

MOTION BY SUPERVISOR ZEV YAROSLAVSKY

August 30, 2011

Today, the Board of Supervisors has the great opportunity to adopt a reasonable accommodations ordinance. This ordinance has been supported by community advocates, including Shelter Partnership, who are committed to ensuring that all members of our community have equal opportunity to housing. Adopting this ordinance will also fulfill the County's obligation, created by our Housing Element, to codify the Department of Regional Planning's procedures for reviewing reasonable accommodation requests.

As made clear by Regional Planning staff, the intent and purpose of this ordinance is not to create a windfall for any property owner by, for example, providing unwarranted density bonuses or waiving the County's environmental or community protection requirements. Instead, the sole and critical intent of this ordinance is to ensure that all persons, regardless of ability, have equal opportunity to housing. Typical reasonable accommodation requests that would properly be granted include minor encroachments into a front yard setback to accommodate a wheelchair ramp, or allowing slight modifications to building height requirements to allow an elevator shaft to be installed in a home so as to allow all individuals to reach an upper floor.

MOTION

MOLINA _____

RIDLEY-THOMAS _____

YAROSLAVSKY _____

KNABE _____

ANTONOVICH _____

In furtherance of the spirit of this ordinance, the Board of Supervisors should ensure that our action today does not add to the cost of a typical accommodations request. Unfortunately, as the ordinance is currently written, an applicant who is asking for a reasonable accommodation that is properly exempt from CEQA review would still have to pay a roughly \$300 environmental assessment fee. I believe this initial fee represents an unfair additional expense and should not be applied to requests made under the ordinance whenever staff determines that the accommodation request qualifies for either a statutory or categorical CEQA exemption.

At the same time, to ensure that notice is equitably applied to people in all parts of the county, the Board of Supervisors should slightly modify the ordinance's notice of decision / determination requirements so that such notice is provided to the closest improved property, in addition to the notice requirements already provided in the ordinance.

I, THEREFORE, MOVE that the Board of Supervisors adopt staff's written and oral recommendations, with the following additional modifications:

- 1) Incorporate language expressing the intent of the ordinance, as generally described above;
- 2) Specify that the environmental review fee described above shall not be applied to reasonable accommodation requests made under this ordinance when the request qualifies for either a statutory or categorical CEQA exemption; and,
- 3) Modify the notice of determination requirements to additionally provide notice of a decision to the inhabited property closest to the subject property.