



DATE: April 20, 2015

TO: Chairperson and Members of the Planning Commission

FROM: Development Services Department/Planning Division

SUBJECT: **CONSIDERATION OF ZONE AMENDMENT (ZA10-00005) AND LOCAL COASTAL PROGRAM AMENDMENT (LCPA 12-00003) INTRODUCING TO THE OCEANSIDE ZONING ORDINANCE ARTICLE 3043 – REASONABLE ACCOMMODATION – AND ESTABLISHING THE AMENDED TEXT AS PART OF THE IMPLEMENTING DOCUMENT OF THE LOCAL COASTAL PROGRAM APPLICANT: CITY OF OCEANSIDE**

RECOMMENDATION

Staff recommends that the Planning Commission by motion:

1. Confirm an exemption from the California Environmental Quality Act (CEQA) based on the general rule that CEQA applies only to projects which have the potential of causing a significant effect on the environment (CEQA Section 15061(b)(3)); and,
2. Adopt Planning Commission Resolution No 2015-P16 recommending approval of Zoning Amendment (ZA12-00005) and Local Coastal Plan Amendment (LCPA12-00003) with findings of approval attached herein.

PROJECT DESCRIPTION AND BACKGROUND

The federal Fair Housing Act prohibits discrimination in housing on the basis of race, color, religion, sex, national origin, familial status, and disability. One form of disability discrimination prohibited by the Fair Housing Act is the refusal to make reasonable accommodations in rules, policies, practices, or services when such accommodations are deemed necessary to afford a disabled person the equal opportunity to use and enjoy a dwelling unit. While the language of the Fair Housing Act emphasizes the legal obligation of housing providers (i.e., landlords and property managers) to make or allow reasonable physical modifications to dwelling units to provide individuals with disabilities an equal opportunity to access and enjoy these habitations, federal case law has also applied reasonable accommodation requirements to state and local governments, most often in the context of exclusionary zoning or other land use regulations.

The City's legal obligation to provide disabled individuals with relief from discriminatory land use, zoning, and building regulations and procedures is further established by California's Fair Employment and Housing Act, which states that every local jurisdiction must implement a program that "remove[s] constraints to, or provide[s] reasonable accommodation for housing designed for, intended for occupancy by, or with supportive services for, persons with disabilities" (Government Code § 65583(c)(3)).

The San Diego Regional Analysis of Impediments to Fair Housing, prepared by the San Diego Fair Housing Resources Board in 2010, notes that the City of Oceanside "has not yet established formal procedures for obtaining reasonable accommodation pursuant to ADA." This document establishes that Oceanside "will amend the Zoning Ordinance to adopt a written reasonable accommodation ordinance to provide exception in zoning and land use for housing for persons with disabilities," and that requests for reasonable accommodation will be reviewed ministerial and subject to "a minimal processing fee."

In an effort to comply with federal and state housing law, the Planning Division has drafted provisions for reasonable accommodation that establish a procedure for evaluating, on a case-by-case basis, whether land use and/or zoning standards should be modified or waived in order to allow disabled persons equal access to, and use of, their place of residence. Appended to this staff report as Attachment 2, these provisions would be incorporated into the City's 1992 Zoning Ordinance as well as the implementing document of the City's Local Coastal Program. Subsequently, as part of the City's current effort to reconcile its three separate zoning ordinances, these provisions would be incorporated into the zoning standards for the Downtown District.

Patterned after reasonable accommodations ordinances currently operative in other California cities, as well as a model ordinance made available by the California Department of Housing and Community Development (HCD), the proposed provisions have been crafted to achieve the following:

- Define reasonable accommodation in a manner consistent with state and federal law, emphasizing the right of disabled persons to equal opportunity to housing of their choice;
- Establish eligibility for reasonable accommodation, following state and federal statutes that generally define an individual with a disability as someone with a mental or physical impairment that limits one or more major life activities (e.g. caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working);
- Designate review authority and outline application and review procedures that allow for the expeditious processing of requests for reasonable accommodation;
- Provide an appeal process akin to that applicable to other permit and entitlement requests;

- Establish required findings that, among other things, ensure that proposed modifications do not adversely impact surrounding properties and land uses or impose undue financial or administrative burdens on the City; and
- Allow for the consideration of alternatives and the imposition of conditions of approval.

Appended to this staff report as Attachment 4 is a proposed application form for requests for reasonable accommodation. Staff recommends an application processing fee of \$300, commensurate with the estimated amount of staff time that would typically be devoted to the review and processing of such requests. Staff welcomes Planning Commission input on the readability and ease of use of this application form.

ANALYSIS

Under the proposed provisions, requests for reasonable accommodation could be filed by the disabled person, their representative, or the developer or housing provider who has made the dwelling unit available to the disabled person.

Unless associated with other improvements requiring discretionary approval, requests for reasonable accommodation would be reviewed by the City Planner or designee. Written determination would be provided within 45 days of application. City Planner decisions could be appealed to the Planning Commission, and Planning Commission decisions could subsequently be appealed to the City Council.

Requests for reasonable accommodation would be exempted from the City's variance process. Consequently, such requests would not be subject to required findings for issuance of a variance – one of which states that a variance can only be granted when "special circumstances or conditions applicable to the development site...deprive such property of privileges enjoyed by other property in the vicinity and under identical zoning classification." Known as a hardship finding, this stipulation could preclude physical modifications necessary to accommodate the needs of disabled persons. Through the reasonable accommodation process, however, modifications wholly unique to the vicinity or surrounding zoning district could be approved when deemed necessary to provide equal opportunity to use and enjoy a dwelling unit. Should a request for reasonable accommodation be inconsistent with neighborhood character or detrimental to adjacent properties, the City may consider alternatives that provide an equivalent benefit and/or impose conditions of approval to mitigate potentially adverse impacts.

To avoid violations of privacy, the City generally should not inquire as to the specific nature or severity of the disability. However, when the disability and the associated need for reasonable accommodation are not readily apparent, the City may request

documentation of the disability-related need for reasonable accommodation. Such documentation need only establish that a person has an ADA disability; the City cannot require documentation unrelated to determining the existence of a disability and the concomitant need for reasonable accommodation.

Appended to this staff report as Attachment 3 is a list of examples that illustrate situations where reasonable accommodation would be applied in the context of the City's land use and zoning standards. While these examples speak to the range of projects that might qualify for reasonable accommodation, the list is not exhaustive and therefore only meant to convey the general intent of fair housing laws and the case law interpreting state and federal statutes.

ENVIRONMENTAL DETERMINATION

The proposed zone text amendment is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3). The action under consideration is covered by the general rule that CEQA applies only to projects which have the potential of causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

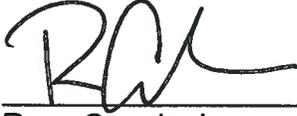
While it is anticipated that most requests for reasonable accommodation would be exempted from CEQA review, it is conceivable that some requests could have significant adverse impacts on the environment. In such cases, environmental review and documentation in accordance with CEQA would be required.

SUMMARY

Staff seeks Planning Commission support for the proposed zoning text amendments, in order to meet the City's affirmative duty to make reasonable accommodation in its land use and zoning regulations pursuant to the federal Fair Housing Amendments Act of 1988 and the California Fair Employment and Housing Act. Staff therefore recommends that the Planning Commission:

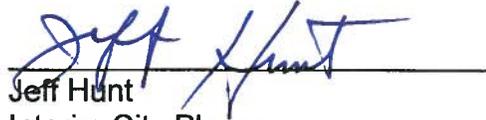
- Adopt Planning Commission Resolution No 2015-P16 recommending approval of Zoning Amendment (ZA12-00005) and Local Coastal Program Amendment (LCPA12-00003) to the City Council with findings of approval attached herein.

PREPARED BY:



Russ Cunningham
Senior Planner

SUBMITTED BY:



Jeff Hunt
Interim City Planner

JH/RC/fil

Attachments:

1. Planning Commission Resolution No. 2015-P16
2. Zoning Ordinance Legislative Draft (1992 Zoning Ordinance)
3. Zoning Ordinance Legislative Draft (1986 Zoning Ordinance)
4. Examples of Reasonable Accommodation
5. Draft Application Form
6. Other Attachments (Application Page, Notice of Exemption)

1 PLANNING COMMISSION
2 RESOLUTION NO. 2015-P16

3 A RESOLUTION OF THE PLANNING COMMISSION OF THE
4 CITY OF OCEANSIDE, CALIFORNIA RECOMMENDING
5 APPROVAL OF ZONE AMENDMENTS AND A LOCAL
6 COASTAL PROGRAM AMENDMENT TO INCORPORATE
7 PROVISIONS FOR REASONABLE ACCOMMODATION IN
8 ACCORDANCE WITH FEDERAL AND STATE FAIR
9 HOUSING LAWS

10 APPLICATION NO: ZA12-00005, LCPA12-00003
11 APPLICANT: City of Oceanside
12 LOCATION: Citywide

13 THE PLANNING COMMISSION OF THE CITY OF OCEANSIDE, CALIFORNIA DOES
14 RESOLVE AS FOLLOWS:

15 WHEREAS, adoption of reasonable accommodations policies and procedures will
16 provide flexibility in the application of zoning standards for individuals with a disability, when
17 such flexibility is necessary to eliminate barriers to housing; and

18 WHEREAS, the Fair Housing Act (42 U.S.C. §§ 3601 et seq.), the Fair Housing
19 Amendments of 1988, and the Fair Employment and Housing Act (California Government Code
20 §§ 12955 et seq.) impose an affirmative duty on local governments to make reasonable
21 accommodations in their land use and zoning rules, policies, practices, and procedures when
22 such accommodations are necessary to provide individuals with disabilities an equal opportunity
23 to use and enjoy a dwelling; and

24 WHEREAS, the City's 2013-2020 Housing Element directs the City to adopt an
25 ordinance that codifies procedures for handling requests for reasonable accommodations made
26 pursuant to federal and state fair housing laws; and

27 WHEREAS, there was filed with this Commission a verified petition on the forms
28 prescribed by the Commission requesting a Zone Amendment and Local Coastal Program
29 Amendment, under the provisions of Article 45 of the 1992 Zoning Ordinance of the City of
30 Oceanside, Article 20 of the 1986 Zoning Ordinance of the City of Oceanside, and Section 1250 of
31 the Redevelopment Zoning Ordinance of the City of Oceanside, to permit the following:

1 Zoning Ordinance text amendment as shown in the attached Exhibits "A" through "C";
2 WHEREAS, the Planning Commission, after giving the required notice, did on the 20th day
3 of April, 2015, conduct a duly advertised public hearing as prescribed by law to consider said
4 application; and

5 WHEREAS, pursuant to the California Environmental Quality Act (CEQA) of 1970, and
6 State Guidelines thereto, the zoning text amendment was found to be covered by the general rule
7 that CEQA does not apply where there is no possibility that the activity in question may have a
8 significant effect on the environment, per CEQA Section 15061(b)(3);

9 WHEREAS, studies and investigations made by this Commission and in its behalf reveal
10 the following facts:

11 For the Zone Amendment and Local Coastal Program Amendment:

- 12 1. The Zone Text Amendments, as proposed, conforms to the General Plan of the City, in that
13 it supports the development of a variety of housing opportunities, including housing that
14 meets the special needs of persons with disabilities.
- 15 2. That the granting of the Zoning Amendments is consistent with the purposes of the
16 Zoning Ordinance, in that reasonable accommodation is limited to modifications
17 necessary to accommodate people with disabilities, as defined in federal and state fair
18 housing laws, with approval contingent upon such modifications not resulting in
19 fundamental alteration of zoning standards.
- 20 3. Pursuant to Public Resources Code §30510(a), the Planning Commission hereby certifies
21 that the Local Coastal Program Amendment (LCPA12-00003) is intended to be carried out
22 in conformance with the Coastal Act of 1976.
- 23 4. Pursuant to Coastal Commission Local Coastal Program Regulations §13551(b), this
24 amendment shall take effect upon Coastal Commission approval.

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1 5. The Zone Amendment conforms to the Local Coastal Program, including the policies of
2 the plan.

3 NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby
4 recommend approval of Zone Amendment (ZA12-00005) and Local Coastal Program
5 Amendment (LCPA12-00003), and as represented in the attached Exhibits "A" through "C".

6 PASSED AND ADOPTED by Resolution No. 2015-P16 on April 20, 2015 by the
7 following vote, to wit:

8 AYES:

9 NAYS:

10 ABSENT:

11 ABSTAIN:

12 _____
13 Louise Balma, Vice Chair
14 Oceanside Planning Commission

15 ATTEST:

16 _____
17 Jeff Hunt, Secretary

18 I, JEFF HUNT, Secretary of the Oceanside Planning Commission, hereby certify that this is a
19 true and correct copy of Resolution No. 2015-P16.

20 Dated: April 20, 2015

1992 ZONING ORDINANCE

3043 Reasonable Accommodation

A. Specific Purposes

The specific purposes of the Reasonable Accommodation provisions outlined in this section are to:

1. Provide a procedure to request reasonable accommodation, through the application of zoning and land use regulations, policies and procedures, for disabled persons seeking an equal opportunity to use and enjoy a dwelling unit under the federal Fair Housing Act and the California Fair Employment and Housing Act.
2. Define "reasonable accommodation" as a modification or exception to the regulations, policies and procedures for the siting, development and use of housing or housing-related facilities that would eliminate or reduce regulatory barriers and thereby provide a disabled person with equal opportunity to housing of their choice.
3. Establish eligibility for reasonable accommodation for persons (1) with a physical or mental impairment that substantially limits one or more major life activities; (2) who are regarded as having such an impairment; and (3) who have a record of such an impairment.
4. Recognize "physical or mental impairment" as including, but not being limited to, such diseases and conditions as orthopedic, visual, speech and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, Human Immunodeficiency Virus infection, mental retardation, emotional illness, drug addiction (other than addiction caused by current, illegal use of a controlled substance) and alcoholism.
5. Stipulate that reasonable accommodations shall be granted to individual residents and shall not run with the land unless it is determined that (1) the modification is physically integrated into the dwelling unit(s) and cannot readily be removed or altered to comply with applicable codes; or (2) the accommodation will be utilized by another disabled person.

B. Applicability

1. A request for reasonable accommodation may be made by any individual with a disability, his or her representative, or a developer or provider of housing for individuals with disabilities, when the application of a land use or zoning provision, regulation or policy acts as a barrier to fair housing opportunities.

2. A request for reasonable accommodation may include a modification or exception to the rules, standards, 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.

3. Nothing in this ordinance shall require the City to waive or reduce application processing fees associated with a reasonable accommodation request.

C. Review Authority and Procedure

1. Requests for reasonable accommodation associated with administrative review of land use and/or development proposals shall be considered by the City Planner or designee. Modification or exception to applicable regulations, policies and procedures shall not, in and of itself, necessitate discretionary review and approval (e.g. Variance or Use Permit). Written determination from the City Planner on administrative requests shall be provided within 45 days of the submittal of a complete application.

2. Requests for reasonable accommodation associated with discretionary review of land use and/or development proposals shall be considered by the authority charged with such review under other provisions of this ordinance. Discretionary review of requests for reasonable accommodation shall only be required when such requests coincide with land use and/or development proposals subject to discretionary review. Procedures for discretionary review of requests for reasonable accommodation – including public notification, public hearings, appeals and time extensions – shall be those set forth in this ordinance for those entitlements concurrently under review.

3. Decisions regarding reasonable accommodation rendered by the City Planner or designee may be appealed to the Planning Commission by any interested party. Decisions regarding reasonable accommodation rendered by the Planning Commission may be appealed to the City Council by any interested party. Appeals of decisions regarding reasonable accommodation shall follow procedures established in Article 46 of this ordinance.

D. Findings and Decision

1. Findings. Written determination to grant or deny a request for reasonable accommodation shall be consistent with applicable federal and state law and based on consideration of the following:

a. The housing which is the subject of the request will be inhabited by the person(s) considered disabled in accordance with federal and state law.

- b. The requested accommodation is reasonable and necessary to make the housing available to the disabled person(s).
 - c. The requested accommodation would not be detrimental to public health, safety, and welfare.
 - d. The requested accommodation would not impose an undue financial or administrative burden on the City.
 - e. The requested reasonable accommodation would not require a fundamental alteration of a City program or law, including but not limited to land use and zoning regulations.
 - f. For projects within the City's coastal zone, there is no feasible alternative that provides greater consistency with the certified Local Coastal Program.
2. Alternatives. In evaluating the reasonableness of a requested accommodation, the review authority may consider whether there are reasonable alternatives that would provide an equivalent level of benefit to the disabled individual or group of individuals.
 3. Conditions. In granting a request for reasonable accommodation, the reviewing authority may impose conditions of approval to ensure that the above findings can be met. Conditions may include, but are not limited to, ensuring that any removable structures or physical design features constructed or installed in association with a reasonable accommodation be removed once they are not needed to provide access to the dwelling unit for current occupants.

E. Application Requirements

1. Requests for reasonable accommodation shall be submitted on an application form provided by the Planning Division. Applications for reasonable accommodation shall include the following information
 - a. The applicant's name, address and telephone number.
 - b. The street address and assessor's parcel number of the property for which the request is being made.
 - c. The current actual use of the subject property.
 - d. The basis for the claim that the individual or group of individuals is considered disabled under the federal Fair Housing Act and the California Fair Employment and Housing Act.

e. The zoning provision, regulation or policy from which reasonable accommodation is being requested.

f. Explanation of why of the requested reasonable accommodation is necessary to make the specific property accessible to the disabled individual.

g. Credible documentation shall be provided to allow the City to fully evaluate the factual basis of the request. Application materials shall be provided in a manner that allows the City to independently assess its merits.

F. Expiration. Any reasonable accommodation approved in accordance with the terms of this article shall expire within twenty four (24) months from the effective date of approval or at an alternative time specified as a condition of approval unless:

1. A building permit has been issued and construction has commenced;

2. A certificate of occupancy has been issued; or

3. A time extension has been granted.

G. Time Extension. The City Planner or other approving authority may approve a single one-year time extension for a reasonable accommodation. An application for a time extension shall be made in writing to the approving authority no less than thirty (30) days prior to the expiration date.

H. Revocation. Any reasonable accommodation approved in accordance with the terms of this article may be revoked if any of the conditions or terms of such reasonable accommodation are violated, or if any law or ordinance is violated in connection therewith.

1986 ZONING ORDINANCE

ARTICLE 41 REASONABLE ACCOMMODATION

A. Specific Purposes

The specific purposes of the Reasonable Accommodation provisions outlined in this section are to:

1. Provide a procedure to request reasonable accommodation, through the application of zoning and land use regulations, policies and procedures, for disabled persons seeking an equal opportunity to use and enjoy a dwelling unit under the federal Fair Housing Act and the California Fair Employment and Housing Act.
2. Define "reasonable accommodation" as a modification or exception to the regulations, policies and procedures for the siting, development and use of housing or housing-related facilities that would eliminate or reduce regulatory barriers and thereby provide a disabled person with equal opportunity to housing of their choice.
3. Establish eligibility for reasonable accommodation for persons (1) with a physical or mental impairment that substantially limits one or more major life activities; (2) who are regarded as having such an impairment; and (3) who have a record of such an impairment.
4. Recognize "physical or mental impairment" as including, but not being limited to, such diseases and conditions as orthopedic, visual, speech and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, Human Immunodeficiency Virus infection, mental retardation, emotional illness, drug addiction (other than addiction caused by current, illegal use of a controlled substance) and alcoholism.
5. Stipulate that reasonable accommodations shall be granted to individual residents and shall not run with the land unless it is determined that (1) the modification is physically integrated into the dwelling unit(s) and cannot readily be removed or altered to comply with applicable codes; or (2) the accommodation will be utilized by another disabled person.

B. Applicability

1. A request for reasonable accommodation may be made by any individual with a disability, his or her representative, or a developer or provider of housing for individuals with disabilities, when the application of a land use or zoning provision, regulation or policy acts as a barrier to fair housing opportunities.

2. A request for reasonable accommodation may include a modification or exception to the rules, standards, 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.

3. Nothing in this ordinance shall require the City to waive or reduce application processing fees associated with a reasonable accommodation request.

C. Review Authority and Procedure

1. Requests for reasonable accommodation associated with administrative review of land use and/or development proposals shall be considered by the City Planner or designee. Modification or exception to applicable regulations, policies and procedures shall not, in and of itself, necessitate discretionary review and approval (e.g. Variance or Use Permit). Written determination from the City Planner on administrative requests shall be provided within 45 days of the submittal of a complete application.

2. Requests for reasonable accommodation associated with discretionary review of land use and/or development proposals shall be considered by the authority charged with such review under other provisions of this ordinance. Discretionary review of requests for reasonable accommodation shall only be required when such requests coincide with land use and/or development proposals subject to discretionary review. Procedures for discretionary review of requests for reasonable accommodation – including public notification, public hearings, appeals and time extensions – shall be those set forth in this ordinance for those entitlements concurrently under review.

3. Decisions regarding reasonable accommodation rendered by the City Planner or designee may be appealed to the Planning Commission by any interested party. Decisions regarding reasonable accommodation rendered by the Planning Commission may be appealed to the City Council by any interested party. Appeals of decisions regarding reasonable accommodation shall follow procedures established in Article 46 of this ordinance.

D. Findings and Decision

1. Findings. Written determination to grant or deny a request for reasonable accommodation shall be consistent with applicable federal and state law and based on consideration of the following:

a. The housing which is the subject of the request will be inhabited by the person(s) considered disabled in accordance with federal and state law.

- b. The requested accommodation is reasonable and necessary to make the housing available to the disabled person(s).
 - c. The requested accommodation would not result in adverse impacts on surrounding properties and land uses.
 - d. The requested accommodation would not impose an undue financial or administrative burden on the City.
 - e. The requested reasonable accommodation would not require a fundamental alteration of a City program or law, including but not limited to land use and zoning regulations.
2. Alternatives. In evaluating the reasonableness of a requested accommodation, the review authority may consider whether there are reasonable alternatives that would provide an equivalent level of benefit to the disabled individual or group of individuals.
 3. Conditions. In granting a request for reasonable accommodation, the reviewing authority may impose conditions of approval to ensure that the above findings can be met. Conditions may include, but are not limited to, ensuring that any removable structures or physical design features constructed or installed in association with a reasonable accommodation be removed once they are not needed to provide access to the dwelling unit for current occupants.

E. Application Requirements

1. Requests for reasonable accommodation shall be submitted on an application form provided by the Planning Division. Applications for reasonable accommodation shall include the following information
 - a. The applicant's name, address and telephone number.
 - b. The street address and assessor's parcel number of the property for which the request is being made.
 - c. The current actual use of the subject property.
 - d. The basis for the claim that the individual or group of individuals is considered disabled under the federal Fair Housing Act and the California Fair Employment and Housing Act.
 - e. The zoning provision, regulation or policy from which reasonable accommodation is being requested.

f. Explanation of why of the requested reasonable accommodation is necessary to make the specific property accessible to the disabled individual.

g. Credible documentation shall be provided to allow the City to fully evaluate the factual basis of the request. Application materials shall be provided in a manner that allows the City to independently assess its merits.

F. Expiration. Any reasonable accommodation approved in accordance with the terms of this article shall expire within twenty four (24) months from the effective date of approval or at an alternative time specified as a condition of approval unless:

1. A building permit has been issued and construction has commenced;
2. A certificate of occupancy has been issued; or
3. A time extension has been granted.

G. Time Extension. The City Planner or other approving authority may approve a single one-year time extension for a reasonable accommodation. An application for a time extension shall be made in writing to the approving authority no less than thirty (30) days prior to the expiration date.

H. Revocation. Any reasonable accommodation approved in accordance with the terms of this article may be revoked if any of the conditions or terms of such reasonable accommodation are violated, or if any law or ordinance is violated in connection therewith.

Examples of Reasonable Accommodation

Example 1

A homeowner is no longer physically able to climb the stairs that lead to the primary entrance to her residence. Because the residence maintains minimal setback from the front property line, an ADA-compliant ramp to the primary entrance is infeasible. The homeowner seeks permission to install a lift device that would exceed the maximum height for structures within the required front yard setback area.

Example 2

A homeowner is no longer physically able to climb the stairs to access the second story of his residence, where all of the bedrooms are located. Due to the curving design of the stairs, a stair chair lift is infeasible. The homeowner seeks to convert his attached garage to a master bedroom. The size and orientation of the subject property do not allow for a replacement garage.

Example 3

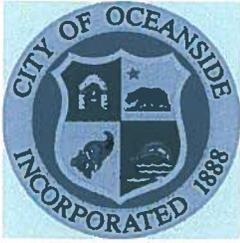
A family's adult son is disabled and cannot live independently. The family seeks to convert their garage to a second dwelling unit in order to provide the son with a measure of privacy. The size and orientation of the subject property do not allow for a replacement garage.

Example 4

A homeowner is not able to utilize one of the bathrooms in her residence, as it is too small to accommodate her wheelchair. Enlarging the bathroom within the confines of the existing residence would create other accessibility issues. The homeowner seeks to accommodate wheelchair access by expanding the bathroom into a required side yard setback area.

Example 5

A congregate care facility for physically disabled individuals is being operated out of a single-family residence located in a single-family neighborhood. Because many of the residents of the facility cannot walk from the facility to existing on-site parking and vehicle circulation areas, the state-licensed operator of the facility seeks to create a semi-circular driveway and passenger loading area within a portion of the front yard setback. The proposed improvements would reduce the plantable area within the front yard to less than the minimum required under zoning standards.



City of Oceanside, California
Development Services Department/Planning Division

300 North Coast Hwy
Oceanside, CA 92054
760.435.3520
www.ci.oceanside.ca.us

Application for Reasonable Accommodation

Reasonable accommodation refers to any modification of a zoning rule, policy, or practice that affords a disabled person* with an equal opportunity to use and enjoy a dwelling unit. In accordance with the Federal Fair Housing Act and the California Fair Employment and Housing Act, the City of Oceanside has established a process by which disabled residents may request reasonable accommodation from a zoning rule, policy, or practice. A request for reasonable accommodation can be made by completing and submitting this application form in person to the City of Oceanside Planning Division during regular business hours. Such requests are subject to approval by the City Planner, who must make specific findings prescribed by federal law.

Applicant:		Representative (If Applicable):	
Mailing Address:		Telephone:	Email:
Property Owner Authorization (If Dwelling Unit Is a Rental Property):			
Print Name:		Signature:	
Address of Dwelling Unit at which Accommodation Is Requested:			
Will the Dwelling Unit Be Occupied by a Disabled Person?			
<input type="checkbox"/> Yes <input type="checkbox"/> No			
Description of Requested Modification of a Zoning Rule, Policy, or Practice:			
<hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/>			
Reason the Requested Accommodation Is Necessary for the Disabled Individual to Use and Enjoy the Dwelling Unit:			
<hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/>			

*Federal law states that persons with disabilities are persons who: 1) have any physical or mental impairment that substantially limits one or more major life activities; 2) have a record of having the impairment; or 3) are regarded by others as having the impairment.

Reasonable Accommodation

City Planner Determination

Required Findings	Yes	No
a) The development will be used by a person with a disability.		
b) The modification requested is necessary to make specific housing available to a person with a disability and complies with all applicable development regulations to the maximum extent feasible.		
c) The requested accommodation would not be detrimental to public health, safety, and welfare.		
d) The modification requested will not impose an undue financial or administrative burden on the City.		
e) The modification requested will not create a fundamental alteration in the implementation of the City's zoning regulations.		
f) For development within the Coastal Zone, there is no feasible alternative that provides greater consistency with the City's certified Local Coastal Program.		

I, _____, have determined that the requested modification **meets** all of the required findings for reasonable accommodation. This administrative approval will become final on _____ unless appealed to the City's Planning Commission.

I, _____, have determined that the requested modification **does not meet** all of the required findings for reasonable accommodation. This administrative denial will become final on _____ unless appealed to the City's Planning Commission.

 City Planner
 City of Oceanside

Conditions of Approval
1.
2.
3.
4.

Project Number:			Date of Application:
Reviewing Disciplines:	Approved	Denied	STAMP
Building Division	<input type="checkbox"/>	<input type="checkbox"/>	
Engineering Division	<input type="checkbox"/>	<input type="checkbox"/>	
Fire Department	<input type="checkbox"/>	<input type="checkbox"/>	
Housing Division	<input type="checkbox"/>	<input type="checkbox"/>	



Application for Discretionary Permit

Development Services Department / Planning Division
(760) 435-3520
Oceanside Civic Center 300 North Coast Highway
Oceanside, California 92054-2885

STAFF USE ONLY

ACCEPTED

6-8-12

BY

RC

Please Print or Type All Information

HEARING

PART I - APPLICANT INFORMATION

1. APPLICANT

City of Oceanside

2. STATUS

GPA

MASTER/SP.PLAN

ZONE CH.

ZA12-00005

3. ADDRESS

300 N. Coast Hwy

4. PHONE/FAX/E-mail

760-435-3525

TENT. MAP

PAR. MAP

5. APPLICANT'S REPRESENTATIVE (or person to be contacted for information during processing)

Russ Cunningham, Senior Planner

DEV. PL.

C.U.P.

6. ADDRESS

7. PHONE/FAX/E-mail

VARIANCE

COASTAL

LCPA12-00003

O.H.P.A.C.

PART II - PROPERTY DESCRIPTION

8. LOCATION

Citywide

9. SIZE

n/a

10. GENERAL PLAN

n/a

11. ZONING

n/a

12. LAND USE

n/a

13. ASSESSOR'S PARCEL NUMBER

n/a

14. LATITUDE

n/a

15. LONGITUDE

n/a

PART III - PROJECT DESCRIPTION

16. GENERAL PROJECT DESCRIPTION

Introduction of an ordinance establishing procedures and standards for reasonable accommodation for disabled persons seeking equal access to housing under Federal law

17. PROPOSED GENERAL PLAN

n/a

18. PROPOSED ZONING

n/a

19. PROPOSED LAND USE

n/a

20. NO. UNITS

n/a

21. DENSITY

n/a

22. BUILDING SIZE

n/a

23. PARKING SPACES

n/a

24. % LANDSCAPE

n/a

25. % LOT COVERAGE or FAR

n/a

PART IV - ATTACHMENTS

Not applicable

26. DESCRIPTION/JUSTIFICATION

27. LEGAL DESCRIPTION

28. TITLE REPORT

29. NOTIFICATION MAP & LABELS

30. ENVIRONMENTAL INFO FORM

31. PLOT PLANS

32. FLOOR PLANS AND ELEVATIONS

33. CERTIFICATION OF POSTING

34. OTHER (See attachment for required reports)

PART V - SIGNATURES

SIGNATURES FROM ALL OWNERS OF THE SUBJECT PROPERTY ARE NECESSARY BEFORE THE APPLICATION CAN BE ACCEPTED. IN THE CASE OF PARTNERSHIPS OR CORPORATIONS, THE GENERAL PARTNER OR CORPORATION OFFICER SO AUTHORIZED MAY SIGN. (ATTACH ADDITIONAL PAGES AS NECESSARY).

35. APPLICANT OR REPRESENTATIVE (Print):

Russ Cunningham

36. DATE

6/8/12

37. OWNER (Print)

n/a

38. DATE

Sign:

[Signature]

Sign:

I DECLARE UNDER PENALTY OF PERJURY THAT THE ABOVE INFORMATION IS TRUE AND CORRECT. FURTHER, I UNDERSTANDING THAT SUBMITTING FALSE STATEMENTS OR INFORMATION IN THIS APPLICATION MAY CONSTITUTE FRAUD, PUNISHABLE IN CIVIL AND CRIMINAL PROCEEDINGS.
I HAVE READ AND AGREE TO ABIDE BY THE CITY OF OCEANSIDE DEVELOPMENT SERVICES DEPARTMENT AND ECONOMIC AND COMMUNITY DEVELOPMENT DEPARTMENT POLICY NO. 2011-01/POLICY AND PROCEDURE FOR DEVELOPMENT DEPOSIT ACCOUNT ADMINISTRATION.



NOTICE OF EXEMPTION

City of Oceanside, California

Post Date:
Removal:
(180 days)

1. **APPLICANT:** City of Oceanside
2. **ADDRESS:** 300 N. Coast Highway, Oceanside, CA 92054
3. **PHONE NUMBER:** (760) 435-3525
4. **LEAD AGENCY:** City of Oceanside
5. **PROJECT MGR.:** Russ Cunningham, Senior Planner
6. **PROJECT TITLE:** Zone Amendment (ZA12-00005) and Local Coastal Program Amendment (LCPA12-00003) to incorporate provisions for reasonable accommodation into the 1992 Zoning Ordinance and the implementing document of the City's Local Coastal Program (i.e., the 1986 Zoning Ordinance).
7. **DESCRIPTION:** The proposed zoning text amendments would add Section 3043 "Reasonable Accommodation" to the 1992 Zoning Ordinance and Article 41 "Reasonable Accommodation" to the 1986 Zoning Ordinance. The proposed action is meant to allow for modifications or exceptions to land use and zoning rules, policies, and practices when necessary to provide individuals with disabilities with an equal opportunity to use and enjoy a dwelling unit. Application of the proposed zoning text amendments to properties within the City's Coastal Zone requires amendment of the City's Local Coastal Program.

ADMINISTRATIVE DETERMINATION: Planning Division staff has completed a preliminary review of this project in accordance with the City of Oceanside's Environmental Review Guidelines and the California Environmental Quality Act (CEQA), 1970. Based on that review, the Planning Division finds that the proposed project involves regulatory changes necessary to conform to state law and would not, in and of itself, occasion land development or any other material change to the environment. Projects seeking to implement the amended provisions would be subject to separate CEQA review. Therefore, the Planning Division has determined that further environmental evaluation is not required because:

- "The activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA" (Section 15061(b)(3)); or,
- The project is statutorily exempt, Section_____, <name> (Sections 15260-15277); or,
- The project is categorically exempt, Class 8, "Action by Regulatory Agencies for Protection of the Environment" per Section 15308 of the California Environmental Quality Act; or,
- The project does not constitute a "project" as defined by CEQA (Section 15378).

Russ Cunningham, Senior Planner

Date: April 20, 2015

cc: Project file Counter file Library

Posting: County Clerk \$50.00 Admin. Fee