Meeting Date: 7 / 19 /11

ACTION	TYPE OF ITEM
☐ Approved Recommendation	☐ Info/Consent
☐ Ord. No(s). _____	☐ Report
☐ Res. No(s). _____	X Public Hearing (Info/consent)
☐ Other _____	☐ Other _____

Prepared By: Stephanie Diaz, Contract Planner SLD Agenda Item No. K-1

Reviewed By: City Manager City Attorney Finance Other *(Specify)*

DATE: July 11, 2011

TO: City Council

FROM: Susan L. Martin, AICP, Planning Manager
Development Services Department

SUBJECT: **Zone Code Text Amendment (PZ 10-580-02), Reasonable Accommodation Ordinance.**

RECOMMENDATION

That City Council approve the first reading by title only and subsequent adoption of an ordinance amending Chapter 16 of the City Code to add a procedure and standards for the granting of reasonable accommodations for persons with disabilities.

DISCUSSION

Planning and Zoning Permit No. 10-580-02 proposes amendments to Chapter 16 (Zoning) of the City Code that address reasonable accommodations for persons with disabilities and is intended to comply with federal and state fair housing laws. A reasonable accommodation is defined as relief from the strict application of the City's zoning and land use regulations, policies, and practices when such an accommodation is found to be reasonably necessary to provide a disabled individual an equal opportunity to use and enjoy a dwelling. Under the Federal Fair Housing Act and the California Fair Employment and Housing Act local agencies are required to address reasonable accommodations for persons with disabilities. Additionally, the City's Draft Housing Element of the General Plan contains programs for providing housing for special needs households.

The proposed ordinance (Attachment 1) creates an administrative procedure for persons with disabilities to request reasonable accommodations from land use and zoning standards when those standards are a barrier to equal housing access. Also, the ordinance provides findings and considerations for approval of a reasonable accommodation request. The proposed ordinance provides a fair means of accommodating special housing needs for the disabled without compromising the City's commitment to protecting community character and environmental quality. The application for an accommodation would be acted upon by the Development Services Director, unless there is also a concurrent request for a discretionary permit. In the latter case, both requests would be considered by the Planning Commission. An appeal process is included in the ordinance. The Planning Commission

considered and recommended approval of zone text amendment PZ 10-580-02 at its meeting of June 16, 2011. Members of the public spoke in favor of the ordinance. Some speakers questioned the definition of "disabled," how to maintain an applicant's confidentiality, and the appeal procedure. These issues have been addressed in the ordinance, Attachment A.

Zone text amendment PZ 10-580-02 is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the State CEQA Guidelines, which sets forth the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. The adoption of this ordinance will not create a significant effect and is therefore exempt. The ordinance is not likely to facilitate new development. Requests for reasonable accommodations will be considered on a case-by-case basis. These requests will undergo CEQA analysis at the time of application submittal and review.

FINANCIAL IMPACT

Permit fees similar to those charged for a Minor Modification application will be collected for the costs of permit processing. There is no financial impact resulting from the adoption of the proposed amendments.

Attachment #1 - City Council Ordinance - Reasonable Accommodations
#2 - Planning Commission Staff Report (minus Attachments)
#3 – Planning Commission Resolution No. 2011-25
#4 – Planning Commission Power Point

G:\PLNG\SDiaz\Major Zone Code Update\Reasonable Accommodations\ Reasonable Accomm CC Staff Report

CITY COUNCIL OF THE CITY OF OXNARD

ORDINANCE NO. _____

ORDINANCE OF THE CITY OF OXNARD, CALIFORNIA, AMENDING CHAPTER 16 (ZONING) OF THE CITY CODE TO ADD A PROCEDURE AND STANDARDS FOR THE GRANTING OF REASONABLE ACCOMMODATIONS FOR PERSONS WITH DISABILITIES IN THE PROVISION OF HOUSING.

WHEREAS, Pursuant to the federal Fair Housing Act (42 U.S.C. sections 3601 et seq.), and the California Fair Employment and Housing Act (Cal. Gov. Code sections 12900 et seq.), the City is required to provide a reasonable accommodation in the application of its rules, policies, practices or regulations when such accommodation is reasonably necessary to afford a person with a disability an equal opportunity to use and enjoy a dwelling unit; and

WHEREAS, in the past the City has utilized the procedures from the density bonus ordinance, minor modifications or other existing procedures in processing requests for such reasonable accommodations; and

WHEREAS, the City Council finds that the processing of requests for reasonable accommodations in the provision of housing for persons with disabilities will be more efficient and defined if there is a specific procedure for the processing of such request; and

WHERAS, the City finds that the zone text amendment (Planning and Zoning Permit No. 10-580-02) supports programs within the Housing Element of the General Plan; and

WHEREAS, the City Council has determined that zone text amendment PZ 10-580-02 is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the State CEQA Guidelines, which sets forth the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment; and

WHEREAS, on June 16, 2011 the Planning Commission conducted a noticed public hearing on PZ 10-580-02, accepted comments and recommended approval to the City Council; and

WHEREAS, on July 19, 2011 the City Council conducted a noticed public hearing on PZ 10-580-02.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF OXNARD DOES ORDAIN AS FOLLOWS:

Part 1. Division 17 of Article V is hereby added to Chapter 16 of the City Code to read as follows:

"DIVISION 17. REASONABLE ACCOMMODATION.

SEC. 16-501. PURPOSE AND INTENT.

This division provides a procedure and sets standards for persons with disabilities seeking a reasonable accommodation in the provision of housing and is intended to comply with Government Code section 65583(c)(3) requiring a Housing Element program to provide reasonable accommodations for persons with disabilities, as well as the Federal Fair Housing Act (42 U.S.C. sections 3601 et seq.) and the California Fair Employment and Housing Act (Cal. Gov. Code sections 12900 et seq.) (the Acts) regarding the application of zoning laws and other land use regulations, policies and procedures.

SEC. 16-501.1. APPLICABILITY.

(A) A request for reasonable accommodation may be made by any person with a disability, their representative, or entity when the application of a zoning law or other land use regulation, policy or practice acts as a barrier to fair housing opportunities. 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 section is intended to apply to those persons who are considered disabled under the Acts. A reasonable accommodation may be approved only for the benefit of one or more persons with a disability.

(B) 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. Facilities serving persons with disabilities, not in compliance with this chapter at the time of adoption of this ordinance, may qualify for a reasonable accommodation permit pursuant to this division.

SEC. 16-501.2. APPLICATION REQUIREMENTS.

(A) Application. A request for reasonable accommodation shall be made on a city application form or in the form of a letter to the director and shall contain the following information:

(1) The applicant's name, address and telephone number, and written permission of the property owner, if applicable.

(2) The address of the property for which the request is being made.

(3) The current use of the property.

(4) Documentation for the claim that the person is considered disabled under the Acts.

(5) The zoning code provision, regulation or policy from which reasonable accommodation is being requested.

(6) Why the reasonable accommodation is necessary to make the specific property accessible to the person.

(7) Documentation that the specific exception or modification requested by the applicant is necessary to provide one or more persons with a disability an equal opportunity to use and enjoy a dwelling unit.

(B) Fee. An application must be accompanied by the applicable processing fee (equivalent to a Minor Modification fee) adopted by city council resolution.

SEC. 16-501.3. REVIEW AUTHORITY.

(A) Administrative Permit. Requests for reasonable accommodation shall be reviewed by the director if no discretionary approval is sought other than the request for reasonable accommodation.

(B) Associated Discretionary Permit. Requests for reasonable accommodation submitted for concurrent review with a discretionary land use application reviewed by the planning commission, such as a special use permit, shall be considered together by the planning commission.

SEC. 16-501.4. REVIEW PROCEDURE.

(A) Administrative Permit. Within 30 days of receiving the application, the director shall issue and mail a written determination to either grant, grant with modifications or conditions, or deny a request for reasonable accommodation.

(B) Associated Discretionary Permit. The written determination on whether to grant, grant with modifications or conditions, or deny the request for reasonable accommodation shall be made by the planning commission in compliance with the applicable review procedure for the accompanying discretionary permit. The planning commission shall take action and provide notice as set forth in the Zone Code requirements for the associated discretionary permit(s). The written determination on the request for reasonable accommodation shall be made in accordance with the provisions of section 16-501.5.

SEC. 16-501.5. FINDINGS AND DECISION.

(A) Written Findings. The applicant shall be notified of the decision whether to approve, conditionally approve, modify or deny the request for reasonable accommodation through a written determination. The written determination shall be consistent with the Acts and shall be based on the following findings, all of which are required for approval:

(1) The accommodation is requested by or on the behalf of one or more persons with a disability protected under the Acts.

(2) The accommodation is necessary to provide one or more persons with a disability an equal opportunity to use and enjoy a dwelling unit.

(3) The accommodation will not impose an undue financial or administrative burden on the city.

(4) The accommodation will not result in a fundamental alteration in the nature of a city program or law, including but not limited to land use and zoning.

(5) The accommodation will not result in a direct threat to the health and safety of other persons or physical damage to the property of others.

(B) Considerations. The director or planning commission may consider, but are not limited to, the following factors in determining whether the requested accommodation is reasonably necessary to provide one or more persons with a disability an equal opportunity to use and enjoy a dwelling unit or would result in a fundamental alteration in the nature of the city's zoning program:

(1) Whether the reasonable accommodation is being provided primarily to benefit one or more persons with a disability.

(2) Whether the reasonable accommodation is necessary for therapeutic benefit to the person(s) with a disability.

(3) Whether the accommodation would result in a substantial increase in traffic or insufficient parking.

(4) Whether granting the requested accommodation would substantially undermine any express purpose of either the city's general plan or an applicable specific plan.

(5) Whether the requested accommodation would significantly deprive any neighboring property owners of the use and enjoyment of their own properties.

(6) Whether there are preferable and/or feasible alternatives to the requested accommodation that may provide an equivalent level of benefit.

(7) Whether proposed changes to property or structures are compatible with surrounding development or create potential impact(s) on surrounding uses.

(C) Conditions of Approval. In granting a request for reasonable accommodation, the director or planning commission may impose any conditions of approval deemed reasonable and necessary to ensure that the reasonable accommodation would comply with the findings required by subsection (A). Conditions of approval for a reasonable accommodation request may, where appropriate, provide for any or all of the following:

(1) Inspection of the affected premises by the city to verify compliance with this division and any conditions of approval;

(2) Removal of the permitted improvements by the applicant where removal would not constitute an unreasonable financial burden, if the need for which the accommodation was granted no longer exists; and

(3)Time limits and/or expiration of the approval if the need for which the accommodation was granted no longer exists.

SEC.16-501.6. COMPLIANCE WITH EXISTING RULES.

In order to be eligible for consideration for a reasonable accommodation, the property must be in compliance with the then existing laws and regulations otherwise applicable to the property except that which is the subject of the reasonable accommodation request. If the non-compliance is through no fault of the applicant, the director may waive this requirement. However, such a waiver shall not preclude the city from requiring that the existing violations be corrected in accordance with the city code and all applicable rules and regulations.

SEC. 16-502. APPEAL OF DETERMINATION.

Administrative Permit. A determination by the director regarding a request for reasonable accommodation may be appealed to the hearing officer in accordance with the administrative hearing procedures set forth in article V of chapter 1 of the city code.

Discretionary Permit. A determination made by the planning commission for a reasonable accommodation in conjunction with a discretionary land use application may be appealed to the city council by the applicant or any aggrieved person within 18 calendar days of the date of the determination. Such appeal shall be delivered in writing to the city clerk. An appeal fee as set by city council resolution shall be collected from the appellant. The city clerk shall set a hearing date within 30 days of receipt of the appeal. The city council decision shall be final.

SEC.16-502.3. MODIFICATIONS.

A request to modify an approved reasonable accommodation shall be treated as a new application, unless in the opinion of the director, the requested modification results in a minor change, is within the director's authority to approve and is consistent with the original approval.

SEC.16-502.4. TIME EXTENSIONS.

The time limit for initiation of a reasonable accommodation as set forth in the permit that has been approved in accordance with the terms of this division may be extended for good cause for a period not to exceed 24 months by application to the director no less than 60 days prior to the expiration date. The request must be accompanied by the applicable fee for administrative permit extensions.

SEC. 16-502.5. DISCONTINUANCE AND REVOCATION.

A reasonable accommodation shall lapse if the exercise of rights granted by it is discontinued for 30 days. The reasonable accommodation shall remain in effect after that time only if the director makes a written determination that (1) the modification is physically integrated into the residential structure and cannot be easily removed or altered to comply with code, and (2) the accommodation is necessary to allow another, identified, person with a disability to occupy the dwelling unit within 90 days from the date of the director's determination. Any reasonable accommodation may be revoked by the original decision maker for any violation of this division or the terms or conditions of the reasonable accommodation, or if any law is violated in connection with the use of the reasonable accommodation. The director shall mail notice of intent to revoke a reasonable accommodation that was granted by an administrative permit, and the permittee may request an administrative hearing regarding such action, in accordance with the procedures set forth in article V of chapter 1 of the city code.

SEC. 16-503. RESTRICTIVE COVENANT.

The owner of the property shall enter into a restrictive covenant with the city which provides that prior to sale, transfer, lease or other conveyance of the property or at the time the reasonable accommodation is no longer necessary, that the owner of the property shall bring the property into conformance with the city's zoning code to the extent that relief was provided as part of the request for reasonable accommodation. The restrictive covenant shall be recorded against the property by the County Recorder and shall provide that the reasonable accommodation does not run with the land and shall terminate upon sale, transfer, lease or other conveyance of the property. Any grant of accommodation for a person with a disability shall be considered as a personal accommodation for the applicant and does not run with the land. If the director finds that the accommodation cannot be feasibly removed or altered or the new property owner applies for and is granted the same accommodation by the director a new covenant shall be recorded as provided above."

Part 2. Severability.

If any section, subsection, sentence, clause, phrase or word of this ordinance is for any reason held to be invalid and/or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Part 3. Pursuant to Government Code Section 36933(c)(1), the City Attorney was designated to prepare, and the City Clerk has published a summary of this ordinance, and a certified copy of it was posted in the Office of the City Clerk a minimum of five days before the City Council's public hearing to consider adoption of the ordinance.

Part 4. The City Clerk shall certify as to the adoption of this ordinance and shall cause the summary thereof to be published within fifteen calendar (15) days of the adoption and shall post a certified copy of this ordinance, including the vote for and against the same, in the office of the City Clerk, in accordance with Government Code Section 36933. Ordinance No. _____ was first read on *******, 2011, and finally adopted on ********, 2011, to become effective thirty days thereafter.

AYES:

NOES:

ABSTAIN:

ABSENT:

_____
Dr. Thomas E. Holden, Mayor

ATTEST:

_____
Daniel Martinez, City Clerk

APPROVED AS TO FORM:

_____
Alan Holmberg, City Attorney

PLANNING COMMISSION
STAFF REPORT

TO: Planning Commission

FROM: Stephanie Diaz, Contract Planner

DATE: June 16, 2011

SUBJECT: Planning and Zoning Permit 10-580-02 (Zone Code Text Amendment) to Add Procedures and Standards for the Granting of Reasonable Accommodations for Disabled Persons in the Provision of Housing.

1) **Recommendation:** That the Planning Commission adopt a resolution to the City Council recommending approval of PZ 10-580-02 for text amendments to Chapter 16 of the Zone Code.

2) **Project Description and Applicant:** The proposed Zone Text Amendment (PZ 10-580-02) to Chapter 16 (Zoning Ordinance), that applies City-wide, addresses reasonable accommodations for disabled persons and is intended to comply with federal and state fair housing laws. A reasonable accommodation is defined as relief from the strict application of the City's zoning and land use regulations, policies, and practices when such an accommodation is found to be reasonably necessary to provide a disabled individual an equal opportunity to use and enjoy a dwelling. Filed by the City of Oxnard, 305 W. Third Street, Oxnard CA, 93030.

3) **Background:** Under the Federal Fair Housing Act and the California Fair Employment and Housing Act (the Acts) local agencies are required to address reasonable accommodations for disabled persons. Additionally, the City's Draft Housing Element of the General Plan contains programs for providing housing for special needs households. The City has not adopted an official procedure for reviewing and approving reasonable accommodation requests but has been using other established permits such as minor modifications, density bonus incentives and development design review permits. The current City permit process for reasonable accommodation requests is not efficient and may not address specific project issues. None of the current procedures calls out the standards imbedded in state and federal law that are to be used in deciding upon a request for reasonable accommodation. An ordinance is proposed in Attachment A that creates an administrative procedure for individuals with disabilities to request reasonable

accommodations from land use and zoning standards when those standards are a barrier to equal housing access. Also, the ordinance provides findings and considerations for approval of a reasonable accommodation request. The proposed ordinance provides a fair means of accommodating special housing needs for the disabled without compromising the City's commitment to protecting community character and environmental quality.

4) **Environmental Determination:** Zone text amendment PZ10-580-02 is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the State CEQA Guidelines, which sets forth the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. The adoption of this ordinance will not create a significant effect and is therefore exempt. The ordinance is not likely to facilitate new development. Requests for reasonable accommodations will be considered on a case-by-case basis. These requests will undergo CEQA analysis at the time of application submittal and review.

5) **Consistency with General Plan Policies:** The proposed reasonable accommodation ordinance supports the City's Draft Housing Element of the General Plan and is consistent with the following goals, policies and programs that are designed to remove governmental constraints and ensure housing opportunities for those with special needs:

GOAL G-5	Ensure Fair and Equal Housing Opportunity.
Policy 5.1	Fair Housing Awareness
Policy 5.2	Discourage Discrimination.
Policy 5.4	Continuum of Care and Homeless Plan

6) **Analysis:** A reasonable accommodation provides an opportunity for a disabled person to apply for relief from City land use standards so that the disabled person can enjoy a dwelling unit. Such a request may involve an accommodation such as construction of a wheel chair ramp in a dwelling's setback area, diminishing outdoor open space for a structure, increasing building coverage on a lot, or to allow paved area for access in a dwelling's front yard, when there are no other viable alternatives. A disabled person is defined by state and federal laws as someone with a physical or mental impairment which substantially limits one or more of such person's major life activities. This definition could apply to those persons who have a physical or developmental issue or are recovering from alcohol or drug addiction and are in need of housing to integrate back into the community. This definition, by state law, could include recovering drug and alcohol users (sober living homes), but would not include addicts who are currently illegally using drugs or abusing alcohol.

   a) **Permitting a Reasonable Accommodation:** After submitting an application and payment of the associated fee, the application from a disabled person or their representative will be reviewed by the Development Services Director. The Director

must review the application and make certain findings regarding the request. If the reasonable accommodation request is made in conjunction with a discretionary permit, the requests may be considered concurrently by the decision maker reviewing the discretionary application. To establish the person's disability associated with an application, verification of disability from an appropriate healthcare or rehabilitation professional or governmental issued identification is required.

b) **Findings and Considerations to Approve a Reasonable Accommodation Request:** Findings stated in the ordinance must be made to approve the reasonable accommodation request, such as: the necessity of the request, that implementation will not be a direct threat to the health and safety of other individuals or cause physical damage to the property of others. The ordinance also includes considerations for the Director to use when reviewing the request such as whether the accommodation would fundamentally alter the character of the neighborhood and if financial viability makes the request necessary. All considerations must be evaluated on a case-by-case basis. The applicant must establish through submitted information that there is a link between the requested accommodation and how it provides an equal opportunity for housing for the disabled resident(s).

c) **Conditions of Approval:** In order to be eligible for consideration of a reasonable accommodation, the property must be in compliance with then existing laws and regulations with the exception of the component for which the reasonable accommodation is requested. A condition of approval shall state that removal of the accommodation shall be required, if no longer needed. Any grant of accommodation for an individual with a disability shall be considered as a personal accommodation for the applicant and does not run with the land. To address the tracking of reasonable accommodation approvals, the draft ordinance contains the requirement for covenant provisions.

A condition of approval will require an owner of the property that has been granted a reasonable accommodation permit to enter into a restrictive covenant with the city which provides that prior to sale, transfer, lease or other conveyance of the property or at the time the reasonable accommodation is no longer necessary, that the owner of the property shall bring the property into conformance with the city's zoning code. The restrictive covenant shall provide that the reasonable accommodation does not run with the land and shall terminate upon sale, transfer, lease or other conveyance of the property. If the director finds that the accommodation cannot be feasibly removed or altered or the new property owner applies for and is granted the same accommodation by the director a new covenant shall be recorded.

7) **Community Workshops:** A workshop with "stakeholders" (emergency shelter representatives, affordable housing providers, farmworker representatives and legal aid) was held by staff on January 11, 2010. Also, emergency shelter issues, housing for special needs/disabled persons and housing for low or very low income households were

discussed in two meetings held by the Commission on Homelessness (July 12, 2010 and August 2, 2010). The Commission discussed zone text amendments that would address special needs housing opportunities. The majority of input from the Commission meetings was that the City should provide more assistance through the General Plan/Housing Element programs or Zone Text Amendments to create more opportunities for special needs/disabled housing. Reasonable Accommodation Ordinance issues were presented to the Planning Commission in a work session on April 21, 2011. The use of group quarters and encouraging affordable housing for the disabled was discussed.

Attachment:

A. Resolution with Draft Ordinance Attached.

Prepared by: SLD
SLD

Approved by: SM
SM

RESOLUTION NO. 2011-25

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD RECOMMENDING TO THE CITY COUNCIL THE ADOPTION OF PZ 10-580-02, AMENDING CHAPTER 16 OF THE CITY CODE TO ADD PROCEDURES AND STANDARDS FOR THE GRANTING OF REASONABLE ACCOMMODATIONS FOR DISABLED PERSONS IN THE PROVISION OF HOUSING. FILED BY THE CITY OF OXNARD, 305 W. THIRD STREET, OXNARD, CA 93030.

WHEREAS, the Planning Commission of the City of Oxnard has considered PZ-10-580-02, filed by the City of Oxnard, to amend Chapter 16 of the City Code concerning reasonable accommodations for disabled persons in the provision of housing; and

WHEREAS, on June 16th, the Planning Commission held a noticed public hearing on PZ 10-580-02; and

WHEREAS, the Planning Commission finds that the public interest and general welfare requires such an amendment; and

WHEREAS, the Planning Commission recommends the City Council find that the amendments conform to the General Plan and Housing Element; and

WHEREAS, the Planning Commission finds that the California Environmental Quality Act (CEQA) does not apply to PZ 10-580-02 pursuant to the general rule expressed in section 15061(b)(3) of the State CEQA Guidelines that CEQA, which sets forth the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment and there is no possibility that the adoption of this ordinance and resolution may have a significant effect on the environment;

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Oxnard hereby recommends to the City Council adoption of the ordinance attached hereto as Exhibit A.

PASSED AND ADOPTED by the Planning Commission of the City of Oxnard on this 16th day of June, 2011 by the following vote:

AYES: Commissioners: Guevara, Stewart, Huber, Murguia, Nash, Medina

NOES: Commissioners: None

ABSENT: Commissioners: Mullin

Saul Medina, Chairman

ATTEST: _____
Susan L. Martin, Secretary

ATTACHMENT 3
PAGE 1 OF 1

City of Oxnard
Zone Code Text Amendment
Reasonable Accommodation Ordinance
PZ 10-580-02

Planning Commission
Public Hearing
June 16, 2011

Background

- California Attorney General 2001:
  - Federal and state fair housing laws impose a duty on local governments to make reasonable accommodations in their zoning laws and land use standards to allow a disabled person an equal opportunity to use and enjoy a dwelling.
  - Without a process, using alternative permit procedures (SUP, Minor Mod) may result in wrongfully denying a request for accommodation as the findings for those permits differ from those in fair housing laws.

Ordinance Objectives

- To provide consistency with federal and state fair housing law requirements and the City's Draft Housing Element of the General Plan.
- To provide a clear process for a disabled person to request an accommodation from City zoning standards or land use regulations that act as a barrier to housing opportunities.
- To remedy the City process for using other applications which is not efficient, may not address project issues and does not contain findings from federal and state housing laws.

Applicability

A person with a disability is a person who has a physical or mental impairment that limits one or more major life activities.

A request for a reasonable accommodation may be made by a disabled person or their representative.

ATTACHMENT 4
PAGE 1 OF 3

Review Process

A Reasonable Accommodation request is an administrative application and shall be reviewed by the Development Services Director.

A Reasonable Accommodation request that is submitted concurrently with a discretionary application (SUP) shall be bundled together and reviewed by the decision maker that reviews the discretionary permit.

"Findings" Required for Approval

Request is by a disabled person protected under Fair Housing Laws.

It is necessary to provide an equal opportunity to use and enjoy a dwelling.

An undue financial or administrative burden will not be imposed on the City.

Will not fundamentally alter the zoning program.

Will not result in health and safety or physical damage issues.

Several of the "Considerations" for Approval

Will accommodation result in a substantial increase in traffic or insufficient parking?

Are there feasible alternatives?

Compatibility with surrounding uses?

Necessary for therapeutic benefit to disabled person?

Conditions of Approval

Conditions of approval may be added to the Reasonable Accommodation Permit:

- Conditions may be related to the construction, use, location, removal, etc
- A condition requiring a recorded covenant that the accommodation terminates upon sale of the property. The director may find that the accommodation cannot be feasibly removed or altered.

Draft General Plan Consistency

GOAL G-5	Ensure Fair and Equal Housing Opportunity
Policy 5.1	Fair Housing Awareness
Policy 5.2	Discourage Discrimination
Policy 5.4	Continuum of Care and Homeless Plan

CEQA Determination

CEQA Guidelines section 15061(b)(3) provides a general exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment.

It can be found that there is no possibility that the ordinance may have a significant impact.

Community Workshops

Stakeholders Workshop with staff

Commission on Homelessness

Planning Commission Workshop

Recommendation

That the Planning Commission adopt a resolution to the City Council. The resolution recommends approval of an ordinance for a Zone Text Amendment that will provide a process for granting Reasonable Accommodations for disabled persons in the provision of housing.