



Agenda Item

AGENDA STAFF REPORT

ASR Control

2411

MEETING DATE: January 28, 2020
LEGAL ENTITY TAKING ACTION: Board of Supervisors
BOARD OF SUPERVISORS DISTRICT(S): All Districts
SUBMITTING AGENCY/DEPARTMENT: Supervisor Wagner
DEPARTMENT CONTACT PERSON(S): Leon Page (714) 834-3303
Shane Silsby (714) 667-9700

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2020 JAN 13 PM 2:50
CLERK OF THE BOARD
BOARD OF SUPERVISORS

SUBJECT: Approve Zoning Code Amendment CA 20-01 Group Homes

CEO CONCUR
Pending Review
N/A

COUNTY COUNSEL REVIEW
Pending Review
Approve as to Form

CLERK OF THE BOARD
Public Hearing
3 Votes Board Majority

Budgeted: N/A

Current Year Cost: N/A

Annual Cost: N/A

Staffing Impact: No

of Positions:

Sole Source: N/A

Current Fiscal Year Revenue: N/A

Funding Source: N/A

County Audit in last 3 years: No

Prior Board Action: 9/24/19 #39, 6/25/2019 #S68F

RECOMMENDED ACTION(S):

1. Find that Zoning Code Amendment CA 20-01 is exempt from the provisions of CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines.
2. Read the title of the Ordinance.
3. Order further reading of the Ordinance be waived.
4. Conduct public hearing.
5. Consider the matter and adopt Zoning Code Amendment CA 20-01 amending the Codified Ordinances of the County of Orange regarding community care facilities and group homes.

SUMMARY:

Approval of the Zoning Code Amendment CA 20-01 will increase the separation requirements for sober living homes and certain licensed facilities in residential neighborhoods and will put in place regulations for emergency and involuntary evictions of residents from group homes.

BACKGROUND INFORMATION:

On June 25, 2019, the Board of Supervisors (Board) discussed a proposed zoning code amendment to address community care facilities (Facilities) and group homes and directed the Orange County Planning Commission (Planning Commission) to consider an amendment and return to the Board. On August 28, 2019, the Commission recommended adoption by the Board of the proposed Zoning Code Amendment CA 19-01, regarding community care facilities and group homes.

Unincorporated areas of the County of Orange (County), as well as other California counties and cities, have seen an increase in the proliferation of licensed Facilities and group homes in residential neighborhoods. In particular, the County has seen an increase in the number of homes being utilized as housing for large numbers of individuals recovering from alcohol and drug addiction, which do not provide treatment in the home and are not licensed by the State of California (State). These Facilities are also commonly referred to as sober living homes.

As a result of the increase in these Facilities, unincorporated County areas have experienced problems with large and/or an over-concentration of group homes in single-family neighborhoods. The increase in the number of group homes has generated community concern and complaints including overcrowding, inordinate amounts of second-hand smoke and noise, increased parking demands and the clustering of group homes in close proximity to each other. This clustering can alter the residential character of these neighborhoods to one that appears more institutional and business-oriented in nature.

On September 24, 2019, the Board considered and approved Zoning Code Amendment CA 19-01, which requires group homes, including sober living homes, which do not function as single housekeeping units, to obtain a ministerial permit through which they will agree to operate in a manner consistent with the nature of the residential neighborhoods in which they are located.

Zoning Code Amendment CA 19-01 addressed the proliferation of licensed Facilities, group homes and sober living homes in residential neighborhoods by incorporating the following revisions and additions to the Orange County Codified Ordinances:

1. New/revised zoning code definitions for boarding and rooming houses, Facilities, group homes, single housekeeping units, sober living homes and alcoholism or drug abuse recovery or treatment facilities;
2. Updated provisions for when use permits are required for licensed community care, congregate living health and alcoholism or drug abuse recovery or treatment facilities;
3. Ministerial permit requirements for group homes (which includes sober living homes):
 - a.. Provide extensive applicant information;
 - b. If located in a single-family residential districts, have six or fewer occupants and a house manager on-site on a 24-hour basis;
 - c. Additionally, for sober living homes, the following requirements must be met:
 - i. Cannot be located within 650 feet, as measured from the closest property lines, of any other sober living home or State-licensed and/or certified alcoholism or drug abuse recovery or

treatment facility;

- ii. Residents must be actively participating in recovery programs;
- iii. Rules and regulations must (1) prohibit use of alcohol and non-prescription drugs; (2) comply with sex offender registration and living arrangement requirements set forth in the Penal Code, (3) have written policy to preclude visitors under the influence of alcohol or drugs; (4) have a good neighbor policy and (5) shall not provide certain defined services; and

4. New reasonable accommodation procedures.

On December 11, 2019, the Planning Commission considered Zoning Code Amendment CA 16-01 – Comprehensive Zoning Code Update. As part of Zoning Code Amendment CA 16-01, the Planning Commission adopted Resolution 19-06, which recommended revisions to the Board approved Zoning Code Amendment 19-01, regarding community care facilities and group homes. Among other changes to the Zoning Code, the Planning Commission recommended adoption of: (1) a 1,000 feet separation between two alcoholism or drug abuse recovery/treatment facilities (7 persons or more), between an alcoholism or drug abuse recover/treatment facility (7 persons or more) and any sober living home, or between any two sober living homes; and, (2) staff proposed amendments that address emergency and involuntary evictions of residents from group homes.

Zoning Code Amendment CA 20-01 incorporates the following, as recommended by the Planning Commission, into the community care facility and group home provisions: (1) the 1,000 feet separation between two alcoholism or drug abuse recovery/treatment facilities (7 persons or more), between an alcoholism or drug abuse recover/treatment facility (7 persons or more) and any sober living home, or between any two sober living homes; and, (2) staff proposed amendments that address emergency and involuntary evictions of residents from group homes. Zoning Code Amendment CA 20-01 also incorporates minor technical revisions for clarity.

The Planning Commission and Board meetings were both publicly noticed in a newspaper of general circulation.

Compliance with CEQA: The subject project is exempt from the provisions of CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines.

FINANCIAL IMPACT:

N/A

STAFFING IMPACT:

N/A

ATTACHMENT(S):

Attachment A - Proposed Zoning Code Amendment CA 20-01 - Community Care Facility and Group Home Regulations

Attachment B – Planning Commission Resolution

Attachment C - Ordinance