



**147 Park Ave.**

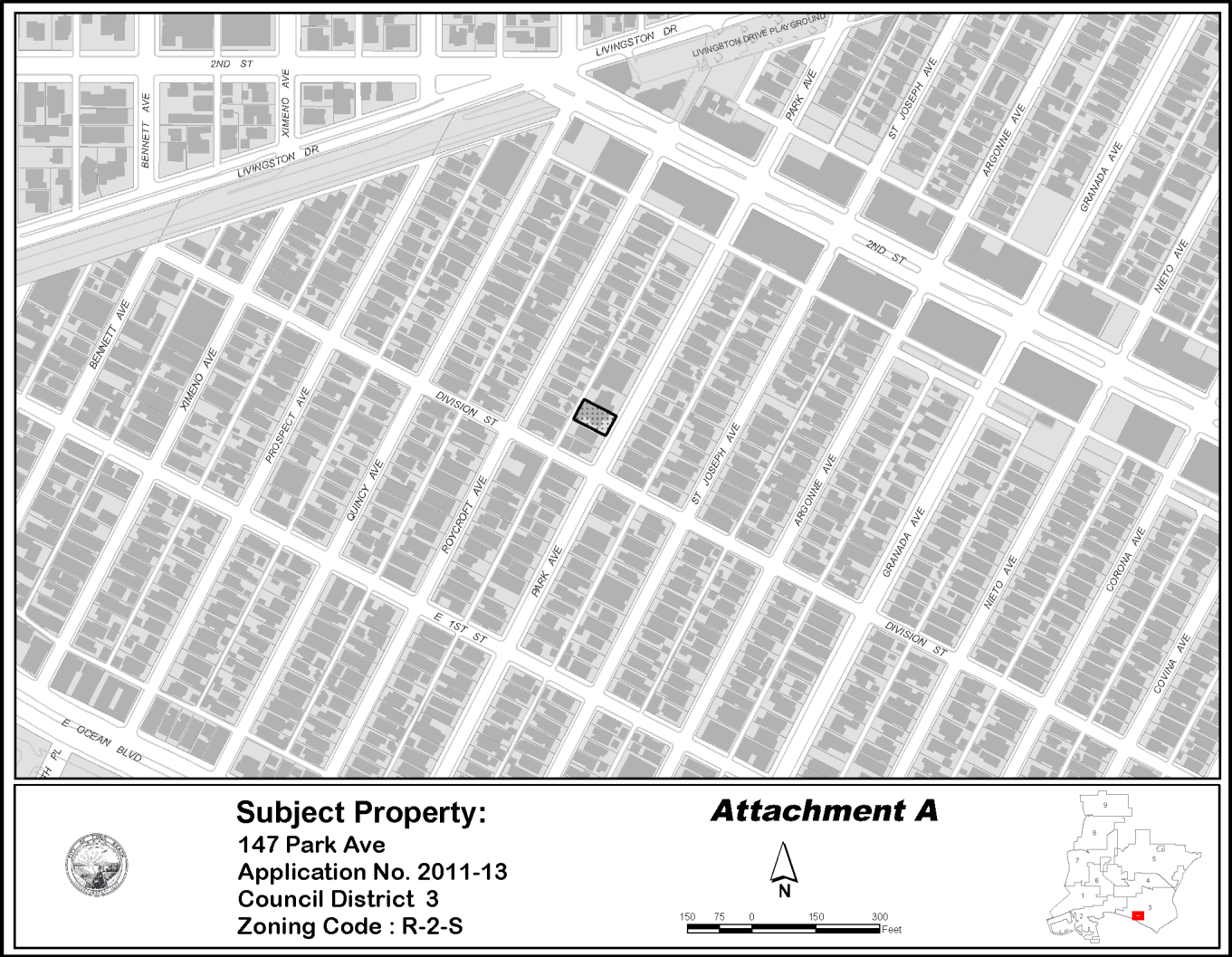
## **Reasonable Accommodation Appeal**

**Application No. 2011-23 (RAC20-005), filed 11/30/20**

**Appeal from Zoning Administrator Action, filed 2/8/21**

**Planning Commission, April 1, 2021**

# Project Location



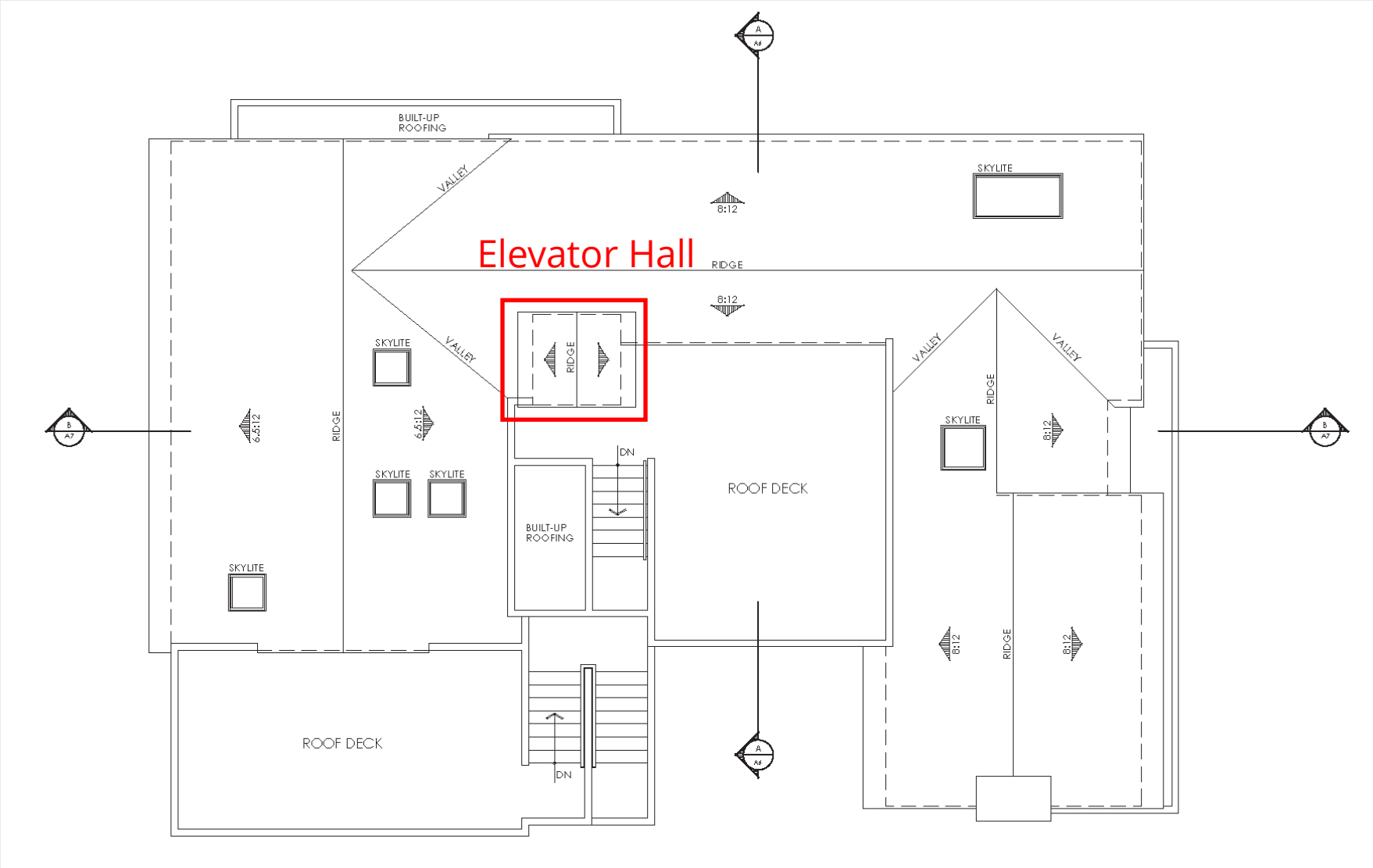
# What is a Reasonable Accommodation?

- A Reasonable Accommodation is not a Standards Variance.
- Reasonable Accommodation serves a separate legal purpose from a variance, even if the outcomes are similar, i.e. altered development standards.
- A Standards Variance is a “constitutional relief valve” that protects property rights against a hardship created by the physical characteristics of a lot, or the improvements (buildings) on a lot, that would otherwise prevent an owner from using and developing their property as other similar properties in the same or comparable zoning district are developed.
- A Reasonable Accommodation protects the rights of an individual with disabilities, by allowing the City to provide justified exceptions from Zoning and Building codes to comply with the Federal Fair Housing Amendments Act of 1988.
- Reasonable Accommodation requests are acted upon administratively by the Zoning Administrator or Building Official, as appropriate, and only go to hearing on appeal. Planning Commission’s action on appeal is final.

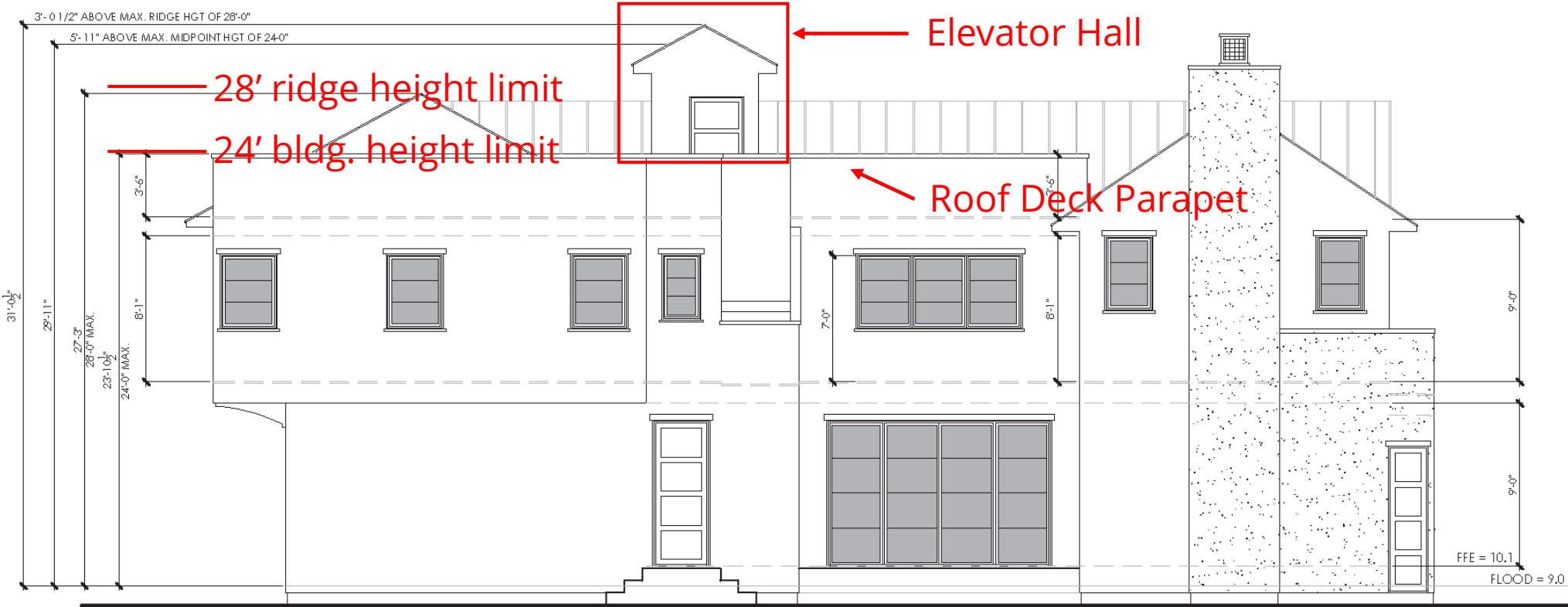
# Reasonable Accommodation Request

- Applicant filed a request for a Reasonable Accommodation for a height exception for an elevator hall at a proposed new single-family home.
- The elevator hall would provide access to the roof deck above the second story of the home, and would be necessary for the individual with disabilities to access the roof deck.
- The elevator hall exceeds the primary height limit of 24'-0" by 4'-11", and the secondary roof ridge height limit of 28'-0" by 2'-0½".
- The proposed home meets all other development standards of the Zoning Regulations in all respects.
- The Zoning Administrator acted to deny this request, which was then appealed by the applicant.

# Roof Plan



# Elevation Drawings

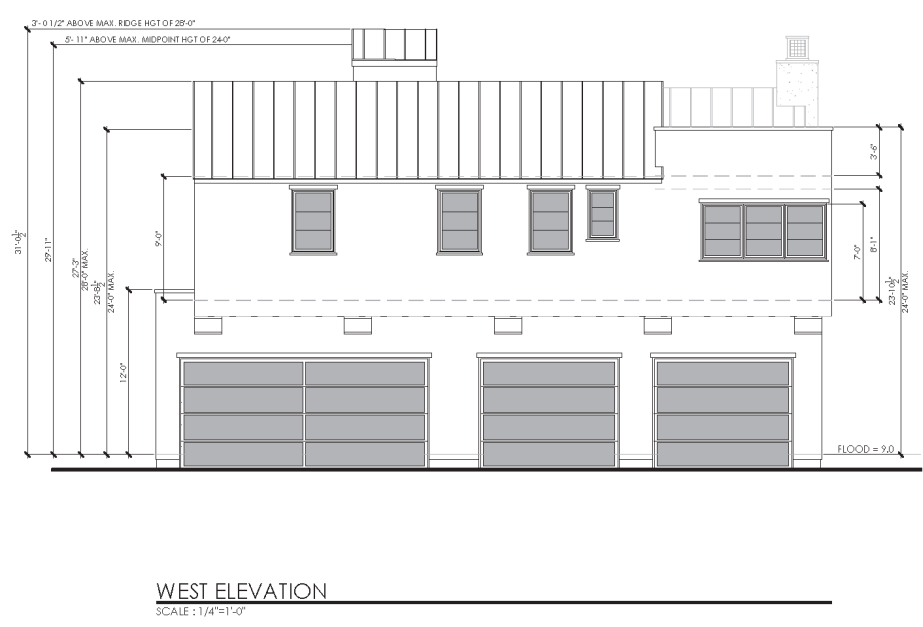


**SOUTH ELEVATION**

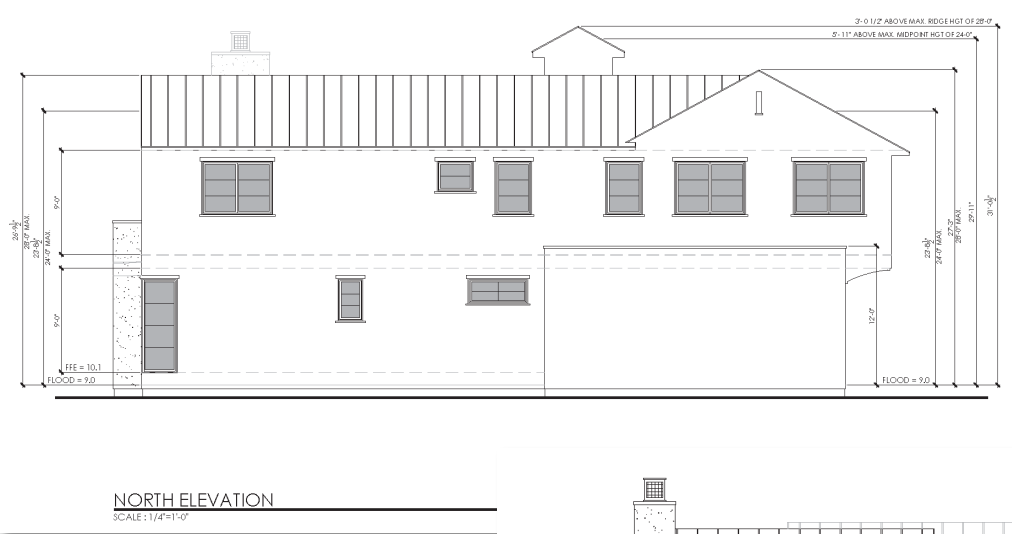
SCALE : 1/4"=1'-0"

# Elevation Drawings

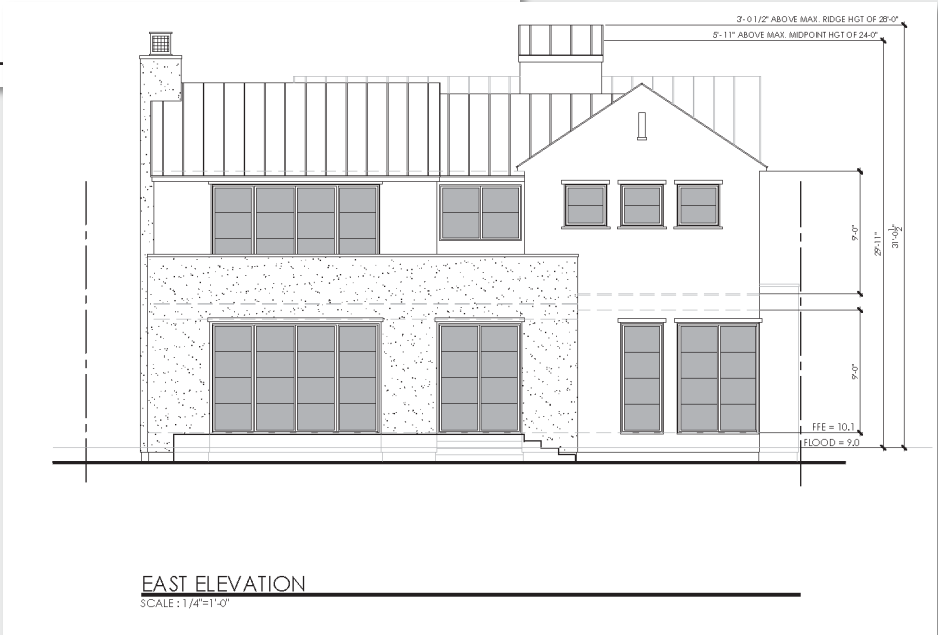
West



North



East



# Findings

Findings are required by Section 21.25.1311:

- 3 of 6 required findings could be made in the positive. These findings affirm that:
  - That the housing will be used by an individual protected under the Act,
  - That the request will not impose a financial or administrative burden upon the City, and
  - That the request will not fundamentally alter zoning or building laws.



# Findings

Findings are required by Section 21.25.1311:

- 3 remaining findings were made in the negative:
  - **The request is not necessary to make the subject housing available to the individual protected by the Act**, as the proposed new home is otherwise accessible except for the roof deck, and the Accommodation is not needed to meet any deficient development standard,
  - **The request is not consistent with the Certified Local Coastal Program (LCP) to the maximum extent feasible**, as the roof deck is optional and the home complies with all other development standards without the Accommodation, and
  - **There are alternative means for providing an Accommodation at the property that will provide greater consistency with the LCP**, as the proposed roof deck access could be modified to be more consistent with the development standards and therefore the LCP using alternate construction or access methods or a different or lower roof deck configuration.

The requested Reasonable Accommodation is an action the City is required to take under Federal law and is not subject to CEQA review.

# Recommendation

Staff recommends that the Planning Commission:

- Deny the appeal, and
- Uphold the Zoning Administrator's decision to deny the Reasonable Accommodation request.

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- Questions for staff
  - Comments from the applicant/appellant





Thank you

Scott Kinsey, AICP  
Planner V