



# CITY COUNCIL AGENDA REPORT



**DEPARTMENT:** Community Development

**MEETING DATE:** December 15, 2020

**PREPARED BY:** Sheri Bermejo, Planning Division Manager

**AGENDA LOCATION:** PH-2

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**TITLE:** Amendment to Title 2 (Administration and Personnel) and Title 17 (Zoning) of the Monrovia Municipal Code Relating to the Process for Making Reasonable Accommodations in Zoning and Land Use Laws to Provide a Further Streamlined Review for Individuals with Disabilities; Introduction and First Reading of Ordinance No. 2020-12

**OBJECTIVE:** To modify the City's current Reasonable Accommodations procedures in order to further streamline and shorten the review time of such requests

**BACKGROUND:** The Federal Fair Housing Act (42 U.S.C § 3601 et seq.) and the California Fair Employment and Housing Act (Government Code § 12900 et seq.) requires that local governments make reasonable accommodations (i.e. modifications or exceptions) in their zoning laws and other land use regulations and practices when such accommodations "may be necessary to afford" a person with disabilities "an equal opportunity to use and enjoy a dwelling." Pursuant to these State and Federal Fair Housing laws the Planning Commission and City Council established procedures for considering "reasonable accommodations" in late 2014 by the adoption of Ordinance No. 2014-08.

Promoting equal housing opportunities for all residents, including Monrovia's special needs community, so that residents can reside in the housing of their choice, is a current goal of the City's Housing Element of the General Plan. It such an important goal that when the City Council adopted the Planning Housing Opportunities for Monrovia (Planning HOME), a program aimed to promoting and facilitating housing production, a task was included to modify the City's current reasonable accommodations procedures in order to further streamline the review of such requests.

Since 2014, the City has processed and approved a handful of reasonable accommodation requests. All of the applications have been for small, minor project proposals focused on improving access, mobility, and emotional well-being. While the special needs community is a small segment of Monrovia, the existing public hearing review process could be limiting requests, especially when the only improvement sought is aimed at achieving an equal opportunity for the use and enjoyment of their dwelling.

In order to further streamline and shorten the review and determination process for reasonable accommodation requests, Ordinance 2020-12 proposes three main enhancements to the City's existing standards to ensure the Monrovia special needs community benefits from equal housing opportunities (Attachment "A"). In summary, these changes would eliminate the public hearing requirement, provide an expanded review authority to Staff so that minor requests can be reviewed by the Director of Community Development, and allow for conditions of approval in order to protect neighborhood compatibility. Attachment "B" includes all the revisions in strike-through text to highlight the changes proposed.

**ANALYSIS:** Many people with disabilities require changes to their housing, whether it is owned or rented, to adapt it to their needs. For example, people with mobility disabilities may need to install exterior ramps to facilitate wheelchair ingress and egress, which could violate a zoning set-back requirement if

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the ramp encroaches to into required yard space. People with intellectual or mental health disabilities might need a taller fence than normally allowed on their property to offer more privacy and reduced anxiety. A reasonable accommodation is a structural modification made to existing premises, occupied or to be occupied by a person with a disability, in order to afford such person full enjoyment of the property.

A reasonable accommodations ordinance provides a means of requesting flexibility in the application of land use and zoning regulations, or, in some instances, even a waiver of certain restrictions or requirements from a local jurisdiction. The City's current reasonable accommodations review standards, located in Section 17.52.327 of the Monrovia Municipal Code (MMC), establishes the Development Review Committee (DRC) as the sole authority to hear and approve, conditionally approve, or deny reasonable accommodations requests after holding a duly noticed public hearing. The public hearing process currently involves the mailing of a notice to all owners of real property within 100 feet of the project site a minimum of ten days prior to the hearing. The DRC can only grant approval if the following findings are satisfied:

- (1) That the dwelling, which is the subject of the request for reasonable accommodation, is used by an individual with a disability who is protected under State or Federal fair housing laws.
- (2) That the requested accommodation is necessary to afford an individual with a disability equal opportunity to use and enjoy a dwelling.
- (3) That the requested accommodation will not impose an undue financial or administrative burden on the city.
- (4) That the requested accommodation will not require a fundamental alteration to the city's zoning, building, or land use laws, regulations, policies and/or procedures.

Ordinance No. 2020-12 would eliminate the public hearing requirement for reasonable accommodations by the DRC, expand land use authority to Staff so that minor modifications could be reviewed by the Director of Community Development, and include the ability to impose conditions of approval to protect neighborhood compatibility.

### ***Expanded Review Authority***

Instead of providing the Development Review Committee (DRC) as the sole authority to hear and approve, conditionally approve, or deny reasonable accommodations requests, Ordinance No. 2020-12 would allow the Director of Community Development to make administrative determinations on projects that only include a reasonable accommodation request. Requests for reasonable accommodations submitted for concurrent review with another discretionary land use application would be reviewed by the reviewing authority responsible for the discretionary entitlement (i.e. the DRC, the Planning Commission, or the City Council). For example, if a request for a reasonable accommodation was coupled with a Level 3 Neighborhood Compatibility Design Review for the construction of a new single story, single family home, the DRC would be responsible for making the determination on the entire project, including the reasonable accommodation. If a request was submitted concurrently with a Conditional Use Permit for the construction of a multifamily planned unit development, the Planning Commission would be the reviewing authority.

Regardless of which reviewing authority is responsible for the project, the review and determination will still be based on the ability to make the existing findings for approval. Lastly, in cases where such request could result in a physical modification to the property that cannot be easily restored or terminated after the reasonable accommodation is no longer needed and may cause a significant adverse impact on an adjacent property, Ordinance 2020-12 would allow the Director to refer the application to the Development Review Committee for their administrative review and determination. In order to provide the opportunity for public comment, referred applications would require the mailing of a public meeting notice to all owners of real property abutting the subject site at least 10 days prior to the meeting.

### ***Decision on Reasonable Accommodation Requests***

Ordinance No. 2020-12 preserves the ability for the City to engage in an interactive process with the applicant to devise alternative accommodations that both provide the applicant with an opportunity to use and enjoy a dwelling but in a manner that reduces impacts to neighboring properties. Furthermore, the revised standards clarify the reviewing authority's ability to impose conditions of approval to ensure that the reasonable accommodation complies with the findings for granting approval of such requests. The revised standards also require conditions of approval to be imposed to ensure that any removable structures or reversible physical design features that are constructed or installed in association with the reasonable accommodation request, but which may adversely affect a neighboring property, be removed once those structures or physical design features are no longer necessary to accommodate a person with a disability.

Lastly, Ordinance No. 2020-12 also maintains standard appeal procedures. The revisions outline that the applicant may appeal the Director's decision to the DRC, if done so in writing within ten days of the Director's decision. The applicant or any other person aggrieved by a decision of the DRC, may submit an appeal to the Planning Commission as already established in MMC Section 2.56.050. Similarly, the applicant or any other person aggrieved by a decision of the Planning Commission may submit an appeal to the City Council in accordance with MMC Section 2.52.070.

### ***Planning Commission Review***

On November 18, 2020, the Planning Commission held a public hearing to review proposed Ordinance No, 2020-12. The Commission discussed the proposed revisions and inquired about the number of requests the City receives per year. Staff stated that they City has only processed about five requests in the last five years. It was also explained that the revised procedures will speed up the review process and hopefully enable the special needs community to feel comfortable seeking such requests.

There was no public comment on the item. At the close of the public hearing, the Commission unanimously adopted Resolution No. 2020-0002, recommending approval of Ordinance No. 2020-12 to City Council.

The proposed ordinance is consistent with the objectives, principles, and standards outlined in the Monrovia Housing Element and Planning HOME which include promoting housing opportunities for persons with disabilities through the adoption and implementation of a reasonable accommodation procedures. The proposed zoning text amendment has been designed to serve this purpose and establishes a framework for consistent review for reasonable accommodation requests, as allowed by State law, to ensure that they are appropriate and do not negatively impact neighborhood compatibility. Eliminating the public hearing requirement further reduces the potential of subjecting an individual to discrimination and stigma. Lastly, Ordinance No. 2020-12 provides more flexibility in the review process and further reduces governmental constraints and barriers to housing opportunities by eliminating the public hearing requirement and expanding the review authority to Staff on such requests.

**ENVIRONMENTAL IMPACT:** Pursuant to the California Environmental Quality Act (CEQA), the adoption of Ordinance No. 2020-12 will not have a significant environmental effect and therefore, the Ordinance is exempt from CEQA pursuant to Section 15061(b)(3) of the State CEQA Guidelines (14 CCR § 15061(b)(3)), and independently, the Ordinance is categorically exempt (Class 5) pursuant to Section 15305 of the State CEQA Guidelines (14 CCR § 15305).

**FISCAL IMPACT:** There is no direct fiscal impact associated with the approval of this application.

**OPTIONS:** The following options are provided for consideration:

1. Approve the amendments of the Monrovia Municipal Code contained in Ordinance No. 2020-12; or
2. Reject the amendments of the Monrovia Municipal Code contained in Ordinance No. 2020-12, and refer the proposed ordinance back to the Planning Commission to address any stated concerns of the City Council.

**RECOMMENDATION:** At their meeting of November 18, 2020, the Planning Commission adopted Planning Commission Resolution 2020-0002 recommending approval of Ordinance No. 2020-12.

**COUNCIL ACTION REQUIRED:** If the City Council concurs, then following the public hearing, the appropriate action would be a motion to introduce, waive further reading, and read by title only Ordinance No. 2020-12.

**ATTACHMENT "A"**

**ORDINANCE NO. 2020-12**

## ORDINANCE NO. 2020-12

### AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONROVIA, CALIFORNIA, AMENDING TITLE 2 (ADMINISTRATION AND PERSONNEL) AND TITLE 17 (ZONING) OF THE MONROVIA MUNICIPAL CODE RELATING TO REVIEW AND DETERMINATION PROCEDURES FOR REASONABLE ACCOMMODATION REQUESTS.

**THE CITY COUNCIL OF THE CITY OF MONROVIA, CALIFORNIA DOES ORDAIN AS FOLLOWS:**

**SECTION 1.** Both the Federal Fair Housing Act (“FHA”) and the California Fair Employment and Housing Act (“FEHA”) impose an affirmative duty on local governments to make reasonable accommodations in their zoning regulations and practices when such accommodations “may be necessary to afford” individuals with disabilities “an equal opportunity to use and enjoy a dwelling.” The State of California also requires that cities adopt reasonable accommodation procedures as part of the State’s Housing Element requirements.

**SECTION 2.** On October 7, 2014, the City Council of the City of Monrovia adopted Ordinance No. 2014-08 which established a review process for making reasonable accommodations to zoning and land use laws, regulations, policies or procedures, when necessary to afford a person with a disability an equal opportunity to use and enjoy a dwelling, while minimizing potential impacts on neighboring properties.

**SECTION 3.** Promoting equal housing opportunities for all residents, including Monrovia’s special needs community, so that residents can reside in the housing of their choice is a current goal of the City’s Housing Element of the General Plan. Furthermore, when City Council adopted the Planning Housing Opportunities for Monrovia (Planning HOME), a program aimed at promoting and facilitating housing production, it included the task of modifying the City’s current reasonable accommodations procedures to eliminate governmental constraints and barriers and further streamline the review of such considerations.

**SECTION 4.** Ordinance No. 2014-08 designated the Development Review Committee as the sole authority to hear and approve, conditionally approve, or deny reasonable accommodation requests after holding a duly noticed public hearing. Ordinance No. 2020-12 proposes to provide more flexibility in the review and determination process for individuals with a disability to further reduce governmental constraints and barriers to housing opportunities by eliminating the initial public hearing requirement, expanding Staff’s the land use review authority over such requests, and allowing for conditions of approval aimed at protecting neighborhood compatibility.

**SECTION 5.** On November 18, 2020, the Planning Commission of the City of Monrovia conducted a duly noticed public hearing on Ordinance No. 2020-12. At the hearing, all interested persons were given the opportunity to be heard. The Planning

Commission received and considered the staff report and all the information, evidence, and testimony presented in connection with this Ordinance. Following the close of the public hearing, the Planning Commission adopted Resolution No. 2020-02 recommending approval of Ordinance No. 2020-12 to the City Council.

**SECTION 6.** On December 15, 2020, the City Council of the City of Monrovia conducted a duly noticed public hearing on Ordinance No. 2020-12. At the hearing, all interested persons were given the opportunity to be heard. The City Council received and considered the staff report, the Planning Commission's recommendation, and all the information, evidence, and testimony presented in connection with this Ordinance.

#### **SECTION 7. Environmental Review**

Pursuant to the California Environmental Quality Act ("CEQA"), the State CEQA Guidelines, and the City's local CEQA Guidelines, City Staff has determined that Ordinance 2020-12 is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. City Staff has determined that the adoption of this Ordinance will not have a significant environmental effect and therefore, the Ordinance is exempt from CEQA pursuant to Section 15061(b)(3) of the State CEQA Guidelines (14 CCR § 15061(b)(3)), and independently, the Ordinance is categorically exempt (Class 5) pursuant to Section 15305 of the State CEQA Guidelines (14 CCR § 15305). Most reasonable accommodation requests are limited to minor modifications to a property that are focused on improving access, mobility, and emotional well-being. Such requests could include, but are not limited to, the installation of a ramp for wheelchair access or a taller fence than normally allowed on their property to offer more privacy and reduced anxiety. The City Council has reviewed the project and based upon the whole record before it, in the exercise of its independent judgment and analysis, concurs that City staff and the Planning Commission have correctly concluded that it can be seen with certainty that there is no possibility that the Ordinance may have a significant effect on the environment, and independently, that the Ordinance meets the qualifications of a Class 5 Categorical Exemption.

**SECTION 8.** The custodian of records for all materials that constitute the record of proceeding upon which this decision is based is the City Clerk. Those documents are available for public review in the Office of the City Clerk located at 415 South Ivy Avenue, Monrovia, California 91016.

**SECTION 9.** Title 2 (Administration and Personnel), Chapter 2.56 (Development Review Committee), Section 2.56.030 (Powers), subsection (W) of the Monrovia Municipal Code, is hereby repealed in its entirety.

**SECTION 10.** Title 17 (Zoning), Chapter 17.52 (Administration), Section 17.52.327 (Reasonable Accommodations) is hereby repealed and replaced to read as follows:

#### **"17.52.327 Reasonable Accommodations.**

(A) *Purpose.* The purpose of this section is to establish an appropriate review process for making reasonable accommodations in zoning and land use laws, regulations, policies or procedures, when necessary to afford individuals with

disabilities an equal opportunity to use and enjoy a dwelling, while minimizing potential impacts on neighboring properties.

(B) *Definition.* **REASONABLE ACCOMMODATION.** A deviation that provides a person with a disability relief from, and flexibility in, the application of the city's zoning, building, and land use laws, regulations, policies or procedures, which is necessary to provide a person with a disability an equal opportunity to use and enjoy a dwelling.

(C) *Application.*

- (1) Applications for reasonable accommodation shall be made to the Department of Community Development in writing, and shall contain such information as may be specified by the Director.
- (2) A uniform fee set by Council resolution shall be paid to the city upon the filing of each application.
- (3) Requests must demonstrate a clear nexus between the request and a disability. It is the applicant's responsibility to describe the connection between the disability and the reasonable accommodation requested by the applicant, and the application shall include:
  - (a) The specific code section, regulation, procedure, or policy of the city from which relief is sought;
  - (b) A site plan or illustrative drawing showing the proposed accommodation, if applicable;
  - (c) An explanation of why the specified code section, regulation, procedure, or policy is denying, or will deny a person with a disability equal opportunity to use and enjoy the dwelling;
  - (d) The basis for the claim that the fair housing laws apply to the applicant and evidence satisfactory to the Director supporting the claim, which may include a letter from a medical doctor or other licensed health care professional, a disabled license, or any other appropriate evidence;
  - (e) A detailed explanation of why the accommodation is reasonable and necessary to afford the person with the disability an equal opportunity to use and enjoy the dwelling; and
  - (f) Any other information required to make the findings required by Section 17.52.327(E), consistent with the fair housing laws.
- (4) When an application is made, the city may engage in an interactive process with the applicant to devise alternative accommodations that provide the applicant with an opportunity to use and enjoy a dwelling,



where such alternative accommodations would reduce impacts to neighboring properties and residents or the surrounding area.

(D) *Review Process.*

(1) The Director of Community Development shall have the authority to consider and act on requests for reasonable accommodation. Alternatively, the Director of Community Development may refer the application to the Development Review Committee for an administrative review and determination.

*i.* Applications referred to the Development Review Committee may include, but are not limited to, requests that could result in a physical modification to the property that cannot be easily restored or terminated after the reasonable accommodation is no longer needed and may cause a significant adverse impact on an adjacent property. Notice of the public meeting for applications that are referred to the Development Review Committee shall be mailed at least 10 days prior to the meeting to all owners of real property abutting the subject site, utilizing the records of the County Assessor.

(2) Requests for reasonable accommodation submitted concurrently with another discretionary land use application shall be reviewed by the hearing body having the review authority over the discretionary land use application.

(3) The review and determination of requests for reasonable accommodation shall be based on the ability to make the required findings as set forth in Section 17.52.327(E).

(E) *Findings.* A request for a reasonable accommodation shall be approved, with or without conditions, if the reviewing authority finds that all of the following findings can be made:

(1) That the dwelling, which is the subject of the request for reasonable accommodation, shall be used by an individual with a disability who is protected under State or Federal fair housing laws.

(2) That the requested accommodation is necessary to afford an individual with a disability equal opportunity to use and enjoy a dwelling.

(3) That the requested accommodation will not impose an undue financial or administrative burden on the city.

(4) That the requested accommodation will not require a fundamental alteration to the city's zoning, building, or land use laws, regulations, policies and/or procedures.

(F) *Decision.* A request for reasonable accommodation may be approved, approved with conditions, or denied in accordance with the findings set forth in Section 17.52.327(E).

- (1) The reviewing authority shall set forth the findings and any conditions of approval in a written decision, which shall be sent to the applicant.
- (2) In granting a request for reasonable accommodation, the reviewing authority may impose conditions to ensure that the reasonable accommodation complies with the findings required by this section. Conditions also may be imposed to ensure that any removable structures or physical design features that are constructed or installed in association with the reasonable accommodation request shall be removed once those structures or physical design features are no longer necessary to accommodate a person with a disability or to reduce impacts upon neighboring properties.
- (3) The decision of the Director of Community Development shall be final, unless appealed by the applicant to the Development Review Committee in writing within ten days of the Director's decision. Decisions of the Development Review Committee shall be final unless within ten (10) days after the decision by the Development Review Committee, the applicant or any other person aggrieved by such decision submits an appeal to the Planning Commission in accordance with Section 2.56.050. Decisions of the Planning Commission shall be final unless within ten (10) days after the decision by Planning Commission, the applicant or any other person aggrieved by such decision submits an appeal to the City Council in accordance with Section 2.52.070.
- (4) The use or development to which the reasonable accommodation applies shall begin within one year after its approval or it will expire unless extended by the reviewing authority prior to its expiration.

**SECTION 11.** Severability. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this ordinance or the application thereof to any person or place, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remainder of this ordinance. The City Council hereby declares that it would have adopted this ordinance, and each and every section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

**SECTION 12.** The City Clerk shall certify to the passage of this Ordinance and shall cause same to be published pursuant to state law within fifteen (15) days after its passage, and said Ordinance shall become effective 30 days after its passage.

**INTRODUCED** this 15<sup>th</sup> day of December, 2020.

**PASSED, APPROVED, AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2021.

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Tom Adams, Mayor  
City of Monrovia

ATTEST:

APPROVED AS TO FORM:

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Alice D. Atkins, MMC, City Clerk  
City of Monrovia

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Craig A. Steele, City Attorney  
City of Monrovia

## **ATTACHMENT “B”**

Reasonable Accommodations Provisions with Strikethrough Text

### “17.52.327 Reasonable Accommodations.

- (A) *Purpose.* The purpose of this section is to establish an appropriate review process for making reasonable accommodations in zoning and land use laws, regulations, policies or procedures, when necessary to afford ~~disabled persons~~ individuals with disabilities an equal opportunity to use and enjoy a dwelling, while minimizing potential impacts on neighboring properties.
- (B) *Definition. **REASONABLE ACCOMMODATION.*** A deviation that provides a person with a disability ~~disabled person~~ relief from, and flexibility in, the application of the city’s zoning, building, and land use laws, regulations, policies or procedures, which is necessary to provide a ~~disabled person~~ with a disability an equal opportunity to use and enjoy a dwelling.
- (C) *Application.*
- (1) Applications for reasonable accommodation shall be made to the ~~Development Review Committee~~ Department of Community Development in writing, and shall contain such information as may be specified by the Director.
  - (2) A uniform fee set by Council resolution shall be paid to the city upon the filing of each application.
  - (3) Requests must demonstrate a clear nexus between the request and ~~with~~ a disability. It is the applicant’s responsibility to describe the connection between the disability and the reasonable accommodation requested by the applicant, and the application shall include ~~provide~~:
    - (a) The specific code section, regulation, procedure, or policy of the city from which relief is sought;
    - (b) A site plan or illustrative drawing showing the proposed accommodation, if applicable;
    - (c) An explanation of why the specified code section, regulation, procedure, or policy is denying, or will deny a person with a disability ~~disabled person~~ equal opportunity to use and enjoy the dwelling;
    - (d) The basis for the claim that the fair housing laws apply to the applicant and evidence satisfactory to the ~~city~~ Director supporting the claim, which may include a letter from a medical doctor or other licensed health care professional, a disabled license, or any other appropriate evidence;

(e) A detailed explanation of why the accommodation is reasonable and necessary to afford the ~~disabled~~ person with the disability an equal opportunity to use and enjoy the dwelling; and

(f) Any other information required to make the findings required by Section 17.52.327(E), consistent with the fair housing laws.

(4) When an application is made, the city may engage in an interactive process with the applicant to devise alternative accommodations that provide the applicant with an opportunity to use and enjoy a dwelling, where such alternative accommodations would reduce impacts to neighboring properties and residents or the surrounding area.

~~(D)Public Hearing.— The Committee shall hold a public hearing on the application for a reasonable accommodation. Notice of the public hearing shall be mailed or delivered at least ten days prior to the hearing to all owners of real property, as shown on the latest equalized assessment roll, within 100 feet of the real property that is the subject of the hearing. In lieu of utilizing the assessment roll, the city may utilize records of the County Assessor or Tax Collector which contain more recent information than the assessment roll.~~

(D) Review Process.

(1) The Director of Community Development shall have the authority to consider and act on requests for reasonable accommodation. Alternatively, the Director of Community Development may refer the application to the Development Review Committee for an administrative review and determination.

*i.* Applications referred to the Development Review Committee may include, but are not limited to, requests that could result in a physical modification to the property that cannot be easily restored or terminated after the reasonable accommodation is no longer needed and may cause a significant adverse impact on an adjacent property. Notice of the public meeting for applications that are referred to the Development Review Committee shall be mailed at least 10 days prior to the meeting to all owners of real property abutting the subject site, utilizing the records of the County Assessor.

(2) Requests for reasonable accommodation submitted concurrently with another discretionary land use application shall be reviewed by the hearing body having the review authority over the discretionary land use application.

(3) The review and determination of requests for reasonable accommodation shall be based on the ability to make the required findings as set forth in Section 17.52.327(E).

(E) *Findings.* A request for a reasonable accommodation shall be approved, with or without conditions, if the reviewing authority finds that all of the following findings can be made:

(1) That the dwelling, which is the subject of the request for reasonable accommodation, shall be used by an individual with a disability who is protected under State or Federal fair housing laws.

(2) That the requested accommodation is necessary to afford an individual with a disability equal opportunity to use and enjoy a dwelling.

(3) That the requested accommodation will not impose an undue financial or administrative burden on the city.

(4) That the requested accommodation will not require a fundamental alteration to the city's zoning, building, or land use laws, regulations, policies and/or procedures.

(F) *Decision.* ~~The Committee~~ A request for reasonable accommodation may be approved, approved with conditions, or denied a request for reasonable accommodation in accordance with these findings set forth in Section 17.52.327(E).

(1) ~~The reviewing authority Committee~~ shall set forth the findings and any conditions of approval in a written decision, which shall be sent to the applicant.

(2) In granting a request for reasonable accommodation, the reviewing authority may impose conditions to ensure that the reasonable accommodation complies with the findings required by this section. Conditions also may be imposed to ensure that any removable structures or physical design features that are constructed or installed in association with the reasonable accommodation request shall be removed once those structures or physical design features are no longer necessary to accommodate a person with a disability or to reduce impacts upon neighboring properties.

(3) The decision of the ~~Director of Community Development Committee~~ shall be final ~~following a ten-day appeal period~~, unless appealed by the applicant to the Development Review Committee in writing Planning Commission within ten days of the ~~Director's Committee's~~ decision. Decisions of the Development Review Committee shall be final unless

within ten (10) days after the decision by the Development Review Committee, the applicant or any other person aggrieved by such decision submits an appeal to the Planning Commission in accordance with Section 2.56.050. Decisions of the Planning Commission shall be final unless within ten (10) days after the decision by Planning Commission, the applicant or any other person aggrieved by such decision submits an appeal to the City Council in accordance with Section 2.52.070.

- (4) The use or development to which the reasonable accommodation applies shall begin within one year after its approval or it will expire unless extended by the reviewing authority ~~Committee~~ prior to its expiration.