

## City of Azusa

Economic and Community Development Department  
213 E. Foothill Boulevard  
Azusa, CA 91702



## Process for Requests for Reasonable Accommodation

---

*This Reasonable Accommodation Procedure shall be provided at counters where applications are made for permits and licenses, and posted on the City's website.*

### **Policy:**

**The City of Azusa seeks to provide reasonable accommodation for persons with disabilities seeking fair access to housing in the application of City zoning laws.**

### **Process:**

If no other Planning Permit is required, you may submit a request for Reasonable Accommodation Directly to the Economic and Community Development Department at 213 E. Foothill Boulevard, Planning Counter. Copies of the application can be found at the Planning Counter and on the City's website under Planning Forms. If another Planning Permit is also required, then the request for Reasonable Accommodation should be submitted concurrently with the Planning Permit application.

### **Procedure:**

1. The applicant submits a Request for Reasonable Accommodation and pays any application fees as may be established by a resolution of the City Council.
2. Within 30 days of the application, a Notice of Decision will be issued by the Community Development Director or designee and mailed to the applicant, adjacent property owners/occupants, and any requesting party. During the 30-day timeframe, additional information may be requested by staff, and a site visit may be scheduled.
3. Within 30 days of the Notice of Decision being mailed, any person may appeal the Community Development Director's decision to the Planning Commission. If no request is received, then the decision of the Community Development Director will be final.
4. The Planning Commission shall hold a Public Hearing on the appeal pursuant to Chapter 88.56 of the Development Code. The decision of the Planning Commission shall be final. Copies of the resolution of the Planning Commission decision will be sent to the applicant, the appealing party, and any adjacent property owners and occupants.

### **Grounds for Reasonable Accommodation and Findings:**

Flexibility and/or waivers of certain restricts shall be provided if the following four elements are determined to be true based on substantial evidence provided by the applicant:

- The housing that is the subject of the request for reasonable accommodation is for people with disabilities as defined in federal or state fair housing laws;
- The reasonable accommodation requested is necessary to make specific housing available to people with disabilities who are protected under fair housing laws;
- The requested accommodation will not impose an undue financial or administrative burden on the local government; and

- The requested accommodation will not result in a fundamental alteration in the local zoning code.

### ***Reasonable Accommodation Background***

The Fair Housing Act, as amended in 1988, makes it illegal to discriminate in housing against individuals based on their race, color, religion, gender, national origin, familial status (families with children) or disability. The Act prohibits local governments from making housing opportunities unavailable to people with disabilities through discriminatory land use and zoning rules, policies, practices and procedures. Local jurisdictions are required to provide “reasonable accommodation” to rules, policies, practices, and procedures where such accommodation may be necessary to afford individuals with disabilities equal housing opportunities.

***Examples of reasonable accommodations involving housing requirements:***

- *A housing provider or developer seeks from its local government waiver of a residential fence height restriction so that many of the residents of the home, who because of their mental disabilities fear unprotected spaces, may use the backyard.*
- *A homeowner requests deviation from the code for installation of a wheelchair ramp that will encroach into a required setback at his/her existing home that will be used by a person with a disability.*

### ***Reasonable Accommodation Applicability***

Through the City of Azusa’s Reasonable Accommodation Procedure, flexibility is provided in the application of land use and zoning regulations or, in some instances, even a waiver of certain restrictions or requirements because it is necessary to achieve equal access to housing. Flexibility and/or waivers of certain restricts shall be provided if the following four elements are determined to be true based on substantial evidence provided by the applicant:

- The housing that is the subject of the request for reasonable accommodation is for people with disabilities as defined in federal or state fair housing laws;
- The reasonable accommodation requested is necessary to make specific housing available to people with disabilities who are protected under fair housing laws;
- The requested accommodation will not impose an undue financial or administrative burden on the local government; and
- The requested accommodation will not result in a fundamental alteration in the local zoning code.



2. PLEASE PROVIDE INFORMATION REGARDING EACH OF THE FOLLOWING CRITERIA:

a. Special needs created by the disability.

b. Potential benefit that can be accomplished by the requested modification.

c. Concise physical description of the property (including use; e.g., single-family dwelling, licensed residential care facility, etc.). Please attach floor plan and site plan (need not be to scale, but please dimension site plan and indicate parking).

d. Alternative accommodations which may provide an equivalent level of benefit.

e. Whether the requested accommodation would impose an undue financial or administrative burden on the City.

f. Whether the requested accommodation would require a fundamental alteration in the nature of a program or code.

**3. OTHER INFORMATION:**

a. Do you have a county, state, or federal license or certification with respect to the use of property?

Yes  No If yes, attach a copy of applicable document(s).

b. Are any alterations planned to the property?  Yes  No

If yes, please describe.

c. Will the property be identified by a name or sign?  Yes  No

If yes, please describe.

d. Will the property contain a staff office?  Yes  No

e. Does the property have on-site parking?  Yes  No

If yes, how many spaces? \_\_\_\_\_

f. Please describe all services to be offered on the premises:

g. Do you provide services at the property to non-residents?  Yes  No

h. Proposed maximum number of residents on the property:

Adults: \_\_\_\_\_ Children: \_\_\_\_\_ Typical length of stay for residents: \_\_\_\_\_

i. Proposed number of staff members:

Total Staff: \_\_\_\_\_ Resident: \_\_\_\_\_ Non-Resident: \_\_\_\_\_

j. Have any neighbors been contacted regarding this proposal?  Yes  No

If yes, describe how they were contacted.

k. If neighbors have immediate concerns regarding residents or the operation of the facility, who should they contact?

Name: \_\_\_\_\_ Telephone Number: \_\_\_\_\_

4. Please attach a list of the adjacent property owners. Adjacent is defined as sharing a property line or located directly across the street from the proposed location. You will also need to provide 2 sets of stamped envelopes addressed to the adjacent property owners and occupants. Staff in the Planning Division can assist you in locating property owner addresses. Please do not include a return address on the envelopes as Planning staff will use the envelopes to mail the required notices.

SIGNATURE OF APPLICANT

DATE

