

ORDINANCE NO. 12-1485

AN ORDINANCE OF THE CITY OF CARSON, CALIFORNIA,
AMENDING THE CARSON MUNICIPAL CODE TO PROVIDE A
PROCEDURE FOR REASONABLE ACCOMMODATION IN THE
CITY'S LAND USE AND ZONING REGULATIONS FOR DISABLED
PERSONS PURSUANT TO FAIR HOUSING LAWS

THE CITY COUNCIL OF THE CITY OF CARSON DOES ORDAIN AS FOLLOWS:

Section 1. Code Amendment. Division 2 (Administrative/Quasi-Judicial) of Part 7 (Procedures) of Chapter 1 (Zoning) of Article IX (Planning and Zoning) of the Carson Municipal Code is hereby amended by adding the following Section 9172.27 with all other text in the Division remaining unchanged as follows:

“Section 9172.27 Request for Reasonable Accommodations

A. Purpose. The purpose is to provide a procedure for individuals with disabilities to request reasonable accommodation, as provided by the Federal Fair Housing Amendments Act of 1988 and the California Fair Employment and Housing Act (the Acts), as those regulations are amended from time to time.

B. Definitions.

1. Act. The Fair Housing Amendments Act of 1988.
2. Applicant. An individual making a request for reasonable accommodation pursuant to this division.
3. Code. The Carson Municipal Code.
4. Department. The Economic Development Department and Planning Division of the city of Carson.
5. Reasonable Accommodation. Any waiver or modification to regulations, policies, procedures and standards that is both reasonable and necessary for a person with a disability to have an equal opportunity to use and enjoy a residential use. Examples of reasonable accommodation include, if reasonable and necessary, allowing a wheelchair ramp in a required setback, allowing an increase in building height to permit an elevator installation, or allowing an applicant time to submit material.
6. Disabled Person. Any person who has a physical or mental impairment that 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. People who are currently using illegal substances are not covered under the Act or this Division unless they have a separate disability.

7. Group Home. Refers to any and all facilities which are regulated by the provisions of the California Community Care Facilities Act (Health & Safety Code Section 1500 et seq.), the California Residential Care Facilities for the Elderly Act (Health & Safety Code Section 1569) or any alcoholism or drug abuse recovery or treatment facility as defined by Health & Safety Code Section 11834.02 or any successor statutes.
8. Increased Occupancy. Refers to a request to increase the number of individuals permitted or licensed by State or local law to occupy a group home.

C. Application-Filing.

1. Any individual with a disability, someone acting on his or her behalf, or a provider or developer of housing for individuals with disabilities, desiring to obtain accommodation in accordance with this Part 2 of the CMC shall file an application with the Planning Officer.
2. A request for accommodation shall contain the following information:
 - a. Name and address of the applicant and of all persons owning any or all of the subject property.
 - b. Evidence that the applicant is the owner of the subject property or has written permission of the owner or owners to make such request.
 - c. Location of the subject property, including address (or vicinity) and Assessor's parcel number(s).
 - d. Legal description of the subject property.
 - e. Description of the current use of the property.
 - f. The specific regulations, policies, procedures and/or standards that are requested to be waived or modified.
 - g. A statement setting forth the basis for the request, including verifiable documentation of disability status.
3. The Planning Officer may request additional information as necessary that complies with the Acts and the privacy rights of the individual with a disability.

D. Findings.

1. The Planning Officer shall grant a request for accommodation where all of the following are established:

- a. The accommodation requested is intended to be used by an individual with a disability who resides or will reside on the property;
 - b. The requested accommodation is necessary to afford an individual with a disability equal opportunity to use and enjoy a residential use
 - c. The requested accommodation will not impose an undue financial or administrative burden on the city; and
 - d. The requested accommodation will not require a fundamental alteration in the nature of the land use and zoning program of the city.
2. An accommodation is granted to an individual and shall not run with the land unless the Planning Officer finds that the modification is physically integrated on the property and cannot feasibly be removed or altered.

E. Commission review where concurrent. When a request for accommodation is filed in conjunction with a permit, variance or any other discretionary land use action as provide by Part 7 and Division 2, the commission shall grant a request for a reasonable accommodation concurrently with such permit, variance or other discretionary land use action in accordance with the required findings pursuant to the CMC.

F. Notice of determination.

1. The Planning Officer or commission shall notify the applicant of the action taken on a request for reasonable accommodation; said notice shall include the required findings.
2. Notices of determination on application considered by the Planning Officer shall be issued 30 days of the date the application is deemed complete.
3. A copy of the notice of determination shall be provided to abutting owners of the subject property.
4. The notice of determination shall give notice of the right to appeal, as set forth in Section 9172.27-H and 9173.4: Appeals.

G. Recordation. The applicant shall record the findings of the grant in the office of the county recorder.

H. Appeals.

1. An appeal shall be made in writing, pursuant to the procedures established In Part 7 Section 9173.4 of the CMC.

2. All determination on the appeal shall address and be based upon the same findings required in accordance with the CMC.
3. Decisions on appeal shall be effective on the date of decision and no further administrative appeals may be heard."

Section 2. Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance or any part thereof is for any reason held to be unconstitutional or contrary to state law, such decision shall not affect the validity of the remaining portion of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsection, subdivision, paragraph, sentence, clause or phrase be declared unconstitutional or contrary to state law.

PASSED, APPROVED and ADOPTED this ____ day of ____ 2012.

Mayor Jim Dear

ATTEST:

City Clerk Donesia L. Gause, CMC

APPROVED AS TO FORM:

City Attorney