

EXISTING REGULATIONS

312-42 Requests for Modifications or Exceptions for Residential Accessibility

42.1 A person who is disabled pursuant to the Americans with Disabilities Act of 1990 may request modification or exception from specific development standards for principal zones, including minimum yard setbacks, maximum ground coverage and maximum building height, in the event of an unexpected need to make their residence accessible consistent with the Housing Accessibility Guidelines of the 2007 California Building Code and its successors located at [24](#) CFR [1101A](#) et seq. The request may be made by a family member, domestic partner or agent on behalf of a disabled permanent resident of the home. (Ord. 2407, § 2, 12/16/2008)

42.2 The person requesting the modification or exception from a specific development standard of a principal zone to make their home accessible shall provide the Director of Community Development Services a written request for the modification or exception which includes all of the following: (Ord. 2407, § 2, 12/16/2008)

- the nature of the disability; (Ord. 2407, § 2, 12/16/2008)
- which resident of the home has the disability; (Ord. 2407, § 2, 12/16/2008)
- what modification or exception the applicant is requesting; (Ord. 2407, § 2, 12/16/2008)
- the impact the existing regulation or standard has on the applicant; (Ord. 2407, § 2, 12/16/2008)
- any other methods or actions considered by the applicant to provide necessary relief; and; (Ord. 2407, § 2, 12/16/2008))
- why those methods or actions were not found to be feasible. (Ord. 2407, § 2, 12/16/2008)

42.3 Upon finding the request complete, and following consultation with any knowledgeable party or parties as determined appropriate, the Director may process the request for a modification or exception of a specific development standard of a principal zone according to the procedures for Special Permits. The applicant must obtain all other applicable permits, including Coastal Development Permits, for the development to be accommodated by the request. If this determination of modification or exception is related to a discretionary land use project, the matter may be taken to the hearing officer ahead of the project as a whole, so as to expedite review and render a decision on which other permit findings may be dependant. (Ord. 2407, § 2, 12/16/2008)

42.4 In addition to the findings for approving Special Permits, approval of a request for a modification or exception from a specific development standard of a principal zone for residential accessibility shall include the following findings;

- the modification or exception is in conformance with the General Plan, and , if in the Coastal Zone, is in conformance with the Certified LCP; (Ord. 2407, § 2, 12/16/2008)
- if located in the Coastal Zone, the modification or exception involves no potential for any adverse effects, either individually or cumulatively, on coastal resources, (Ord. 2407, § 2, 12/16/2008)
- the modification or exception is not detrimental to public health, safety, or welfare; (Ord. 2407, § 2, 12/16/2008)
- the modification or exception conforms with all applicable standards and requirements of the California Building Code; (Ord. 2407, § 2, 12/16/2008)
- the modification or exception results in the only feasible design for accessibility; and (Ord. 2407, § 2, 12/16/2008)
- the modification or exception will provide residential accessibility for a disabled resident of the home consistent with the Housing Accessibility Guidelines of the 2007 California Building Code and its successors. (Ord. 2407, § 2, 12/16/2008)