

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
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SANTA CRUZ, CA 95060
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Th5b

RECORD PACKET COPY

PUBLIC NOTICE

Prepared October 17, 2002 (for November 7, 2002 Hearing)

To: Commissioners and Interested Persons

From: Charles Lester, Acting District Director *DL*
Dan Carl, Coastal Planner

Subject: Santa Cruz County Local Coastal Program Amendment Number 1-02 Part 4 (Reasonable Accommodations). Proposed amendment to the Santa Cruz County certified Local Coastal Program to be heard at the Coastal Commission's November 7, 2002 meeting at the Doubletree Club Hotel (1515 Hotel Circle South) in San Diego.

The County of Santa Cruz is requesting that its certified Local Coastal Program (LCP) Implementation Plan (IP) be amended. This amendment request was filed on August 12, 2002 pursuant to Coastal Act Section 30510(b) and California Code of Regulations (CCR) Sections 13553 and 13555. On October 9, 2002 the Coastal Commission extended the time frame for action on this LCP amendment request (pursuant to Coastal Act Section 30517).

The proposed amendment would establish new IP section 18.10.128 designed to provide a process by which a person with disabilities can request reasonable accommodation from the strict application of LCP standards if required to ensure equal access to housing. Typically, the accommodations involve such things as reducing the required front yard setback to allow construction of a ramp for wheelchair access. The reasonable accommodations ordinance differs from a typical variance ordinance in that it is not related to the configuration of the property per se, but rather to the needs of the disabled person in terms of their ability to use the residential stock of the County. The process established would take place during the course of any other required reviews/approvals engendered by any particular request (e.g., if a coastal permit or other planning permit/approval were also necessary). The reasonable accommodations ordinance would not supercede or otherwise take precedence over the coastal development permit requirements and coastal resource protective policies of the LCP. See exhibit A for the proposed text of new IP Section 18.10.128.

The purpose of this notice is to advise interested parties of the Executive Director's determination (pursuant to CCR Section 13555) that the proposed amendment is minor as defined in CCR Section 13554.

Pursuant to CCR Section 13555, the Executive Director will report this determination to the Coastal Commission at its November 7, 2002 meeting at the Doubletree Club Hotel located at 1515 Hotel Circle South in San Diego. The Executive Director will also report any objections to



California Coastal Commission
November 2002 Meeting in San Diego

the determination that are received within ten working days of posting of this notice. The proposed minor amendment will be deemed approved and will become effective immediately unless one-third of the appointed members of the Commission request that it be processed as a major LCP amendment (CCR Section 13555(b)).

If you have any questions or need additional information regarding the proposed LCP amendment or the Commission procedures, please contact Dan Carl in the Coastal Commission's Central Coast District Office in Santa Cruz at the address or phone number listed above. If you wish to register an objection to the proposed minor LCP amendment, please do so by November 4, 2002.

Attachments:

Exhibit A: Proposed IP Section 18.10.128

Exhibit B: Board of Supervisor's Resolution Adopting IP Section 18.10.128



ATTACHMENT 2ORDINANCE NO. 4660

**ORDINANCE AMENDING CHAPTER 18.10
OF THE SANTA CRUZ COUNTY CODE CREATING A PROCEDURE FOR
CONSIDERING REQUESTS FOR REASONABLE ACCOMMODATION**

The Board of Supervisors of the County of Santa Cruz ordains as follows:

SECTION I

Chapter 18.10 of the Santa Cruz County Code is hereby amended to read as follows:

18.10.128 Requests for Reasonable Accommodation

(a) Purpose

It is the policy of the County of Santa Cruz, pursuant to the Federal Fair Housing Amendments Act of 1988, to provide people with disabilities reasonable accommodation in rules, policies, practices and procedures that may be necessary to ensure equal access to housing. The purpose of this Section is to provide a process for individuals with disabilities to make requests for reasonable accommodation in regard to relief from the various land use, zoning, or building laws, rules, policies, practices and/or procedures of the County.

(b) Requesting Reasonable Accommodation

1. In order to make specific housing available to an individual with a disability, a disabled person or representative may request reasonable accommodation relating to the various land use, zoning, or building laws, rules, policies, practices and/or procedures of the County.
2. A request for reasonable accommodation in laws, rules, policies, practices and/or procedures may be filed at any time that the accommodation may be necessary to ensure equal access to housing.
3. If an individual needs assistance in making the request for reasonable accommodation, or appealing a determination regarding reasonable accommodation, the Department will endeavor to provide the assistance necessary to ensure that the process is accessible to the applicant or representative. The applicant shall be entitled to be represented at all stages of the proceeding by a person designated by the applicant.

CCC Exhibit A
(page 1 of 4 pages)

ATTACHMENT 2

4. If the project for which the request is being made also requires some other planning permit or approval, then the applicant shall file the request together with the application for such permit or approval.

(c) Required Information

All requests for reasonable accommodation shall include the following information:

1. Applicant's name, address and telephone number;
2. Assessor's Parcel Number and address of the property for which the request is being made;
3. The current actual use of the property;
4. The code provision, regulation or policy from which accommodation is being requested;
5. Verification of the claim that the individual is considered disabled under the federal Fair Housing Act or the California Fair Employment and Housing Act and a brief description of why the accommodation is necessary to make the specific housing available to the individual;

(d) Notice of Request for Accommodation

Written notice of a request for reasonable accommodation shall be given as follows:

1. In the event that there is no approval sought other than the request for reasonable accommodation, the notice shall be mailed to the owners of record of all properties which are immediately adjacent to the property which is the subject of the request.
2. In the event that the request is being made in conjunction with some other process, the notice shall be transmitted along with the notice of the other proceeding.

(e) Required Findings

The following findings must be analyzed, made and adopted before any action is taken to approve or deny a request for reasonable accommodation and must be incorporated into the record of the proceeding relating to such approval or denial:

1. The housing, which is the subject of the request for reasonable accommodation, will be used by an individual protected under the Federal Fair Housing Act of 1988 or the California Fair Employment and Housing Act.
2. The request for reasonable accommodation is necessary to make specific housing available to an individual protected under the Federal Fair Housing Amendments Act of 1988 or the California Fair Employment and Housing Act.

ATTACHMENT 2

3. The requested reasonable accommodation will not impose an undue financial or administrative burden on the County.
4. The requested accommodation will not require a fundamental alteration of the zoning or building laws, policies and/or procedures of the County.
5. The requested accommodation will not deprive adjacent properties of light, air and open space consistent with the intent of the Zoning Ordinance.

(f) Jurisdiction

1. The Planning Director, or his/her designee, shall have the authority to consider and act on requests for reasonable accommodation. The Planning Director shall designate the Chief Building Official to act on his/her behalf for requests that involve reasonable accommodations to the Building Code. When a request for reasonable accommodation is filed with the Department, it will be referred to the Planning Director, or his/her designee, for review and consideration. The Planning Director shall issue a written determination within thirty (30) days of the date of receipt of a completed application and may (1) grant the accommodation request, (2) grant the accommodation request subject to specified nondiscriminatory conditions, or (3) deny the request. All written determinations shall give notice of the right to appeal.
2. If necessary to reach a determination on the request for reasonable accommodation, the Planning Director may request further information from the applicant consistent with this Section, specifying in detail what information is required. In the event a request for further information is made, the thirty (30) day period to issue a written determination shall be stayed until the applicant responds to the request.

(g) Notice of Proposed Decision

1. Notice of the proposed decision shall be made in the same manner as provided above.
2. Within fourteen (14) days of the date the notice is mailed, any person may make a request for a Planning Director's review of a proposed decision.
3. If no request for review is received the proposed decision shall become a final director's decision.

(h) Director's Review

The Planning Director shall conduct a review hearing on the request for reasonable accommodation at which all evidence and testimony shall be considered.

CCC Exhibit A
(page 3 of 4 pages)

ATTACHMENT 2

- (i) Notice of Director's Decision.
 1. Within thirty (30) days after the hearing, the Planning Director shall issue a decision granting the request, including any reasonable conditions, or denying the request.
 2. The notice of decision shall contain the Planning Director's factual findings, conclusions and reasons for the decision.
 3. The notice of decision shall be made in the same manner as set forth in the previous section.

(j) Removal of Improvement

All improvements constructed under the auspices of this section shall be removed upon the vacation of the unit by the person to whom the reasonable accommodation was granted unless it is determined that the unit has been re-occupied by a qualified person, or if it is determined by the County of Santa Cruz that the removal of the improvement is not readily achievable.

SECTION II

This ordinance shall take effect on the 31st day after the date of final passage outside the Coastal Zone, and upon certification by the California Coastal Commission within the Coastal Zone.

PASSED AND ADOPTED this 9th day of April, 2002, by the Board of Supervisors of the County of Santa Cruz by the following vote:

AYES: Pirie, Wormhoudt, Campos, Almquist & Beautz
 NOES: None
 ABSENT: None
 ABSTAIN: None


JANET K. BEAUTZ

Chairperson of the Board of Supervisors

ATTESTED: **GAIL T. BORKOWSKI**

Clerk of the Board

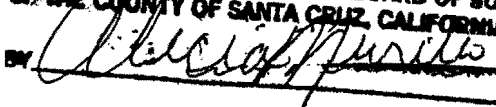
APPROVED AS TO FORM:



 County Counsel

DISTRIBUTION: County Counsel, Planning, CAO

CCC Exhibit A
(page 4 of 4 pages)

I HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT IS A CORRECT COPY OF THE ORIGINAL ON FILE IN THE OFFICE ATTEST MY HAND AND SEAL THIS 10th DAY OF April, 2002.
 SUSAN A MAURIELLO, COUNTY ADMINISTRATIVE OFFICER AND EX-OFFICIO CLERK OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SANTA CRUZ, CALIFORNIA.
 BY  DEPUTY

BEFORE THE BOARD OF SUPERVISORS
OF THE COUNTY OF SANTA CRUZ, STATE OF CALIFORNIA

RESOLUTION NO. 111-2002

On the motion of Supervisor Pirie
duly seconded by Supervisor Wormhoudt
the following Resolution is adopted:

RESOLUTION ESTABLISHING PROCEDURES FOR CONSIDERING REQUESTS FOR
REASONABLE ZONING AND BUILDING CODE ACCOMMODATIONS FOR PERSONS
WITH DISABILITIES

WHEREAS, the Fair Housing Act and the California Fair Employment and Housing Act require that local governments make "reasonable accommodations" (e.g., modifications or exceptions) in their zoning laws and other land use regulations and practices to facilitate equal housing opportunities for persons with disabilities; and

WHEREAS, the underlying goal of this legislation is to allow persons with disabilities to occupy housing that they could not occupy without the accommodation; and

WHEREAS, "reasonable accommodations" involve such things as reducing the required yard setbacks to permit the construction of a ramp for wheelchair access, or to permit the expansion of bathroom facilities to meet the specifications for disabled access, or increasing the number of residents in a care facility, or allowing more than 50% of a front yard to be paved to allow for accessible parking; and

WHEREAS, the County received a letter from Attorney General Bill Lockyer requesting that the County implement a procedure to consider requests for reasonable accommodation; and

WHEREAS, in order to comply with Federal and State regulations, an ordinance amendment has been proposed that provides a procedure for considering requests for reasonable accommodations; and

WHEREAS, the proposed ordinance was considered and recommended for approval by the County's Commission on Disabilities at their February 11, 2002 meeting; and

WHEREAS, the proposed ordinance was considered and recommended for approval by the County's Planning Commission at their February 27, 2002 meeting; and

WHEREAS, the proposed ordinance has been found to be categorically exempt from the California Environmental Quality Act (CEQA), and consistent with the provisions of CEQA and the County of Santa Cruz Environmental Review Guidelines.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the Board of Supervisors approves the proposed amendments to Chapter 18.10 of the County Code to establish procedures for considering requests for reasonable zoning and building code accommodations for disabled persons, as set forth in Exhibit 1-A, and the CEQA Categorical Exemption, incorporated herein by reference,

Attachment 1

and authorizes their submittal to the California Coastal Commission as part of the next round of LCP Amendments.

BE IT FURTHER RESOLVED AND ORDERED that these amendments will become effective upon certification by the California Coastal Commission.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Cruz, State of California, this 9th day of April, 2002 by the following vote:

AYES:	SUPERVISORS	Pirie, Wormhoudt, Campos, Almquist & Beautz
NOES:	SUPERVISORS	None
ABSENT:	SUPERVISORS	None
ABSTAIN:	SUPERVISORS	None

JANET K. BEAUTZ

Chairperson of the Board of Supervisors

ATTEST: GAIL T. BORKOWSKI
Clerk of the Board of Supervisors

APPROVED AS TO FORM: *[Signature]*
County Counsel

cc: County Counsel
Planning Department

Exhibits:

- 1-A: Proposed Ordinance amending County Code Chapter 18.10 to establish procedures for considering requests for reasonable zoning and building code accommodations for persons with disabilities

CCC Exhibit B
(page 2 of 2 pages)

STATE OF CALIFORNIA
 COUNTY OF SANTA CRUZ
 I, SUSAN A. MAURIELLO, County Administrative Officer and ex-officio Clerk of the Board of Supervisors of the County of Santa Cruz, State of California do hereby certify that the foregoing is a true and correct copy of a resolution passed and adopted by and entered in the minutes of the said board. In witness whereof I have hereunto set my hand and affixed the seal of the said Board on 4/10/02
 SUSAN A. MAURIELLO, County Administrative Officer
 By *[Signature]* Deputy