

**CHAPTER 8. REASONABLE ACCOMMODATION**

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**SEC. 86.801. PURPOSE.**

This section provides a procedure to request reasonable accommodation for persons with disabilities seeking equal access to housing under the Federal Fair Housing Act and the California Fair Employment and Housing Act (the Acts) in the application of zoning laws and other land use regulations, policies and procedures.

(Added by Ord. No. 10364 (N.S.), effective 1-2-15)

**SEC. 86.802. APPLICABILITY.**

A request for reasonable accommodation may be made by any person with a disability, or by an entity acting on behalf of a person or persons with disabilities to provide or secure equal access to housing, when the application of a zoning regulation 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 defined as disabled under 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 with equal opportunity to housing of their choice. Requests for reasonable accommodation shall be made in the manner prescribed by Section 86.803. Nothing in this chapter shall relieve the requirement to obtain applicable building permits.

(Added by Ord. No. 10364 (N.S.), effective 1-2-15)

**SEC. 86.803. APPLICATION REQUIREMENTS.**

(a) Application. Requests for reasonable accommodation shall be submitted on an application form provided by Planning & Development Services, or in the form of a letter to the Director of Planning & Development Services, and shall contain the following information:

- (1) The applicant's name, address and telephone number;
- (2) The street address and assessor's parcel number of the property for which the request is being made;
- (3) The current actual use of the property;
- (4) The basis for the claim that the individual (or group of individuals, if application is made by an entity acting on behalf of a person or persons with disabilities) is considered disabled under the Acts;
- (5) The Zoning Ordinance regulation, provision or policy from which reasonable accommodation is being requested;
- (6) Why the requested accommodation is necessary to make the specific property accessible to the individual or group of individuals.

(b) Concurrent Review. If the project for which the request for reasonable accommodation is being made also requires some other discretionary approval, then the applicant may file the request concurrently with the application for discretionary approval.

(Added by Ord. No. 10364 (N.S.), effective 1-2-15)

**SEC. 86.804. REVIEW AUTHORITY AND PROCEDURE.**

(a) Director. Requests for reasonable accommodation shall be reviewed by the Director of Planning & Development Services, or his/her designee, if no approval is sought other than the reasonable accommodation request. The Director or his/her designee shall make a written determination within forty-five (45) days and either grant, grant with modifications or deny a request for reasonable accommodation in accordance with Section 86.805. The Director's decision may be appealed to the Planning Commission pursuant to the Administrative Appeal Procedure of the Zoning Ordinance Section 7200 et seq.

(b) Other Review Authority. Requests 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 applicable review authority shall make a written determination and either grant, grant with modifications or deny a request for reasonable accommodation in accordance with Section 86.805. An appeal of a decision shall be subject to the appeal provisions of the discretionary permit application in the applicable section of the Zoning Ordinance.

(Added by Ord. No. 10364 (N.S.), effective 1-2-15)

#### **SEC. 86.805. FINDINGS AND DECISION.**

(a) Findings. The written decision to grant, grant with modifications or deny a request for reasonable accommodation will be consistent with the Acts and shall be based on consideration of the following:

- (1) Whether the housing which is the subject of the request will be used by an individual or a group of individuals considered disabled under the Acts, and that the accommodation requested is necessary to make specific housing available to the individual or group of individuals with (a) disability(ies) under the Acts;
- (2) Whether there are alternative reasonable accommodations available that would provide an equivalent level of benefit, or if alternative accommodations would be suitable based on the circumstances of this particular case;
- (3) Whether the requested reasonable accommodation would impose an undue financial or administrative burden on the county;
- (4) Whether the requested reasonable accommodation would be consistent with the general plan land use designation of the property which is the subject of the reasonable accommodation request, and with the general purpose and intent in the applicable Zoning Use Regulations;
- (5) Whether the requested reasonable accommodation substantially affects the physical attributes of the property.

(b) Conditions of Approval. In granting a request for reasonable accommodation, the reviewing authority may impose any conditions of approval deemed reasonable and necessary to ensure that the reasonable accommodation would comply with the findings required in Subsection (a) of this section.

(Added by Ord. No. 10364 (N.S.), effective 1-2-15)

#### **SEC. 86.806. APPEAL OF DETERMINATION.**

A determination by the reviewing authority to grant, grant with modifications, or deny a request for reasonable accommodation may be appealed pursuant to Section 86.804 of this code.

(Added by Ord. No. 10364 (N.S.), effective 1-2-15)