

ORDINANCE NO. 777

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOMA LINDA, APPROVING DEVELOPMENT CODE AMENDMENT NO. P23-155, WHICH ESTABLISHES A REASONABLE ACCOMMODATION CHAPTER IN TITLE 17 (ZONING) OF THE LOMA LINDA MUNICIPAL CODE AND INCLUDES FLEXIBILITY IN THE APPLICATION OF THE DEVELOPMENT CODE STANDARDS IN ORDER TO PROVIDE INDIVIDUALS WITH DISABILITIES AN EQUAL OPPORTUNITY TO HOUSING.

WHEREAS, the City of Loma Linda wishes to serve the public health, safety, and general welfare and preserve the quality of life throughout the City, through effective land use and planning; and

WHEREAS, The Fair Housing Act and the California's Fair Employment and Housing Act (FEHA) requires local governments to make accommodations for individuals with mental or physical disabilities seeking equal access to housing; and,

WHEREAS, The Loma Linda 2021-2029 Housing Element identifies Program 2.2, to adopt a ministerial process for reviewing requests for reasonable accommodation and modest deviations from the Development Code requirements as needed to address needs for people with disabilities; and,

WHEREAS, the City of Loma Linda proposes to amend the Title 17 (Zoning) of the Loma Linda Municipal Code as set forth in Exhibit A; and,

WHEREAS, on August 2, 2023, the Planning Commission held a duly noticed public hearing on the proposed development code amendment and Ordinance, at which an oral and written presentation was made and comments received, and the Planning Commission made a recommendation to City Council to adopt the ordinance; and,

WHEREAS, on September 12, 2023, the City Council conducted the first reading of the development code amendment and the second reading on October 10, 2023 where they adopted the Ordinance, approving Development Code Amendment No. P23-155; and,

WHEREAS, the Planning Commission and City Council reviewed the proposed amendments and finds that Development Code Amendment No. P23-155 is consistent with the Loma Linda General Plan, is not detrimental to the public health, safety, and general welfare, and is in conformity with good land use practice.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF LOMA LINDA DOES RESOLVE, DETERMINE, AND ORDER AS FOLLOWS:

Section 1. The City Council hereby finds that all of the facts set forth in the recitals of this ordinance are true and correct.

Section 2. Environmental Exemption. The Planning Commission recommends that the City Council determines that Development Code Amendment No. P23-155 is not subject to the requirements of the State of California Environmental Quality Act ("CEQA") pursuant Sections No. 15060(c)(2) and 15061(c)(3) of the CEQA Guidelines which applies to proposals that are not considered projects as defined in Section No. 15378 of the CEQA Guidelines and proposals that

do not result in a significant change to the environment.

Section 2. Approval. Planning Commission recommended approval and City Council voted to adopt the ordinance approving Development Code Amendment No. P23-155, which amends Title 17 (Zoning) of the Loma Linda Municipal Code as indicated in "Exhibit A" and as referenced herein.

Section 4. Severability. If any section, subsection, subdivision, paragraph, sentence, clause, or phrase of this Ordinance or any part thereof is for any reason held to be unconstitutional, such decision shall not affect this validity of the remaining portion of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsection, subdivisions, paragraphs, sentences, clauses, or phrases be declared unconstitutional.

Section 5. Certification. The City Clerk shall certify to the passage of this Ordinance and shall cause the same to be posted within fifteen (15) days from its passage pursuant to Government Code section 36933.

Section 6. Effective Date. This Ordinance shall be in full force and effective a minimum of thirty (30) days after passage.


This Ordinance was introduced at the regular meeting of the City Council of the City of Loma Linda, California, held on the 12th day of September, 2023 and was adopted on the 10th day of October, 2023 by the following vote to wit:

Ayes: Dailey, Dupper, Jindal, Lenart, Rigsby

Noes: None

Absent: None

Abstain: None



Phillip Dupper, Mayor

Attest:



Lynette Arreola, City Clerk

Exhibit A
Development Code Amendment for the Addition of
Chapter 17.103 Reasonable Accommodations

17.103.010 Purpose, intent, and applicability.

- A. Purpose.** The purpose of this chapter is to establish a procedure for a request for 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.
- B. Intent.** The intent of this chapter is to provide flexibility in the application of the Development Code for individuals with a disability when a modification or exemption of a land use regulation, policy, or procedure is necessary to provide equal opportunity to housing. A reasonable accommodation may be approved only for the benefit of one or more individuals with a disability.
- C. Applicability.** A reasonable accommodation may be requested by any individual with a disability, their representative, or a developer or provider of housing for individuals with a disability.

The provisions of this chapter apply to all residential developments, including new development and modifications to existing structures, as necessary to reasonably accommodate a person’s disability.

17.103.020 Terms.

- A.** “Applicant” means a person, business, or organization making a request to the City for a reasonable accommodation pursuant to this chapter.
- B.** “Fair Housing Laws” means the “Fair Housing Amendments Act of 1988” (42 U.S.C § 3601, et seq.), including reasonable accommodation required by 42 U.S.C § 3604(f)(3)(B), and the “California Fair Employment and Housing Act” (California Government Code § 12900, et seq.), including reasonable modifications required specifically by California Government Code § 12927(c)(1) and 12955(l), and Civil Code § 54, as any of these statutory provisions now exist or may be amended from time to time by either legislative act or published judicial decisions.
- C.** “Person with a disability” means an individual with a “disability” or “handicap,” as those terms are defined in the Fair Housing Laws. Generally, “a person with a disability” is any person with a physical or mental impairment, which substantially limits one or more major life activities, or any person having a record of such impairment.
- D.** “Reasonable Accommodation” means a modification or exception to the standards, regulations, policies, and procedures contained in the Development Code for the siting, development, and use of housing or housing-related facilities, that would eliminate barriers and provide an individual with a disability equal opportunity for the use and enjoyment of a dwelling.

17.103.030 Application Requirements.

A request for a reasonable accommodation shall be submitted to the Community Development Department on an application form prescribed by the Community Development Department to include but not be limited to the following items:

- A. An application form signed by the applicant or authorized agent;
- B. The name, address, and contact information of the applicant;
- C. Street address and assessor's parcel number of the property for which the request is being made;
- D. The name, address, and contact information of the owner of the property for which the reasonable accommodation request is being made;
- E. A general description of the nature of the person(s) with a disability's medical, physical, and/or mental limitations that relate to the accommodation request. The applicant shall not be required to disclose any medical diagnoses or provide written medical documentation of the disability;
- F. The policy, program, regulation, and/ or development standard adopted by the City of Loma Linda that the applicant is requesting the City modify or excuse as a disability-related accommodation;
- G. A statement of the reason why the requested accommodation is necessary for the individual with a disability to use and enjoy the dwelling; and
- H. Copies of plans, drawings, pictures, and other supporting documentation that the City may need to render its decision.

17.103.040 Review authority and procedures.

- A. The Director of Community Development or his or her designee, may approve, conditionally approve, or deny an application for a reasonable accommodation for an existing or proposed use. The director shall issue a written determination within thirty (30) calendar days of the date of receipt of a completed application.
- B. If the reasonable accommodation request requires another City permit or approval, an application for a reasonable accommodation must be submitted with and processed concurrently with the application for the other City permit, whether such permit is ministerial or discretionary.
- C. While a request for reasonable accommodation is pending, all laws and regulations otherwise applicable to the property that is the subject of the request shall remain in full force and effect.

17.103.050 Reasonable accommodation findings and decision.

- A. The request for reasonable accommodation may be approved or granted with modifications if the following findings can be made:
 - 1. The housing which is the subject of the request will be used by one or more individuals with a disability protected under the Fair Housing Laws; and
 - 2. The requested accommodation is necessary to provide one or more individuals with a disability an equal opportunity to use and enjoy a dwelling; and

3. The City has demonstrated that the requested accommodation will not impose an undue financial or administrative burden on the City; and
 4. The requested accommodation will not require a fundamental alteration in the nature of a city program or law, including but not limited to the general plan, zoning ordinance, and building laws.
- B.** The following criteria, among other factors, may be considered by the Director of Community Development, or his or her designee, regarding the reasonableness of the requested accommodation:
1. Whether there are alternative reasonable accommodations available that would provide an equivalent level of benefit; and
 2. Whether the requested accommodation substantially affects the physical attributes of the property or has impacts on surrounding properties that would fundamentally alter a city program or law.
- C.** If an application for a reasonable accommodation is approved, the request shall be granted to an individual and shall not run with the land unless it is determined that: (1) the modification is physically integrated into the residential structure and cannot be easily removed or altered to comply with the Development Code, or (2) the accommodation is to be used by another individual with a disability.

17.103.060 Appeals

- A.** The decision of the Director of Community Development to grant, grant with conditions, or deny a request for reasonable accommodation shall become final.
- B.** The decision of the director, while final, is subject to a written appeal to the City Manager to be made within thirty days after the decision of the Director is transmitted by first class mail or email. Any appeal shall set forth in reasonable detail and clarity the basis for the appeal and the proposed remedy or actions. The decision of the City Manager is also subject to appeal to the City Council within thirty days after the decision of the City Manager is transmitted by first class mail or email. Upon receipt of such appeal, the City Manager will take reasonable action to cause the matter to be included on one of the two next following agendas of the City Council.