

CHAPTER 30: ZONING

§ 30-16 REASONABLE ACCOMMODATIONS

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§ 30-16.1 PURPOSE AND APPLICABILITY

- a. **Purpose.** The purpose of this Section is to provide a clear and fair process for individuals with disabilities to request reasonable accommodation in the application of zoning laws, land use regulations, and policies, consistent with the requirements of the Federal Fair Housing Act, the California Fair Employment and Housing Act, and Government Code § 65583(c)(3).
- b. **Applicability**
1. A request for reasonable accommodation may be made by any individual with a disability, or by an entity acting on behalf of such individual, when the application of a zoning or land use regulation poses a barrier to fair housing opportunity.
 2. Reasonable accommodation may be requested for any dwelling unit—whether owner-occupied or rented—where a person with a disability resides or intends to reside.

§ 30-16.2 DEFINITION OF DISABILITY

- a. **Definition of Disability.** For the purposes of this Section, “disability” shall be defined as in the Federal Fair Housing Act and the California Fair Employment and Housing Act, including physical or mental impairments that substantially limit one or more major life activities.

§ 30-16.3 PROCEDURE FOR REQUESTING ACCOMMODATION

a. **Procedure for Requesting Accommodation**

1. Requests for reasonable accommodation shall be submitted in writing to the Director of Community Development or designee on a form provided by the City.
2. The request shall include:
 - The applicant’s name and contact information;
 - The address of the subject property;
 - The specific zoning regulation or policy for which accommodation is requested;

- The reason the requested accommodation is necessary to make the housing accessible and functional for the person with the disability (note: no specific medical diagnosis or detailed health information is required, just a clear explanation of the need for the accommodation).

3. No fee shall be required for a request for reasonable accommodation.

§ 30-16.4 REVIEW CRITERIA

- a. **Review Criteria.** The Director shall issue a written decision to approve, conditionally approve, or deny the request within 45 days of receiving a complete application. The decision shall be based on the following findings:
1. The person requesting accommodation is protected under Fair Housing laws;
 2. The request is necessary to make housing accessible to the individual;
 3. The requested accommodation will not impose an undue financial or administrative burden on the City;
 4. The requested accommodation will not require a fundamental alteration of zoning laws or land use policies;
 5. The accommodation will not result in a direct threat to the Health or Safety of others.

§ 30-16.5 ADDITIONAL PROVISIONS FOR REQUESTS INVOLVING PHYSICAL MODIFICATIONS

- a. **Additional Provisions for Requests Involving Physical Modifications.** If the requested accommodation involves a physical alteration to the property (such as a ramp, lift, or structure within a setback), the following provisions apply:
1. **Permit Coordination:** The reasonable accommodation request may be submitted in advance of or concurrently with a building permit application. Approval of the accommodation does not constitute approval of required building permits. All modifications must comply with applicable Building and Safety Codes.
 2. **Plans or Description Required:** Applications involving physical changes must include a description or conceptual drawing sufficient to assess potential impacts on safety, visibility, and access (e.g., sight distance, encroachments, or emergency access).
 3. **Expiration:** An approved reasonable accommodation shall expire one year from the date of approval if not implemented, unless extended by the Director upon request and demonstration of good cause.

§ 30-16.6 CONDITIONS

- a. **Conditions.** In approving a request, the City may impose conditions that are necessary to:
1. Ensure the accommodation does not conflict with the intent of zoning regulations;
 2. Minimize potential impacts on surrounding uses;
 3. Comply with Building and Safety Codes.

§ 30-16.7 APPEALS

- a. **Appeals.** An applicant may appeal the Director's decision to the Planning Commission by submitting a written request within 14 days of the decision. The Planning Commission shall issue a final written decision within 30 days of the appeal hearing.

§ 30-16.8 CONFIDENTIALITY

- a. **Confidentiality.** Information related to the individual's disability shall be kept confidential and shall only be used to process the request. The City shall not require the applicant to disclose the specific medical condition or disability but may require documentation that verifies the need for the requested accommodation.

§ 30-16.9 RELATIONSHIP TO OTHER LAWS

- a. **Relationship to Other Laws.** This Section shall be interpreted and applied in a manner consistent with all applicable State and Federal Fair Housing laws. If any provision of this Section is inconsistent with State or Federal law, the higher standard shall govern.

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