

⁷⁵ 42 U.S.C. § 3604(a); *City of Edmonds v. Oxford House, Inc.*, 514 U.S. 725, 729 (1995); *Project Life v. Glendening*, 139 F. Supp. 703, 710 (D. Md. 2001), *aff'd* 2002 WL 2012545 (4th Cir. 2002); Cal. Gov't Code § 12955(l).

⁷⁶ <http://www.disabilityrightsca.org/news/2015NewsAboutUs/20150810ReasonableAccommodationsClearingHouse.htm>

⁷⁷ Title II of the ADA, Section 504 of the Rehabilitation Act of 1973, as well as the California Unruh Civil Rights Act.

⁷⁸ Nisen, Fred, Schur, Dara L., and Cole, Tomasi. "Creating a reasonable accommodation ordinance that protects people with disabilities." Disability Rights California, August 10, 2015, <http://www.disabilityrightsca.org/news/2015NewsAboutUs/20150810ReasonableAccommodationsClearingHouse.htm>.

⁷⁹ See, e.g., *US ex rel. Anti-Discrimination Center of Metro New York, Inc. v. Westchester County, NY*, 668 F. Supp. 2d 548, 569 (2009).

⁸⁰ 42 U.S.C. 3608(e)(5); 24 CFR § 5.154 (b); 42 U.S.C. §§ 5304(b)(2), 5306(d)(7)(B), 12705(b)(15), 1437C-1(d)(16)

⁸¹ 80 Fed. Reg. 42,272, 42,309 (preamble).

⁸² <https://www.lacdc.org/programs/community-development-block-grant/plans-and-reports/assessment-of-fair-housing/community-meetings>; <http://hcidla.lacity.org/public-policy-development>

⁸³ Trends identified by a review by Public Counsel attorneys of publicly available zoning codes and Housing Elements in 88 cities in Los Angeles County in March 2017.

⁸⁴ Compliance estimates are estimates only and based upon analysis of publicly available information as of March 2017.

⁸⁵ Los Angeles Homeless Services Authority, 2017 Homeless Count Results - Los Angeles County, found at <https://www.lahsa.org/documents?id=1353-homeless-count-2017-countywide-results.pdf>.

⁸⁶ Santa Clara County Code of Ordinances § 4.10.115. "County-authorized" means that the facility is operating under a valid CUP.

⁸⁷ Santa Clara County Code of Ordinances § 4.10.115. These accessory use small scale shelters have a limited duration of stay, require on-site staffing and written notice of operation to the Planning Office.

⁸⁸ Incidental shelter is defined as providing shelter inside an assembly building as an incidental use to an existing primary assembly use, which occupies less than 50% of the usable square footage of the assembly building. See the draft ordinance at:

http://sanjose.granicus.com/MetaViewer.php?view_id=&event_id=2690&meta_id=643038

⁸⁹ http://sanjose.granicus.com/MetaViewer.php?view_id=&event_id=2690&meta_id=643038, p. 6.

⁹⁰ *Id.* at 3.

⁹¹ *Id.* at 6-7.

⁹² Los Angeles Mun. Code § 14.00, subd. (A)(9).

⁹³ <http://americantinyhouseassociation.org/san-jose-assembly-bill-2176-waives-state-building-code-for-tiny-houses-for-the-homeless/>

⁹⁴ Memorandum from Jacky Morales-Ferrand, Director, San Jose Housing Department to Mayor and City Council of San Jose, October 4, 2016, Workplan for AB2176: Emergency Bridge Housing Communities, available at <http://www.sanjoseca.gov/DocumentCenter/View/68905>.

⁹⁵ <http://americantinyhouseassociation.org/san-jose-assembly-bill-2176-waives-state-building-code-for-tiny-houses-for-the-homeless/>

⁹⁶ Cal. Gov't Code § 8698.

⁹⁷ <http://americantinyhouseassociation.org/san-jose-assembly-bill-2176-waives-state-building-code-for-tiny-houses-for-the-homeless/>

⁹⁸ http://www.sjsunews.com/spartan_daily/news/article_cc3a2556-10c0-11e7-bdf8-ef4b8ebbd420.html

⁹⁹ City of Seattle Encampment Ordinance, found at http://www.seattle.gov/dpd/vault/cs/groups/pan/@pan/documents/web_informational/so20628.pdf.

¹⁰⁰ <http://crosscut.com/2017/05/seattle-homeless-build-more-tiny-homes/>.

¹⁰¹ <https://www.curbed.com/maps/tiny-houses-for-the-homeless>.

¹⁰² <http://www.seattletimes.com/seattle-news/politics/seattles-teeny-response-to-tiny-houses-for-the-homeless/>.

¹⁰³ <http://crosscut.com/2017/05/seattle-homeless-build-more-tiny-homes/>.

¹⁰⁴ <http://crosscut.com/2017/05/seattle-homeless-build-more-tiny-homes/>.

- ¹⁰⁵ <https://www.theguardian.com/us-news/2017/mar/23/tiny-houses-solution-homelessness-seattle>
- ¹⁰⁶ <http://www.latimes.com/local/california/la-me-homeless-safe-parking-20160504-story.html>;
<http://sbnbcc.org/safe-parking/>
- ¹⁰⁷ <http://sbnbcc.org/safe-parking/>
- ¹⁰⁸ <http://www.latimes.com/local/california/la-me-homeless-safe-parking-20160504-story.html>
http://services.santabarbaraca.gov/CAP/MG133648/AS133652/AS133659/AS133660/AI137320/DO137377/DO_137377.pdf
- ¹⁰⁹ <http://www.citylab.com/housing/2016/05/can-parking-lots-become-a-safe-haven-for-las-homeless-santa-barbara/481623/>
- ¹¹⁰ <http://www.latimes.com/local/california/la-me-homeless-safe-parking-20160504-story.html>
- ¹¹¹ http://clkrep.lacity.org/onlinedocs/2015/15-1138-s1_misc_03-21-2016.pdf
- ¹¹² <https://www.lahsa.org/documents?id=1403-2017-homeless-count-results-vehicles-and-encampments-by-geographic-area.pdf>
- ¹¹³ *Desertrain v. City of Los Angeles*, 754 F.3d 1147, 1157 (9th Cir. 2014).
- ¹¹⁴ <http://www.latimes.com/local/lanow/la-me-ln-vehicle-sleeping-ban-20161109-story.html>
- ¹¹⁵ http://clkrep.lacity.org/onlinedocs/2015/15-1138-S15_rpt_LAHSA_6-20-17.pdf
- ¹¹⁶ The California Community Care Facilities Act exempts supportive housing meeting certain characteristics from state licensing requirements, including being affordable, offering independent living, offering its own lease to each resident, and there are no limits on length of stay. Health & Safety Code §1504.5.
- ¹¹⁷ In March 2017, Corporation for Supportive Housing (“CSH”) and Public Counsel conducted an online survey of nonprofit organizations developing and siting supportive housing, transitional housing and emergency shelters throughout Los Angeles County in order to determine the extent to which cities are affirmatively advancing these uses in their zoning codes. There were 28 responses.

This guide was produced by the Community Development Project at Public Counsel. Public Counsel is the nation's largest not-for-profit law firm of its kind with a 40-year track record of fighting for the rights of children and youth, persecuted immigrants, military veterans, nonprofit organizations, and small businesses. Its Community Development Project builds foundations for healthy, vibrant, economically

stable communities by providing legal and capacity building services to community-based organizations in the Los Angeles area and supporting the development and preservation of affordable and supportive homes throughout Southern California.

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STATE LICENSED RESIDENTIAL CARE FACILITY TYPES

The Senior Care Licensing Program licenses and monitors Residential Care Facilities for the Elderly and Continuing Care Retirement Communities.

Residential Care Facility for the Elderly: Residential care facility for the elderly (RCFE) means a housing arrangement chosen voluntarily by persons 60 years of age or over, or their authorized representative, where varying levels and intensities of care and supervision, protective supervision, or personal care are provided, based upon their varying needs, as determined in order to be admitted and to remain in the facility. RCFEs are also referred to as assisted living facilities and board and care facilities. Persons under 60 years of age with compatible needs may be allowed to be admitted or retained in an RCFE, if certain conditions are met.

Continuing Care Retirement Community (CCRC): A Residential Care for the Elderly facility that offers a long-term continuing care contract that provides for housing, residential services, and nursing care, usually in one location, and usually for a resident's lifetime.

The Adult Care Licensing Program licenses and monitors Adult Day Programs, Adult Residential Facilities, Social Rehabilitation Facilities, Residential Care Facilities for the Chronically Ill, and Enhanced Behavioral Support Homes for adults.

Adult Day Program (ADP): A community-based less than 24-hour program that provides activities and services to persons 18 years of age or older who need or prefer a supervised setting.

Adult Residential Facility (ARF): A residential home for adults ages 18 through 59 with mental health care needs or who have physical or developmental disabilities and require or prefer assistance with care and supervision.

Residential Care Facility for the Chronically Ill: A facility that provides care and supervision to adults who have a terminal illness, Acquired Immune Deficiency Syndrome (AIDS) or the Human Immunodeficiency Virus.

Social Rehabilitation Facility: A facility that provides 24-hour-a-day non-medical care and supervision in a group setting to adults recovering from mental illnesses who temporarily need assistance, guidance, or counseling.

The Children's Residential Program has regulatory oversight of licensed facilities caring for minors, age 0 through 17 and non-minor dependents age 18 through 21 in out-of-home care.

Foster Family Home (FFH): A licensed home that provides services for children who may have been abused, neglected or abandoned. Care and supervision is provided in the licensee's own home.

Group Home (GH): A facility that provides 24-hour care to children in a structured environment. Children in group homes are under court jurisdiction due to violations of law or as dependent children removed from their homes because of abuse, neglect or abandonment.

(over)

Runaway and Homeless Youth Shelter: A shelter that provides voluntary, short-term, shelter and personal services to runaway youth or homeless youth, ages 13 to 17.

Small Family Home: A home that provides 24-hour care in the licensee's own home for six or fewer children who are mentally, developmentally or physically disabled, and who require special care and supervision as a result of these disabilities.

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

WHEREAS, the California Government Code requires cities and counties to include a Housing Element as part of their General Plan and that the Housing Element be periodically updated to reflect goals, policies, and programs that are designed to demonstrate that the City is responsibly participating in the achieving of the State's housing goals of early attainment of decent housing and a suitable living environment for every California family; and

WHEREAS, the City of Bradbury adopted its most recent Housing Element Update in 2014 and obtained certification of the Update from the State of California Housing and Community Development Department with goals, policies, and programs that stipulate code amendments to make available inclusionary and diversified types of housing in the City; and

WHEREAS, the Planning Commission conducted duly noticed public hearings to consider the changes adopted herein, and on May 23, 2018, adopted Resolution No. PC 18-275, a Resolution of the Planning Commission of the City of Bradbury, California, setting forth the findings of fact and a decision to recommend to the City Council approval of Development Code amendments and a General Plan amendment in accordance with the programs and policies of the Housing Element with an exemption under the California Environmental Quality Act (CEQA).

THEREFORE, THE CITY COUNCIL OF THE CITY OF BRADBURY DOES ORDAIN AS FOLLOWS:

Section 1. Section 9.25.020 of Title IX, Part III, Chapter 25 of the Bradbury Development Code of the Bradbury Municipal Code is hereby amended by adding the following definitions:

Sec. 9.25.020. – Definitions.

* * *

Guest house means living accommodations that do not include complete kitchen facilities for guests and visitors of the occupants of the main and/or second dwelling units.

* * *

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

* * *

Pool house means living accommodations in conjunction with a swimming pool that do not include complete kitchen facilities for guests and visitors of the occupants of the main and/or second dwelling units.

* * *

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.

* * *

Second dwelling units means attached or detached dwelling units that include complete kitchen facilities.

* * *

Single-room occupancy (SRO) building means 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.

* * *

Section 2. Section 9.25.020 of Title IX, Part III, Chapter 25 of the Bradbury Development Code of the Bradbury Municipal Code is hereby amended by amending the following definitions to read as follows:

* * *

Accessory living quarters means living quarters in addition to the main dwelling unit and includes single-room occupancy units (SROs), and multi-tenant single room occupancy buildings 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 agricultural and/or equestrian activities, 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.

* * *

Single-room occupancy (SRO) unit means 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.

* * *

Section 3. Section 9.25.020 of Title IX, Part III, Chapter 25 of the Bradbury Development Code of the Bradbury Municipal Code is hereby amended by deleting the definition of *Detached living quarters*.

Section 4. Sections 9.61.020, 9.64.020, 9.67.020, 9.70.020, and 9.73.020 of Title IX, Part V, Chapters 61, 64, 67, 70, and 73 of the Bradbury Development Code of the Bradbury Municipal Code are hereby amended to read as follows:

Sec. 9.61.020. – Permitted uses.

No person shall use, nor shall any property owner permit the use of any lot classified in any R-7,500 zone for any use, other than the following:

- (1) Principal uses.
 - a. One single-family dwelling.
 - b. Open spaces.
 - c. Small residential care facility (six or fewer residents).
 - d. Supportive and transitional housing.
- (2) Accessory uses.
 - a. Accessory buildings or structures.
 - b. Accessory living quarters as specified in Chapter 85 of this title.
 - c. Nursery stock, orchards, vineyards, the raising of field crops, tree, berry and bush crops, or vegetable or flower gardening; provided that no roadside stands, or sales offices shall be permitted, nor shall there be permitted any retail sale from the premises or advertising signs of any nature.
 - d. The keeping of animals as specified in Chapter 124 of this title.
 - e. The storage of building materials during the construction of any building or part thereof, and for a period of 30 days after construction is completed. The temporary use of portable prefabricated metal storage containers is permitted until construction is completed.
 - f. Not to exceed one home occupation.
 - g. Private garages and carports.

- h. Open spaces.
 - i. Manufactured housing units to include mobile homes that comply with the State Housing Code and the City's design guidelines are permitted when installed on a permanent foundation.
 - j. Supportive and transitional housing.
- (3) Conditional uses.
- a. Land reclamation.
 - b. Large residential care facility (seven or more residents).

Sec. 9.64.020. – Permitted uses.

No person shall use, nor shall any property owner permit the use of any lot classified in any R-20,000 Zone for any use, other than the following:

- (1) Principal uses.
 - a. One single-family dwelling.
 - b. Open spaces.
 - c. Small residential care facility (six or fewer residents).
 - d. Supportive and transitional housing.
- (2) Accessory uses.
 - a. Accessory buildings or structures.
 - b. Accessory living quarters as specified in Chapter 85 of this title.
 - c. (Reserve for accessory dwelling units as required by state law.)
 - d. Nursery stock, orchards, vineyards, the raising of field crops, tree, berry and bush crops, or vegetable or flower gardening; provided that no roadside stands, or sales offices shall be permitted, nor shall there be permitted any retail sale from the premises or advertising signs of any nature.
 - e. The keeping of animals as specified in Chapter 124 of this title.
 - f. The storage of building materials during the construction of any building or part thereof, and for a period of 30 days after construction is completed. The temporary use of portable prefabricated metal storage containers is permitted until construction is completed.
 - g. Not to exceed one home occupation.
 - h. Private garages and carports.
 - i. Open spaces.
 - j. Manufactured housing units to include mobile homes that comply with the State Housing Code and the City's design guidelines are permitted when installed on a permanent foundation.
 - k. Supportive and transitional housing.
- (3) Conditional uses.
 - a. Land reclamation.
 - b. Large residential care facility (seven or more residents).

Sec. 9.67.020. – Permitted uses.

No person shall use, nor shall any property owner permit the use of any lot classified in any A-1 zone for any use, other than the following:

- (1) Principal uses.

- a. One single-family dwelling.
 - b. Open spaces.
 - c. Nursery stock, orchards, vineyards, the raising of field crops, tree, berry and bush crops, or vegetable or flower gardening; provided that no roadside stands, or sales offices shall be permitted, nor shall there be permitted any retail sale from the premises or advertising signs of any nature.
 - d. Small residential care facility (six or fewer residents).
 - e. Supportive and transitional housing.
- (2) Accessory uses.
- a. Accessory buildings or structures.
 - b. Accessory living quarters as specified in Chapter 85 of this title.
 - c. (Reserve for accessory dwelling units as required by state law.)
 - d. Nursery stock, orchards, vineyards, the raising of field crops, tree, berry and bush crops, or vegetable or flower gardening; provided that no roadside stands, or sales offices shall be permitted, nor shall there be permitted any retail sale from the premises or advertising signs of any nature.
 - e. The keeping of animals as specified in Chapter 124 of this title.
 - f. The storage of building materials during the construction of any building or part thereof, and for a period of 30 days after construction is completed. The temporary use of portable prefabricated metal storage containers is permitted until construction is completed.
 - g. Not to exceed one home occupation.
 - h. Private garages and carports.
 - i. Open spaces.
 - j. Manufactured housing units to include mobile homes that comply with the State Housing Code and the City's design guidelines are permitted when installed on a permanent foundation.
 - k. Supportive and transitional housing.
- (3) Conditional uses.
- a. Land reclamation.
 - b. Large residential care facility (seven or more residents).

Sec. 9.70.020. – Permitted uses.

No person shall use, nor shall any property owner permit the use of any lot classified in any A-2 zone for any use, other than the following:

- (1) Principal uses.
 - a. One single-family dwelling.
 - b. Open spaces.
 - c. Nursery stock, orchards, vineyards, the raising of field crops, tree, berry and bush crops, or vegetable or flower gardening; provided that no roadside stands, or sales offices shall be permitted, nor shall there be permitted any retail sale from the premises or advertising signs of any nature.
 - d. Small residential care facility (six or fewer residents).
 - e. Supportive and transitional housing.
- (2) Accessory uses.
 - a. Accessory buildings or structures.

- b. Accessory living quarters as specified in Chapter 85 of this title.
 - c. (Reserve for accessory dwelling units as required by state law.)
 - d. Nursery stock, orchards, vineyards, the raising of field crops, tree, berry and bush crops, or vegetable or flower gardening; provided that no roadside stands, or sales offices shall be permitted, nor shall there be permitted any retail sale from the premises or advertising signs of any nature.
 - e. The keeping of animals as specified in Chapter 124 of this title.
 - f. The storage of building materials during the construction of any building or part thereof, and for a period of 30 days after construction is completed. The temporary use of portable prefabricated metal storage containers is permitted until construction is completed.
 - g. Not to exceed one home occupation.
 - h. Private garages and carports.
 - i. Open spaces.
 - j. Manufactured housing units to include mobile homes that comply with the State Housing Code and the City's design guidelines are permitted when installed on a permanent foundation.
 - k. Supportive and transitional housing.
- (3) Conditional uses.
- a. Land reclamation.
 - b. Large residential care facility (seven or more residents).

Sec. 9.73.020. – Permitted uses.

No person shall use, nor shall any property owner permit the use of any lot classified in any A-5 zone for any use, other than the following:

- (1) Principal uses.
- a. One single-family dwelling.
 - b. Open spaces.
 - c. Nursery stock, orchards, vineyards, the raising of field crops, tree, berry and bush crops, or vegetable or flower gardening; provided that no roadside stands, or sales offices shall be permitted, nor shall there be permitted any retail sale from the premises or advertising signs of any nature.
 - d. Small residential care facility (six or fewer residents).
 - e. Supportive and transitional housing.
- (2) Accessory uses.
- a. Accessory buildings or structures.
 - b. Accessory living quarters as specified in Chapter 85 of this title.
 - c. (Reserve for accessory dwelling units as required by state law.)
 - d. Nursery stock, orchards, vineyards, the raising of field crops, tree, berry and bush crops, or vegetable or flower gardening; provided that no roadside stands, or sales offices shall be permitted, nor shall there be permitted any retail sale from the premises or advertising signs of any nature.
 - e. The keeping of animals as specified in Chapter 124 of this title.
 - f. The storage of building materials during the construction of any building or part thereof, and for a period of 30 days after construction is completed. The temporary use of portable prefabricated metal storage containers is permitted until construction is completed.

- g. Not to exceed one home occupation.
 - h. Private garages and carports.
 - i. Open spaces.
 - j. Manufactured housing units to include mobile homes that comply with the State Housing Code and the City's design guidelines are permitted when installed on a permanent foundation.
 - k. Supportive and transitional housing.
- (3) Conditional uses.
- a. Land reclamation.
 - b. Large residential care facility (seven or more residents).

Section 5. Section 9.49.020 of Title IX, Part IV, Chapter 49 of the Bradbury Development Code of the Bradbury Municipal Code is hereby amended to read 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.

Section 6. Chapter 85 of Title IX, Part V of the Bradbury Development Code of the Bradbury Municipal Code is hereby amended to read as follows:

Sec. 9.85.010. – Permitted.

(1) One accessory living quarter on each legally created parcel of land in the R-7,500 zones, subject to the applicable development standards of the zone and this chapter.

(2) 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.

(3) Single room occupancy (SRO) dwelling unit(s) attached to the main dwelling, 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 on each legally created parcel of land zoned A-1, A-2 or A-5, subject to the applicable development standards of the zone and this chapter.

Sec. 9.85.020. – Development standards for accessory living quarters.

(1) Maximum size. Accessory living quarters shall be limited to the following maximums:

Zone	Single room occupancy (SRO) building	Second dwelling unit	Guest house or pool house
R-7,500	Not applicable	1,200 sq. ft.	1,200 sq. ft.
R-20,000	Not applicable	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) Accessory living quarters are permitted only on residential lots which are developed with a main single-family residence.

(3) Accessory living quarters must comply with the Bradbury Residential Code, applicable at the time the plans for the building permits for the accessory living quarters are submitted.

(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 main dwelling unit or an accessory living quarters unit.

(7) A minimum of one on-site parking space shall be provided for each accessory living quarter, in addition to the parking requirement for the main single-family dwelling. The 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. All parking spaces shall be paved and accessible from a single, common driveway for the main and accessory units. Tandem parking is not permitted to meet this off-street parking requirement.

Sec. 9.85.030. – Neighborhood compatibility review; 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) 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) 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) 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) 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 provisions set forth in this Code prior to occupancy.

Section 7. Title IX, Part IV of the Bradbury Development Code of the Bradbury Municipal Code is hereby amended to add a Chapter 29 that is to read as follows:

CHAPTER 29 – REASONABLE ACCOMMODATION PROCEDURES FOR DISABLED PERSONS

Sec. 9.29.010. – 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 Chapter.

Sec. 9.29.020. – 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.

Sec. 9.29.030. – 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 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.

Sec. 9.29.040. – 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 Sec. 9.29.050 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.

(10) No application fee shall be required to process an application 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.

Sec. 9.29.050. – Findings and conditions of approval.

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:

(1) The dwelling that is the subject of the request for reasonable accommodation will be occupied by a disabled person;

(2) The requested accommodation is necessary to provide a disabled person with an equal opportunity to use and enjoy a dwelling;

(3) The requested accommodation will not impose an undue financial or administrative burden on the City, as defined in the fair housing laws; and

(4) 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:

(a) Whether the requested accommodation would fundamentally alter the character of the neighborhood;

(b) Whether the requested accommodation would result in a substantial increase in traffic or insufficient parking;

(c) Whether the requested accommodation would substantially undermine any express purpose of either the City's General Plan or an applicable specific plan; and

(d) 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.

Sec. 9.29.060. – 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 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 Development 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.

Sec. 9.29.070. – 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 Sec. 9.29.060 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.

Sec. 9.29.080. – 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 Sec. 9.29.030. 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 regulations or other laws, policies, or procedures from which a deviation was granted to allow the reasonable accommodation.

Section 8. CEQA. The City Council hereby determines that this Ordinance is exempt from review under the California Environmental Quality Act ("CEQA") (California Public Resources Code Section 21000 et seq.), pursuant to Section 15061(b)(3) under the general rule that CEQA does not apply to activities which can be seen with certainty to have no effect on the environment.

Section 9. Severability; Continuation of Provisions. If any section, subsection, subdivision, paragraph, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this Ordinance. The City Council of the City of Bradbury hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause, or phrase hereof, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases hereof be declared invalid or unenforceable. To the extent the provisions of the Bradbury Municipal Code as amended by this Ordinance are substantially the same as the provisions of that Code as they read immediately prior to the adoption of this Ordinance, then those provisions shall be construed as continuations of the earlier provisions and not as new enactments.

Section 10. The City Clerk shall certify to the adoption of this Ordinance.

PASSED, APPROVED and ADOPTED this ____ day of _____, 2018.

Richard G. Barakat
Mayor

ATTEST:

Claudia Saldana
City Clerk