shall be paved and accessible from a single, common driveway for both the primary and accessory units. Tandem parking is permitted.		(7) Minimum of 1 on-site parking space for <i>each</i> ALQ, in addition to the parking required for the <i>main single-family residence</i> . The <i>spaces for the ALQs</i> need not be covered, <i>except MFDs shall have carports</i> . All spaces shall be paved and accessible from a single, common driveway for both the primary and accessory units. Tandem parking is <i>not</i> permitted.			

City Council Study Session – Exhibit D-2 **Comparison of current and proposed Accessory Living Quarters regulations**

The ALQ regulations will allow for the following maximums

<u>Current</u>	<u>Proposed</u>
<p><u>R-7,500</u></p> <p>One 2nd dwelling unit of up to 1,200 s.f. attached to the main dwelling</p>	<p><u>R-7,500</u></p> <p>One ALQ of up to 1,200 s.f.</p>
<p><u>R-20,000</u></p> <p>One SRO unit attached to the main dwelling and one 2nd dwelling unit of up to 1,200 s.f.</p>	<p><u>R-20,000</u></p> <p>One SRO unit attached to the main dwelling and one detached ALQ unit – each unit may be up to 1,200 s.f.</p>
<p><u>A-1</u></p> <p>One attached or detached 2nd dwelling unit of up to 1,500 s.f., plus attached or detached guest houses, grooms' quarters, bunk houses or pool houses and/or SRO units (only one SRO unit may be attached to the main dwelling) at a density of one unit per each gross acre</p>	<p><u>A-1</u></p> <p>SRO units attached to the main dwelling plus detached ALQs of up to 1,500 s.f. ALQs shall not exceed a density of one unit per each gross acre. MF/SRO buildings can have up to 3 units with a total building size of 900 s.f.</p>
<p><u>A-2</u></p> <p>One attached or detached 2nd dwelling unit of up to 2,000 s.f. plus attached or detached guest houses, grooms' quarters, bunk houses or pool houses and/or SRO units (only one SRO unit may be attached to the main dwelling) at a density of one unit per each gross acre</p>	<p><u>A-2</u></p> <p>SRO units attached to the main dwelling plus detached ALQs of up to 1,500 s.f. ALQs shall not exceed a density of one unit per each gross acre. MF/SRO buildings can have up to 5 units with a total building size of 1,500 s.f.</p>
<p><u>A-5</u></p> <p>One attached or detached 2nd dwelling unit of up to 2,500 s.f. plus attached or detached guest houses, grooms' quarters, bunk houses or pool houses and/or SRO units (only one SRO unit may be attached to the main dwelling) at a density of one unit per each gross acre</p>	<p><u>A-5</u></p> <p>SRO units attached to the main dwelling plus detached ALQs of up to 2,500 s.f. ALQs shall not exceed a density of one unit per each gross acre. MF/SRO buildings can have up to 10 units with a total building size of 2,500 s.f.</p>

City Council Study Session

Reasonable Accommodation Procedures for Disabled Persons

Housing Element Policy & Program

Housing Policy 4

The City will continue to work to remove Governmental constraints that limit or discourage the development of new housing in the City.

Program 2

Reasonable Accommodation

As part of this Housing Element, Bradbury has conducted a review of zoning, building codes, and permit processing procedures and has not identified any institutional barriers to the provision of accessible housing. Nonetheless, the City has not yet adopted written procedures for requesting a reasonable accommodation, and is in the process of doing so to further encourage and facilitate the provision of housing for persons with disabilities. "Reasonable Accommodation Procedures for Disabled Persons" will be added to the Municipal Code to provide a mechanism through which the City can grant reasonable adjustments to its zoning and land use regulations to provide disabled persons equal opportunities to use and enjoy housing.

Proposed Code Amendments per Program Directives

Add "Reasonable Accommodation Procedures for Disabled Persons" as a new Chapter 29 of Part IV – Development Permit Procedures

See attached Exhibit E for proposed new procedures

City Council Study Session – Exhibit E

Add Reasonable Accommodation Procedures for Disabled Persons

The following is to be added to Part IV (Development Permit Procedures) as a new Chapter 29:

REASONABLE ACCOMMODATION PROCEDURES FOR DISABLED PERSONS

(A) Purpose and applicability:

- (1) **Purpose.** The purpose of this section is to establish a procedure for disabled persons, or their representatives, to request a reasonable accommodation from the City's zoning laws, building codes, and land use regulations, policies, and procedures to provide disabled persons with an opportunity to use and enjoy housing equal to that of non-disabled persons.
- (2) **Who may apply.** A request for a reasonable accommodation may be made by any disabled person, his or her representative, or a developer or provider of housing for disabled persons, when the application of a zoning law, building code provision, or other land use regulation, policy, or practice acts as a barrier to a disabled person's equal opportunity to use and enjoy housing.
- (3) **What can be requested.** A request for a reasonable accommodation may include a modification to or exception from the rules, standards, or practices for the siting, development, or use of housing or housing related facilities, to allow a disabled person an equal opportunity to use and enjoy housing in accordance with the fair housing laws. Requests for a reasonable accommodation shall be made in the manner prescribed by this section.

(B) Reviewing authority:

- (1) A request for a reasonable accommodation shall be reviewed by the City Manager or the City Manager's designee, unless it is related to a discretionary land use application for the same site area that requires review by the Planning Commission, in which case the Planning Commission shall be the reviewing authority. The City Manager may, in his or her discretion, refer applications to the Planning Commission for consideration.
- (2) **Variance not required.** Where the improvements or modifications approved through a request for a reasonable accommodation would otherwise require a variance, a variance shall not be required.

(C) Review procedure:

- (1) **City Manager review.** The City Manager, or designee, shall consider an application and issue a written determination. At least ten calendar days before issuing a written determination on the application, the City Manager shall mail notice to the applicant and adjacent property owners that the City will be considering the application, advising of the standards for issuing an accommodation, and inviting written comments on the requested accommodation.
- (2) **Planning Commission review.** The processing procedures for the discretionary land use application before the Planning Commission shall govern the processing of the request for a reasonable accommodation. If the reasonable accommodation is referred to the Planning Commission by the City Manager and there is no other discretionary

City Council Study Session – Exhibit E

Add Reasonable Accommodation Procedures for Disabled Persons

application, then the Planning Commission shall hold a public hearing within 45 days after the application is deemed complete and shall issue a written determination within 60 calendar days after such public hearing. Written notice of a hearing to consider the application shall be mailed ten calendar days prior to the meeting to the applicant and adjacent property owners.

- (3) Ability to require additional information. If the reviewing authority believes that additional information is necessary to reach a determination on any request for a reasonable accommodation, then the reviewing authority may request further information from the applicant. The reviewing authority's request shall specify in detail the requested information. In the event a request for further information is made, the applicable time period to issue a written determination shall be stayed until the applicant fully responds to the request for information. If an individual needs assistance in submitting the application for a reasonable accommodation, the City shall provide assistance to ensure that the process is accessible. The applicant and the City may agree at any time to extend the time period(s) set forth in this section.
- (D) Application submittal. Notwithstanding any other requirements of this section, a request for a reasonable accommodation shall be made on a form supplied by the City and shall include the following information:
 - (1) The applicant's or representative's name, mailing address, daytime phone number, and email address, if applicable;
 - (2) The address of the property for which the request is being made;
 - (3) The specific code section, regulation, procedure, or policy of the City from which relief is sought;
 - (4) A site plan or illustrative drawing showing the proposed accommodation, if applicable;
 - (5) An explanation of why the specified code section, regulation, procedure, or policy is denying, or will deny a disabled person equal opportunity to use and enjoy the dwelling;
 - (6) The basis for the claim that the fair housing laws apply to the applicant and evidence satisfactory to the City supporting the claim, which may include a letter from a medical doctor or other licensed health care professional, a disabled license, or any other appropriate evidence;
 - (7) A detailed explanation of why the accommodation is reasonable and necessary to afford the disabled person an equal opportunity to use and enjoy the dwelling; and
 - (8) Any other information required to make the findings required by division (E) of this section consistent with the fair housing laws.
 - (9) A reasonable accommodation does not affect or negate an individual's obligation to comply with other applicable regulations that are not the subject of the requested accommodation.

City Council Study Session – Exhibit E
Add Reasonable Accommodation Procedures for Disabled Persons

- (10) No application fee shall be required to process an application for a request for a reasonable accommodation pursuant to this section. However, application fees shall be required for any concurrent development application and any other permits that may be required to construct or otherwise implement the reasonable accommodation.
- (11) While a request for a reasonable accommodation is pending, all laws and regulations otherwise applicable to the property that is the subject of the request shall remain in full force and effect.

(E) Findings and conditions of approval.

- (1) Required findings. The reasonable accommodation shall be approved, with or without conditions, if the reviewing authority finds, based upon all of the evidence presented, that all of the following findings can be made:
 - (a) The dwelling that is the subject of the request for reasonable accommodation will be occupied by a disabled person;
 - (b) The requested accommodation is necessary to provide a disabled person with an equal opportunity to use and enjoy a dwelling;
 - (c) The requested accommodation will not impose an undue financial or administrative burden on the City, as defined in the fair housing laws; and
 - (d) The requested accommodation will not require a fundamental alteration to the City's zoning or building laws, policies, and/or procedures, as defined in the fair housing laws. In considering whether the accommodation would require such a fundamental alteration, the reviewing authority may consider, among other factors:
 - 1. Whether the requested accommodation would fundamentally alter the character of the neighborhood;
 - 2. Whether the requested accommodation would result in a substantial increase in traffic or insufficient parking;
 - 3. Whether the requested accommodation would substantially undermine any express purpose of either the City's General Plan or an applicable specific plan; and
 - 4. Whether the requested accommodation would create an institutionalized environment due to the number of, and distance between, facilities that are similar in nature or operation.

(F) Decision.

- (1) The reviewing authority's written decision shall set forth the findings and any conditions of approval. The decision and notice of the right to appeal shall be mailed to the applicant, and to any person having provided written comment on the application. The approval of a reasonable accommodation shall be subject to any reasonable conditions imposed on the approval that are consistent with the purposes of this section or the

City Council Study Session – Exhibit E

Add Reasonable Accommodation Procedures for Disabled Persons

General Plan, or are appropriate to protect the public health, safety, or welfare. The reviewing authority may approve an alternative reasonable accommodation that provides the applicant an opportunity to use and enjoy a dwelling equivalent to that provided by the specific accommodation requested by the applicant, where such alternative accommodation would reduce impacts to neighboring properties or the surrounding area. The written decision of the reviewing authority shall be final, unless appealed or ordered for City Council review in the manner set forth in Chapter 16 of this Code.

- (2) Prior to the issuance of any permits related to an approved reasonable accommodation, the applicant, or property owner if different, shall record a covenant in the County Recorder's Office, in a form approved by the City Attorney, acknowledging and agreeing to comply with the terms and conditions of the approved reasonable accommodation. A reasonable accommodation is granted to an individual(s) and shall not run with the land, unless the City Manager finds, at the time of approval of the accommodation, that the modification is physically integrated with the structure and cannot feasibly be removed or altered.

(G) Expiration and discontinuance.

- (1) Expiration. Any reasonable accommodation approved in accordance with the terms of this section shall expire within 12 months from the effective date of the approval, or at an alternative time specified in the approval, unless:
 - (a) A building permit has been issued and construction has commenced;
 - (b) The right granted by the accommodation has been exercised; or
 - (c) A time extension has been granted by the City Manager.
- (2) Discontinuance. A reasonable accommodation shall lapse if the exercise of rights granted by it is discontinued for 180 consecutive days. In addition, if the disabled person for whom the reasonable accommodation was granted vacates the residence, the reasonable accommodation shall remain in effect only if:
 - (a) The City Manager determined pursuant to division (F) that the reasonable accommodation shall run with the land, or
 - (b) Another disabled person who requires the accommodation to have an equal opportunity to use and enjoy the dwelling now occupies the dwelling. The City Manager may request that the person seeking to retain the accommodation provide documentation that the occupants are disabled persons and the existing accommodation is necessary for them to have an equal opportunity to use and enjoy the dwelling. Failure to provide such documentation within ten days of the date of a request by the City shall constitute grounds for discontinuance by the City of a previously approved reasonable accommodation.

City Council Study Session – Exhibit E
Add Reasonable Accommodation Procedures for Disabled Persons

(H) Revocation or modification.

- (1) If the City Manager determines that evidence could be presented to the Planning Commission that may support grounds for revocation or modification of an approved reasonable accommodation, and the City Manager believes that the Planning Commission may find that such evidence is adequate to support revocation or modification of the reasonable accommodation, then the City Manager may initiate a revocation proceeding before the Planning Commission.
- (2) Upon initiation of a revocation proceeding, the Planning Commission shall hold a public hearing regarding the possible revocation or modification of the reasonable accommodation. Notice of such hearing shall be provided in the same manner as the notice required to be provided in division (C). The Planning Commission, after such hearing, may revoke or modify the reasonable accommodation if the Planning Commission determines that:
 - (a) There has been a change in the disabled person's use of the property or need for the reasonable accommodation that negates the basis for the approval of the reasonable accommodation;
 - (b) The application, or other information presented to the City in conjunction with the request for a reasonable accommodation, included false information; or
 - (c) Any of the conditions or terms of such approval are violated, or any law or ordinance is violated in connection therewith.
- (3) Upon revocation of the reasonable accommodation, the property shall be brought into compliance with any zoning regulation or other laws, policies, or procedures from which a deviation was granted to allow the reasonable accommodation.

- - -

City Council Study Session
Reference Documents for Housing Element Code Amendments

California Department of Housing and Community Development Correspondence

- April 24, 2014 Memorandum – Transitional & Supportive Housing
- July 6, 2018 Letter – Emergency Shelter Zoning Status

California Health and Safety Codes

- Section 1502
- Section 50675.2
- Section 50675.14
- Section 50801

California Government Codes

- Senate Bill No. 2 – Chapter 633
- Section 65582
- Section 65583
- Section 65589.5

California Welfare and Institutions Codes

- Division 4.5 – Services for the Developmentally Disabled

Other Documents

- April 4, 2018 Transmittal Letter & Los Angeles County's – Local Zoning Best Practices for Shelter and Transitional and Supportive Housing – An SB 2 (2007) Primer
- List of State Licensed Residential Care Facility Types


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

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**MEMORANDUM**

DATE: April 24, 2014

TO: Planning Directors and Interested Parties

FROM: Lisa Bates, Deputy Director
Division of Housing Policy Development 

SUBJECT: **Transitional and Supportive Housing
Chapter 183, Statutes of 2013 (SB 745)**

This memorandum is to update local decision makers on recent amendments to housing element law (Government Code Section 65582) related to transitional and supportive housing zoning requirements. In 2007, SB 2 (Chapter 633, Statutes of 2007) revised housing element law requiring that transitional and supportive housing be permitted as a residential use, subject only to restrictions that apply to other residential dwellings of the same type in the same zone. SB 745, which took effect on January 1, 2014, generally amends the Section 65582 of the Government Code to replace prior Health and Safety Code definitions of "supportive housing," "target population," and "transitional housing" with definitions now more specific to housing element law.

Previously, definitions for "supportive housing," "target population," and "transitional housing" were found in subdivision (b) of Section 50675.14, subdivision (3)(a) of Section 50675.14 and subdivision (h) of Section 50675.2 of the Health and Safety Code, respectively. SB 745 deletes reference to these sections and creates new definitions in Government Code Section 65582.

The intent for this change is to remove cross references in Government Code Section 65582 to the definitions of "supportive housing" and "transitional housing" that are used in the statutes governing the Multifamily Housing Program (MHP) and replace them with the current definitions that are used for the purposes of zoning applicable at the time SB 2 (Cedillo, Chapter 633, Statutes of 2007) passed. For your assistance, the specific language of SB 745 that amends Section 65582 of the Government Code is included in Attachment A.

For a full copy of the statute, please refer to <http://leginfo.legislature.ca.gov/>.

For more information regarding transitional and supportive housing, see the Department's *Building Blocks*' website at <http://www.hcd.ca.gov/community-development/building-blocks/site-inventory-analysis/zoning-for-variety-housing-types.shtml>. If you have any questions, please contact Paul McDougall, Housing Policy Manager, at 916-263-7420.

ATTACHMENT A
Changes to State Housing Element Law
AB 745 (Chapter 183, Statutes of 2013)

Government Code Section 65582

SB 745 (Changes in underline)

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" means housing with no limit on length of stay, that is occupied by the target population, and that is linked to an onsite or offsite service that assists 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.
- (g) "Target population" means persons with low incomes who have one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health condition, or individuals eligible for services provided pursuant to the Lanterman Developmental Disabilities Services Act (Division 4.5 (commencing with Section 4500) of the Welfare and Institutions Code) and may include, among other populations, adults, emancipated minors, families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, and homeless people.
- (h) "Transitional housing" means buildings configured as rental housing developments, but operated under program requirements that require the termination of assistance and recirculating of the assisted unit to another eligible program recipient at a predetermined future point in time that shall be no less than six months from the beginning of the assistance.

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
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July 6, 2018

Anne Browning-McIntosh, City Planner
City of Bradbury
600 Winston Avenue
Bradbury, CA 91008

RE: Emergency Shelter Zoning Status

Dear Anne Browning-McIntosh:

Thank you for submitting correspondence regarding the status of Policy 6: Emergency Shelter Program on June 5, 2018. Pursuant to Government Code section 65585, subdivision (i), the Department is reporting the results of its review.

On March 5, 2015, the Department of Housing and Community Development (HCD) found Bradbury's 5th cycle housing element in compliance with state housing law based on, among other things, Policy 6: Emergency Shelter Program. Policy 6 committed to zone and permit emergency shelters without discretionary action within one year of housing element adoption (November 18, 2014) pursuant to Gov. Code section 65583, subd. (a)(4)(A). Housing element compliance beyond November 18, 2015 was contingent upon the completion of program actions.

On May 7, 2018, HCD issued correspondence requesting current status on the implementation of program actions. Documentation provided by the city on June 5, 2018 does not describe actions that implemented Policy 6: Emergency Shelter Program. Specifically, the city provided a schedule for future program implementation, which included:

- June 27, 2018 – presentation at Planning Commission
- August 2018 – presentation at City Council
- October 2018 – resolution and ordinance adoption

Based upon the city's implementation schedule, HCD will monitor progress and requests the city provide documentation to HCD by October 31, 2018 demonstrating program actions have been fully implemented. Submit the documentation via email to Jess.Negrete@hcd.ca.gov.

As a reminder, Gov. Code section 65588, subd. (e)(4) requires a jurisdiction that failed to adopt its housing element within 120 calendar days from the statutory due date to revise its element every four years until adopting at least two consecutive revisions by the applicable due dates. The City of Bradbury did not meet the requirements of Gov. Code section 65588, subd. (e)(4); therefore, it is subject to the four-year revision requirement until the city has adopted at least two consecutive updated revisions by the applicable due dates.

Bradbury's housing element update was due October 15, 2017. Bradbury has not submitted its four-year update to HCD. As a result, per HCD's January 19, 2018 correspondence, the City of Bradbury's housing element no longer complies with housing element law (Article 10.6 of the Government Code). In order to obtain housing element compliance, the city must submit a draft housing element update to HCD, consider written findings from HCD, adopt the element, and submit it for HCD review and certification. Be aware housing element law and other housing related laws have been changed or added effective January 1, 2018.

For your information, in 2017, the Governor signed the 2017 Legislative Housing Package, which provides a renewed focus on housing, one of the most basic needs for every Californian. Chapter 370 Statutes of 2017, Assembly Bill (AB) 72, became law as part of this package. AB 72 expands and clarifies HCD's enforcement by authorizing HCD to find a jurisdiction out of compliance with state housing law at any time. HCD will review local government's actions and inactions, including program actions committed within an adopted housing element, to determine consistency or inconsistency with state housing law. If HCD makes findings of inconsistency, housing element compliance may be revoked and additional actions may be taken, including referral to the Attorney General's Office.

Information on the new laws is available on HCD's website at <http://www.hcd.ca.gov/policy-research/lhp.shtml>.

Information on the four-year update requirements are available at:
http://www.hcd.ca.gov/hpd/SB375/sb375_final100413.pdf.

Information regarding adequate sites and rezoning requirements can be found on HCD's website at: <http://www.hcd.ca.gov/community-development/housing-element/housing-element-memos/docs/ab-1233-final-dt.pdf> and <http://www.hcd.ca.gov/community-development/building-blocks/program-requirements/identify-adequate-sites.shtml>. If you have questions or need additional information, contact Mr. Jess Negrete, Policy Analyst, at (916) 263-7437.

Sincerely,



Zachary Olmstead
Deputy Director

California Health and Safety Code Section 1502

1502. As used in this chapter:

- (a) Community care facility means any facility, place, or building that is maintained and operated to provide nonmedical residential care, day treatment, adult day care, or foster family agency services for children, adults, or children and adults, including, but not limited to, the physically handicapped, mentally impaired, incompetent persons, and abused or neglected children, and includes the following:
 - (1) Residential facility means any family home, group care facility, or similar facility determined by the director, for 24-hour nonmedical care of persons in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual.
 - (2) Adult day program means any community-based facility or program that provides care to persons 18 years of age or older in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of these individuals on less than a 24-hour basis.
 - (3) Therapeutic day services facility means any facility that provides nonmedical care, counseling, educational or vocational support, or social rehabilitation services on less than a 24-hour basis to persons under 18 years of age who would otherwise be placed in foster care or who are returning to families from foster care. Program standards for these facilities shall be developed by the department, pursuant to Section 1530, in consultation with therapeutic day services and foster care providers.
 - (4) Foster family agency means any public agency or private organization engaged in the recruiting, certifying, and training of, and providing professional support to, foster parents, or in finding homes or other places for placement of children for temporary or permanent care who require that level of care. Private foster family agencies shall be organized and operated on a nonprofit basis.
 - (5) Foster family home means any residential facility providing 24-hour care for six or fewer foster children that is owned, leased, or rented and is the residence of the foster parent or parents, including their family, in whose care the foster children have been placed. The placement may be by a public or private child placement agency or by a court order, or by voluntary placement by a parent, parents, or guardian. It also means a foster family home described in Section 1505.2.
 - (6) Small family home means any residential facility, in the licensee's family residence, that provides 24-hour care for six or fewer foster children who have mental disorders or developmental or physical disabilities and who require special care and supervision as a result of their disabilities. A small family home may accept children with special health care needs, pursuant to subdivision (a) of Section 17710 of the Welfare and Institutions Code. In addition to placing children with special health care needs, the department may approve placement of children without special health care needs, up to the licensed capacity.
 - (7) Social rehabilitation facility means any residential facility that provides social rehabilitation services for no longer than 18 months in a group setting to adults recovering from mental illness who temporarily need assistance, guidance, or counseling. Program components shall be subject to program standards pursuant to Article 1 (commencing with Section 5670) of Chapter 2.5 of Part 2 of Division 5 of the Welfare and Institutions Code.

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

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

- (9) Full-service adoption agency means any licensed entity engaged in the business of providing adoption services, that does all of the following:
- (A) Assumes care, custody, and control of a child through relinquishment of the child to the agency or involuntary termination of parental rights to the child.
 - (B) Assesses the birth parents, prospective adoptive parents, or child.
 - (C) Places children for adoption.
 - (D) Supervises adoptive placements.

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

- (10) Noncustodial adoption agency means any licensed entity engaged in the business of providing adoption services, that does all of the following:
- (A) Assesses the prospective adoptive parents.
 - (B) Cooperatively matches children freed for adoption, who are under the care, custody, and control of a licensed adoption agency, for adoption, with assessed and approved adoptive applicants.
 - (C) Cooperatively supervises adoptive placements with a full-service adoptive agency, but does not disrupt a placement or remove a child from a placement.

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

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

- (12) Transitional housing placement provider means an organization licensed by the department pursuant to Section 1559.110 and Section 16522.1 of the Welfare and Institutions Code to provide transitional housing to foster children at least 16 years of age and not more than 18 years of age, and nonminor dependents, as defined in subdivision (v) of Section 11400 of the Welfare and Institutions Code, to promote their transition to adulthood. A transitional housing placement provider shall be privately operated and organized on a nonprofit basis.
- (13) Group home means a residential facility that provides 24-hour care and supervision to children, delivered at least in part by staff employed by the licensee in a structured environment. The care and supervision provided by a group home shall be nonmedical, except as otherwise permitted by law.
- (14) Runaway and homeless youth shelter means a group home licensed by the department to operate a program pursuant to Section 1502.35 to provide voluntary, short-term, shelter and personal services to runaway youth or homeless youth, as defined in paragraph (2) of subdivision (a) of Section 1502.35.
- (15) Enhanced behavioral supports home means a facility certified by the State Department of Developmental Services pursuant to Article 3.6 (commencing with Section 4684.80) of Chapter 6 of Division 4.5 of the Welfare and Institutions Code, and licensed by the State Department of Social Services as an adult residential facility or a group home that provides 24-hour nonmedical care to individuals with developmental disabilities who require enhanced behavioral supports, staffing, and supervision in a homelike setting. An enhanced behavioral supports home shall have a maximum capacity of four consumers, shall conform to Section 441.530(a)(1) of Title 42 of the Code of Federal Regulations, and shall be eligible for federal Medicaid home- and community-based services funding.
- (16) Community crisis home means a facility certified by the State Department of Developmental Services pursuant to Article 8 (commencing with Section 4698) of Chapter 6 of Division 4.5 of the Welfare and Institutions Code, and licensed by the State Department of Social Services pursuant to Article 9.7 (commencing with Section 1567.80), as an adult residential facility, providing 24-hour nonmedical care to individuals with developmental disabilities receiving regional center service, in need of crisis intervention services, and who would otherwise be at risk of admission to the acute crisis center at Fairview Developmental Center, Sonoma Developmental Center, an acute general hospital, acute psychiatric hospital, an institution for mental disease, as described in Part 5 (commencing with Section 5900) of Division 5 of the Welfare and Institutions Code, or an out-of-state placement. A community crisis home shall have a maximum capacity of eight consumers, as defined in subdivision (a) of Section 1567.80, shall conform to Section 441.530(a)(1) of Title 42 of the Code of Federal Regulations, and shall be eligible for federal Medicaid home- and community-based services funding.
- (17) Crisis nursery means a facility licensed by the department to operate a program pursuant to Section 1516 to provide short-term care and supervision for children under six years of age who are voluntarily placed for temporary care by a parent or legal guardian due to a family crisis or stressful situation.
- (18) Short-term residential treatment center means a residential facility licensed by the department pursuant to Section 1562.01 and operated by any public agency or private organization that provides short-term, specialized, and intensive treatment, and 24-hour care and supervision to children. The care and supervision provided by a short-

term residential treatment center shall be nonmedical, except as otherwise permitted by law.

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

(c) Director means the Director of Social Services.

(Amended by Stats. 2015, Ch. 773, Sec. 6. Effective January 1, 2016.)