



Planning Commission **STAFF REPORT**

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*Vincent Gonzalez, Director of
Planning and Community
Preservation*

DATE: May 5, 2016

TO: Planning Commission

FROM: Vincent Gonzalez, Director of Planning & Community Preservation

SUBJECT: Discussion Regarding Regulation of Group Homes Group Living Facilities.

ISSUE

The purpose of the Zoning Code amendments are to include new definitions and conditional use permit requirements in the zoning code regarding licensed and unlicensed group living facilities. This would afford the City the ability to better regulate such facilities by imposing operational and distance requirements to preserve the residential character of neighborhoods.

The proposed ordinance amendments do not seek to regulate licensed group living facilities with six (6) or fewer persons as they would be exempt from local regulation. Accordingly, the proposed ordinance amendment would not be in conflict with State law.

At the meeting of April 21, 2016, the Planning Commission reviewed and discussed potential changes to Section 17.08–Definitions, and agreed that further discussion and/or additional information regarding the following issues would be needed:

1. Definition of Boarding House
Determine if the definition of Board House is needed or develop an alternative definition that is less general.
2. Group Similar Uses by Category
Consider grouping conditionally permitted uses under different categories, such as Community Care Facility.
3. Reasonable Accommodation for Existing Non-Conforming Sites
Determine if there is a need to regulate intensification of use of existing group homes.

The proposed amendments offer more detailed definitions regarding boarding houses, community care facilities, group homes and group living facilities.

The Commission will also begin discussion regarding Code Section 17.60—Conditionally Permitted Uses. Staff seeks the Commission’s review of the proposed amendments attached as Exhibit A.

ANALYSIS

Proposed Definition of “Boarding House”

“Boarding house” means a residence or dwelling, other than a hotel, wherein three (3) or more rooms, with or without individual or group cooking facilities are rented to individuals under separate rental agreements or lease, either written or oral, whether or not an owner, agent, or rental manager is in residence and are prohibited in all zones.

– Alternative Definition–

“Boarding House” means a building arranged or used for lodging for compensation, with or without meals, and not occupied as a single-family unit. A boarding house is prohibited in all zones.

Staff is proposing to omit the definition of “Boarding House” from the Zoning Code in its entirety.

Proposed Definition of “Community Care Facility”

“Community Care Facilities” are licensed by the Community Care Licensing Division of the State Department of Social Services to provide 24-hour non-medical residential care to children and adults with developmental disabilities who are in need of personal services, supervision, and/or assistance essential for self-protection or sustaining the activities of daily living. A Community Care Facility includes but is not limited to a Children’s Treatment Center (intellectually and/or physically disabled), Family Home (intellectually and/or physically disabled), Nursery (intellectually and/or physically disabled), and Resident Facility (intellectually and/or physically disabled).

Proposed Definition of a “Group Home”

“Group Home” means any home, residence, facility, or premises which provides temporary, interim, or permanent housing for the intellectually or physically disabled as defined in state-law, consisting of three (3) or more in a group setting where such home, residence, facility, or premises is not licensed by the state of California. A Group Home includes but is not limited to a Day Center (intellectually and/or physically disabled), Day Treatment Hospital, and Resident School (intellectually and/or physically disabled).

Proposed Definition of a “Group Living Facility”

“Group Living Facility” means any home, residence, facility, or premises which provides temporary, interim, or permanent housing for six (6) or fewer persons with intellectual or physical disabilities as defined in state or federal law, in a group setting where such home, residence, facility, or premises is licensed by the state of California. Group living

facilities include but are not limited to a licensed facility for the rehabilitation of drug addicts, alcoholics, and Long-term Care facility for the intellectually and/or physically disabled.

Proposed Definition of a “Group Living Facility, Large”

"Group Living Facility, Large" means any home, residence, facility, or premises which provides temporary, interim, or permanent housing for seven (7) or more persons with intellectual or physical disabilities as defined in state or federal law, in a group setting where such home, residence, facility, or premises is licensed by the state of California. A Group Living Facility, Large may include but are not limited to a Child Care Center (seven or more children), facilities for the rehabilitation of drug addicts and alcoholics, convalescent hospitals, and Long-Term Care Facility for the intellectually and/or physically disabled.

Conditionally Permitted Uses

Based on the definitions described above, staff has grouped the following conditionally permitted uses under the most applicable definition. Please note that Boarding House is not a permitted use in any zoning district and is not included in the table below.

Conditionally Permitted Use			
Community Care Facilities (Licensed)	Group Home (Unlicensed)	Group Living Facility for (six or fewer persons) (Licensed)	Group Living Facility, Large (seven or more persons) (Licensed)
(R-P)	(R-P)	(R-1, R-2, R-3)	(C, R-P)
Children's Treatment Center (intellectually and/or physically disabled)	Day Center (intellectually and/or physically disabled)	Facilities for the Rehabilitation of Drug Addicts (state-licensed facility with six or fewer persons)	Child Care Center (seven or more children)
Family Home (intellectually, and/or physically disabled)	Day Treatment hospitals	Institutions for Treatment of Alcoholics (state-licensed facility with six or fewer persons)	Facilities for the Rehabilitation of Drug Addicts (licensed facility with seven or more persons)
Nursery (Intellectually and/or physically disabled)	Residential School (intellectually and/or physically disabled)	Long-Term Care Facility (state-licensed facility with six-patient capacity for the physically and/or intellectually disabled)	Home for the aged
Resident Facility (intellectually and physically disabled)			Hospitals and Sanitariums, Rest Homes, Guest

			Homes, Convalescent Hospitals and Similar Institutions
			Institutions for Treatment of Alcoholics (licensed facility with 7 or more persons)
			Long-Term Care Facility (seven- patient capacity or more for the physically and/or intellectually disabled)
			Nursing and Conv. Hospitals

Attached as Exhibit A are staff's recommended revisions to Code Section 17.08-Definitions, Section 17.60-Conditionally Permitted Uses, and a new Code Section 17.94-"Group Home" and "Group Living Facility, Large" that establish conditional use permit standards for the Planning Commission's consideration.

Attachments (2):

Exhibit A: Draft Redline Ordinance Amendments Establishing Definitions, Standards and Operational Regulations for Community Care Facilities, Group Homes and Group Living Facilities

Exhibit B: Chapter 17.61 – Reasonable Accommodation

EXHIBIT A

Draft Redline Ordinance Amendments Establishing
Definitions, Standards and Operational Regulations for
Community Care Facilities, Group Homes and Group
Living Facilities

May 5, 2016

17.08.010 - Definitions—Generally.

For the purpose of this title, the words, phrases and terms set forth in this chapter shall be deemed to have the meaning ascribed to them in this chapter.

17.08.020 - Words, terms, phrases defined.

"Abut, adjoining or contiguous" means, in reference to real property, two or more lots sharing a common lot line; with reference to two or more objects, the same shall mean in immediate contact with each other.

"Access" means the place, or way, by which pedestrians and/or vehicles shall have safe, adequate and usable ingress and egress to a lot, from a public or private street or alley.

"Accessory" means a building, part of a building or structure or use which is subordinate to, and the use of which is incidental to, that of the main building, structure or use on the same lot. Where the wall of an accessory building has a common wall or a portion of a common wall not less than four feet in length, such accessory building shall be considered as part of the main building.

"Accessory use" means a use which is directly related, but clearly subordinate, to a permitted principal use. All accessory uses shall be established and maintained on the same lot as the principal use which they serve, except as expressly otherwise provided herein.

"Adjacent" means two or more objects which are located in close proximity to each other.

"Alcoholism hospital" means an institution intended solely for the admission, diagnosis and intensive short-term treatment of patients' addicted to excessive use of alcohol, and related conditions.

"Alley" means a public or private way designated as an alley by the city, other than a street, permanently reserved as a means of secondary vehicular access to adjoining properties.

"Apartment" means the same as "dwelling unit."

"Apartment house" means a building containing three or more dwelling units.

"Assessed value" means the then assessed value of the land, building or structure, as is shown on the current assessment role in effect as of the time of the making of the determination of such assessed value.

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

"Automobile repair and service garage" means a facility which provides for the repair and maintenance of motor vehicles; provided, that such facility shall not be deemed to include painting of motor vehicles, nor body and fender repair.

"Automobile wrecking" means the dismantling or wrecking of one or more used motor vehicles or trailers, or the storage, sale or dumping of dismantled or wrecked vehicles or their parts.

"Barber shop" means a place of business for a barber, whose occupation is to cut any type of hair, give shaves and trim beards.

"Basement" is any floor level below the first story in a building, except that a floor level in a building having only one floor level shall be classified as a basement unless such floor level qualifies as a first story as defined herein.

"Beauty shop" means establishments where hairdressing, and services incidental to hairdressing are done, including the sale of beauty supplies and cosmetics.

"Bedroom" R-2 zone. For the purpose of calculating parking requirements in the R-2 zone, the following rooms which regularly make up a standard dwelling unit shall not be considered a bedroom: one kitchen, one living room, one family or recreation room, one dining room, and bathrooms.

"Bedroom" R-3 and R-P zones. For the purpose of calculating parking requirements, the following rooms which regularly make up a standard dwelling unit shall not be considered a bedroom: one kitchen, one living room, one dining room, and bathrooms. Single-family residences located in the R-3 and R-P zones shall be subject to the bedroom definition in the R-1 zone.

"Block" means all properties fronting upon one side of a street between intersecting and intercepting streets, or between a street and a railroad right-of-way, water way, terminus or dead-end street, or city boundary. An intercepting street shall determine only the boundary of the block on the side of the street which it intercepts.

~~"Boarding House" means a facility having space for not more than ten boarders and one kitchen facility for common usage, a residence or dwelling, other than a hotel, wherein three (3) or more rooms, with or without individual or group cooking facilities, for not more than ten boarders are rented to individuals under separate rental agreement or lease, either written or oral, whether or not an owner, agent, or rental manager is in residence.~~

"Boarding House" means a building arranged or used for lodging for compensation, with or without meals, and not occupied as a single-family unit.

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

Building, Accessory. "Accessory building" means a separate, detached building, housing a permitted accessory use, located on the same lot as the main building or principal use.

Building Height. See "Height."

Building, Main. "Main building" means a building in which is conducted one or more principal uses permitted on the lot upon which it is situated.

"Building site" means: (1) the ground area of one lot or (2) the ground area of two or more lots when used in combination for a building or group of buildings, together with all open spaces, as required by this chapter.

"Business day" means a day on which city offices are open for regular business.

"Canopy" means any structure, temporary or permanent, constructed of canvas or other cloth or material on a framework sheltering an area, or forming a sheltered walk to the entrance of a building.

"Carport" means a permanently roofed structure with not more than two enclosed sides, used or intended to be used for automobile shelter and storage.

"Cellar" means the same as "basement."

"Centerline" means the centerline, as determined by the city engineer, of any street, highway or alley.

Community Care Facilities

"Child Care Center" means a state-licensed facility with an organized daytime program for the supervision and care of children who are not related to the person operating such facility.

"Children's Day Center (emotionally disturbed)" means a state-licensed institution of one-bed capacity or more intended solely for the admission and treatment of minors with mental illness or behavior or emotional disorders.

"City" means the city of Sierra Madre.

"City manager" means the city manager of the city.

"Clerk" means the city clerk of the city.

Club, Private. "Private club" means any building or premises used by an association of persons, whether incorporated or unincorporated, organized for some common purpose, but not including a group organized primarily to render a service customarily carried on as a commercial enterprise.

"Code" means the Sierra Madre Municipal Code.

"Commission" means the planning commission of the city.

"Communications equipment buildings" mean buildings housing operating electrical and mechanical equipment utilized in conducting a public utility communications operation.

"Community Care Facilities (CCF)" are licensed by the Community Care Licensing Division of the State Department of Social Services to provide 24-hour non-medical residential care to children and adults with developmental disabilities who are in need of personal services, supervision, and/or assistance essential for self-protection or sustaining the activities of daily living.

"Condominium" means the same as "dwelling, multiple."

"Congregate Living Facility" means a building or part thereof that contains sleeping units where residents share bathroom and kitchen facilities.

"Convalescent home" means the same as "Nursing and convalescent hospital."

"Council" means the city council of the city.

"Court" means an area which is open and unoccupied by any building or structure, bounded on three or more sides by the exterior walls of a building. An inner court is a court entirely enclosed within the exterior walls of a building. All other courts are outer courts.

"Dairy" means any premises where one or more cows or goats, or any combination thereof, are kept or maintained for the purpose of producing milk.

"Day Center" (physically and/or intellectually disabled (mentally-retarded)) means a state-licensed facility intended solely for the admission of patients 18 years of age or older who are not permitted to remain overnight with an intellectual disability, mental-retardation, and who are provided with a daytime program of education or training, handicraft, vocational and recreational activities.

"Day Treatment Hospital" means a place intended solely for the admission and treatment of patients with mental illness or mental disorder, who are provided with a daytime program of organized treatment, activities, and supervision under medical direction, but are not permitted to remain overnight.

"Detached living quarters" mean the same as "Guest house."

"Director" means director of planning for the city.

"Drive-in restaurant" means a restaurant use which:

1. Has facilities to allow patrons to consume prepared food at an area outside of an enclosed building; and/or
2. Has facilities which would allow the service of prepared foods directly to a patron while that patron is in a motor vehicle, whether or not for consumption on the premises.

"Disabled" as defined in state or federal law.

Dump, Inert Solids. "Inert solids dump" means an area devoted to the disposal of nonwater soluble, nondecomposable inert solids such as natural earth, rock, sand and gravel; paving fragments; concrete brick; plaster and plaster products; steel mill slag; glass; asbestos fiber and products therefrom.

Dump, Rubbish and Refuse. "Rubbish and refuse dump" means an area devoted to the disposal of inert solid and/or decomposable organic refuse and scrap metal.

"Duplex" means the same as "Dwelling, Two-Family."

Dwelling, Single-family. "Single-family dwelling" means a detached building designed or used for occupancy, as living quarters, by one person or one family. "Single-family dwelling" shall also include a modular home manufactured and certified under the National Mobilehome Construction and Safety Standards Act of 1974 on a permanent foundation system approved by the city engineer.

Dwelling, Three-family. "Three-family dwelling" means a building designed or used for occupancy, as living quarters, by three separate families or persons and containing three dwelling units.

Dwelling, Two-family. "Two-family dwelling" means a building designed or used for occupancy, as living quarters, by two separate families or persons and containing two dwelling units.

"Dwelling unit" means one or more rooms in a building designed and intended to be used as living quarters by one person or one family.

"Educational institution" means any public, private or parochial; elementary, junior high, high school, university, or other school giving general academic instruction in the several branches of learning.

"Emergency shelter" means housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. No individual or household may be denied shelter because of an inability to pay.

"Engineer" means the city engineer of the city.

"Explosives" mean any explosive substance, as defined in Section 12000 of the Health and Safety Code of the state of California.

"Facilities for parole adjustment/rehabilitation" mean any building where a program is conducted to prepare prisoners for return to the community in which they live and assist them in developing emotionally stable and economically productive lives.

"Facilities for the rehabilitation of drug abusers" mean any building where two or more resident patients are kept under medical, psychological, or psychiatric supervision for the purpose of curing them of drug addiction.

"Family Home (mentally ill)" means a state-licensed facility intended solely for the admission of not more than six mentally ill or emotionally disordered patients who are provided with a program of services and protective supervision in a home setting.

"Family Home (~~physically and/or intellectually disabled~~~~mentally retarded~~)" means a state-licensed facility intended solely for the admission of one or more physically and/or intellectually disabled ~~mentally retarded~~ patients who are provided with a program of services and protective supervision in a home setting.

"Fence" means a fence made of material other than concrete block or masonry.

"First story" means the lowest story in a building which qualifies as a story, as defined herein, except that a floor level in a building having only one floor level shall be classified as a first story, provided such floor level is not more than four feet below preexisting natural grade, as defined herein, for more than fifty percent of the total perimeter, or not more than eight feet below grade, as defined herein, at any point.

"Floor area" means the sum of the horizontal areas of floors of buildings measured from the exterior face of exterior walls.

Floor Area Net. "Net floor area" means the total horizontal floor area of all the floors of a building included within the surrounding walls, exclusive of vents, shafts, courts, elevators, stairways and similar facilities.

"Fraternity" means the same as "Club, Private."

Frontage, Street. "Street frontage" means the length of a lot line of a lot which abuts a street.

"Garage" means any building, with three enclosed sides, provided with a closeable access door or doors, which is used or intended to be used for automobile shelter or storage.

Gender. When consistent with context, words in the masculine gender include the feminine and neuter genders.

Grade. Whenever the term "grade" is used alone, it shall refer to the most restrictive condition.

"Grade, finished" means the final grade of the site which conforms to the approved plan.

"Grade, natural" means prior to deposit of earth material placed by artificial means and/or prior to the mechanical removal of earth material.

"Grade, preexisting" means an established grade that exists on a site for which a legal grading or building permit was in effect for ten years prior to a request for a building, demolition or grading permit.

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

"Group Home" means any home, residence, facility, or premises which provides temporary, interim, or permanent housing for the intellectually or physically disabled as defined in state-law, consisting of three (3) or more in a group setting where such home, residence, facility, or premises is not licensed by the state of California. Community Care Facility is include but are not limited to a Children's Treatment Center (intellectually and/or physically disabled), Family Home (intellectually and/or physically disabled), Nursery (intellectually and/or physically disabled), and Resident Facility (intellectually and/or physically disabled).

"Group Living Facility" means any home, residence, facility, or premises which provides temporary, interim, or permanent housing for six (6) or fewer persons with intellectual or physical disabilities as defined in state or federal law, in a group setting where such home, residence, facility, or premises is licensed by the state of California. Group living facilities include but are not limited to a licensed facility for the rehabilitation of drug addicts, alcoholics, and Long-term Care Facility for the intellectually and/or physically disabled.

"Group Living Facility, Large" means any home, residence, facility, or premises which provides temporary, interim, or permanent housing for seven (7) or more persons with intellectual and/or physical disabilities as defined in state or federal law, in a group setting where such home, residence, facility, or premises is licensed by the state of California. A Group Living Facility, Large may include but are not limited to a Child Care Center (seven or more children), facilities for the rehabilitation of drug addicts and alcoholics, convalescent hospitals, and Long-Term Care Facility for the intellectually and/or physically disabled.

"Guest house" means living quarters located within an accessory building, designed and utilized for the sole use of persons employed on the lot, or for temporary use by guests of the occupants of the dwelling located upon such lot. Guest houses shall have no kitchen facilities and shall not be rented or otherwise used as a separate dwelling unit.

"Height" of building is the vertical distance above a reference datum measured to the highest point of coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof. The reference datum shall be selected by either of the following, whichever yields a greater height of building:

1. The average elevation of adjoining finished grade within a five-foot horizontal distance of the exterior wall of the building;
2. The average elevation of adjoining preexisting natural grade within a five-foot horizontal distance of the exterior wall of the building.

The height of a stepped or terraced building is the maximum height of any segment of the building.

"Highway" means the same as "Street."

"Home for the aged" means any building or portion thereof, other than a hospital or rest home, used and maintained to provide living accommodations, including board, room or care, for ambulatory aged persons. This shall also include "residential care home."

"Home occupations" mean any ongoing or repetitive business or professional use, activity or utilization of residentially zoned and improved property, by the inhabitants of said property, which is incidental and accessory to the primary residential use and does not generate an adverse impact to the surrounding neighborhood, pursuant to the provisions of [Chapter 17.85](#) of this title.

Hospital, General. "General hospital" means an institution staffed and equipped to provide the various types of intensified hospital care, including, but not limited to, short-term care in acute medical, surgical and obstetrical services, but shall not include the treatment, other than on a temporary emergency basis, of alcoholic or mental patients.

"Hospitality house" means any building used by a nonprofit organization to provide emergency housing and meals on a temporary basis to stranded, evicted, transient, or otherwise dislocated and homeless persons until a satisfactory solution to their immediate problem is found.

"Hotel" means any building or portion of any building with access provided through a common entrance, lobby or hallway, to one or more guest rooms, which have no cooking facilities and which are designed and intended to be used or are used, rented or hired out as temporary or overnight accommodations for guests.

"Household pets" mean, and are limited to, the following pets, maintained principally within a dwelling unit:

1. Domesticated cats;
2. Domesticated dogs;
3. Fish, without limit on number; and
4. Any bird which is:
 - a. Customarily kept in residence with man, and

- b. Kept, at all times, within a dwelling unit; specifically, "bird" shall not include, among others, for the purpose of these regulations, chickens, hens, roosters, geese or ducks.

"Housekeeping unit" means a single, integrated home-style of living together and sharing of space in a nonexclusive, noncompartmentalized lifestyle with one kitchen, one set of utilities, and one mailing address and with one front door for all persons residing at that location.

"Kennel" means a place where four or more adult dogs and/or cats are kept, whether by the owner of such dogs and cats or by other persons, providing facilities and care, whether or not for compensation. An "adult" dog or cat, for the purpose of these regulations, is one that has reached the age of four months.

"Kitchen" means any room or space within a building designed and intended to be used for the cooking or the preparation of food.

"Landscaping" means the planting and maintenance of natural and/or artificial trees, shrubs, vines, ground covers, flowers and lawns. In addition, the same may include natural features such as rock and stone; and structural features, including but not limited to, fountains, reflecting pools, art works, screens, walls, fences and benches; "landscaped area" means an area upon which landscaping is required by these regulations to be continuously maintained.

"Livestock" means a use involving the grazing, care and maintenance of cattle and/or horses for commercial or noncommercial purposes.

"Long-term facility" means an institution of seven-patient capacity or more intended primarily for the admission of ~~the intellectually and/or physically disabled, chronic mentally ill or mentally disordered or other incompetent persons~~ who are provided medical care, nursing services and intensive supervision.

"Lot" or "parcel of land" means:

1. A parcel of real property which is shown as a single lot in a lawfully recorded subdivision, approved pursuant to the provisions of the Subdivision Map Act; or
2. A parcel of real property, the dimensions and boundaries of which are defined as a single lot by a lawfully recorded Record of Survey Map; or
3. A parcel of real property shown on a parcel map as a single lot, lawfully recorded pursuant to the provisions of the Subdivision Map Act; or
4. Any parcel of real property otherwise lawfully created and dimensioned prior to October 1, 1955; or
5. Two or more lots which are combined by an appropriate recorded written instrument, or two or more lots which are combined by a common usage, shall be deemed, for all purposes, a single lot.

"Lot area" means the total horizontal area within the boundary lines of a lot or parcel; provided, however, that the following shall be excluded from the computation thereof:

1. Any portion of said lot or parcel which serves as an access easement to any other lot or building site; or
2. Any portion of said lot or parcel which serves as an improved surface flood control project under the jurisdiction of any public agency.

For the purpose of determining area in the case of an irregular, triangular or gore-shaped lot, a line ten feet in length within the lot and farthest removed from the front lot line and at right angles to the line representing the lot depth of such lot shall be used as the rear lot line.

Lot Area, Interior. "Interior lot area" means the total lot area minus: (1) the sum of the ground floor area of all buildings located thereon, and (2) any area used for perimeter landscaping.

Lot, Corner. "Corner lot" means a lot situated at the intersection of two or more streets, which streets have an angle of intersection of not more than one hundred thirty-five degrees.

"Lot depth" means the horizontal length of a straight line drawn from the midpoint of the front lot line and at right angles to such line connecting with a line intersecting the midpoint of the rear lot line and parallel to the front lot line. In the case of a lot having a curved front line, the front lot line, for purposes of this section, shall be deemed to be a line tangent to the curve and parallel to a straight line connecting the points of intersection of the side lot lines of the lot with the front lot line.

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

Lot, Key. "Key lot" means a lot which has a side lot line which is a common lot line with the rear lot line of a reversed corner lot.

Lot Line, Rear. "Rear lot line" means a lot line which is opposite and most distant from the front lot line. For the purpose of establishing the rear lot line of a triangular or trapezoidal lot, or of a lot the rear line of which is formed by two or more lines, the following shall apply:

1. For a triangular or gore-shaped lot a line ten feet in length within the lot and farthest removed from the front lot line and at right angles to the lot depth line shall be used as the rear lot line; and
2. In the case of a trapezoidal lot, the rear line of which is not parallel to the front lot line, the rear lot line shall be deemed to be a line at right angles to the lot depth line and drawn through a point bisecting the recorded rear lot line; and
3. In the case of a pentagonal lot the rear boundary of which includes an angle formed by two lines, such angle shall be employed for determining the rear lot line in the same manner as prescribed for a triangular lot.

In no case shall the application of the above be interpreted as permitting a main building to locate closer than five feet to any property line.

Lot Line, Side. "Side lot line" means any lot line which is not a front or rear lot line.

Lot, Reversed Corner. "Reversed corner lot" means a corner lot, the side lot line of which is substantially a continuation of the front line of a lot which adjoins the rear lot line of said corner lot.

Lot, Through. "Through lot" means a lot having frontage on two approximately parallel streets.

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

Average width shall be the average of the length of line drawn parallel to the "lot width line" extending toward the front and rear lot lines at ten foot intervals, but excluding from such determination any prolonged portions of the lot used exclusively for access to a public street or for a driveway.

In computing lot width or average width, the following shall be excluded:

1. Any portion of said width which serves as an access easement to any other lot or building site; and
2. Any portion of said width which serves as an improved surface flood control project under the jurisdiction of any public agency.

"Map" means the zoning map of the city.

"Manufacturing" means the creation of a product from raw materials.

"May" is permissive.

"Medical and/or dental clinic" means any facility providing health service, or medical, surgical or dental care of the sick or injured, but shall not include inpatient or overnight accommodations. "Medical clinic" includes health center, health clinic, doctors' and dentists' offices.

"Mobilehome" means a mobilehome defined as such in the Mobilehome Park Law (Health and Safety Code, Section 18000 et seq.).

"Mobilehome park" means any lot where mobilehomes and/or sites are rented or leased or offered for rent or lease.

"Mobilehome site" means that portion of a mobilehome park designated for use or occupancy of one mobilehome and including all appurtenant facilities thereon.

"Modular home" means factory constructed, single-family one-story detached dwellings, certified under the National Mobilehome Construction and Safety Standards Act of 1974, with approved sticker attached, and placed on full, approved foundation systems and permanently anchored thereto.

"Motel" means one or more buildings containing rooms, without kitchen facilities, each having a separate entrance leading directly from the outside of the buildings or from an inner court, which rooms are designed for rental for temporary or overnight accommodations for guests, and are offered primarily to automobile tourists or transients by signs or other advertising media; one unit, for use by a resident manager, may have kitchen facilities. "Motel" includes auto courts, motor lodges and tourist courts.

Nonconforming Building, Structure or Use.

"Nonconforming building or structure" means a building or structure, or portion thereof, which was lawfully altered or constructed in accordance with the then existing zoning regulations of the city, but which did not comply with subsequently adopted zoning regulations, or which does not conform to these regulations.

"Nonconforming use" means the utilization of any lot, building, buildings or structures, or any combination thereof, which use, when established, conformed to the then existing zoning

regulations, but which did not comply with subsequently adopted zoning regulations, or which does not conform to these regulations.

Notice. Whenever written notice is required to be given by personal service thereof upon the person or persons to be notified, or by United States mail, postage prepaid, addressed to such person or persons at his last known address; such notice shall be conclusively deemed to have been given as of the time of personal service, or as of the time the same is deposited in the course of postal transmission.

"Nursery (~~intellectually disabled mentally-retarded~~)" means a state-licensed facility intended primarily for the admission of nonambulatory ~~mentally-retarded~~ intellectually and/or physically disabled patients, who are provided nursing services primarily in crib accommodations.

"Nursery school" means the same as "child care center."

"Nursing and convalescent hospitals" means any place or institution which provides bed accommodations for one or more chronic or convalescent patients, who, by reason of illness or physical infirmity, are unable to properly care for themselves. Alcoholics, drug addicts, persons with mental or communicable diseases, including contagious tuberculosis, shall not be admitted or cared for in nursing and convalescent hospitals.

"Oath" includes affirmation.

"Open space" means an area other than a required yard area, driveway or off-street parking facility, which has no building or structure located therein, except for those used exclusively for recreational purposes. To meet the requirement of open space such area, referred to as usable open space, shall meet the following:

If the same is located upon the ground, or upon the roof of a subterranean garage, such contiguous area shall not be less than five hundred square feet in area; and

If the roof of such subterranean garage is utilized for such open space all such roof areas may be utilized for such open space provided that the same is not in excess of two feet above the grade of the lot immediately adjacent thereto; and

That where such open space is located on any roof area, other than a subterranean garage, not to exceed twenty-five percent of such roof area may be utilized to meet the open space requirement.

Parking Space, Off-Street. "Off-street parking space" means a readily accessible area on a lot, not including driveways, ramps, loading or work areas, maintained exclusively for the parking of one automobile.

"Perimeter landscaping" means any landscaping required by the provisions of this code which is adjacent to, and runs substantially parallel with, any property line of the lot for which such landscaping is required.

"Person" means any individual, firm, copartnership, joint venture, association, social club, fraternal organization, corporation, estate, trust, business trust, receiver, syndicate, district, public

agency, public utility, or any group or combination acting as a unit; "person" shall not include the city.

Plural. When consistent with the context, words in plural include the singular.

"Principal use" means a use specifically allowed of right in any one or more of the zones set forth in this title.

"Processing" means, when used in reference to a commercial or industrial use, one or more acts or operations which have the effect of changing the form of a product or material, so as to render the same more salable or usable.

"Psychiatric hospital" means an institution intended primarily for the admission, diagnosis and intensive short-term treatment of patients with mental illness or behavior or emotional disorders.

"Quarry" means any place on a lot where dirt, soil and gravel, rock or other similar material is removed by excavation or otherwise; "quarry" shall not include the excavation and removal of materials from a lot preparatory to construction of a building for which a building permit has been issued and remains in full force and effect; provided, that such excavation is confined to that necessary for such building construction.

"Recorder" means the county recorder of the county of Los Angeles.

"Regulations" means the provisions of this title.

"Resident Facility ~~(physically and/or intellectually disabledmentally-retarded)~~" means a ~~state-~~licensed institution of one-bed capacity or more intended solely for the admission of ~~physically and intellectually mentally-retardeddisabled~~ patients who require supervision and who are provided with an organized program of services.

"Residential Facility" shall mean any family home, group care facility, or similar facility determined by the Director of Social Services, 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.

"Residential Care Facility for the Elderly" shall mean a facility with a housing arrangement chosen voluntarily by persons 60 years of age or older, or their authorized representative. It may include persons under 60 if approved by DSS. H&S Code 1569.2

"Residential Care Facility – Six (6) or fewer Persons" does not include the licensee or members of the licensee's family or persons employed as facility staff.

"Residential care home" means the same as "home for the aged."

"Residential drug and alcohol rehabilitation facility ~~-(former drug-abusers)-~~" means a home, residence, facility, or premises which provides temporary housing and supportive services for persons recovering from drug and alcohol abuse in a group setting where such home, residence, facility, or premises is licensed by the state of California. ~~building with six or more guest rooms for eleven or more persons participating in a program of rehabilitation and social readjustment for former drug-abusers.~~ "Residential facility" does not mean any facility where a professional

medical, psychiatric, psychological, or nursing care is provided for the purpose of curing persons of drug addiction.

~~"Residential facility limited (former drug abusers)" means a building with not more than five guest rooms for not more than ten persons participating in a program of rehabilitation and social readjustment for former drug abusers. "Residential facility limited" does not mean any facility wherein professional medical, psychiatric, psychological, or nursing care is provided for the purpose of curing persons of drug addiction.~~

"Residential/Commercial mixed-use" means developments which integrate residential and commercial uses within a single project. Mixed-use developments include projects where housing is developed above commercial ("vertical" mixed-use), as well as projects where residential and commercial uses are developed side-by-side ("horizontal" mixed-use).

"Residential School (physically and/or intellectually disabled~~mentally retarded~~)" means a state-licensed facility intended primarily for the admission, care, and treatment of educable and trainable physically and intellectually disabled~~mentally retarded~~ patients. The facility shall provide an educational program on the premises as one of its services.

"Rest home" means the same as "nursing and convalescent hospital."

"Secretary" means the secretary of the commission.

"Service station" is a retail place of business engaged primarily in the sale of motor fuels, but also engaged in supplying goods and services generally required in the operation and maintenance of motor vehicles. Such goods and services include sale of petroleum products; sale and servicing of tires, batteries and automotive accessories; washing and lubrication services; the performance of minor automotive maintenance and repair; and the supplying of other incidental customer services and products. Major automotive repairs, painting, body and fender work, and automobile or truck rental or storage shall not be deemed permitted as a part of such service station usage.

"Shall" is mandatory.

Singular. When consistent with the context, words in the singular number shall include the plural.

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

"Solid fill project" means any operation which involves the importation and deposit of one thousand or more cubic yards of solid fill material, on a lot, for the purpose of reclaiming such lot or portion thereof.

"Sorority" means the same as "club, private."

Stable, Private. "Private stable" means a detached accessory building in which horses owned by the occupants of the premises are kept, and in which no horses are kept for hire or sale.

"Stand" means a structure for the display and sale of products with no space for customers within the structure itself.

"State" means the state of California.

"Story" means that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a usable or unused underfloor space is more than six feet above pre-existing or natural grade as defined herein for more than fifty percent of the total perimeter or is more than twelve feet above grade as defined herein at any point, such useable or unusable underfloor space shall be considered as a story.

"Street" means a public or private way permanently reserved as a primary means of vehicular access to adjoining property; "street" shall not include an "alley."

Street Frontage. See "Frontage, street."

"Structural alterations" means any change in the supporting members of a building such as foundation, bearing walls, columns, beams, floor or roof joints, girders or rafters, or changes in roof or exterior lines.

"Structure" means anything constructed or erected which requires location on the ground or attached to something having a location on the ground.

Except: Fences or walls less than three feet in height located in any required yard area, provided the same are not adjacent to any property line and do not interfere with, divert, block or channel surface water run-off. All fences and walls (regardless of height) adjacent to property lines and those which interfere with, divert, block or channel surface water run-off. All fences and walls (regardless of height) adjacent to property lines and those which interfere with, divert, block or channel surface water run-off shall not be excepted.

"Supportive housing" means housing with no limit on length of stay that is occupied by the target population as defined in the Health and Safety Code Section 53260(d), and that is linked to onsite or offsite services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community.

Tenses. When consistent with the context, words used in the present tense include the past and future tenses and words in the future tense include the present tense.

"Tent" means any structure, temporary or permanent, constructed of canvas or other cloth or material attached to, and encloses, a framework that is intended to provide shelter to an area.

Trailer, Automobile. "Automobile trailer" means a vehicle without motor power, designed to be drawn by a motor vehicle and to be used for human habitation or for carrying persons and property, including a trailer coach and any self-propelled vehicle having a body designed for the same uses as an automobile trailer without motor power.

"Trailer Park, Trailer Court and Public Camp." Any or all of them shall mean any area or tract of land used or designed to accommodate one or more automobile trailers or one or more camp

parties, including tents or other camping outfits and including trailer camps as defined by state law.

"Transfer station" means an area, including any necessary building or structures, for the temporary storage and the salvage of rubbish, garbage or industrial waste.

"Transitional housing" means rental housing provided to facilitate the movement of homeless individuals or families to conventional housing. Transitional housing may take the form of single-family or multi-family units, and may include supportive services operated under program requirements to allow individuals or families to gain necessary life skills in support of independent living. This type of housing may be occupied by a program recipient for a minimum of six months up to a maximum of two years, at which time it may be recirculated to another eligible program recipient.

"Triplex" means the same as "dwelling, three-family."

"Use" means the utilization of a lot, building, structure or any combination thereof.

"Wall" means a concrete block or masonry wall.

"Writing" includes any form of message recorder in English and capable of visual comprehension.

"Yard" means an open space, other than a court, on a lot unoccupied and unobstructed from the ground upward, except as otherwise provided in this chapter. Wherever in this chapter required yards are prescribed, the same shall be established from the boundary line of such lot or parcel; provided, that the following shall be excluded, and the boundary line shall be deemed to be the interior line of:

1. Any portion of said lot or parcel which serves as an access easement to any other lot or building site;
2. Any portion of said lot or parcel which serves as an improved surface flood control project under the jurisdiction of any public agency.

Yard, Front. "Front yard" means an area extending across the full width of the lot and lying between the front lot line and a line parallel thereto, and having a distance between them equal to the required front yard depth as prescribed in each zone. Front yards shall be measured by a line at right angles to the front lot line, or by the radial line in the case of a curbed front lot line. When a lot lies partially within a planned street indicated on a precise plan for such a street and where such planned street is of the type that will afford legal access to such lot, the depth of the front yard shall be measured from the contiguous edge of such planned street in a manner prescribed in this definition.

Yard, Rear. "Rear yard" means a yard extending across the full width of a lot, immediately adjacent to the rear lot line thereof. The depth of a required rear yard shall be the specified horizontal distance measured between the rear lot line and a line parallel thereto on the lot.

Yard, Rear Line of Required Front. "Rear line of required front yard" means a line parallel to the front lot line and at a distance therefrom equal to the depth of the required front yard, and extending across the full width of the lot.

Yard, Required Setback. For purposes of the restriction of any structure exceeding forty-two inches in height, the term "setback" includes any required yard, front, side or back.

Yard, Side. "Side yard" means a yard between the main building and the side lot lines extending from the rear line of the required front yard, or the front lot line where no front yard is required, to the beginning of the required rear yard line, and at right angles to the nearest point of a side lot line towards the nearest part of a main building.

"Zoning map" or "map" means the official zoning map of the city.

17.60.030 – Conditionally Permitted Uses – When Required.

The purpose of any conditional use permit shall be to insure that the use for which the same is required will be rendered compatible with other existing and permitted uses located in the general area of the same. The following uses, each of which possesses characteristics of such unique and special form as to render impractical their operation without specific approval, shall be permitted in the zones as hereinafter set forth, provided that a conditional use permit is first obtained pursuant to the provisions of this part, unless such use is designated as a permitted use in a particular zone.

A. Conditional Uses—All zones except the R-C Zone.

Airports, landing fields, heliports, and helistops,

Borrow pits to a depth of over three feet,

Cemeteries,

~~Child care center (or more children),~~

~~Children's treatment center (emotionally disturbed),~~

Churches, temples and other places of worship, provided they shall be excluded from the C (commercial) zone, except as provided in [Section 17.56.120](#) of this title,

Clubs, provided they shall be excluded from the R-1 and R-2 zones (see [Section 17.36.020](#)(F) of this title),

Columbariums, crematories and mausoleums,

Crops, field, tree, bush, berry, and row, including nursery stock, the growing of (see [Section 17.20.020](#)(H) of this title),

~~Day center (mentally retarded),~~

~~Day treatment hospitals,~~

Dumps,

Educational institutions,

Equestrian establishments,

Establishments or enterprises involving large assemblages of people or automobiles as follows:

Amusement parks,

Circuses, carnivals, or fairgrounds,

Labor camps

Open air theatres,

Race tracks and rodeos,

Recreational centers privately operated,

Trailer (mobilehome) parks,

Facilities for parole adjustment/rehabilitation programs,

~~Facilities for the rehabilitation of drug addicts,~~

~~Family home (mentally ill),~~

~~Family homes (mentally retarded),~~

Fraternity,

Golf courses, privately owned,

~~Home for the aged,~~

~~Hospitality houses,~~

~~Hospitals and sanitariums, rest homes, guest homes, convalescent hospitals and similar institutions,~~

~~Institutions for treatment of alcoholics,~~

Livestock, care and maintenance for commercial or noncommercial purposes,

~~Long-term facility,~~

~~Mental hospitals,~~

Mortuaries,

Natural mineral resources, the development of, together with the necessary buildings, apparatus or appurtenances incidental thereto; provided, that no review or permit shall be required for the exploration of oil, rock, sand, gravel, or clay if any other section of this code makes separate provisions with respect thereto,

Nonprofit organizations provided they shall be excluded from the C (commercial) zone except as provided in Section 17.56.120,

~~Nursing and convalescent hospitals,~~

Parking lots, commercial,

Public utilities or utilities operated by mutual agencies consisting of water wells, electrical substations, gas metering stations, telephone exchanges, power boosters or

conversion plants with the necessary buildings, apparatus, or appurtenances incident thereto when located in other than C or M zones,

Public utility facilities and utilities operated by mutual companies except any public facility for which a building permit is not required pursuant to the city's building regulations, and any such facility which is permitted by a city-granted franchise,

Refuse, disposal of,

~~Resident facility (mentally retarded),~~

~~Resident school (mentally retarded),~~

~~Rest home,~~

Sewage disposal plants,

Sorority,

Swimming pools, hot tubs, spas and similar recreational facilities which are located within twenty-five feet and/or are visible to or from a public or private street or alley,

Veterinarians, kennels and small animal hospitals,

Any use permitted pursuant to Section 5116 of the Welfare and Institutional Code of the State of California (certain licensed residential care homes);

B. Conditional Uses—R-1, R-2, R-3 and R-C Zones.

Maintenance of keeping of horses or mules, as enumerated in [Chapter 6.08](#), "Animals Generally";

~~**C. Conditional Uses—R-1-9, R-1-11 and R-1-15 Zones.**~~

~~Granny hospice;~~

~~**CD. Conditional Uses—R-2 Development in the R-2 zone;**~~

~~**DE. Conditional Uses—H Zone. Development, structures, grading, or subdivisions;**~~

~~**EF. All developments in the R-3 zone;**~~

~~**F. Community Care Facility, Licensed—R-P Zone.**~~

~~Children's Treatment Center (intellectually and/or physically disabled),~~

~~Family Home (intellectually and/or physically disabled),~~

~~Nursery (intellectually disabled),~~

~~Resident facility (intellectually and/or physically disabled)\~~

~~**G. Group Homes, Unlicensed—R-P Zone.**~~

~~Day Center (intellectually and/or physically disabled),~~

Day Treatment Hospitals,
Residential School (intellectually and/or physically disabled)

H. Group Living Facility (six or fewer persons)—R-1, R-2, R-3 Zone.

Facilities for the Rehabilitation of Drug Addicts (state-licensed facility with six or fewer persons),
Institutions for Treatment of Alcoholics (state-licensed facility with six or fewer persons),
Long-Term Care Facility (state-licensed facility with six-patient capacity for the physically and/or intellectually disabled)

I. Group Living Facility, Large (seven or more persons)—C, R-P Zone.

Child Care Center (seven or more children) licensed by the state,
Facilities for the Rehabilitation of Drug Addicts (state-licensed facility with seven or more persons),
Home for the Aged licensed by the state,
Hospitals and Sanitariums, Rest Homes, Convalescent Hospitals and Similar Institutions licensed by the state,
Institutions for Treatment of Alcoholics (state-licensed facility with seven or more persons),
Long-Term Facility licensed by the state,
Nursing and Convalescent Hospitals licensed by the state

JG. Wireless communications facilities, as provided in [Chapter 17.93](#) of this title.

Chapter 17.94

COMMUNITY CARE FACILITY, GROUP HOME AND GROUP LIVING FACILITY, LARGE SHALL COMPLY WITH THE FOLLOWING STANDARDS SUBJECT TO A CONDITIONAL USE PERMIT

Sections:

17.94.010 – Purpose.

17.94.020 – Applicability.

17.94.030 – Group Home.

17.94.040 – Group Living Facility.

17.94.050 – Application Procedures.

17.094.060 – Standards.

Chapter 17.94.010 – Purpose.

The purpose of this chapter is to address community problems that are associated with group living facilities and group homes; provide opportunities for the operation of such uses to be conducted in a mutually beneficial relationship with the community; ensure that there is no degradation of the community; and to prevent conduct that is contrary to the purpose of this chapter.

Chapter 17.94.020 - Applicability.

The provisions of this chapter shall apply to all unlicensed Group homes allowed to locate in the R-P Zone, and licensed Group Living Facilities with seven (7) or more persons allowed to locate in any R-1, R-2, and, R-3 Zone, and to all persons who own, manage, or operate such uses.

Chapter 17.94.050 – Application Procedures.

- A. An application for such permits shall be filed with the city and shall be in writing on forms provided by the city.
- B. The city shall investigate and shall ascertain whether the proposed group home qualifies for the reasonable accommodation and shall further ascertain whether or not all persons directly or indirectly interested in the permit or in the proposed group living facility as owner, partner, officer, manager, employee or other person to be in charge of the group living facility have been convicted of a felony or any crime involving moral

turpitude. The city shall cause fingerprints to be taken of the applicant and any other person referred to in this subsection.

C. The fire chief and building official shall ascertain whether the premises to be used comply with applicable laws, ordinances and regulations concerning such premises.

D. The city shall notify the applicant in writing within thirty (30) days after the filing of the completed application for a reasonable accommodation permit that the application has scheduled before the Planning Commission. In event of denial, the applicant may appeal to the City Council but must do so within 10 days of the date of the Planning Commission decision. The city shall hear the appeal within 30 days of the date of receipt of the notice of appeal.

Chapter 17.94.060 - Standards.

A. “Community Care Facility,” in the R-P Zone; “Group Home” in the R-P Zone; “Group Living Facility” with six (6) or fewer persons in the R-1, R-2, and R-3 Zone; and “Group Living Facility, Large” with seven (7) or more persons in the C or R-P Zone shall comply with the following standards:

1. It shall not result in adverse effects to the health, welfare, peace, or safety of persons in the surrounding area;
2. It shall not jeopardize or endanger the public health, welfare, or safety of persons in the surrounding area;
3. It shall not adversely affect the livability of the surrounding neighborhood as a result of inadequate maintenance, prohibited activities, and/or operating characteristics;
4. It shall not result in nuisance activities, including but not limited to disturbance of the peace, illegal drug activity, public drunkenness, public consumption of alcohol, harassment of passers-by, gambling, public urination, theft, assault, battery, vandalism, littering, loitering, illegal parking, loud noises, lewd conduct, or police detentions and/or arrests;
5. It shall not result in violation of any applicable provision of any other city, state, or federal regulation, ordinance or statute;
6. It shall not be located within 300 feet, measured from the property lines, of any group home or group living facility, whether or not such facility is licensed by the state of California.

EXHIBIT B

Chapter 17.61 – Reasonable Accommodation (For Reference)

Chapter 17.61 - REASONABLE ACCOMMODATION

Sections:

17.61.010 - Purpose.

In accordance with the federal Fair Housing Act and the California Fair Employment and Housing Act ("the acts"), it is the policy of the city to provide people with disabilities reasonable accommodations as necessary to ensure equal access to their dwelling unit and/or place of business. The purpose of this section is to provide a clear and defined process for people with disabilities to make reasonable accommodation requests from existing standards in the city's development code.

(Ord. No. 1323, § 1(Exh. A), 10-25-11)

17.61.020 - Application—General.

Any person with disabilities, or his or her representative, may request a reasonable accommodation from the application of a land use or zoning regulation, policy, practice or procedure when necessary to afford such persons equal opportunity to use and enjoy their dwelling unit or place of business. A person with a disability is a person who has a physical or mental impairment that limits or substantially limits one or more major life activities, anyone who is regarded as having such impairment or anyone who has a record of such impairment. This chapter is intended to apply to those persons who are defined as disabled under either of the acts.

A request for reasonable accommodation may include a modification or exception to the rules, standards and practices for the siting, development and use of housing or housing-related facilities that would eliminate regulatory barriers and provide a person with a disability equal opportunity to housing of their choice. Requests for reasonable accommodation shall be made in the manner prescribed by Section 17.61.030 (Application - Contents).

(Ord. No. 1323, § 1(Exh. A), 10-25-11)

17.61.030 - Application—Contents.

- A. Application. A person with disabilities or his/her representative who desires to request a reasonable accommodation may file an application with the department. A reasonable accommodation may be approved only for the benefit of one or more individuals with a disability. An application for a reasonable accommodation from a land use or zoning regulation, policy, or practice shall be made on a form provided by the department. No fee will be required for a request for reasonable accommodation, but if the project requires another discretionary permit and environmental review, then the prescribed fee shall be paid for that discretionary permit and environmental review.
- B. If a project for which a reasonable accommodation request is made requires another discretionary approval, then the applicant may file the reasonable accommodation request together with the application for the other discretionary approval. The processing procedures of the non-reasonable accommodation discretionary approval shall govern the joint processing of both the reasonable accommodation request and the non-reasonable accommodation discretionary permit.

- C. Application Contents. In addition to the materials required under other applicable provisions of this code, the applicant is required to submit the following information with the application:
1. The applicant's name, address, and telephone number.
 2. If not the applicant, the identity of the person(s) with disabilities, and the applicant's relation to the person(s) with disabilities.
 3. Identification and description of the disability which is the basis for the request for reasonable accommodation. The applicant shall include current written certification of the disability and a description of the disability's effects on the individual's medical, physical or mental limitations.
 4. The current actual use of the property.
 5. The specific exception or modification to this development code, or other land use or development regulation, policy, or practice requested by the applicant.
 6. Documentation that the specific exception or modification requested by the applicant is necessary to provide one or more individuals with a disability an equal opportunity to use and enjoy his or her residence or business. Where appropriate, the applicant shall include a summary of any alternatives to the reasonable accommodation.
 7. Copies of memoranda, correspondence, pictures, plans, or background information reasonably necessary for the review authority to reach a decision regarding the need for reasonable accommodation.
 8. Other supportive information deemed necessary by the city to facilitate proper consideration of the request so long as any request for additional information complies with state and federal law.

(Ord. No. 1323, § 1(Exh. A), 10-25-11)

17.61.040 - Criteria for granting accommodations.

A reasonable accommodation request will be reviewed in accordance with the following procedures:

- A. Findings. The written decision to approve, conditionally approve, or deny a request for reasonable accommodation shall be based on the following findings, all of which are required for approval:
1. The requested accommodation is requested by or on behalf of one or more individuals with a disability protected by federal or state law.
 2. The requested accommodation is necessary to provide accommodation as requested by or on behalf of one or more individuals with a disability protected by federal or state law.
 3. The requested accommodation is necessary to provide one or more individuals with a disability an equal opportunity to use and enjoy their dwelling or business.
 4. The requested accommodation will not impose an undue financial or administrative burden to the city.
 5. The requested accommodation will not result in a fundamental alteration of a neighborhood's character or will not substantially undermine any express purpose of the General Plan or any applicable specific plan.

6. The requested accommodation will not, under the specific facts of a case, result in a direct threat to the health and safety of other individuals or substantial physical damage to the property of others.

In making these findings, the review authority may approve alternative reasonable accommodations which provide an equivalent level of use and enjoyment.

- B. Conditions. Any modifications granted for an individual with a disability may, at the discretion of the review authority, be considered as a personal accommodation for the individual applicant and may, at the determination of the review authority, not run with the land. The conditions of approval may, where deemed appropriate, provide for any or all of the following:
 1. Inspection of the affected property periodically, as specified in the conditions, to verify compliance with this chapter and with any applicable conditions of approval.
 2. Prior to any transfer of interest in the property, notice to the transferee of the existence of the modification, and the requirement that the transferee apply for a new modification as necessary. Once such transfer takes effect, the originally approved modification shall have no further validity.
 3. Other necessary conditions deemed necessary to protect the public health, safety, and welfare.

(Ord. No. 1323, § 1(Exh. A), 10-25-11)

17.61.050 - Review authority.

- A. Director's Review. Requests for reasonable accommodation shall be reviewed by the director, or his or her designee, if no discretionary approval is sought other than the request for reasonable accommodation.

The director shall issue a written decision on a request for reasonable accommodation within forty-five days of the date of the application and may either grant, grant with modifications, or deny a request for reasonable accommodation in accordance with the required findings set forth in section 17.61.040.

If necessary to reach a determination on the request for reasonable accommodation, the director may request further information from the applicant consistent with fair housing laws, specifying in detail the information that is required. In the event that a request for additional information is made, the forty-five day period to issue a decision is stayed until the applicant responds to the request.

- B. Concurrent Review. A request for reasonable accommodation submitted for concurrent review with another discretionary land use application shall be reviewed by the authority reviewing the discretionary land use application. The written determination on whether to grant or deny the request for reasonable accommodation shall be made by the review authority in compliance with the applicable review procedure for the discretionary review. The written determination to grant or deny the request for reasonable accommodation shall be made in accordance with section 17.61.040 of this section.

(Ord. No. 1323, § 1(Exh. A), 10-25-11)

17.61.060 - Appeal of determination.

A determination by the reviewing authority to grant or deny a request for reasonable accommodation is appealable to the planning commission in compliance with Chapter 17.66 ("Appeals and Calls for Review").

(Ord. No. 1323, § 1(Exh. A), 10-25-11)

17.61.070 - Discontinuance.

Unless the review authority determines a reasonable accommodation runs with the land, a reasonable accommodation shall lapse if the rights granted by it are discontinued for one hundred and eighty consecutive days. If the person initially occupying a residence or business vacates, the reasonable accommodation shall remain in effect only if the director determines that (i) the modification is physically integrated into a structure and cannot easily be removed or altered to comply with the municipal code; (ii) its removal would constitute an unreasonable financial burden; and (iii) the accommodation is necessary to give another person with disabilities an equal opportunity to enjoy the dwelling or business. The director may request the applicant or his or her successor-in-interest to the property to provide documentation that subsequent occupants are persons with disabilities. Failure to provide such documentation within ten days of the date of a request by the director shall constitute grounds for discontinuance by the city of a previously approved reasonable accommodation.

(Ord. No. 1323, § 1(Exh. A), 10-25-11)