



# Reasonable Accommodation Request

## From Zoning Regulations

Municipal Code Section 36.08.45 is established to provide a formal procedure to request reasonable accommodation for persons with disabilities seeking equal access to housing under the Federal Fair Housing Act and the California Fair Employment and Housing Act (the Acts) in the application of zoning laws and other land use regulations, policies, and procedures.

### WHO CAN APPLY?

In order to provide housing accessible to an individual with a disability, any person may request a modification or exception to the rules, standards, and practices for the siting, development, and use of housing or housing-related facilities that would eliminate regulatory barriers and provide a person with a disability equal opportunity to housing of their choice.

A person with a disability is a person who has a physical or mental impairment that limits or substantially limits one or more major life activities, anyone who is regarded as having such impairment, or anyone who has a record of such impairment. This section applies only to those persons who are defined as disabled under the Acts and is permitted for residential properties in all zoning districts.

### WHAT CAN BE REQUESTED?

All requests shall be reasonable and limited to the minimum modifications the applicant believes are necessary to accommodate the disability for any existing or future residential buildings. Examples of reasonable accommodation requests include, but is not limited to:

- Modify setback requirements to allow the installation of an exterior accessible ramp;
- Modify size limitation to allow an elevator; and
- Modify landscape requirement to allow access to a residential building.

### HOW TO APPLY?

Requests for reasonable accommodation shall be made online on the planning permit [portal](#) to the Planning Division together with the required information listed in the submittal list below. If a project that includes a reasonable accommodation request also requires some other discretionary planning application review by the Planning Division, the request shall be submitted and reviewed at the same time as the related planning applications.

### WHAT TO SUBMIT?

- Create a complete planning application via the [portal](#).
- Completed Reasonable Accommodation Request Supplemental Form (attached).

\* Any health information protected as confidential in accordance with state and federal law shall be retained by the City in a manner so as to respect the privacy rights of the individual with a disability and shall not be made available for public inspection. The application is otherwise a public record and subject to inspection pursuant to the Public Records Act.

## **CRITERIA FOR APPROVAL**

In order for a reasonable accommodation to be approved, the Municipal Code requires that all of the following findings be made:

1. The housing, which is the subject of the request, will be used by an individual disabled as defined under the Acts.
2. The requested reasonable accommodation is necessary to provide housing accessible to an individual with a disability under the Acts.
3. The requested reasonable accommodation would not impose an undue financial or administrative burden on the City.
4. The requested reasonable accommodation would not require a fundamental alteration in the nature of a City program or law, including, but not limited to, land use and zoning or building codes.

## **APPROVAL PROCESS**

If NO other discretionary planning application review is required, a reasonable accommodation request should be processed and reviewed administratively at the staff level, and no public hearing is needed. The request can be processed concurrently with any necessary building permit application for the proposed modification.

If the project for which the reasonable accommodation request is being made requires other discretionary planning application review (including, but not limited to, a conditional use permit, design review), the request shall be reviewed and approved following the appropriate procedures, including noticing and hearing for the discretionary planning application review.

If the decision for a reasonable accommodation request is appealed, the City Council shall be the final decision authority in accordance with Section 36.56, Applications, Hearings and Appeals.

## **FEES**

No fee is required for reviewing reasonable accommodation requests.

Contact the Planning Division ([planning.division@mountainview.gov](mailto:planning.division@mountainview.gov) or 650-903-6306) for questions related to reasonable accommodation request review process and requirements.

# REASONABLE ACCOMMODATION REQUEST FORM

**Project Information**

Subject Property Address: \_\_\_\_\_

Assessor's Parcel Number (APN): \_\_\_\_\_

1. Are there any other alterations proposed to the subject property in addition to the reasonable accommodation request?

Yes  No

2. Project description:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. Which specific development standards or guidelines are you seeking an exception or modification?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4. Explain why the requested exception or modification is necessary to make the specific housing accessible to the person(s) with disabilities:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

5. If the applicant is a developer or provider of housing for individuals with a disability, please explain why the requested accommodation is necessary for your facility to provide individuals with a disability an equal opportunity to live in a residential setting. Please provide documentation, if any, to support your explanation.

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