



LAND USE SERVICES DEPARTMENT PLANNING COMMISSION STAFF REPORT

HEARING DATE: April 5, 2018

AGENDA ITEM #4

Project Description

APN: 2350-563-23-0000
Applicant: Norma Boone and Madeleine Boone
Community: Bear Valley/Third Supervisorial District
Location: 826 Leonard Lane
Project No: P201700616
Staff: Christney Barilla
App Rep: Jeri Boone
Proposal: Reasonable Accommodation for 2 (two) disabled persons for 4 (four) additional dogs that are emotional support animals (all under 10 lbs.) to the existing 2 (two) dogs on 0.1 acre.



Newspaper Publication Date: March 25, 2018
 7 Hearing Notices were sent on: March 23, 2018

Report Prepared by: Christney Barilla

SITE INFORMATION

Parcel Size: 0.1 Acre
Terrain: Flat with 3% slope. Mountain area.
Vegetation: Natural mountain vegetation with native trees surrounding a single family residential structure.

SURROUNDING LAND DESCRIPTION:

AREA	EXISTING LAND USE	LAND USE ZONING DISTRICT
Site	Single Family Residential Structure	Bear Valley Community Plan/Single Residential
North	Single Family Residential Structure	Bear Valley Community Plan/Single Residential
South	Single Family Residential Structure	Bear Valley Community Plan/Single Residential
East	Single Family Residential Structure	Bear Valley Community Plan/Single Residential
West	Single Family Residential Structure	Bear Valley Community Plan/Single Residential
West	Single Family Residential Structure	Bear Valley Community Plan/Single Residential

AGENCY

COMMENT

City Sphere of Influence:	N/A	
Water Service:	City of Big Bear Lake Dept. of Water and Power	Existing Water Service
Sewer Service:	Big Bear City Community Service District	Existing Sewer Service

In accordance with Section In accordance with San Bernardino County Development Code Section 86.08.010(b)(1) and (2) 86.08.010 Appeal of a Land Use Decision

Before its effective date, in compliance with Section 86.06.020 (Effective Date of Permits), any land use decision made in compliance with the provisions of this Development Code by a review authority other than the Board may be appealed by the applicant or other affected party in the following manner.

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(b) Commission's decisions.

(1) Land use decisions. The Commission shall consider appeals regarding land use decisions made by any County agency, department, office, officer, or official.

(2) Decisions exempt from appeal to the Board following a Commission decision. The Commission may refer consideration of an appeal to the Board, except for the following:

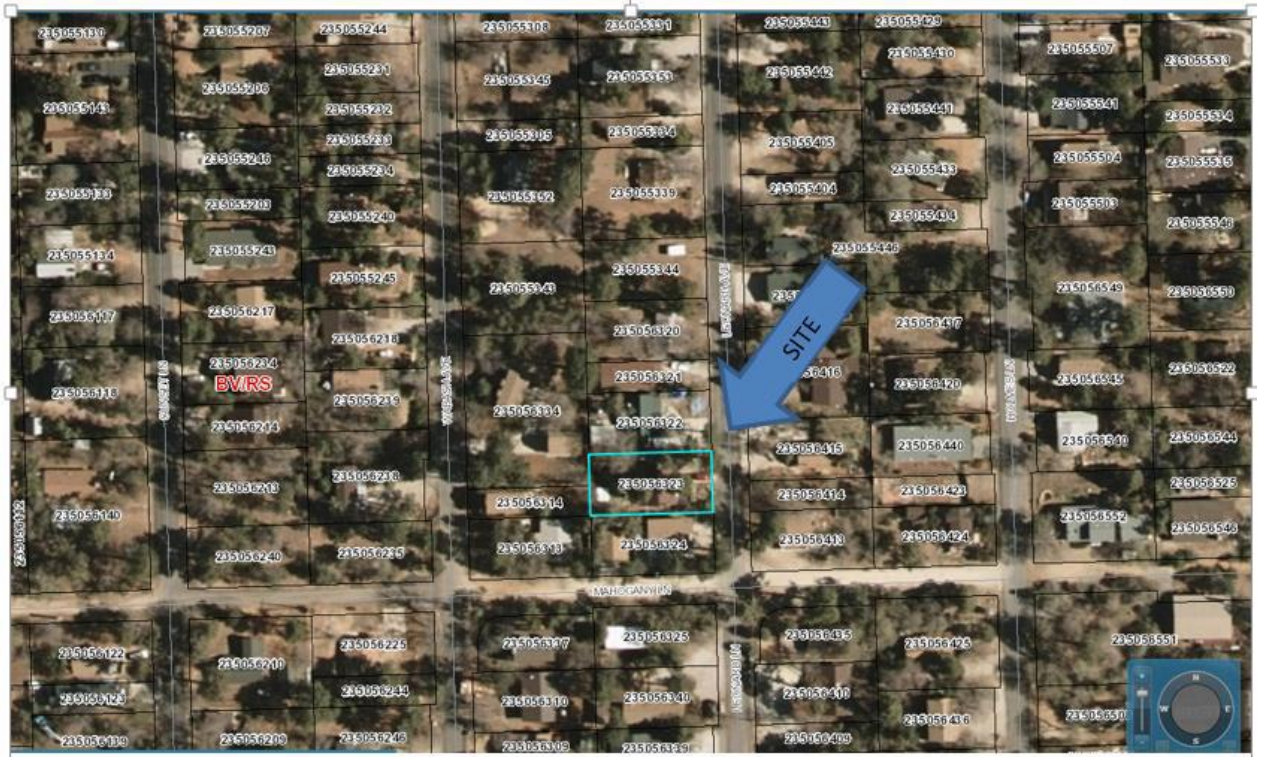
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(VII) The determination to approve or disapprove a reasonable accommodation request.

VICINITY MAP



OFFICIAL LAND USE DISTRICT MAP



SITE PHOTOS



SITE PHOTOS (CONTINUED)



SITE PHOTOS (CONTINUED)



PROJECT DESCRIPTION & BACKGROUND:

The Zoning Administrator referred the Reasonable Accommodation to the Planning Commission because of controversy. It is for the approval of a Reasonable Accommodation for a Land Use Modification to allow an additional four (4) emotional support small dogs (all under 10 lbs.) primarily housed inside, to provide mental health professional-recommended emotional support for two (2) disabled persons in an existing single family residence. The breeds of the four dogs are: Chihuahua, Chihuahua mix, Dachshund Mix and unknown (stray). Both of the disabled persons have a need for emotional support animals to mitigate diagnosed medical symptoms. The permitting of emotional support animals qualifies as reasonable accommodations under the Fair Housing Act (FHA). The subject parcel is located in the unincorporated community of Sugarloaf in the Mountain Region of the unincorporated area of the County and is zoned Bear Valley Community Plan/Single Residential (BV/RS). The subject property is 0.1 acre in size (approx. 4,800 sq. ft.) and is improved with a permitted, two bedroom single family residential structure.

PUBLIC COMMENTS:

In accordance with the County Development Code (Development Code) section 84.31.030(d)(1), at the time the application was accepted, the Planning Division sent out public notices to the owners of record of all properties that are immediately adjacent to and directly across the street from the subject property. Similar notices were sent prior to the Zoning Administrator hearing. In addition, a legal advertisement publicizing the Planning Commission hearing was published in a general circulation newspaper on March 23, 2018.

A Zoning Administrator Hearing was held on February 15, 2018 to consider the Reasonable Accommodation. During the Zoning Administrator hearing, one neighboring property owner objected to the Reasonable Accommodation, stating concerns with: (a) overconcentration of dogs; (b) the need for the disabled persons to have emotional support animals; (c) the barking noise level in early morning; and (d) manure management to be controlled. These issues have been addressed in the conditions of approval.

ANALYSIS:

The proposed addition of 4 (four) emotional support dogs to the 2 (two) existing dogs is supported by staff because of the size of each of the proposed additional animals (all under 10 (ten) pounds), their primarily indoor containment, and an evaluation by a mental health professional meeting the FHA requirements. When an individual with a disability uses a service animal or an emotional support animal, a reasonable accommodation may include a waiver of a local zoning ordinance. In cases where persons with disabilities use service animals or emotional support animals, these animals are not considered pets. Discrimination may exist under the FHA for "...refusal to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford such person equal opportunity to use and enjoy a dwelling." 42 U.S.C. § 3604(f)(3)(B)

The subject property is approximately 4,800 sq. ft. in area. According to Development Code Table 84-5, only 2 dogs would be permitted on a parcel of this size. The proposed conditions of approval of the reasonable accommodation include a requirement that all dogs be kept in the house from 9 p.m. to 7 a.m., in accordance with private kennel requirements. The conditions also require noise attenuation to 55 Db(a) at the property line, and a manure management plan to ensure sanitary conditions.

Chapter 84.30, *Reasonable Accommodation in Housing Development for Disabled Individuals*, of the Development Code provides guidance for an applicant to file a request for Reasonable Accommodation. The purpose is to provide individuals with disabilities reasonable accommodation in the application of the County's rules, policies, practices and procedures, as necessary to ensure equal access to housing. The purpose is also to provide a process for individuals with disabilities to make requests for, and be provided, reasonable accommodation, when reasonable accommodation is warranted under the law based upon sufficient evidence, with respect to the various laws, rules, policies, practices and/or procedures of the County, including land use and zoning regulations.

Approval of a request for reasonable accommodation must be supported by required findings set forth in Subsection 84.31.050 of the County's Development Code. Those findings applicable to a request of this nature are:

84.31.50 Required Findings

- (a) The following findings must be made in order to approve a request for reasonable accommodation*
- (1) The housing, which is the subject of the request for reasonable accommodation, will be occupied as the primary residence by an individual protected under the Fair Housing Laws.*
 - (2) The request for reasonable accommodation is necessary to make specific housing available to one or more individuals protected under the Fair Housing Laws.*
 - (3) The requested reasonable accommodation will not impose an undue financial or administrative burden on the County.*
 - (4) The requested accommodation will not require a fundamental alteration of the zoning or building laws, policies and/or procedures of the County.*
 - (5) The requested accommodation will not, under the specific facts of the case, result in a direct threat to the health and safety of other individuals or substantial physical damage to the property of others.*
- (b) The County may consider, but is not limited to, the following factors in determining whether the requested accommodation is necessary to provide one or more individuals with a disability an equal opportunity to use and enjoy a dwelling:*
- (1) Whether the requested accommodation will affirmatively enhance the quality of life of one or more individuals with a disability.*

(2) Whether the individual or individuals with a disability will be denied an equal opportunity to enjoy the housing type of their choice absent the accommodation.

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(d) In granting a request for reasonable accommodation, the reviewing authority may impose any conditions of approval deemed reasonable and necessary to ensure that the reasonable accommodation will comply with the findings required by this Chapter.

ENVIRONMENTAL DETERMINATION:

The Proposed Reasonable Accommodation is exempt from the California Environmental Quality Act (CEQA) because it qualifies for a Class 1 exemption for use of existing structures, in section 15301 of the CEQA Guidelines.

SUMMARY:

The proposal for a Reasonable Accommodation satisfies the requirements of the Development Code and fair housing law that requires cities and counties to grant reasonable accommodations for persons with disabilities. Therefore, Staff recommends approval of the Reasonable Accommodation.

RECOMMENDATION:

That the Planning Commission:

- A. **ADOPT** the proposed Findings for approval of the Reasonable Accommodation per Development Code Section 84.31.050; and
- B. **APPROVE** a Reasonable Accommodation for 2 (two) disabled persons to have 4 (four) dogs as emotional support animals (all under 10 lbs.) in addition to the existing 2 (two) dogs on the 0.1 acre property.
- C. **FILE** a Notice of Exemption

ATTACHMENTS:

- Exhibit A: Findings
- Exhibit B: Conditions of Approval

EXHIBIT A

Findings

FINDINGS AND SUPPORTING FACTS FOR APPROVAL OF A REASONABLE ACCOMMODATION TO EXCEED THE NUMBER OF ALLOWED DOGS ON THE PARCEL, TO ALLOW FOUR (4) ADDITIONAL DOGS (ALL UNDER 10 LBS.) AS EMOTIONAL SUPPORT ANIMALS FOR TWO (2) DISABLED PERSONS IN ADDITION TO THE TWO (2) ALLOWED DOGS IN A SINGLE FAMILY RESIDENTIAL STRUCTURE LOCATED AT 826 LEONARD LANE; SUGARLOAF; ON 0.1 ACRE; APN: 2350-563-23; P201700616,

1. **The housing, which is the subject of the request for reasonable accommodation, will be occupied as the primary residence by an individual protected under the Fair Housing Laws.**

Facts:

- 1A. Norma Jean Boone and Madeleine Boone (referred to herein collectively as "Applicants") have requested a reasonable accommodation to exceed the number of allowed dogs on the parcel, to allow four (4) additional dogs (all under 10 lbs.) as emotional support animals for two (2) disabled persons in addition to the two (2) dogs allowed on the parcel. The parcel is located in an unincorporated area of the County at 826 Leonard Lane, Sugarloaf, CA
- 1B. Both Applicants are disabled persons protected under federal and state Fair Housing laws. The Applicants have been determined by a licensed Doctor of Psychology in the State of California to meet the definition of disabled under the Americans with Disability Act (ADA), the Fair Housing Act (FHA), and the Rehabilitation Act of 1973 (Rehabilitation Act). Residents will be provided with the emotional support animals to mitigate the symptoms of their respective disabilities.
- 1C. Federal regulations and case law under the FHA protect a person with a disability from discrimination in obtaining housing. Emotional support animals qualify as reasonable accommodations under the FHA. In cases where a person with a disability uses a service animal or an emotional support animal, a reasonable accommodation may include waivers of local ordinances. These animals are not considered pets. Discrimination, under 42 U.S.C. § 3604(f)(3)(B), may include "a refusal to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford such person equal opportunity to use and enjoy a dwelling." "[T]he FHA encompasses all types of assistance animals regardless of training, including those that ameliorate a physical disability and those that ameliorate a mental

disability." *Fair Housing of the Dakots, Inc. v. Goldmark Property Management, Inc.* (D.N.D. 2011) 778 F. Supp. 2d 1028, 1036.

2. The request for reasonable accommodation is necessary to make specific housing available to one or more individuals protected under the Fair Housing Laws.

Facts:

- 2A. The proposed four (4) additional small dogs (all under 10 lbs.) increase the density for animal keeping is located on a 4,356 sq. ft. parcel in a single family residential land use zoning designation. The proposed density increase in the number of dogs is for a total of six (6) from the two (2) allowed; as such, the requested reasonable accommodation is necessary to establish the proposed increase in animal keeping as meeting the County's standards for residential land use. The Development Code limits animal keeping allowed as an accessory use to a single-family dwelling unit to two (2) dogs maximum on a parcel that is less than 7,200 sq. ft.
- 2B. The reasonable accommodation to allow the applicants to increase the number of dogs on the parcel by four (4) additional dogs (all dogs are under 10 lbs. and of breeds likely to stay under that weight: Chihuahua, Chihuahua mix, Dachshund Mix and unknown (stray)) as emotional support animals is deemed appropriate by a mental health professional meeting the Fair Housing Act (FHA) requirements for the two (2) disabled persons.
- 2C. Both Applicants are disabled persons protected under federal and state Fair Housing laws. The Applicants have been professionally determined by a licensed Doctor of Psychology in the State of California to meet the definition of disability under the Americans with Disability Act, the Fair Housing Act, and the Rehabilitation Act of 1973. The Applicants will be provided with the emotional support animals to mitigate the symptoms of their respective disabilities and the reasonable accommodation for these animals will affirmatively enhance the quality of life and limitations by alleviating one or more of the identified symptoms or effects of the Applicants' existing disabilities.

3. **The requested reasonable accommodation will not impose an undue financial or Administrative burden on the County.**

Facts:

3A. The existing single family residential structure has not generated any undue costs related to administrative or enforcement activity that would be considered a financial or administrative burden on the County.

3B. No financial or administrative burden would be created by providing the reasonable accommodation requested to have four (4) additional small dogs (all under 10 lbs. or less) that will increase the density for animal keeping located in a single residential land use zoning designation.

4. **The requested accommodation will not require a fundamental alteration of the zoning or building laws, policies and/or procedures of the County.**

Facts:

4A. **"Fundamental alteration" has been described in cases interpreting the Fair Housing Amendments Act of 1988 (FHAA) reasonable accommodation requirement as "undermining the basic purpose which the requirement seeks to achieve."**

The request must be granted only if granting the accommodation does not undermine the basic purpose of the Development Code: (1) granting that the density of animal keeping be increased for the four (4) (all under 10 lbs.) emotional support animals does not undermine the basic proposed accommodation like the Private Kennel conditions would seek to achieve. The parcel is in the Sugarloaf unincorporated area of the County, in the mountain region. The four (4) (all under 10 lbs.) dogs will be primarily housed inside the single family residential structure due to inclement weather, wildlife activity and required close proximity to the disabled persons for emotional support. Under normal circumstances, the additional animal dog density would require a Special Use Permit as a Private Kennel; as such, in this case the additional dogs will be kept primarily in the house. Specifically all four (4) emotional support dogs will be kept inside the house from 9 p.m. to 7 a.m. and the noise level will be attenuated to 55 Db(A) from the property line, like a Private Kennel Special Use Permit would require.

4B. The requested accommodation will not require a fundamental alteration of the County's zoning or building laws, policies and/or procedure requiring establishment for the increased density of small dogs for emotional support animals.

(1) The Development Code provides that for different densities if the use is for an Animal Keeping Allowed as an Accessory Use with a Special Use Permit; in which case the County would impose specific conditions of compliance. An increased density of dogs generally results in potentially greater impacts from noise and manure management. The entitlement review process for Private Kennel animal keeping as an accessory use includes an analysis of the proposed living environment to ensure compatibility of the project with the uses on neighboring parcels. Through this entitlement process, the County requires implementation of specific conditions and mitigation measures identified to reduce potential conflicts with and impacts to the surrounding properties.

(2) With conditions of approval placed on the reasonable accommodation, all of the findings required for Animal Keeping as an Accessory Use in a single-family dwelling unit for the different density can be made in the affirmative for the emotional support animals:

a) The site for the proposed use is adequate in terms of shape and size to accommodate the proposed use.

The proposed use is for the two (2) allowed dogs and four (4) small additional emotional support dogs (a Chihuahua (smooth), a Chihuahua (mix), a Dachshund (mix) and an unknown stray; all four dogs are under 10lbs.). Since the elevation of the parcel is in the mountain region of Sugarloaf, average elevation 6,998 feet above sea level, the small emotional support dogs will be primarily housed inside the single family residential structure because of inclement weather, wildlife and the requirement to have the emotional support dogs in close proximity to the two (2) disabled persons.

b) The site for the proposed use has adequate access.

The single residential structure is located on and has direct

access to Leonard Avenue. Leonard Avenue is an existing local street that intersects with Barton Lane, which is a major collector street. No new access improvements would be required to grant the reasonable accommodation request.

- c) The proposed use will not have a substantial adverse effect on abutting properties or the allowed use of the abutting properties.

The conditions will provide for manure management plan, noise development standards, and an indoor overnight time limit similar to the County Development Code for Private Kennel requirements.

- d) The proposed use and manner of development are consistent with the goals, maps, policies, and standards of the County General Plan.

The proposed reasonable accommodation specifically implements 2013-2021 County of San Bernardino Housing Element in the General Plan;

5.8.3 Persons with Disabilities

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- ◆ *Other disabilities. San Bernardino County has a sizable population of persons with other nonphysical disabilities, including mental illness, persons recovering from substance abuse, and persons with miscellaneous ailments that are not developmental or physical in nature.*

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Ensuring fair and equal housing opportunity under state and federal fair housing laws is also important for people with disabilities. According to the Housing Rights Center, fair housing complaints from people with disabilities represent the largest percentage of complaints received in recent years. The recent surge in complaints appears to be due to a greater awareness of existing fair housing laws and focus by the courts on ensuring that cities affirmatively address the

housing needs of people with disabilities, specifically with respect to reasonable accommodation procedures.

Regardless of the disability, meeting the full range of housing and supportive service needs for people with disabilities requires a comprehensive strategy. This strategy should focus on facilitating independent living through in-home modifications, allowing for suitable housing by enacting and updating land use and zoning practices, facilitating and/or financing a range of supportive services, and implementing and enforcing existing state and federal fair housing law.

- e) There is a supporting infrastructure, existing or available, consistent with the intensity of the development, to accommodate the proposed project without significantly lower service levels.

The additional animal density will take place within an existing single family residential structure located in a single-family neighborhood served by existing infrastructure, including streets, utilities and public services. Granting the reasonable accommodation application to permit four (4) additional small dogs (all under 10 lbs.) that are emotional support animals to occupy the single family residential structure would not increase the demand on existing infrastructure or services in a manner that would reduce service levels.

- 5. The requested accommodation will not, under the specific facts of the case, result in a direct threat to the health and safety of other individuals or substantial physical damage to the property of others.**

Facts:

A request for the reasonable accommodation may be denied if granting it would pose a "direct threat to the health or safety of other individuals or result in substantial physical damage to the property of others." See 42 U.S.C. Section 3604 (f)(9). This is a very limited exception and can only be used when, based on the specific facts of a situation, a requested accommodation results in a significant and particularized threat. Federal cases interpreting this exception, have indicated that requested accommodations cannot be denied due to

generalized fears of the risk posed by disabled persons. There are no known specific facts of this case to support a finding that granting the request for reasonable accommodation would pose a "direct threat to the health or safety of other individuals or substantial physical damage to the property of others." The development of a manure management plan in the Conditions and the adherence to the Development Code noise standards and indoor overnight requirements will provide mitigation for any manure management, noise concerns or concerns of outdoor overnight housing.

The County considered the mental health professional's recommendation that the emotional support animals provide an equal opportunity for the persons with disabilities to use and enjoy the dwelling and enhance their quality of life. In the opinion expressed by the mental health professional, the presence of the emotional support animals is necessary to mitigate the disabled persons' symptoms.

6. The approval of the reasonable accommodation is exempt from the California Environmental Quality Act (CEQA) pursuant to section 15061.

Facts:

It has been determined that the request is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b) (3) of the CEQA Guidelines which provides that a project is exempt from CEQA if the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

End of Findings

EXHIBIT B

Conditions of Approval

ON-GOING CONDITIONS OF APPROVAL

Norma Jean Boone and Madeleine Boone, Major Reasonable Accommodation to Allow Four (4) Additional Dogs that are Emotional Support Animals (all under 10 Lbs.) to Exceed the Number of Allowed Dogs for Two Disabled Persons
826 Leonard Lane; Sugarloaf, CA
APN: 2350-563-23-0000

1. Project Description. This Reasonable Accommodation authorizes Norma Jean Boone and Madeleine Boone (referred to herein as “Applicants”), to exceed the number of allowed dogs on the parcel located at 826 Leonard Lane, Sugarloaf, CA; to allow 4 (four) additional dogs (all under 10 lbs.) as emotional support animals for two disabled persons in a single family residential structure which is subject to compliance with the San Bernardino County Code (SBCC), the following conditions of approval, and the regulations and permit requirements of other agencies, including the San Bernardino County Department of Public Health Veterinarian Services. Currently the parcel has 2 (two) allowed dogs. This reasonable accommodation request relieves the applicant from the requirements of applying for the Special Use Permit requirement for a Private Kennel for Animal Keeping Allowed as an Accessory Use to a single-family dwelling unit. The single-family dwelling unit is located in the Land Use Zoning Designation of Bear Valley Community Plan/Single Residential (BV/RS).

a.) Physical Site: The Land Use Zoning Designation of the property is Bear Valley Community Plan/Single Residential (BV/RS) APN: 2350-563-23-0000.

There is a single family residential structure located on the subject 0.1 acre parcel. The single family residential structure contains two bedrooms.

b.) Surrounding Area: The single family residential structure is located on a block bordered by Mahogany Lane to the south, Leonard Avenue to the east, Wabash Avenue to the west and Clark Lane to the north in a neighborhood which contains a number of parcels which exceed the minimum lot size of 7,200 sq. ft. The mountain region of Sugarloaf, where the parcel is located, is at an elevation of approximately 6,998 feet above sea level. The proposal to accommodate four (4) additional emotional support dogs (all under 10 lbs.) which are not housed outdoors, will have a noise standard and a manure management plan. The subject property will not require a fundamental alteration of the zoning or conditions of the site or surrounding area.

2. Grant of Reasonable Accommodation. A Reasonable Accommodation is granted to the two disabled applicants; hereinafter referred to the “Applicants”, to exceed the number of allowed dogs on the parcel located at 826 Leonard Lane, Sugarloaf,

CA which would allow 4 (four) additional dogs (all under 10 lbs.) as emotional support animals for the two disabled persons in a single family residential structure. The reasonable accommodation to exceed the number of allowed dogs on the parcel to allow 4 additional dogs (all dogs are under 10 lbs. or less) to the allowed 2 (two) dogs, are comprised of the following breeds: a Chihuahua, a Chihuahua Mix, a Dachshund Mix and a small Stray. These animals deemed appropriate by a mental health professional as emotional support animals, meeting the Fair Housing Act (FHA) requirements for the two disabled persons to be a reasonable accommodation.

3. Automatic Termination. This Reasonable Accommodation shall automatically terminate when the above described allowance of the additional 4 (four) dogs all under 10 lbs. changes or if either applicant is no longer a permanent resident of the single family residence. Also, if a change occurs of the four (4) dogs approved; the Chihuahua, Chihuahua Mix, Dachshund Mix and a small Stray defined in the Reasonable Accommodation. Applicants shall immediately notify the County when there is a change. Said notice shall be provided in writing to: the Director of Land Use Services. In the event of automatic termination, Applicants can use the property as one (1) single family residence allowing 2 (two) dogs or apply for a new reasonable accommodation to accommodate replacement of emotional support dogs that are all under 10 lbs. for one or both of the disabled person that are the applicants.
4. Verification of Resident Disability. Both Applicants will be disabled persons protected under federal and state Fair Housing laws. The Applicants have been professionally determined by a licensed Doctor of Psychology in the State of California to meet the definition of disability under the Americans with Disability Act, the Fair Housing Act, and the Rehabilitation Act of 1973. Residents will be provided with the emotional support animals to mitigate the symptoms of their disability.
5. Occupancy Limit. Applicants shall limit occupancy of the single family residential structures to four (4) additional dogs all under 10 lbs. to the two (2) allowed dogs for the emotional support of the two disabled applicants.
6. Contact Information. Applicants shall provide the County with at least two contact names and accessible way to communicate.
7. License. Applicants shall provide the Land Use Services Department with the two (2) allowed dogs and all four (4) additional dogs (all under 10 lbs.) emotional support animals for the two disabled applicants with a current copy of all the dog licenses from the County of San Bernardino.

8. Animal Housing. County of San Bernardino Development Code Section 84.04.060 - Private Kennel regulations would require all dogs be kept inside the single family residential structure from 9 p.m. to 7 a.m. These requirements will be a condition of housing for the four (4) additional emotional support dogs.
9. Manure Management Plan. Proper manure management shall be carried out in compliance with Title 3 (Health and Sanitation and Animal Regulations) of the County Code. An adequate waste and manure disposal plan shall be provided for the total of all six dogs on the parcel to the Land Use Services Planning Division. Manure waste must be retrieved from the yards and disposed of on a daily basis from the six dogs.
10. Noise. Noise level shall be maintained at or below County Standards as detailed in the County of San Bernardino Development Code Section 84.04.060 (Private Kennels and/or Catteries) the noise level will be attenuated to 55 Db(A) from the property line.
11. Fencing. Applicants shall maintain in good condition the existing wood fencing placed on the side and rear, and all chain link fencing in order for animal containment.
12. Zoning Regulations/Standards. The project site is located in the Bear Valley Community Plan/Single Residential (BV/RS) Land Use Zoning Designation in the Mountain Region. Required yard/setback areas shall be maintained in good condition and clear of obstructions. The following development standards apply to the subject site:
 - Minimum Yards, Building Setbacks are:
 - Front – (Lot less than 14,000 s.f.) - 15 ft.;
 - Side Interior (each) – 20% of lot width, need not exceed 15 ft.⁽²⁾;
 - Rear – 15 ft.
 - Maximum building height shall be 35 ft.
 - Maximum lot coverage (impervious) shall be 40%⁽³⁾ Maximum percentage of the total lot area that may be covered by structures and impervious surfaces.
 - ⁽²⁾ The side yard setback standards in the Fire Safety Overlay (Chapter 82.13) shall prevail. The setback provisions of the small lot development standards (Chapter 84.22) shall not apply.
 - ⁽³⁾ The maximum lot coverage allowed in Chapter 82.06, Table 82-21 B will prevail for allowed institutional land uses.
13. Performance Standards. The site is subject to all performance standards stated in the Chapter 83.01 of the San Bernardino County Development Code, including vibration, fire hazard abatement and waste disposal, as well as requirements

related to light and glare in Chapter 83.07. The Development Code is available on line at: <http://www.sbcounty.gov/uploads/lus/developmentcode/DCWebsite.pdf>

14. Trash Containers. All trash shall be promptly and properly contained within closed containers, pending weekly trash collection. Applicants shall ensure that adequate containers are provided for the property, including the manure management plan for disposal.
15. Continuous Maintenance. All landscaping, fuel modification measures, fencing and structures shall be maintained regularly by the property owner, so that all facets of the site are kept in continual good repair, including but not limited to paint, roofing, windows, the removal of graffiti and continued provision of healthy thriving mountain region landscaping. The property shall be maintained so that it is visually attractive and not dangerous to the health and welfare of the surrounding neighbors.
16. Continuous Effect/Modification/Revocation. All of the conditions of this approval are continuously in effect throughout the applicant's residency on the parcel. The request for the overconcentration of dogs to be increased by four (4) (all under 10 lbs.) making a total of six dogs is with an approved reasonable accommodation for the parcel. Failure of the property owner or Applicants to comply with any and all of the conditions at any time may result in public hearing and possible modification of the conditions of approval or revocation of the reasonable accommodation, provided adequate notice, time and opportunity is provided to property owner, Applicants or other interested party to correct the non-compliance, pursuant to section 86.09.170 of the County of San Bernardino Development Code.
17. Operator Requests for Modification or Revision. Any Applicants request for changes to the conditions of approval shall be treated as a new request for reasonable accommodation, unless the request is minor and does not involve a substantial alteration to the use or the approval, as determined by the Director. Any proposed change to the approved use/activity on the site or any increase in developed area of the site or an expansion or modification to the approved use or any proposed change to the conditions of approval, including use restrictions shall require an additional application for reasonable accommodation. Any changes in use characteristics, including but not limited to the following, shall require an amendment to this reasonable accommodation or issuance of a new reasonable accommodation:
 - A. Increase in the number, size or breed type of the emotional support animals.
 - B. Requests for amendments to the conditions of approval, including:

- a. Modifications to the manure management plan.
 - b. Modifications to the noise attenuation requirements.
 - c. Modifications to the overnight inside housing requirement.
18. Expiration. This approval shall expire and become void if it is not “exercised” within three (3) years of the effective date of this approval, unless an extension of time is approved. Approval of the reasonable accommodation is deemed “exercised” when the Applicants provide primarily indoor housing, and overnight indoor housing, noise level attenuation and a manure management plan for four (4) emotional support dogs all under 10 lbs. that are the following breeds; Chihuahua, Chihuahua Mix, Dachshund Mix and a small Stray. Upon operation of the exercised reasonable accommodation, the approval shall remain valid continuously for the life of the use, unless one of the following occurs:
 - a) The land use is determined by the County to be abandoned;
 - b) The use is determined by the County to be not operating in compliance with these conditions of approval, the County Code, or other applicable laws, ordinances or regulations. In these cases, the use may be subject to a revocation hearing and possible termination.

PLEASE NOTE: This will be the ONLY notice given of approval expiration date. Operator is responsible to initiate and Extension of Time application.

19. Extension of Time. Extensions of time to the expiration date (listed above or as otherwise extended) may be granted in increments of one to three years beyond the current expiration date. An application to request consideration of an extension of time may be filed with the appropriate fees no less than thirty days before the expiration date. Extensions of time may be granted based on a review of that application, which includes a justification of the delay in implementation and a plan of action for completion. The granting of such an extension request is a discretionary action that may be subject to additional or revised conditions of approval to site plan modification. (County of San Bernardino Development Code 86.06.060)
20. Indemnification. In compliance with SBCC §81.01.070, Applicants shall defend, indemnify, and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void, or annul the County’s approval of the application for reasonable accommodation, except where such indemnification is prohibited by law.
21. Compliance with Laws. The property owner and Applicants are responsible to ascertain and comply with all laws, ordinances, regulations and any other

requirements of Federal, State, County and Local agencies as are applicable to the development and operation of the approve land use and project site. Compliance with all rules and regulations may be verified by an inspection conducted by a code enforcement officer, building inspector, and/or fire inspector, prior to the issuance of final occupancy.

22. Enforcement Activities. Should any enforcement activities be required to ensure compliance with the conditions of approval, the applicants or property owner shall be charged for such activities in accordance with the San Bernardino County Code Schedule of Fees.
23. Applicants to Update Information: The applicants shall be responsible for updating any information relating to the requirements of this reasonable accommodation, as soon as practical, including: the contact information required in Condition 4, and the notification required in Condition 3.

END OF CONDITIONS