

RESOLUTION NO. 2025-18

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CORONADO, CALIFORNIA DENYING AN APPEAL OF THE COMMUNITY DEVELOPMENT DIRECTOR'S DECISION TO DENY A REASONABLE ACCOMMODATION REQUEST TO CONSTRUCT AN APPROXIMATELY 321 SQUARE-FOOT ADDITION FOR STORAGE SPACE AT 500 "A" AVENUE

WHEREAS, the property OWNERS, James Marlar and Melinda S. Marlar, submitted an application on November 15, 2024, for a Reasonable Accommodation from zoning standards to install an elevator in their existing garage and to construct an approximately 321 square-foot, second story addition to provide additional storage spaces at their home located at 500 "A" Avenue in the City of Coronado; and

WHEREAS, the OWNERS' home currently exceeds maximum allowable floor area ratio (FAR) and provides approximately 3,367 square-feet of space that can be used as living area and/or storage space; and

WHEREAS, the OWNERS' request would further exceed the maximum FAR (CMC 86.08.035), encroach into the second-story rear yard setback (CMC 86.08.070), and encroach into one existing on-site parking space, thereby reducing the size of the required parking space (CMC 86.58.070 & CMC 86.58.150); and

WHEREAS, the OWNERS' request would not be allowed without a modification or exception to the application of the City's zoning and building standards; and

WHEREAS, under both the Federal Fair Housing Act and the California Fair Employment and Housing Act ("Acts"), cities have an affirmative duty to make "reasonable accommodations" in their zoning and other laws when the accommodation is necessary to give persons with disabilities an equal opportunity to use and enjoy a dwelling; and

WHEREAS, Chapter 70.130 et seq. of the Coronado Municipal Code ("CMC") provides a procedure for individuals with disabilities to file a Request for Reasonable Accommodation under the Acts from the application of zoning laws and other land use regulations, policies and procedures; and

WHEREAS, CMC section 70.130.030.B further provides that "[a] request for reasonable accommodation may include an application for a modification or exception to the application of zoning and building standards and use of housing or housing-related facilities in order to eliminate identifiable regulatory barriers to provide a person with a disability an equal opportunity to housing"; and

WHEREAS, CMC section 70.130.040 provides that reasonable accommodation applicants must provide credible documentation of their qualifying disability and credible documentation that establishes why the requested accommodation(s) are necessary; and

WHEREAS, the decision-making body may grant the requested accommodation or grant it with modifications if all of the following findings can be made: (1) the housing which is the subject

of the request will be used by an individual or a group of individuals considered disabled under the Acts; (2) the accommodation requested is reasonable and necessary to make specific housing available to the individual or group of individuals with disability or disabilities under the Acts; (3) the requested reasonable accommodation would not impose an undue financial or administrative burden on the City; and (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 (CMC § 70.130.060.A.1-4); and

WHEREAS, when considering the reasonableness of the requested accommodation, the decision-making body may consider: (1) whether there are alternative reasonable accommodations available that would provide an equivalent level of benefit; and (2) whether the requested reasonable accommodation substantially affects the physical attributes of the property (CMC § 70.130.060.B.1-2); and

WHEREAS, the OWNERS submitted credible documentation from a licensed physician attesting to their mobility limitations and need for accessibility improvements; and

WHEREAS, the OWNERS did not supply any evidence that the requested 321 square-foot addition for surplus storage space was necessary to provide them with an equal opportunity to access and enjoy their home; and

WHEREAS, the OWNERS did not propose any alternatives that could provide an equivalent level of benefit (e.g., satisfy their storage needs) that would reduce or eliminate the need for additional zoning waivers, and were unwilling to consider alternatives suggested by staff; and

WHEREAS, the Reasonable Accommodation request for an approximately 321 square-foot, second story addition is without precedence in Coronado; and

WHEREAS, the Community Development Director (Director), acting as the decision-maker, was unable to make a finding that the accommodation requested for additional storage was reasonable and necessary to make specific housing available to the Applicants; and

WHEREAS, the Director issued a decision on February 7, 2025 to conditionally approve installation of an elevator in the garage, an elevator landing, mechanical room, and approximately 40 square-foot hallway atop the garage, and associated zoning waivers for required off-street parking, floor area ratio, and setbacks, but denying the request for the approximately 321 square-foot, second story addition for storage space; and

WHEREAS, the OWNERS submitted an appeal of the Director's decision on February 14, 2025; and

WHEREAS, the City Council of the City of Coronado held a duly noticed public hearing on April 15, 2025 in accordance with chapter 1.12 of the CMC to consider the appeal; and

WHEREAS, evidence was submitted and considered to include without limitation:

1. City Council staff report and attachments dated April 15, 2025;
2. Appeal dated February 14, 2025;
3. Supplemental appeal information from OWNERS dated March 31, 2025;
4. Oral and written testimony;

5. Additional written information, exhibits, and photographs provided by the OWNERS.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Coronado finds as follows:

Section 1. The foregoing recitals are true and correct;

Section 2. By a vote of X in favor and X opposed, the City Council of the City of Coronado hereby denies the appeal of the Community Development Director's decision to deny the OWNERS' request for the approximately 321 square-foot, second story addition for surplus storage space, based on the following findings

- a) The accommodation requested is not reasonable or necessary to make specific housing available to the individual or group of individuals with disability or disabilities under the Acts. This finding is based upon the fact that no evidence was presented by OWNERS or discovered by staff to establish a link between the OWNERS disabilities and the requested storage space, or to indicate that the requested approximately 321-square foot addition for storage space is necessary to afford OWNERS an equal opportunity to use and enjoy their home; and
- b) The accommodation requested is not reasonable. This finding is based on the fact that there are alternative reasonable accommodations available that would provide an equivalent level of benefit, and that no evidence was presented by OWNERS or discovered by staff to demonstrate that other reasonable alternatives to the OWNERS stated storage needs were infeasible.

PASSED AND ADOPTED by the City Council of the City of Coronado, California, this fifteenth day of April 2025 by the following vote, to wit:

AYES:

NAYS:

ABSTAIN:

ABSENT:

APPROVED:

JOHN D. DUNCAN, Mayor of the
City of Coronado, California

ATTEST:

KELSEA HOLIAN, City Clerk of the
City of Coronado, California