

ORDINANCE NO. 420

AN ORDINANCE OF THE CITY OF MOORPARK, CALIFORNIA, APPROVING ZONING ORDINANCE AMENDMENT NO. 2012-02 TO AMEND CHAPTERS 17.08 (DEFINITIONS), 17.20 (USES BY ZONE), AND 17.32 (OFF-STREET PARKING REQUIREMENTS), AND TO ADD SUBDIVISION "I" (FARM WORKER DWELLINGS) TO SECTION 17.28.020 (STANDARDS RELATING TO DWELLINGS) AND SUBDIVISION "G" (REQUESTS FOR REASONABLE ACCOMMODATIONS) TO SECTION 17.44.040 (DISCRETIONARY PERMITS AND EXCEPTIONS) OF THE MOORPARK MUNICIPAL CODE TO ADDRESS FARM WORKER HOUSING, RESIDENTIAL PARKING REQUIREMENTS, AND REASONABLE ACCOMMODATION PROCEDURES, AND MAKE A DETERMINATION OF EXEMPTION UNDER CEQA IN CONNECTION THEREWITH

WHEREAS, at its meeting of September 19, 2012, the City Council adopted Resolution No. 2012-2139 directing the Planning Commission to consider a zoning ordinance amendment that would address farm worker housing, residential parking requirements and reasonable accommodation procedures, to ensure compliance with the adopted Housing Element, and ensure consistency with State law, the City's General Plan, and other provisions of the City's Zoning Ordinance; and

WHEREAS, at a duly noticed public hearing on August 27, 2013, the Planning Commission considered Zoning Ordinance Amendment No. 2012-02, to amend Chapters 17.08 (Definitions), 17.20 (Uses by Zone), and 17.32 (Off-Street Parking Requirements), and to add Subdivision "I" (Farm Worker Dwellings) to Section 17.28.020 (Standards relating to Dwellings) and Subdivision "G" (Requests for Reasonable Accommodations) to Section 17.44.040 (Discretionary Permits and Exceptions) of the Moorpark Municipal Code to address farm worker housing, residential parking requirements, and reasonable accommodation procedures; and considered the agenda report and any supplements thereto and written public comments; opened the public hearing and took and considered public testimony both for and against the proposal; closed the hearing and the Planning Commission adopted Resolution No. PC-2013-588 recommending approval to the City Council of Zoning Ordinance Amendment No. 2012-02; and

WHEREAS, at a duly noticed public hearing on September 4, 2013, the City Council considered Zoning Ordinance Amendment No. 2012-02, to amend Chapters 17.08 (Definitions), 17.20 (Uses by Zone), and 17.32 (Off-Street Parking Requirements), and to add Subdivision "I" (Farm Worker Dwellings) to Section 17.28.020 (Standards relating to Dwellings) and Subdivision "G" (Requests for Reasonable Accommodations) to Section 17.44.040 (Discretionary Permits and Exceptions) of the Moorpark Municipal Code to address farm worker housing, residential parking requirements, and reasonable accommodation procedures; and considered the agenda report and any supplements thereto and written public

comments; opened the public hearing and took and considered public testimony both for and against the proposal; closed the public hearing, and reached a decision on this matter; and

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

SECTION 1. ENVIRONMENTAL DETERMINATION: the City Council concurs with the Community Development Director's determination that this project is exempt from the provisions of the California Environmental Quality Act by the general rule that CEQA only applies to "projects" that may have a significant effect on the environment. The proposed ordinance would amend the Municipal Code provisions related to farm worker dwellings, parking requirements, and reasonable accommodations. The changes to the provisions related to farm worker dwellings and reasonable accommodations merely conform the Municipal Code to what already would be required by State law. As such, there is no possibility that the changes may result in a significant environmental impact. The change to the parking requirements reduces the required parking for one-bedroom units from two spaces per unit to 1.75 spaces per unit. This regulatory change reduces the minimum required parking for future developments of multi-family buildings with one-bedroom dwelling units, but such future dwelling units would be subject to discretionary permits. The City retains the authority to require additional parking if the particular development at issue would have a significant impact on the environment. In this case, it can be seen with certainty that there is no possibility that the proposed Ordinance may have a significant impact on the environment.

SECTION 2. GENERAL PLAN AND SPECIFIC PLAN CONSISTENCY: The City Council finds Zoning Ordinance Amendment No. 2012-02 to be consistent with the City of Moorpark General Plan and all adopted Specific Plans.

SECTION 3. Zoning Ordinance Amendment No. 2012-02 amends Chapters 17.08 (Definitions), 17.20 (Uses by Zone), and 17.32 (Off-Street Parking Requirements), and to add Subdivision "I" (Farm Worker Dwellings) to Section 17.28.020 (Standards relating to Dwellings) and Subdivision "G" (Requests for Reasonable Accommodations) to Section 17.44.040 (Discretionary Permits and Exceptions) of the Moorpark Municipal Code to address farm worker housing, residential parking requirements, and reasonable accommodation procedures; as shown as Exhibits A, B, C, D and E attached.

SECTION 4. If any section, subsection, sentence, clause, phrase, part or portion of this Ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, part or portion thereof, irrespective of the fact that any one or more section, subsections, sentences, clauses, phrases, parts or portions be declared invalid or unconstitutional.

SECTION 5. This Ordinance shall become effective thirty (30) days after its passage and adoption.

SECTION 6. The City Clerk shall certify to the passage and adoption of this ordinance; shall enter the same in the book of original ordinances of said City; shall make a minute of the passage and adoption thereof in the records of the proceedings of the City Council at which the same is passed and adopted; and shall publish notice of adoption in the manner required by law.

PASSED AND ADOPTED this 11th day of September, 2013.

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Janice S. Parvin, Mayor

ATTEST:

\_\_\_\_\_  
Maureen Benson, City Clerk

Exhibit A - Section 17.08.010 Application of definitions  
Exhibit B - Table 17.20.050 et seq. in legislative format  
Exhibit C - Section 17.28.020.I Farm Worker Dwellings  
Exhibit D - Table 17.32.020.B Required Parking  
Exhibit E - Section 17.44.040.G Requests for Reasonable Accommodations

## EXHIBIT A

### AMENDMENTS TO SECTION 17.08.010 APPLICATION OF DEFINITIONS OF CHAPTER 17.08 DEFINITIONS OF TITLE 17 ZONING OF THE MOORPARK MUNICIPAL CODE

Add the following definitions of “Disability”, “Disabled Person” or “Individual with a Disability”, “Fair Housing Laws”, “Major Life Activity”, “Physical or Mental Impairment” and “Reasonable Accommodation”, as follows, with all other definitions to remain unchanged:

#### 17.08.010 Application of definitions.

“Disability” means the same as that term is defined in the Fair Housing Laws.

“Disabled Person” or “Individual with a Disability” means 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, as those terms are defined in the Fair Housing Laws. This term does not include impairments, disorders or conditions resulting from the current, illegal use of, or addiction to, a controlled substance, sexual behavior disorders, compulsive gambling, kleptomania, or pyromania.

“Fair Housing Laws” means the “Fair Housing Act” (42 U.S.C § 3601 et seq.), the “Americans with Disabilities Act” (42 U.S.C. § 12101 et seq.), and the “California Fair Employment and Housing Act” (California Government Code § 12900 et seq.), as these statutes now exist or may be amended from time to time, and the implementing regulations for each of these statutes.

“Major Life Activity” means any physical, mental, or social activity, such as the operation of major bodily functions, seeing, hearing, eating, sleeping, walking, standing, sitting, reaching, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, interacting with others, and working.

“Physical or Mental Impairment” means any physiological disorder or condition and any mental or psychological disorder, including, but not limited to, orthopedic, visual, speech and hearing impairments, cosmetic disfigurement, anatomical loss, cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, intellectual disabilities (formerly termed “mental retardation”), emotional or mental illness, learning disabilities, HIV disease (whether symptomatic or asymptomatic), tuberculosis, and alcoholism and drug addiction (but not including current use of illegal drugs). A temporary condition, such as a broken leg, pregnancy, use of crutches, etc. does not qualify as a Physical or Mental Impairment.

“Reasonable Accommodation” means a modification or exception to the standards, regulations, policies and procedures contained in Title 17 of this code for the siting, development and use of housing or housing-related facilities, that is necessary to provide an individual with a disability the equal opportunity to use and enjoy a dwelling.

**EXHIBIT B**

**AMENDMENTS TO SECTION 17.20.050 PERMITTED USES IN OPEN SPACE,  
AGRICULTURAL, RESIDENTIAL, AND SPECIAL PURPOSE ZONES  
OF CHAPTER 17.20 USES BY ZONE OF TITLE 17 ZONING  
OF THE MOORPARK MUNICIPAL CODE**

**Table 17.20.050**

**PERMITTED USES IN OPEN SPACE, AGRICULTURAL,  
RESIDENTIAL, AND SPECIAL PURPOSE ZONES**

**17.20.050 Permitted uses in open space, agricultural, residential and special purpose zones.**

Permitted uses in open space, agricultural, residential and special purpose zones are set forth in Table 17.20.050 below and in the conditions of approval of any applicable residential planned development permits. In addition to the entitlements required by Table 17.20.050, a planned development permit is required for all residential development of five (5) or more units. All uses, as applicable, shall comply with Moorpark Municipal Code Title 5, Business Taxes, Licenses and Regulations.

**Table 17.20.050**

**PERMITTED USES IN OPEN SPACE, AGRICULTURAL,  
RESIDENTIAL, AND SPECIAL PURPOSE ZONES**

[Blank] = Not permitted

AP = Administrative Permit

CUP = Conditional Use Permit

NZC = No Zoning Clearance required

TUP = Temporary Use Permit

ZC = Permitted by Zoning Clearance

Zones	O-S	A-E	R-A	R-E	R-O	R-1	R-2	RPD	TPD
A. Agricultural Uses (minimum lot size of 5 acres required)									
1. Animal Husbandry as a primary use in accordance with Chapter 17.28									
a. Without Structures	ZC	ZC	ZC	ZC					
b. With structures of total gross floor areas per lot:									
- Less than 1,000 sq. ft.	ZC	ZC	ZC	ZC					
- 1,001—20,000 sq. ft.	AP	ZC	AP						
- 20,001—100,000 sq. ft.	CUP	AP							
- >100,000 sq. ft.	CUP								
2. Animal hospitals, for large animals	CUP	CUP	CUP						
3. Apiculture in accordance with Chapter 17.28	ZC	ZC	AP						
4. Crop production where no structures are involved	ZC	ZC	ZC	ZC					
5. Greenhouses, hothouses and the like. Minimum property line setbacks shall be 20 feet. With a total gross floor area per lot:									
- Less than 1,000 sq. ft.	ZC	ZC	ZC	ZC					
- 1,001—20,000 sq. ft.	AP	AP	AP	AP					
- > 20,000 sq. ft.	CUP	CUP							
6. Kennels and catteries (domestic) see Chapter 17.28	CUP	CUP	CUP	CUP					

Zones	O-S	A-E	R-A	R-E	R-O	R-1	R-2	RPD	TPD
7. Wholesale nurseries, tree farms and ornamental plant farms including container plants. Retail sales shall be limited to the requirements of Chapter 17.28	AP	AP	AP	AP					
8. Wildlife sanctuaries	CUP	CUP							
<b>B. Residential Uses</b>									
1. Boardinghouses and bed and breakfast inns		CUP							
2. Family day care homes and home schooling and transitional and supportive housing									
a. Small family day care homes serving up to eight (8) children within a single-family residence when found consistent with Section 1597.44 of the Health and Safety Code	NZC								
b. Large family day care homes serving up to fourteen (14) children within a single-family residence when found consistent with Section 1597.465 of the Health and Safety Code	ZC								

Zones	O-S	A-E	R-A	R-E	R-O	R-1	R-2	RPD	TPD
c. Home schooling, including home teaching, home independent study, and individual instruction as defined by the Education Code, only involving provision of such services to residents of the property	NZC	NZC							
d. Transitional and supportive housing when conducted in an existing housing unit (*subject to same zoning requirements and procedures as other residential uses of the same type in the same zoning district)	NZC *								
3. Dwellings, single-family									
a. Standard construction, including manufactured housing consistent with Chapter 17.28 (for five [5] or more homes constructed in the R-A, R-O, R-E, and R-1 zones a planned development permit is required)	AP	AP							
b. Less than five (5) affordable or senior housing units when in compliance with Chapter 17.64						AP	AP	AP	

Zones	O-S	A-E	R-A	R-E	R-O	R-1	R-2	RPD	TPD
c. Second dwelling units when in compliance with Chapter 17.28		ZC	ZC	ZC	ZC	ZC		ZC	
4. Dwellings, two-family or two single-family dwellings on one (1) lot									
a. Less than five (5) dwelling units							AP	AP	
b. Less than five (5) affordable or senior housing units when in compliance with Chapter 17.64							AP	AP	
5. Dwellings, multiple-family									
a. Less than five (5) dwelling units								AP	
b. Less than five (5) affordable or senior housing units when in compliance with Chapter 17.64								AP	
6. Mobilehome parks in compliance with the applicable standards of the zone in which it is located. It shall include recreation facilities with minimum distance between structures of ten (10) feet and minimum distances between accessory structures of six (6) feet			CUP						

Zones	O-S	A-E	R-A	R-E	R-O	R-1	R-2	RPD	TPD
7. Model homes, temporary office for the sale of homes or lots in a subdivision that are a part of an approved tentative map and when there is a model complex plan/temporary office plan approved by the community development director		AP							
C. Public and Quasi-Public Uses									
1. Places of religious assembly, with or without schools and/or social services, including emergency shelters			CUP	CUP	CUP	CUP	CUP	CUP	
2. Clubhouses with or without alcoholic beverage sales			CUP	CUP		CUP	CUP	CUP	
3. Colleges and universities				CUP					
4. Energy production from renewable resources	CUP	CUP	CUP						
5. Governmental uses including, but not limited to, city offices, community rooms, fire stations, human service centers, libraries, police stations, public utility facilities	CUP		CUP	CUP	CUP	CUP	CUP	CUP	

<b>Zones</b>	<b>O-S</b>	<b>A-E</b>	<b>R-A</b>	<b>R-E</b>	<b>R-O</b>	<b>R-1</b>	<b>R-2</b>	<b>RPD</b>	<b>TPD</b>
6. Utility structures (electrical boxes, transformers and valve apparatus that have no covered floor area and are attached to the ground by poles, columns or pedestals shall not require a zoning clearance)	AP								
7. Wireless communications facilities in accordance with the requirements of Chapter 17.42									
a. Major wireless communications facilities	CUP								
b. Minor wireless communications facilities	AP								
c. Collocation wireless communications facilities (consistent with definition of "collocation facility" in Section 17.42.020)	ZC								
D. Accessory and Miscellaneous Uses									
1. Animal keeping as an accessory use when the primary use is residential in accordance with the requirements of Chapter 17.28									
a. Apiculture (*minimum lot size: five [5] acres)	ZC	ZC	AP						

<b>Zones</b>	<b>O-S</b>	<b>A-E</b>	<b>R-A</b>	<b>R-E</b>	<b>R-O</b>	<b>R-1</b>	<b>R-2</b>	<b>RPD</b>	<b>TPD</b>
b. Aviaries (*minimum lot size: five [5] acres)	AP	AP	AP	AP					
c. Farm animals including horses and ponies subject to the requirements of Chapter 17.28	NZC	NZC	NZC	NZC	NZC			NZC	
d. Pet animals are allowed in all zones subject to the requirements of Chapter 17.28	NZC								
e. Wild animals subject to the requirements of Chapter 6.24	AP	AP	AP						
2. Accessory structures									
a. Balcony, deck, patio covers, room additions, or storage sheds	ZC								
b. Fences and walls less than six (6) feet and retaining walls less than three (3) feet in height, paving and decks when constructed lower than thirty (30) inches above the immediate surrounding natural grade	NZC								

<b>Zones</b>	<b>O-S</b>	<b>A-E</b>	<b>R-A</b>	<b>R-E</b>	<b>R-O</b>	<b>R-1</b>	<b>R-2</b>	<b>RPD</b>	<b>TPD</b>
c. Fences and walls greater than six (6) feet and retaining walls greater than three (3) feet in height, paving and decks when constructed higher than thirty (30) inches above the immediate surrounding natural grade	ZC								
d. Swimming, wading, ornamental pools, or spas where a building permit is required	ZC								
e. Swimming, wading, ornamental pools, or spas where a building permit is not required	NZC								
3. Antenna or flag pole, ground mounted, non-commercial									
a. <35 feet high	AP								
b. >35 feet high	CUP								
4. Dwelling, caretaker	AP								
5. Dwellings, farm labor in accordance with the requirements of Chapter 17.28	ZC	ZC	ZC	ZC					
6. Home occupation when conducted in an existing single-family home and consistent with the requirements of Chapter 17.28	NZC								

<b>Zones</b>	<b>O-S</b>	<b>A-E</b>	<b>R-A</b>	<b>R-E</b>	<b>R-O</b>	<b>R-1</b>	<b>R-2</b>	<b>RPD</b>	<b>TPD</b>
7. Maintenance and minor repair to buildings involving structural alterations	ZC								
8. Motion picture and television production and related activities and structures (activities of a maximum of forty-two [42] days in any one hundred eighty [180] day period are considered temporary and shall comply with the requirements of Chapter 17.28 and Title 5 of the Moorpark Municipal Code	TUP								
9. Mobilehomes or recreation vehicle as temporary dwelling on the site of an active building permit during construction	TUP								
10. Produce stands in compliance with the requirements of Chapter 17.28	ZC	ZC	ZC	ZC					

Zones	O-S	A-E	R-A	R-E	R-O	R-1	R-2	RPD	TPD
11. Recreational facilities, non-profit or for profit, including, but not limited to, athletic fields, bicycle and skate parks, community centers, golf courses, gymnasiums, retreats, riding stables. Bicycle and skate parks shall be in compliance with Chapter 17.28 (Public park and recreation facilities are permitted in all zones and do not require a CUP or a ZC)	CUP		CUP	CUP	CUP	CUP	CUP	CUP	
12. Storage of building materials in accordance with the requirements of Chapter 17.28	ZC								
13. Storage, open, consistent with Chapter 17.28	NZC								
14. Soil testing for wells, foundations, septic systems and similar construction	NZC								

Zones	O-S	A-E	R-A	R-E	R-O	R-1	R-2	RPD	TPD
<p>15. Temporary uses including, but not limited to, carnivals, Christmas tree sales, circuses, festivals, sidewalk sales, special events, outdoor sales, when in compliance with Chapter 17.44. Issuance of a temporary use permit shall take the place of a zoning clearance. Temporary uses lasting more than one hundred eighty (180) days require an AP.</p>	TUP								

**EXHIBIT C**

**ADDING SUBDIVISION (I) REGARDING FARM WORKER DWELLINGS TO SECTION  
17.28.020 STANDARDS RELATING TO DWELLINGS OF CHAPTER 17.28  
STANDARDS FOR SPECIFIC USES OF TITLE 17 ZONING OF THE MOORPARK  
MUNICIPAL CODE**

**17.28.020 Standards relating to dwellings.**

**I. Farm worker dwellings.**

1. Standards and Requirements. A farm worker dwelling, as defined in Section 17.08.010 of this code, shall be allowed in accordance with the provisions of Chapter 17.20 of this code, and in compliance with all of the following standards and requirements:

a. Minimum lot size. Property must meet minimum lot size of five (5) acres as required for agricultural uses.

b. Permitted Size. Farm worker dwellings, may consist of no more than thirty-six beds in a group sleeping quarters, or twelve units or spaces designed for use by a single family or household.

c. Off-street Parking. One off-street, covered parking space must be provided for each single family unit and one parking space must be provided for each three beds in the group sleeping quarters. The parking must have approved access and paving in accordance with Chapter 17.32 of this code.

d. Lighting. Lighting shall comply with Chapter 17.30 of this code.

e. HCD Permit. A permit from the State Department of Housing and Community Development (HCD) shall be obtained, as required by the Employee Housing Act and all applicable regulations.

f. Occupancy Review. The property owner must complete and submit to the director of community development a farm worker dwelling verification letter no later than 30 days after receiving a permit to operate from HCD, and annually thereafter, to ensure compliance with state and local regulations on farm worker housing. The verification letter must include information regarding the housing type, number of dwelling units or beds, number of occupants, occupants' employment information, and proof that a permit to operate from HCD has been obtained and maintained.

g. Farm Worker Occupancy. The property must be occupied by farm workers and their families. A declaration of this restriction in a form approved by the city will be recorded by the city and be binding on all future owners. Beginning one year after the issuance of the building permit and annually thereafter, the owner must file an annual report to the department listing the occupants of the farm worker dwelling and their place of work in order to ensure compliance with this requirement.

h. General Development Requirements. Construction of farm worker dwellings shall comply with development requirements of the underlying zone.

i. Maintenance. Facilities shall be maintained in a neat, safe, and orderly manner.

**EXHIBIT D**

**AMENDMENTS TO SECTION 17.32.020 REQUIRED PARKING  
OF CHAPTER 17.32 OFF-STREET PARKING REQUIREMENTS OF TITLE 17  
ZONING OF THE MOORPARK MUNICIPAL CODE**

**17.32.020 Required parking.**

Off-street parking spaces for new uses and for expansion of existing uses shall be provided in the quantities specified below. A fraction of a space greater than one-half (1/2) will be counted as a whole space. Parking requirements for new uses and for expansion of existing uses fronting on High Street between Moorpark Avenue and Spring Road and Walnut Street between High Street and Charles Street are calculated under the provisions of Section 17.32.025.

<b>Use</b>	<b>Minimum Parking Required Based on Gross Floor Area of Building (Unless Otherwise Stated)</b>
B. Residential: Handicap parking must be provided where required by the California Accessibility Code.	
1. Boarding houses and bed and breakfast inns	2 spaces in a garage plus 1 space per rented room
2. Care facilities for up to 12 persons	2 spaces in a garage
3. Dwellings, single-family	2 spaces in a garage for dwellings ≤ 2,800 sq. ft. 3 spaces in a garage for dwellings > 2,800 sq. ft.
4. Dwellings, two-family or two single-family dwellings on one lot (not second dwellings per Section 17.28.020(G))	2 spaces in a garage for each dwelling ≤ 2,800 sq. ft. 3 spaces in a garage for each dwelling > 2,800 sq. ft.
5. Dwellings, multiple (> 2 units)	1 space per unit covered in a garage or carport for each bachelor or studio unit 1.75 spaces per unit, 1 covered in a garage or carport for each one-bedroom unit (including guest parking)  2 spaces per unit, 1 covered in a garage for each unit with 2 or more bedrooms plus for all units (except one-bedroom units) 0.5 spaces per unit for visitors
6. Mobile home parks	2 tandem spaces covered in a garage or carport plus 1 space for each 4 mobile homes for visitors

7. Model homes, temporary office for sale of homes or lots in subdivision where a model complex plan/temporary office complex plan	8 spaces minimum. The director may increase the standard depending upon the number of models.
8. Second dwelling units	See Section 17.28.020(G)
9. Senior housing (attached or detached) restricted to residents 55 years old and older	0.5 spaces per unit (0.25 spaces shall be in a garage or carport)

## EXHIBIT E

### ADDING SUBDIVISION "G" REGARDING REASONABLE ACCOMMODATIONS TO SECTION 17.44.040 DISCRETIONARY PERMITS AND EXCEPTIONS OF CHAPTER 17.44 APPLICATION REVIEW PROCEDURES OF TITLE 17 ZONING OF THE MOORPARK MUNICIPAL CODE

#### 17.44.040 Discretionary permits and exceptions.

##### G. Requests for Reasonable Accommodations.

1. This section establishes a process for the request and consideration of a reasonable accommodation in the application of the city's land use, zoning, and building standards, regulations, policies, and procedures to allow disabled persons an equal opportunity to use and enjoy housing.

2. Any individual with a disability, his or her representative, or a developer or provider of housing for disabled persons may seek relief from any land use, zoning or building standard, regulation, policy or procedure found in Title 17, Zoning, to ensure equal access to housing by requesting a reasonable accommodation. Requests for a reasonable accommodation must be submitted on an application form provided by the department, and must contain the following information:

- a. The name, address and telephone number of the applicant;
- b. The name, address and telephone number of the individual with a disability for whom the reasonable accommodation is being requested;
- c. The name, address, and telephone number of the owner of the property for which the reasonable accommodation request is being made, where different from the applicant;
- d. The address and current use of the property for which the reasonable accommodation is being made;
- e. If the applicant is someone other than the property owner, a letter of agency or authorization signed by the property owner consenting to the application being made;
- f. The basis for the claim that the individual to be reasonably accommodated is disabled under the fair housing laws;
- g. A description of the reasonable accommodation requested and the land use, zoning or building standard, regulation, policy or procedure to be modified or waived;
- h. A statement of the reason why the requested accommodation is necessary for the disabled person to use and enjoy the dwelling.

3. If the project for which the request for a reasonable accommodation is made requires another discretionary permit or approval, then the applicant may file the request for reasonable accommodation together with the application for the other discretionary permit or approval. The processing procedures of the discretionary permit will govern the joint processing of both the reasonable accommodation and the discretionary permit. If the project for which the request for a reasonable accommodation is made requires a discretionary permit or approval, then the

application for a reasonable accommodation will be heard at the same time as the other discretionary permit or approval.

4. If an individual needs assistance in making a request for a reasonable accommodation, the city will provide assistance to ensure that the process is accessible.

5. A request for a reasonable accommodation may be filed at any time that the accommodation may be necessary to ensure equal access to housing. A reasonable accommodation does not affect or negate an individual's obligation to comply with other applicable regulations not at issue in the requested accommodation.

6. The community development director shall be the decision-maker for a reasonable accommodation that is not made in conjunction with a discretionary approval that would require planning commission review. The community development director may refer the processing of the reasonable accommodation to the planning commission for review if the request is submitted in conjunction with a request for a separate discretionary approval.

7. The reviewing authority shall approve, with or without conditions, the request for a reasonable accommodation if it finds, based upon all of the evidence presented, that all of the following findings can be made:

a. The requested accommodation is requested by or on the behalf of one or more disabled persons protected under the fair housing laws who will occupy the dwelling.

b. The requested accommodation is necessary to provide one or more disabled persons an equal opportunity to use and enjoy a dwelling.

c. The requested accommodation will not impose an undue financial or administrative burden on the city as "undue financial or administrative burden" is defined in the fair housing laws.

d. The requested accommodation will not result in a fundamental alteration in the nature of the city's zoning code, as "fundamental alteration" is defined in the fair housing laws. In considering whether the accommodation would require such a fundamental alteration, the reviewing authority may consider, among other factors:

i. Whether the requested accommodation would fundamentally alter the character of the neighborhood;

ii. Whether the requested accommodation would result in a substantial increase in traffic or insufficient parking;

iii. Whether the requested accommodation would substantially undermine any express purpose of either the City's General Plan or an applicable specific plan; and

iv. Whether the requested accommodation would create an institutionalized environment due to the number of, and distance between, facilities that are similar in nature or operation.

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

8. Conditions of Approval. In granting a request for a reasonable accommodation, conditions of approval may be imposed as deemed reasonable and necessary to ensure that the reasonable accommodation would comply with the required findings. The reviewing authority shall issue a written determination to approve, conditionally approve, or deny a request for a reasonable accommodation. The reviewing authority may approve an alternative reasonable accommodation that provides an opportunity to use and enjoy a dwelling equivalent to that which would be provided by the accommodation specifically requested where such alternative accommodation would reduce impacts to neighboring properties or the surrounding area. The director shall mail written notice of the determination to the applicant and as part of such notice shall advise the applicant of the right to appeal the determination. The written determination must explain in detail the basis of the decision. The written decision of the reviewing authority shall be final, unless appealed.

9. Any reasonable accommodation approved shall expire one hundred eighty (180) days after issuance, unless otherwise indicated by the community development director or unless the use of land or structures or building construction has commenced and is being diligently pursued, as evidenced by current inspections and/or valid building permits.

10. Any reasonable accommodation may be revoked if any of the conditions or terms of such reasonable accommodation are violated, or if any law or city ordinance is violated in connection with the reasonable accommodation. The revocation procedures in Section 17.44.100 will be followed to revoke a reasonable accommodation.

11. If the disabled person who initially occupied the applicable dwelling and for whom the reasonable accommodation was granted ceases to reside at the premises, the reasonable accommodation will remain in effect only if the community development director determines that:

a. The modification is physically integrated into the residential structure and cannot easily be removed or altered to comply with the requirements of this Title 17; or

b. The accommodation is necessary to give another disabled individual an equal opportunity to enjoy the dwelling. The community development director may request that any successor-in-interest to the property 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 community development director will result in the termination of a previously approved reasonable accommodation and the applicable premises must subsequently be made to conform to requirements of this Title 17.