



City of Gilroy
COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION
7351 Rosanna Street, Gilroy CA 95020
(408) 846-0440, main • (408) 846-0429, fax
www.cityofgilroy.org/planning

**GUIDELINES FOR REVIEW OF REQUESTS FOR REASONABLE ACCOMMODATION
FROM ZONING REGULATIONS**

It is the policy of the City of Gilroy to provide reasonable accommodation for persons with disabilities seeking fair access to housing in the application of its zoning laws, policies, and processes. A person with a disability is a person who has a physical or mental impairment that limits or substantially limits one (1) or more major life activities, anyone who is regarded as having such impairment, or anyone who has a record of such impairment.

The reasonable accommodation provision of the Gilroy Zoning Code Section 30.50.23, has been established pursuant to the Federal Fair Housing Amendments Act of 1988 (FFHAA) and the California Fair Employment and Housing Act (the Acts), in order to provide people with disabilities reasonable accommodation in the application of rules, policies, practices, and procedures that may be necessary to ensure equal access to housing.

The following factors are considered under the provision:

- A. Whether the housing which is the subject of the request will be used by an individual disabled under the Acts;
- B. Whether the request for reasonable accommodation is necessary to make specific housing available to an individual with a disability under the Acts;
- C. Potential impact on surrounding uses;
- D. Physical attributes of the property and structures;
- E. Alternative accommodations which may provide an equivalent level of benefit;
- F. Whether the requested accommodation would impose an undue financial or administrative burden on the city; and
- G. Whether the requested accommodation would require a fundamental alteration of a city program including but not limited to land use, zoning and the Uniform Housing, Building and Fire Codes.

Reasonable Accommodation Request Process:

Any request for reasonable accommodation may be made by any person with a disability, their representative or any entity, when the application of a zoning law or other land use regulation, policy or practice acts as a barrier to fair housing opportunities.

A request for reasonable accommodation may include 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 reasonable accommodation may be granted only to the household that needs the accommodation and does not apply to successors in interest to the property.

Application:

1. Any person who requires reasonable accommodation because of a disability, in the application of a zoning law that may be acting as a barrier to fair housing opportunities, may do so by filing an Application with the planning division.
2. If the project for which the request is being made also requires some other planning permit or approval, then the applicant shall file the request together with the application for such permit or approval.
3. The request must indicate the following information:
 - a. The basis for the claim that the individual is considered disabled under the Acts, including verification of such claim.
 - b. The City Code Section or other regulation, policy, or procedure from which reasonable accommodation is being requested; and
 - c. Why the reasonable accommodation is necessary to make the specific property accessible to the individual.
4. If the project for which the request for reasonable accommodation is being made requires some other discretionary approval, then the applicant shall file the information requested for concurrent review with the application for dictionary approval.

Request for Reasonable Accommodation Supplemental information

1. Specify any requested accommodations to a code, policy or practice of the City of Gilroy. Please cite the applicable code provisions and the accommodation requested from the provision.

2. What is the basis for the claim that the person or persons on behalf of which this application is being made is considered Disabled under the Fair Housing Act?

3. Why is the accommodation necessary to make specific housing available to those persons?

Other Information

- (a) Do you have a county, state or federal license or certification with respect to the use of property? If yes, attach a copy of applicable document(s). ☐ Yes ☐ No
- (b) Are any alterations planned to the property? If yes, please describe ☐ Yes ☐ No
- (c) Will the property be identified by a name or sign? ☐ Yes ☐ No
- (d) Will the property contain a staff office? ☐ Yes ☐ No
- (e) Does the property have on-site parking? If yes, how many spaces _____ ☐ Yes ☐ No
- (f) Please describe all services to be offered on the premises: ☐ Yes ☐ No
- (g) Do you provide services at the property to non-residents? ☐ Yes ☐ No
- (h) Proposed maximum number of residents on the property:
Adults: _____ Children: _____ Typical length of stay for residents: _____
- (i) Proposed number of staff members:
Total Staff: _____ Resident: _____ Non-Resident: _____
- (j) Have any neighbors been contacted regarding this proposal? ☐ Yes ☐ No
If yes, describe how they were contacted.
- (k) If neighbors have immediate concerns regarding residents or the operation of the facility, who should they contact?
Name: _____ Telephone Number: _____

4. Please attach a list of the adjacent property owners. Adjacent is defined as sharing a property line or located directly across the street.