



City of Beverly Hills

Planning Division

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Planning Commission Report

Meeting Date: September 27, 2012

Subject: Establishing a Reasonable Accommodation Procedure.

Recommendation: Open the Public Hearing and receive comments on establishing a reasonable accommodation procedure allowing a person with a disability to request relief from zoning requirements preventing use and enjoyment of their home.

REPORT SUMMARY

Housing Element 11.5 calls for the establishment of a procedure allowing a person with a disability to request relief from zoning requirements if it can be established that those requirements prevent the person from using and enjoying their home. This report opens the discussion on establishing a Reasonable Accommodation Procedure in the City of Beverly Hills. Comments received during the public hearing will be used to finalize a draft ordinance, which is scheduled to be presented to the Planning Commission at its next meeting on October 11, 2012.

BACKGROUND

Development of a procedure through which a person with disabilities or their representative may ask the City for relief from zoning requirements for the use and enjoyment of housing in the City is a state requirement and a priority project in the City's Housing Element.

DISCUSSION

California State Government Code Section 65583 requires local governments to:

"Address and, where appropriate and legally possible, remove governmental constraints to the maintenance, improvement, and development of housing, including housing for all income levels and housing for persons with disabilities. The program shall remove constraints to, and provide reasonable accommodations for housing designed for, intended for occupancy by, or with supportive services for, persons with disabilities."

65583(a)(9)(D)(1)(c)(3)

This requirement, combined with other government code requirements for disability accommodations could be applied to many development standards in the City's zoning code. Before granting relief, the need and justification for the relief would have to be established. Specific information in the procedure will be provided at the meeting.

Attachment(s):

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PUBLIC NOTICE AND COMMENT

Notice of this public hearing was duly noticed in the Beverly Hills Courier on September 14, 2012 and noticed in the Beverly Hills Weekly on September 20, 2012. As of the writing of this report no public comments have been received.

GENERAL PLAN CONSISTENCY

The proposed zoning code amendments are consistent with the objectives, principles, and standards of the General Plan. General Plan Policy "H 3.4 – Housing Accessibility" calls for the adoption of reasonable accommodations procedures. General Plan Implementation Program "11.5 Accessible Housing" requires revisions to the zoning ordinance to comply with General Plan Policy H 3.4. Additionally, the General Plan includes "Implementation Program 2.1 – Update Zoning Code and Development Regulations," which requires that the City's zoning codes be updated and amended from time to time.

CONSISTENCY WITH STATE LAW

Establishment of a reasonable accommodations procedure would be consistent with State law and would fulfill Housing Element Implementation Program 11.5.

ENVIRONMENTAL REVIEW

Code amendments contemplated are being assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and the environmental regulations of the City. It is anticipated that adoption of a Reasonable Accommodation Procedure would not have a significant environmental impact and are exempt from CEQA pursuant to Section 15061(b)(3) of Title 14 of the California Code of Regulations. Further, it is anticipated that it will be seen with certainty that there is no possibility that the adoption and implementation of a future ordinance may have a significant effect on the environment because no specific development would be authorized by the proposed ordinance, and any future development proposed pursuant to the amendments will require separate environmental analysis when the details of those proposals are known.

NEXT STEPS

A Reasonable Accommodations Process will be brought forward in a draft zoning ordinance for the Planning Commission review at the next meeting which is on October 11, 2012. A resolution recommending that the City Council adopt the program will also be included. Once the Planning Commission has taken action, the ordinance would be brought before the City Council for its consideration.

Report Reviewed By:

 Peter Noonan for:

Michele McGrath
Principal Planner