
ITEM #1

OC DEVELOPMENT SERVICES REPORT

DATE: August 28, 2019

TO: Orange County Planning Commission

FROM: OC Development Services/Planning

SUBJECT: Public Hearing - Zoning Code Amendment CA 19-01 – Community Care Facility and Group Home Regulations

PROPOSAL: Recommend adoption of Zoning Code Amendment CA 19-01 by the Board of Supervisors that will revise Sections 7-9-23, 7-9-24, 7-9-25, 7-9-27, 7-9-33, 7-9-35, 7-9-39, 7-9-40, Section 7-9-55.2, 7-9-59.2, 7-9-65.2, 7-9-66.2, 7-9-67.2, 7-9-68.2, 7-9-74.2, 7-9-75.2, 7-9-76.2, 7-9-77.2, 7-9-77.4, 7-9-78.2, 7-9-78.3, 7-9-78.4, 7-9-79.2, 7-9-79.4, 7-9-80.2, 7-9-84.2, 7-9-84.3, 7-9-85.3, 7-9-87.2, 7-9-87.3, 7-9-88.3, 7-9-89.2, 7-9-90.2, 7-9-141 through 7-9-141.6, 7-9-145.6, 7-9-148.5 and 7-9-153 of the Codified Ordinances of the County of Orange regarding community care facilities and group homes. This amendment will address the increase in licensed care facilities, group homes, and sober living homes in single-family residential neighborhoods.

**ZONING/
GENERAL PLAN
DESIGNATION:** N/A

LOCATION: Unincorporated Areas of Orange County

APPLICANT: County of Orange

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RECOMMENDED ACTION(S):

OC Development Services/Planning recommends the Planning Commission:

- a. Receive staff report and public testimony.
- b. Adopt Planning Commission Resolution No. 19-02 (Attachment 1), which will:
 1. Find that Zoning Code Amendment CA 19-01 is exempt from the provisions of CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines.
 2. Recommend to the Board of Supervisors adoption of the proposed Zoning Code Amendment CA 19-01 regarding Community Care Facility and Group Home Regulations.

BACKGROUND:

Unincorporated areas of Orange County, as well as other California counties and cities have seen an increase in the proliferation of licensed care facilities, group homes, and sober living homes in single-family residential neighborhoods. In particular, the County has seen an increase in the number of single-family 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. These facilities are 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 has changed the residential character of these neighborhoods to one that appears more institutional and business-oriented in nature.

PROPOSED PROJECT:

The proposed Zoning Code Amendment CA 19-01 (Attachment 2) will require 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 single-family residential neighborhoods in which they are located.

Strong evidence exists that a supportive living environment in a residential neighborhood provides more effective recovery than an institutional-style environment. The Amendment seeks to regulate group homes in the unincorporated County areas in general. The goal of the Amendment is to provide the disabled, including recovering addicted individuals with an equal opportunity to live in the residence of their choice, while maintaining the single-family residential character of these neighborhoods that is most conducive to effective recovery.

Pursuant to state law, the County is required to treat various state-licensed community care and alcoholism or drug abuse recovery or treatment facilities serving six or fewer tenants as a single-family residential use allowed by right (without having to obtain discretionary approvals) in residential districts.

However, the State does not regulate supportive living facilities that provide no treatment. These facilities include sober living homes, which provide supportive living environments to individuals recovering from drug and alcohol addiction.

State and federal laws require the County to make reasonable accommodations in zoning laws when such accommodation is reasonably necessary to afford a disabled individual the opportunity to use and enjoy a dwelling. Allowing the operation of group homes that house up to six individuals within single family residential zones provides that accommodation. In addition, the County proposes a reasonable accommodation procedure for those disabled individuals needing special consideration.

Proposed Zoning Code Amendment CA 19-01 addresses the proliferation of licensed care facilities, group homes, and sober living homes in single-family 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, community care 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 6 or fewer occupants and a house manager on-site on a 24-hour basis;
 - c. Additionally, for sober living group 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 June 19, 2019, the Board of Supervisors discussed the proposed Zoning Code Amendment concerning community care facilities and group homes, and directed the Planning Commission to consider the Zoning Code Amendment and return with a recommendation to the Board of Supervisors.

CEQA COMPLIANCE:

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

Submitted by:



Richard Vuong, Division Manager
OC Development Services/Planning

Reviewed by,



Colby Cataldi, Deputy Director
OC Public Works/Development Services

Attachment 1
Attachment 2

Draft Planning Commission Resolution No. 19-02
Proposed Zoning Code Amendment 19-01 – Community Care Facility and Group
Home Regulations

RESOLUTION NO. 19-02

August 28, 2019

On Motion of Commissioner _____, duly seconded and carried, the following Resolution was adopted:

WHEREAS, under the California Constitution, Article XI, Section 7, the County is granted broad police powers to preserve public health and safety and general welfare of their residents; and

WHEREAS, under this California Constitutional authority, the County may establish strictly private residential districts; and

WHEREAS, the County may act to preserve the single-family characteristics of its single-family neighborhoods, which powers have been recognized by both the California Supreme Court and United States Supreme Court, the latter of which has stated that, "It is within the power of the legislature to determine that the community should be beautiful as well as healthy, spacious as well as clean, well-balanced as well as carefully patrolled"; and

WHEREAS, both the California Supreme Court and United States Supreme Court have held that cities have the right to regulate both the number of people who may reside in a single family home and the manner in which the single family is used as long as such regulations do not unfairly discriminate or impair an individual's rights of privacy and association; and

WHEREAS, individuals and families often purchase homes in single-family neighborhoods for the tranquility and safety that accompanies such neighborhoods and with the expectation of establishing close and long-standing ties with their neighbors; and

WHEREAS, with these expectations, individuals and families commit to making what will be, for most of them, the single largest financial investment of their lives, as well as one of the most significant emotional investments; and

WHEREAS, the Federal Fair Housing Act Amendments ("FHAA") and the California Fair Employment Housing Act ("FEHA") prohibits public agencies from making land use decisions or policies that exclude or otherwise discriminate against persons with disabilities or other protected classes; and

WHEREAS, a core purpose of the FHAA, FEHA and California's Lanterman Act is to provide a broader range of housing opportunities to the disabled; to free the disabled, to the extent possible, from institutional style living; and to ensure that disabled persons have the opportunity to live in normal residential surroundings and use and enjoy a dwelling in a manner similar to the way a dwelling is enjoyed by the non-disabled; and

WHEREAS, to fulfill this purpose the FHAA and FEHA also require that the County provide reasonable accommodation to its zoning ordinances if such accommodation is necessary to afford a disabled person an equal opportunity to use and enjoy a dwelling; and

WHEREAS, Counties are required to treat state licensed community care facilities and alcoholism or drug abuse recovery or treatment facilities serving six or fewer residents as a residential use; and

WHEREAS, in enacting this Ordinance the Board of Supervisors is attempting to strike a balance between the County's and residents' interests of preserving the single family characteristics of single-family neighborhoods and providing opportunities for the disabled to reside in single-family zones that are enjoyed by the non-disabled; and

WHEREAS, over the past several years cities within the County, unincorporated County areas and the State have seen a significant increase in the number of single-family homes being utilized as licensed and non-state licensed alcohol and drug recovery facilities for individuals (non-licensed hereinafter "sober living homes"); and

WHEREAS, the increase appears to be driven in part by the Substance Abuse and Crime Prevention Act of 2000 (hereafter, "the Act") adopted by California voters which provides that specified first-time drug and alcohol offenders are to be afforded the opportunity to receive substance abuse treatment rather than incarceration; and

WHEREAS, the Affordable Care Act has significantly expanded the availability of health care coverage for substance abuse treatment; and

WHEREAS, the unincorporated areas of the County have seen an increase of sober living homes, which has generated community concerns and complaints including, but not limited to overcrowding, inordinate amounts of second-hand smoke, and noise; and the clustering of sober living facilities and licensed facilities in close proximity to each other; and

WHEREAS, this significant increase in sober living homes has become an rising concern statewide as local officials are in some cases being bombarded with complaints from residents about the proliferation of sober living homes; conferences drawing local officials from around the state have been held discussing what to do about the problems associated with sober living homes; it has been the topic of several League of California Cities meetings; there have been numerous state attempts at legislative fixes that have failed; and

WHEREAS, as of the date of adoption of this Ordinance, records from the State of California Department of Health Care Services ("DHCS") from May 2019 show that unincorporated areas of Orange County are home to 158 alcohol and drug recovery beds in 21 licensed facilities and/or certified alcohol and drug programs in residential zones, County-wide DHCS shows that there are 2,616 alcohol and drug recovery beds; and

WHEREAS, there is no required licensing, certification, or registration for sober living homes, thus, the exact number of sober living homes within the unincorporated areas of Orange County is unknown; and

WHEREAS, the Orange County Sheriff-Coroner Department (“OCSD”) has a voluntary sober living home certification program wherein OCSD certifies facilities that are meeting certain guidelines. The sole purpose of the certification program is to provide access to quality residential facilities for the persons in need of drug-and alcohol-free recovery environments and to promote public safety. There is one sober living home in an unincorporated Orange County area that is certified by OCSD and there are 44 currently certified sober living homes in Orange County that house over 550 residents. Because this is a voluntary program, it is unlikely to represent all sober living homes operating County-wide; and

WHEREAS, in certain areas of unincorporated Orange County, including Tustin, the number of licensed treatment facilities, group homes, and sober living homes is increasing, leading to an overconcentration of sober living homes in the single family residential neighborhoods, which is both deleterious to the single-family character of the single-family residential neighborhoods and may also lead to the institutionalization and commercialization of such neighborhoods; and

WHEREAS, the purpose of sober living homes is to provide a comfortable living environment for persons with drug or alcohol addictions in which they remain clean and sober and can participate in a recovery program in a residential, community environment, and so that they have the opportunity to reside in the single family neighborhood of their choice; and

WHEREAS, recovering alcoholics and drug addicts, who are not currently using alcohol or drugs, are considered disabled under both the FHAA and FEHA; and

WHEREAS, concentrations of sober living homes and/or the placement of inordinately large numbers of recovering addicts in a single dwelling can undermine the benefits of home ownership in single-family neighborhoods for those residing nearby and undermine the single-family characteristics of neighborhoods; and

WHEREAS, it has been the County’s experience that most, if not all, operators of sober living homes have taken the stance that the FHAA and FEHA prohibit the County from regulating them in any fashion, that they are free to house as many recovering addicts in a single home as they desire, and that they are not required to make any showing to obtain an accommodation from the County’s zoning ordinances, which allow a sober living home to house up to six recovering addicts as a matter of right; and

WHEREAS, there are currently 10 open code enforcement cases regarding licensed alcoholism or drug treatment or recovery facilities or sober living homes in unincorporated Orange County;

WHEREAS, based on the County's research some operators of sober living homes are driven by a motivation to profit rather than to provide a comfortable living environment in which recovering addicts have a realistic potential of recovery, or to provide a living environment which resembles the manner in which the non-disabled use and enjoy a dwelling; and

WHEREAS, the Ordinance proposes to provide a process whereby group homes may locate in the single family residential neighborhoods as long as they are serving six or fewer residents, whereas a similarly situated and functioning home with non-disabled tenants, defined as a boarding house is only allowed three residents in single family residential zones; and

WHEREAS, this Ordinance will provide a mechanism for a group home to seek additional accommodation above the six residents upon making a showing, as required by state and federal law, that such additional accommodation is reasonably necessary to afford the disabled the right to use and enjoy a dwelling in a manner similar to that enjoyed by the non-disabled; and

WHEREAS, permitting six or fewer residents in a sober living home and establishing distance requirements is reasonable and non-discriminatory. These regulations preserve the single family characteristics of single family neighborhoods and also furthers the purpose for which sober living homes are established: (1) the State legislature in establishing licensed community care and alcoholism or drug abuse recovery or treatment facilities as a residential use, including group homes serving recovering addicts, found that six residents was a sufficient number to provide the supportive living environment that experts agree is beneficial to recovery; (2) Group homes serving six or fewer have existed and flourished in the State for decades and there has been no significant efforts or suggestions to increase the number; (3) a 1997 study by the American Planning Association recommended that group home residences should not be concentrated in single neighborhood or block and that if they were to locate next to another or be placed on the same block, the ability of the group home residents to be normalized into the community would be compromised; (4) drug and alcohol addiction is known to affect all income levels and there is no evidence that individuals residing in sober living homes are financially unable to pay market rate rents; (5) in any event, receiving rent from up to six individuals will provide sufficient income for operators of sober living homes and result in revenue which is well above market rate rents; (6) limiting the number of recovering addicts that can be placed in a single-family home enhances the potential for their recovery; and

WHEREAS, sober living homes do not function as a single housekeeping unit nor do they fit the County's zoning definition of a single housekeeping unit for the following reasons: (1) they house extremely transient populations; (2) the residents generally have no established ties to each other when they move in and typically do not mingle with other neighbors; (3) neighbors generally do not know who or who does not reside in the home; (4) the residents have little to no say about who lives or doesn't live in the home; (5) the residents do not generally share expenses; (6) the residents are often responsible for their own food, laundry and phone; (7) when residents disobey house rules they are often just kicked out of the house; (8) the residents generally do not share the same acquaintances; and (9) residents often pay significantly above-market rate rents; and

WHEREAS, because of their transient populations, above-normal numbers of individuals/adults residing in a single home and the lack of regulations, sober living facilities present problems not typically associated with more traditional single-family uses, including: the housing of large numbers of unrelated adult who may or may not be supervised; disproportionate numbers of cars associated with a single-family home which causes disproportionate traffic and utilization of on-street parking; excessive noise and outdoor smoking, which interferes with the use and enjoyment of neighbors' use of their property; neighbors who have little to no idea who does and does not reside in the home; little to no interaction with the neighborhood; a disproportional impact from the average dwelling unit to services; a history of congregating in the same general area; and the potential influx of individuals with a criminal record; and

WHEREAS, a 650-foot distance requirement provides a reasonable market for the purchase and operation of a sober living home within unincorporated areas and still results in preferential treatment for sober living homes in that non-disabled individuals in a similar living situation (i.e., in boardinghouse-style residences) cannot reside in single family residential zones; and

WHEREAS, housing inordinately large numbers of unrelated adults in a single-family home or congregating sober living homes in close proximity to each other does not provide the disabled with an opportunity to "live in normal residential surroundings," but rather places them into living environments bearing more in common with the types of institutional/campus/dormitory living that the FEHA and FHAA were designed to provide relief from for the disabled, and which no reasonable person could contend provides a life in a normal residential surrounding; and

WHEREAS, notwithstanding the above, the Board of Supervisors recognizes that while not in character with a single-family neighborhood, that when operated responsibly, group homes, including sober living homes, provide a societal benefit by providing the disabled the opportunity to live in single-family neighborhoods, as well as providing recovery programs for individuals attempting to overcome their drug and alcohol addictions, and that therefore providing greater access to single family residential zones to group homes, including sober living homes, than to boardinghouses provides a benefit to the County and its residents; and

WHEREAS, without some regulation there is no way of ensuring that the individuals entering into a group home are disabled individuals and entitled to reasonable accommodation under local and state law; that a group home is operated professionally to minimize impacts to the surrounding neighborhood; and that the secondary impacts from over concentration of both group homes in a neighborhood and large numbers of unrelated adults residing in a single facility in a single home are lessened; and

WHEREAS, in addition to group homes locating in single-family neighborhoods other state-licensed community care facilities for six or fewer persons who are mentally disordered or otherwise disabled or supervised, are also taking up residence in single-family neighborhoods; and

WHEREAS, the purpose of group homes for the disabled is to provide the disabled an equal opportunity to comfortably reside in the single family neighborhood of their choice; and

WHEREAS, on August 28, 2019, this Planning Commission conducted a public hearing regarding proposed Zoning Code Amendment CA 19-01 to amend Sections 7-9-23, 7-9-24, 7-9-25, 7-9-27, 7-9-33, 7-9-35, 7-9-39, 7-9-40, Section 7-9-55.2, 7-9-59.2, 7-9-65.2, 7-9-66.2, 7-9-67.2, 7-9-68.2, 7-9-74.2, 7-9-75.2, 7-9-76.2, 7-9-77.2, 7-9-77.4, 7-9-78.2, 7-9-78.3, 7-9-78.4, 7-9-79.2, 7-9-79.4, 7-9-80.2, 7-9-84.2, 7-9-84.3, 7-9-85.3, 7-9-87.2, 7-9-87.3, 7-9-88.3, 7-9-89.2, 7-9-90.2, Section 7-9-141 through Section 7-9-141.6, Section 7-9-145.6, Section 7-9-148.5 and Section 7-9-153 of the Codified Ordinances of the County of Orange regarding Community Care Facilities and Group Home Regulations; and

WHEREAS, the Planning Commission has reviewed and fully considered proposed Zoning Code Amendment CA 19-01, and has heard and considered the public comments that were presented to it on this Project and has determined after review and consideration to recommend adoption of Zoning Code Amendment CA 19-01.

NOW, THEREFORE, BE IT RESOLVED THAT this Planning Commission recommends that the Board of Supervisors make the following finding:

1. That Zoning Code Amendment 19-01 is exempt from the provisions of CEQA pursuant to Section 15061(b)(3) of the CEQA guidelines.

BE IT FURTHER RESOLVED that the Planning Commission recommends adoption of Zoning Code Amendment 19-01 by the Board of Supervisors to amend Sections 7-9-23, *et. seq.*, of the Codified Ordinances of the County of Orange.

The foregoing resolution was carried by the following vote:

Ayes:

Noes:

Absent:

I HEREBY CERTIFY that the foregoing Resolution No. 19-02 was adopted on August 28, 2019 by the Orange County Planning Commission.

ORANGE COUNTY PLANNING COMMISSION

By:

**Proposed Zoning Code Amendment CA 19-01
Draft- August 28, 2019**

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Sec. 7-9-23. - Definitions. (B)

Boarding and rooming house: A building other than a hotel, motel or bed and breakfast including onsite accessory structures, with guest rooms where lodging for two (2) or more persons, who are not living as a single housekeeping unit, is provided with or without meals for monetary or non-monetary consideration under two (2) or more written or oral agreements or leases for periods of at least thirty (30) days. This definition does not include Community Care Facilities, Alcoholism or Drug Abuse Recovery/Treatment Facilities, Group Homes, Sober Living Homes, or Correctional Facilities. Any building or portion thereof with access provided through a common entrance to guest rooms having no cooking facilities and which are rented on a monthly basis or longer. Meals may or may not be provided.

Sec. 7-9-24. - Definitions. (C)

~~Child Day Care Facilities: See "Day (Care) Nursery."~~

Community care facility. Community care facilities shall be licensed by the California Department of Social Services (CDSS). These facilities provide non-medical, residential care, and supervision to children or adults in need of a supportive living environment. The services provided may include assistance in dressing and bathing; supervision of client activities; monitoring of food intake; or oversight of the client's property. Pursuant to Health and Safety Code Section 1502, as may be amended, community care facilities include the following: residential facility providing 24-hour care; adult day program; therapeutic day services facility; foster family agency; foster family care home; small family home; social rehabilitation facility; community treatment facility; full-service adoption agency; noncustodial adoption agency. This definition does not include In-home Family Child Care or Child Care Centers/Early Education Facilities.

~~Any facility which may or may not require a State license to provide nonmedical day care for children, adults, or both, including physically handicapped and mentally incompetent persons. This includes child day care facilities/day care nurseries and family day care homes. Community Care Facility shall be distinct from Congregate Care Facilities, Supportive Housing, Transitional Housing and Emergency Shelters as defined in this Article. Notwithstanding the foregoing definition, Foster Family Homes, as defined by state law, shall be considered Community Care Facilities.~~

~~Congregate Care Facility: A facility, including a Congregate Living Health Facility as defined in State law, providing care on a monthly basis or longer and which is the primary residence of the people it serves. It provides services to the residents such as the following: dining, housekeeping, security, medical, transportation and recreation. Any commercial services provided are for the exclusive use of the occupants of the facility. Such a facility may be located in more than one (1) building and on contiguous parcels within the building site. It includes facilities offering occupancy on a monthly basis and longer such as hotels, resorts, etc., which have characteristics similar to the above.~~

Convalescent Home care facility: A facility licensed by the State Department of Health Services as a skilled nursing facility, as defined by Section 1250 of the Health and Safety Code, as may be amended, which provides bed and ambulatory 24-hour medical, convalescent or chronic

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care for more than six (6) patients with postoperative convalescent, chronically ill or dietary problems and persons unable to care for themselves; including persons undergoing psychiatric care and treatment both as inpatients and outpatients but not including persons with contagious diseases or afflictions. This definition includes facilities known as nursing homes, convalescent hospitals, congregate living health facilities, rest homes, or homes for the aged, but not hospitals or medical clinics.

Sec. 7-9-25. - Definitions. (D)

~~Day (care) nursery A.k.a. child day care facility and day care center: Any facility operated by a person, corporation or association used primarily for the provision of nonmedical daytime care, training, or education of more than six (6) children under eighteen (18) years of age at any location other than their normal place of residence, excluding any children normally residing on the premises.~~

Sec. 7-9-27. - Definitions. (F)

~~Family: One (1) or more persons occupying one (1) dwelling unit. "Family" includes the occupants of community care facilities serving six (6) or fewer persons which are permitted or licensed by the State. "Family" does not include occupants of a fraternity, sorority, boarding house, lodging house, club, or motel.~~

~~Family Day Care Home: A home at which the resident of the home provides regular nonmedical care, protection, and supervision of one (1) to fourteen (14) children for periods of less than twenty-four (24) hours per day. The provider shall be licensed per the State Health and Safety Code unless specifically exempted therein.~~

~~Family Day Care Home, Large: A family day care home which provides family day care to seven (7) to fourteen (14) children, including children who reside at the home.~~

Sec. 7-9-33. - Definitions. (L)

~~Large family day care home: See "family day care home, large."~~

Sec. 7-9-35. - Definitions. (N)

~~Nursery: See "Day (Care) Nursery."~~

~~Nursing Home: See "Convalescent Home care facility."~~

Sec. 7-9-39. - Definitions. (R)

~~Rest Home: See "Convalescent Home care facility."~~

Sec. 7-9-40. - Definitions. (S)

Supportive Housing: Housing with no limit on length of stay, that is occupied by the target population for the housing as identified by the provider, and that is linked to onsite or offsite services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community. Supportive housing that is provided in single family dwelling, multifamily dwelling

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units, residential care facilities, or boarding house uses, shall be permitted, conditionally permitted or prohibited in the same manner as the other single-family dwelling, multifamily dwelling units, residential care facilities, or boarding house uses under this Code.

~~Supportive housing shall be subject to the same requirements as other residential uses of the same type in the same district and shall not include a Congregate Community Care Facility, as defined in Section 7-9-24.~~

Sec. 7-9-55.2. - Principal uses permitted.

The following principal uses complying with section 7-9-146.10 are permitted:

- (a) Agriculture.
- ~~(b) Community care facilities serving six (6) or fewer persons and large family day care homes.~~
- (b)(c) Parks, playgrounds, and athletic fields (non-commercial).
- (c)(d) Single-family dwelling or mobilehome per section 7-9-149.5 (one (1) per building site).

Sec. 7-9-59.2. - Principal uses permitted.

The following principal uses complying with section 7-9-146.10 are permitted:

- (a) Agriculture.
- ~~(b) Community care facilities serving six (6) or fewer persons and large family day care homes.~~
- (b)(c) Parks, playgrounds, and athletic fields (non-commercial).
- (c)(d) Single-family detached dwelling or mobile-home per section 7-9-149.5 (one (1) per building site).

Sec. 7-9-65.2. - Principal uses permitted.

The following principal uses complying with section 7-9-146.10 are permitted:

- (a) Agriculture.
- ~~(b) Community care facilities serving six (6) or fewer persons and large family day care homes.~~
- (b)(c) Parks, playgrounds, and athletic fields (non-commercial).
- (c)(d) Single-family dwelling or mobilehome per section 7-9-149.5 (one (1) per building site).

Sec. 7-9-66.2. - Principal uses permitted.

The following principal uses complying with section 7-9-146.10 are permitted.

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~~(a) Community care facilities serving six (6) or fewer persons and large family day care homes.~~

(a)(b) Parks, playgrounds, and athletic fields (non-commercial).

(b)(c) Single-family dwelling or mobile-home per section 7-9-149.5 (one (1) per building site).

Sec. 7-9-67.2. - Principal uses permitted.

The following principal uses complying with section 7-9-146.10 are permitted:

~~(a) Community care facilities serving six (6) or fewer persons and large family day care homes.~~

(a)(b) Parks, playgrounds, and athletic fields (non-commercial).

(b)(c) Single-family dwelling or mobilehome per section 7-9-149.5 (one (1) per building site).

Sec. 7-9-68.2. - Principal uses permitted.

The following principal uses complying with section 7-9-146.10 are permitted.

~~(a) Community care facilities serving six (6) or fewer persons and large family day care homes.~~

(a)(b) Parks, playgrounds, and athletic fields (non-commercial).

(b)(c) Single-family dwelling or mobile-home per section 7-9-149.5 (one (1) per building site).

Sec. 7-9-74.2. - Principal uses permitted.

The following principal uses are permitted:

~~(a) Community care facilities serving six (6) or fewer persons and large family day care homes.~~

(a)(b) Parks, playgrounds, and athletic fields (non-commercial).

(b)(c) Single-family detached dwelling or mobilehome per section 7-9-149.5 (one (1) per building site).

Sec. 7-9-75.2. - Principal uses permitted.

The following principal uses are permitted.

~~(a) Community care facilities serving six (6) or fewer persons and large family day care homes.~~

(a)(b) Parks, playgrounds, and athletic fields (non-commercial).

(b)(c) Single-family dwelling or mobilehome per section 7-9-149.5 (one (1) per building site).

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Sec. 7-9-76.2. - Principal uses permitted.

Any of the following principal uses are permitted:

- ~~(a) Community care facilities serving six (6) or fewer persons and large family day care homes.~~
- (a)(b) Duplexes (one (1) per building site).
- (b)(e) Parks, playgrounds and athletic fields (non-commercial).
- (c)(d) Single-family dwellings or mobilehomes per section 7-9-149.5.

Sec. 7-9-77.2. - Principal uses permitted.

The following principal uses are permitted.

- ~~(a) Community care facilities serving six (6) or fewer persons and large family day care homes.~~
- (a)(b) Multifamily projects of four (4) or less dwelling units.
- (b)(e) Parks, playgrounds, and athletic fields (non-commercial).
- (c)(d) Single-family dwellings and mobilehomes per section 7-9-149.

Sec. 7-9-77.4. - Principal uses permitted subject to a use permit.

(a) The following principal uses are permitted subject to the approval of a use permit by the Zoning Administrator per section 7-9-150:

- (1) Churches, temples, and other places of worship.
- ~~(2) Congregate care facilities.~~
- (2)(3) Educational institutions.
- (3)(4) Mobilehome developments per section 7-9-149.
- (4)(5) Residential condominium, stock cooperative, and community apartment projects per section 7-9-146.7.
- (5)(6) Wireless communications facilities.

(b) The following principal uses are permitted subject to the approval of a use permit by the Planning Commission per section 7-9-150.

- (1) Residential planned (unit) developments per site development standards of section 7-9-110.
- (2) Any other use which the Planning Commission finds consistent with the purpose and intent of this district.

Sec. 7-9-78.2. - Principal uses permitted.

The following principal uses are permitted:

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- (a) Boarding and rooming houses serving six (6) or fewer persons.
- ~~(b) Community care facilities serving six (6) or fewer persons and large family day care homes.~~
- ~~(b)~~(e) Multifamily projects of four (4) or less dwelling units.
- ~~(c)~~(d) Parks, playgrounds, and athletic fields (non-commercial).
- ~~(d)~~(e) Single-family dwellings and mobilehomes per section 7-9-149.

Sec. 7-9-78.3. - Principal uses permitted subject to a site development permit.

The following principal uses are permitted subject to the approval of a site development permit per section 7-9-150:

- (a) Boarding and rooming houses serving more than six (6) persons.
- (b) Fire and police stations.
- (c) Fraternity or sorority houses.
- (d) Libraries and museums.
- (e) Multifamily projects of five (5) or more dwelling units (except condominium, stock cooperative, and community apartment projects) per section 7-9-146.7.
- (f) Public/private utility buildings and structures.

Sec. 7-9-78.4. - Principal uses permitted subject to a use permit.

(a) The following principal uses are permitted subject to the approval of a use permit by the Zoning Administrator per section 7-9-150:

- (1) Churches, temples, and other places of worship.
- ~~(2) Congregate care facilities.~~
- ~~(2)~~(3) Educational institutions.
- ~~(3)~~(4) Hotels.
- ~~(4)~~(5) Mobilehome developments per section 7-9-149.
- ~~(5)~~(6) Residential condominium, stock cooperative and community apartment projects per section 7-9-146.7.
- ~~(6)~~(7) Wireless communications facilities.

(b) The following principal uses are permitted subject to the approval of a use permit by the Planning Commission per section 7-9-150.

- (1) Residential planned (unit) developments per site development standards of section 7-9-110.

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- (2) Any other use which the Planning Commission finds consistent with the purpose and intent of this district.

Sec. 7-9-79.2. - Principal uses permitted.

The following principal uses are permitted:

~~(a) Community care facilities serving six (6) or fewer persons and large family day care homes.~~

(a)~~(b)~~ Multifamily projects of four (4) or less dwelling units.

(b)~~(c)~~ Parks, playgrounds, and athletic fields (non-commercial).

(c)~~(d)~~ Single-family dwellings or mobilehomes per section 7-9-149.

Sec. 7-9-79.4. - Principal uses permitted subject to a use permit.

(a) The following principal uses are permitted subject to the approval of a use permit by the Zoning Administrator per section 7-9-150:

(1) Churches, temples, and other places of worship.

~~(2) Congregate care facilities.~~

(2)~~(3)~~ Educational institutions.

(3)~~(4)~~ Mobilehome developments per section 7-9-149.

(4)~~(5)~~ Residential condominium, stock cooperative, and community apartment projects per section 7-9-146.7.

(5)~~(6)~~ Wireless communications facilities.

(b) The following principal uses are permitted subject to the approval of a use permit by the Planning Commission per section 7-9-150.

(1) Residential planned (unit) development per site development standards of section 7-9-110.

(2) Any other use which the Planning Commission finds consistent with the purpose and intent of this district.

Sec. 7-9-80.2. - Principal uses permitted.

The following principal uses are permitted:

~~(a) Community care facilities serving six (6) or fewer persons and large family day care homes.~~

(a)~~(b)~~ Parks, playgrounds, and athletic fields (non-commercial).

(b)~~(c)~~ Single-family dwelling or mobilehome per section 7-9-149.5 (one (1) per building site).

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Sec. 7-9-84.2. - Principal uses permitted subject to a site development permit.

The following principal uses shall be permitted subject to the approval of a site development permit per section 7-9-150:

- (a) Administrative/professional offices (except as exempted per sec. 7-9-150.10).
- (b) Animal clinics per section 7-9-146.1.
- (c) Automobile parking lots and structures per section 7-9-145.
- (d) Automobile repair specialty shops.
- (e) Churches, temples, and other places of worship.
- (f) Civic and government uses.
- (g) Commercial recreation.
- (h) Wireless communications facilities (unless within one hundred (100) feet of a residential or open space zoning district, as defined by 7-9-146.13, as measured from the parcel line).
- ~~(i) Day (care) nurseries.~~
- (i)(j) Financial institutions.
- (j)(k) Hotels and motels.
- (k)(l) Libraries and museums.
- (l)(m) Public/private utility buildings and structures.
- (m)(n) Restaurants.
- (n)(o) Retail/service businesses (except as exempted per section 7-9-150.10).
- (o)(p) Wholesale business offices with samples on the premises but not to include warehousing.

Sec. 7-9-84.3. - Principal uses permitted subject to a use permit.

(a) The following principal uses are permitted subject to the approval of a use permit by the Zoning Administrator per section 7-9-150:

- (1) Automobile service stations per the standards in section 7-9-114.
- ~~(2) Congregate care facilities.~~
- ~~(3) Convalescent homes.~~
- (2)(4) Helistops.
- (3)(5) Hospitals.
- (4)(6) Mini-storage facilities.
- (5)(7) Mortuaries and crematories.

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~~(6)(8)~~ Outdoor advertising signs per section 7-9-144.

~~(7)(9)~~ Vehicle washing facilities.

~~(8)(10)~~ Warehouses.

~~(9)(11)~~ Wireless communications facilities (if within one hundred (100) feet of a residential or open space zoning district, as defined by 7-9-146.13, as measured from the parcel line).

(b) Any other use is permitted which the Planning Commission finds consistent with the purpose and intent of this district per section 7-9-150.

Sec. 7-9-85.3. - Principal uses permitted subject to a use permit.

(a) The following principal uses are permitted subject to the approval of a use permit by the Zoning Administrator per section 7-9-150:

(1) Automobile and truck maintenance and repair.

(2) Automobile and truck paint shops.

(3) Automobile service stations per the standards in section 7-9-114.

(4) Automobile wrecking and salvage yards.

(5) Bottling plants.

(6) Cleaning, dyeing and laundry plants.

~~(7) Congregate care facilities.~~

~~(7)(8)~~ Contractors' storage yards, work and fabricating areas.

~~(8)(9)~~ Helistops.

~~(9)(10)~~ Metal plating.

~~(10)(11)~~ Mini-storage facilities.

~~(11)(12)~~ Mortuaries and crematories.

~~(12)(13)~~ Outdoor advertising signs per section 7-9-144.

~~(13)(14)~~ Storage of automobiles, trucks, trailers, boats, motorcycles and other types of vehicles and equipment.

~~(14)(15)~~ Tire retreading.

~~(15)(16)~~ Warehouses.

~~(16)(17)~~ Welding shops.

~~(17)(18)~~ Recycling and transfer/materials recovery facilities per section 7-9-146.12.

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~~(18)(19)~~ Wireless communications facilities (if within one hundred (100) feet of a residential or open space zoning district, as defined by 7-9-146.13, as measured from the parcel line).

(b) Any other use is permitted which the Planning Commission finds consistent with the purpose and intent of this district per section 7-9-150.

Sec. 7-9-87.2. - Principal uses permitted subject to a site development permit.

The following principal uses shall be permitted subject to the approval of a site development permit per section 7-9-150:

- (a) Administrative/professional offices (except as exempted per sec. 7-9-150.10).
- (b) Animal clinics per section 7-9-146.1.
- (c) Automobile parking lots and structures per section 7-9-145.
- (d) Automobile repair specialty shops.
- (e) Churches, temples, and other places of worship.
- (f) Civic and government uses.
- (g) Commercial recreation.
- (h) Wireless communications facilities (unless within one hundred (100) feet of a residential or open space zoning district, as defined by 7-9-146.13, as measured from the parcel line).
- ~~(f) Day (care) nurseries.~~
- (i)(j) Financial institutions.
- (j)(k) Libraries and museums.
- (k)(l) Public/private utility buildings and structures.
- (l)(m) Restaurants.
- (m)(n) Retail/service businesses (except as exempted per section 7-9-150.10).
- (n)(o) Wholesale businesses without warehousing.

Sec. 7-9-87.3. - Principal uses permitted subject to a use permit.

(a) The following principal uses are permitted subject to the approval of a use permit by the Zoning Administrator per section 7-9-150:

- (1) Automobile service stations per the standards in section 7-9-114.
- ~~(2) Congregate care facilities.~~
- (2)(3) Helistops.
- (3)(4) Hospitals.

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- ~~(4)~~(5) Hotels and motels.
- ~~(5)~~(6) Mini-storage facilities.
- ~~(6)~~(7) Mortuaries and crematories.
- ~~(7)~~(8) Outdoor advertising signs per section 7-9-144.
- ~~(8)~~(9) Vehicle washing facilities.
- ~~(9)~~(10) Wireless communications facilities (if within one hundred (100) feet of a residential or open space zoning district, as defined by 7-9-146.13, as measured from the parcel line).

(b) Any other use is permitted which the Planning Commission finds consistent with the purpose and intent of this district per section 7-9-150.

Sec. 7-9-88.3. - Principal uses permitted subject to a use permit.

(a) The following principal uses are permitted subject to the approval of a use permit by the Zoning Administrator per section 7-9-150:

- (1) Automobile and truck maintenance and repair.
- (2) Automobile service stations per the Standards in section 7-9-114.
- ~~(3) Congregate care facilities.~~
- ~~(3)~~(4) Impound and auto storage yards.
- ~~(4)~~(5) Mini-storage facilities.
- ~~(5)~~(6) Outdoor advertising signs per section 7-9-144.
- ~~(6)~~(7) Rental and sales agencies for agricultural, industrial and construction equipment.
- ~~(7)~~(8) Vehicle washing facilities.
- ~~(8)~~(9) Recycling and transfer/materials recovery facilities per section 7-9-146.12.
- ~~(9)~~(10) Wireless communications facilities (if within one hundred (100) feet of a residential or open space zoning district, as defined by 7-9-146.13, as measured from the parcel line).

(b) Any other use is permitted which the Planning Commission finds consistent with the purpose and intent of this district per section 7-9-150.

Sec. 7-9-89.2. - Principal uses permitted subject to a site development permit.

The following principal uses shall be permitted subject to the approval of a site development permit per section 7-9-150:

- (a) Administrative/professional offices (except as exempted per sec. 7-9-150.10).

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- (b) Animal clinics per section 7-9-146.1.
- (c) Civic and government uses.
- (d) Churches, temples, and other places of worship.
- (e) Wireless communications facilities (unless within one hundred (100) feet of a residential or open space zoning district, as defined by 7-9-146.13, as measured from the parcel line).
- ~~(f) Day (care) nurseries.~~
- (f)(g) Financial institutions.
- (g)(h) Libraries and museums.
- (h)(i) Public/private utility buildings and structures.
- (i)(j) Restaurants.
- (j)(k) Retail/service businesses (except as exempted per section 7-9-150.10).

Sec. 7-9-90.2. - Principal uses permitted subject to a site development permit.

The following principal uses are permitted subject to the approval of a site development permit per section 7-9-150:

- (a) Automobile parking lots per section 7-9-145.
- (b) Churches, temples, and other places of worship.
- (c) Civic and government uses.
- (d) Wireless communications facilities (unless within one hundred (100) feet of a residential or open space zoning district, as defined by 7-9-146.13, as measured from the parcel line).
- ~~(e) Day (care) nurseries.~~
- (e)(f) Educational institutions serving adults.
- (f)(g) Financial institutions.
- (g)(h) Libraries and museums.
- (h)(i) Professional/administrative offices (except as exempted per sec. 7-9-150.10)
- (i)(j) Public/private utility buildings and structures.

Sec. 7-9-141. - Community care facilities, alcoholism or drug abuse recovery/treatment facilities, congregate living health facilities, child day care facilities, and group homes.

- (a) Purpose. The purpose of this section is to regulate community care facilities, alcoholism or drug abuse recovery or treatment facilities, congregate living health facilities, child care facilities, and group homes, as defined in the following section, to avoid impacts to noise

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and traffic, preserve safety, provide adequate on street parking, and to preserve the overall nature of a neighborhood's residential character.

- (b) Applicability. This section applies to the unincorporated area including planned community and specific plan areas.

Sec. 7-9-141.1. - Definitions. ~~Reserved~~

The following definitions apply for community care facilities and group home purposes in addition to any applicable definitions found in section 7-9-21, and those definitions incorporated from the County's adoption of the California Building Code and International Building Code.

Alcoholism or drug abuse recovery or treatment facilities. Pursuant to Health and Safety Code Section 11834.02, as may be amended, alcoholism or drug abuse recovery or treatment facilities shall be licensed by the State and includes any premises, place, or building that provides residential nonmedical services to adults who are recovering from problems related to alcohol, drug, or alcohol and drug misuse or abuse, and who need alcohol, drug, or alcohol and drug recovery treatment or detoxification services.

Community care facility. Community care facilities shall be licensed by the California Department of Social Services (CDSS). These facilities provide non-medical, residential care, and supervision to children or adults in need of a supportive living environment. The services provided may include assistance in dressing and bathing; supervision of client activities; monitoring of food intake; or oversight of the client's property. Pursuant to Health and Safety Code Section 1502, as may be amended, community care facilities include the following: residential facility providing 24-hour care; adult day program; therapeutic day services facility; foster family agency; foster family care home; small family home; social rehabilitation facility; community treatment facility; full-service adoption agency; noncustodial adoption agency. This definition does not include In-home Family Child Care or Child Care Centers/Early Education Facilities.

Congregate living health facility. A facility, which is licensed by the State of California pursuant to Section 1250 of the Health and Safety Code, as may be amended, to provide inpatient care, including the following basic services: medical supervision, 24-hour skilled nursing and supportive care, pharmacy, dietary, social recreational, and other services for persons who are terminally ill, ventilator dependent, or catastrophically and severely disabled.

Disabled. See "handicapped."

Group home. A facility that is being used as a supportive living environment for persons who are considered handicapped under State or Federal law. A group home operated by a single operator or service provider (whether licensed or unlicensed) constitutes a single facility, whether the facility occupies one (1) or more dwelling units. Group homes shall not include the following: (1) community care facilities; (2) any group home that operates as a single housekeeping unit.

Handicapped. As more specifically defined under the fair housing laws, a person who has a physical or mental impairment that limits one or more major life activities, a person who is regarded as having that type of impairment, or a person who has a record of that type of impairment, not including current, illegal use of a controlled substance.

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Household. Includes all people occupying a single dwelling unit. A household shall also mean all people occupying two (2) dwelling units on the same site if both units are used as group homes owned or operated by the same operator.

Integral facilities. Any combination of two (2) or more group homes which may or may not be located on the same or contiguous parcels of land, that are under the control and management of the same owner, operator, management company or licensee or any affiliate of any of them, and are integrated components of one (1) operation shall be referred to as Integral Facilities and shall be considered one (1) facility for purposes of applying Federal, State and local laws to its operation. Examples of such Integral Facilities include, but are not limited to, the provision of housing in one (1) facility and recovery programming, treatment, meals, or any other service or services to program participants in another facility or facilities or by assigning staff or a consultant or consultants to provide services to the same program participants in more than one (1) licensed or unlicensed facility.

Integral Uses. Any two (2) or more residential care programs commonly administered by the same owner, operator, management company or licensee, or any affiliate of any of them, in a manner in which participants in two (2) or more care programs participate simultaneously in any care or recovery activity or activities so commonly administered. Any such integral use shall be considered one (1) use for purposes of applying Federal, State and local laws to its operation.

Operator. A company, business or individual who provides residential services, i.e., the placement of individuals in a residence, setting of house rules, and governing behavior of the residents. Operator does not include a property owner or property manager that exclusively handles real estate contracting, property management and leasing of the property, and that does not otherwise meet the definition of operator.

Referral facility. A community care facility or a group home where one (1) or more person's residency in the facility is pursuant to a court order or directive from an agency in the criminal justice system.

Single housekeeping unit. Means that the occupants of a dwelling unit have established ties and familiarity with each other, jointly use common areas, interact with each other, share meals, household activities, and expenses and responsibilities; membership in the single housekeeping unit is fairly stable as opposed to transient, members have some control over who becomes a member of the household, and the residential activities of the household are conducted on a nonprofit basis. There is a rebuttable presumption that integral facilities do not constitute single housekeeping units. Additional indications that a household is not operating as a single housekeeping unit include but are not limited to: the occupants do not share a lease agreement or ownership of the property; members of the household have separate, private entrances from other members; members of the household have locks on their bedroom doors; members of the household have separate food storage facilities, such as separate refrigerators.

Sober living home. A type of group home operated as a cooperative living environment providing an alcohol and drug-free home for six (6) persons or less recovering from alcoholism and/or drug abuse. Sober living homes are allowed in residential districts, subject to a group home permit, and are not required to be licensed by the State. Residents may actively participate

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in recovery programs outside of the home such as detoxification, educational counseling, individual or group counseling sessions, or treatment/recovery planning. A sober living home may provide services to the residents such as dining, housekeeping, security, medical, transportation, and recreation, but shall not dispense medications to the residents. Sober living homes shall not include the following: (1) community care facilities; (2) any sober living home that operates as a single housekeeping unit.

Sec. 7-9-141.2 – Community care facilities.

Pursuant to Health and Safety Code Section 1502, a community care facility means any facility, place, or building that is maintained and operated to provide nonmedical residential care, day treatment, adult day care, or foster family agency services. This does not include In-home Family Child Care or Child Care Centers/Early Education Facilities.

- (a) Community care facilities serving six (6) or less persons ~~and large family day care homes~~ shall be permitted in any district, planned community, or specific plan area zoned for residential or agricultural uses and shall be regarded as a single-family dwelling for purposes of zoning and land use regulations.
- (b) Community care facilities serving seven (7) to twelve (12) persons, ~~except for large family day care homes~~, shall be permitted in any district, planned community, or specific plan area zoned for residential or agricultural uses subject to the issuance of a Use Permit by the Planning Commission per section 7-9-150.

Sec. 7-9-141.3. – Congregate living health ~~care~~ facilities.

Congregate living health facilities licensed by the State pursuant to Section 1250 of the Health and Safety Code, as may be amended, are permitted subject to compliance with the applicable development standards of the district, planned community or specific plan, and the following requirements:

- (a) A congregate living health ~~care~~ facility serving six (6) or fewer persons shall be permitted in any district, planned community, or specific plan area zoned for residential or agricultural uses and shall be regarded as a single-family dwelling for purposes of zoning and land use regulations.
- (b) A congregate living health ~~care~~ facility serving from seven (7) to a maximum of twelve (12) persons shall be permitted in any district, planned community, or specific plan area zoned for residential or agricultural uses subject to the issuance of a Use Permit by the Planning Commission pursuant to section 7-9-150. A congregate living health ~~care~~ facility shall:
 - (1) Demonstrate compatibility with adjacent development and land uses.
 - (2) Provide adequate on site parking for the number of residents and staff.
 - (3) Provide adequate screening of the facility by landscaping and/or fencing and useable open space in compliance with the requirements of these regulations.

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- (4) ~~Limit~~ Comply with signage and lighting requirements applicable to the district, planned community, or specific plan area where the facility is located.
- (c) Units contained in any congregate living health living facility shall not be considered "dwelling units" and shall not be subtracted from the total number of allowed dwelling units for a planned community or specific plan area.
- ~~(c) A congregate care facility serving more than twelve (12) persons may be permitted in any district, planned community, or specific plan area zoned for either multifamily residential or hotels subject to the approval of a use permit by the Planning Commission pursuant to section 7-9-150.~~
- ~~(d) Equivalent dwelling unit counts for congregate care facilities shall be determined by the following table. The consequent unit counts are to be subtracted from the total number of allowed dwelling units for a planned community or specific plan area, and shall also determine consistency with area per dwelling unit zoning limitations.~~

Configuration	Dwelling Unit Counts
2 or more bedrooms in the unit	1 dwelling
1 bedroom in the unit	.5 dwelling
0 bedroom in the unit	.25 dwelling
Medical care rooms	0 dwelling

~~Density bonuses may be granted to congregate care facilities in residentially-zoned areas in the same manner that they may be granted to standard residential projects per the Housing Element.~~

Sec. 7-9-141.4. - Alcoholism or drug abuse recovery/treatment facilities.

- (a) Alcoholism or drug abuse recovery/treatment facilities serving six (6) or less persons shall be permitted in any district, planned community, or specific plan area zoned for any residential uses.
- (b) Alcoholism or drug abuse recovery/treatment facilities serving seven (7) to twelve (12) persons shall be permitted in any district, planned community, or specific plan area zoned for multifamily residential uses subject to the issuance of a Use Permit by the Planning Commission per section 7-9-150.

Sec. 7-9-141.5. Child Day Care Facilities. /day care nurseries.

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- (a) In-home family child care, home small. Licensed child care provided within a dwelling unit which provides day care for up to eight (8) children, less than eighteen (18) years of age, including children who reside at the home.
- (b) In-home family child day care home, large. Licensed child care provided within a dwelling unit which A family day care home provides day care for to seven (7) up to fourteen (14) children, less than eighteen (18) years of age, including children who reside at the home.
- (c) Child day care facilities-centers/early education facilities. day care nurseries Child care centers and/or early education facilities serving more than fourteen (14) persons may be permitted in any district, planned community, or specific plan area (except in designated airport accident potential zones) where this use is not otherwise identified as a permitted use, subject to the approval of a Use Permit by the Planning Commission per section 7-9-150.

Sec. 7-9-141.6 - Group homes.

Purpose. This section is intended to preserve the residential character of single-family residential neighborhoods and to further the purposes of the California Fair Employment and Housing Act (FEHA), the Fair Housing Act Amendments (FHAA), and the Lanterman Act by, among other things: (1) ensuring that group homes are entitled to the special accommodation and/or additional accommodation provided under the Orange County Codified Ordinances; (2) limiting the secondary impacts of group homes by reducing noise and traffic, preserving safety, and providing adequate on-street parking; (3) providing an accommodation for the handicapped that is reasonable to the opportunities afforded nonhandicapped individuals to use and enjoy a dwelling unit in a single-family neighborhood; and (4) to provide comfortable living environments that will enhance the opportunity for the handicapped and for recovering addicts to be successful in their programs.

- (a) Group home permit required. A group home that may otherwise be considered an unpermitted use shall be permitted in any district, planned community, or specific plan area zoned for single-family residential districts with a group home permit provided:
- (1) An application for a group home is submitted to the Director by the owner/operator of the group home. The application shall provide the following: (1) the name, address, phone number and driver's license number of the owner/operator; (2) the name, address, phone number and driver's license number of the house manager; (3) a copy of the group home rules and regulations; (4) written intake procedures; (5) the relapse policy; (6) an affirmation by the owner/operator that only residents (other than the house manager) who are handicapped as defined by state and federal law shall reside at the group home; (7) blank copies of all forms that all residents and potential residents are required to complete; (8) if the group home operator is not the property owner, written approval from the property owner to operate a group home shall be submitted with the application.; and (9) any applicable fee or deposit as

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- approved by the Orange County Board of Supervisors. No person shall open a group home prior to issuance of a group home permit.
- (2) The group home shall have six (6) or fewer residents, not counting a house manager, but in no event shall have more than seven (7) residents. If the dwelling unit has an accessory dwelling unit, residents of both units shall be combined to determine whether or not the limit of six (6) residents has been exceeded.
- (3) The group home shall not be located in an accessory dwelling unit unless the primary dwelling unit is used for the same purpose.
- (4) The group home shall have a house manager who resides at the group home or any multiple of persons acting as a house manager who are present at the group home on a 24-hour basis and who are responsible for the day-to-day operation of the group home.
- (5) All garage and driveway spaces associated with the dwelling unit shall, at all times, be available for the parking of vehicles. Residents and the house manager may each only store or park a single vehicle at the dwelling unit or on any street within three hundred (300) feet of the dwelling unit. The vehicle shall be operable and currently used as a primary form of transportation for a resident of the group home.
- (6) Residents shall not require and operators shall not provide “care and supervision” as those terms are defined by Section 80001(c)(3) of title 22, California Code of Regulations, as may be amended.
- (7) Integral facilities shall not be permitted. Applicants shall declare, under penalty of perjury, that the group home does not operate as an integral facility.
- (8) The property shall be fully in compliance with all building codes, codified ordinances, and Zoning Code of the County of Orange.
- (9) In addition to the regulations outlined above, the following shall also apply to sober living homes:
- a. The sober living home is not located within six hundred fifty (650) feet, as measured from the closest property lines, of any other sober living home or a state licensed and/or certified alcoholism or drug abuse recovery/treatment facility.
- b. All residents, other than the house manager, shall be actively participating in legitimate recovery programs, including, but not limited to, Alcoholics Anonymous or Narcotics Anonymous, and the sober living home shall maintain current records of meeting attendance. Under the sober living home’s rules and regulations,

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refusal to actively participate in such a program shall be cause for eviction.

- c. The sober living home's rules and regulations shall prohibit the use of any alcohol or any non-prescription drugs at the sober living home or by any resident either on- or off-site. The sober living home shall also have a written policy regarding the possession, use, and storage of prescription medications. The facility cannot dispense medications but shall make them available to the residents. The possession or use of prescription medications is prohibited except for the person to whom they are prescribed, and in the amounts/dosages prescribed. These rules and regulations shall be posted on-site in a common area inside the dwelling unit. Any violation of this rule shall be cause for eviction under the sober living home's rules for residency and the violator cannot be re-admitted for at least ninety (90) days. Any second violation of this rule shall result in permanent eviction. Alternatively, the sober living home shall have provisions in place to remove the violator from contact with the other residents until the violation is resolved.
- d. The number of residents subject to the sex offender registration requirements of Penal Code Section 290, as may be amended, shall not exceed the limit set forth in Penal Code Section 3003.5, as may be amended, and shall not violate the distance provisions set forth in Penal Code Section 3003, as may be amended.
- e. The sober living home shall have a written visitation policy that shall preclude any visitors who are under the influence of any drug or alcohol.
- f. The sober living home shall have a good neighbor policy provided as part of the group home application that shall direct residents to be considerate of neighbors, including refraining from engaging in excessively loud, profane, or obnoxious behavior that would unduly interfere with a neighbor's use and enjoyment of their dwelling unit. The good neighbor policy shall establish a written protocol for the house manager/operator to follow when a neighbor complaint is received.
- g. The sober living home shall not provide any of the following services as they are defined by Section 10501(a) of Title 9, California Code of Regulations, as may be amended: detoxification; educational counseling; individual or group counseling sessions; and treatment or recovery planning.

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- ~~(10)~~ An applicant for a group home permit may seek relief from the strict application of this section by submitting an application to the Director setting forth specific reasons as to why accommodation over and above this section is necessary under State and Federal laws, pursuant to Section 7-9-153.
- ~~(b)~~ The group home permit shall be issued by the Director as a ministerial matter if the applicant is in compliance or has agreed to comply with subsections (a)(1) through (a)(8) above, and (a)(9), if applicable. The group home permit shall be denied or revoked, by the Director under any of the following circumstances:
- ~~(1)~~ Any owner/operator or staff person has provided materially false or misleading information on the application or omitted any pertinent information.
- ~~(2)~~ Any owner/operator or staff person has an employment history in which he or she was terminated during the past two (2) years because of physical assault, sexual harassment, embezzlement or theft; falsifying a drug test; and selling or furnishing illegal drugs or alcohol.
- ~~(3)~~ Any owner/operator or staff person has been convicted of or pleaded nolo contendere, within the previous seven (7) to ten (10) years, to any of the following offenses:
- ~~a.~~ Any sex offense for which the person is required to register as a sex offender under California Penal Code Section 290, as may be amended, (previous ten (10) years).
- ~~b.~~ Arson offenses – violations of Penal Code Sections 451-455, as may be amended, (previous seven (7) years).
- ~~c.~~ Violent felonies, as defined in Penal Code Section 667.5, as may be amended, which involve doing bodily harm to another person (previous ten (10) years).
- ~~d.~~ The unlawful sale or furnishing of any controlled substances (previous seven (7) years).
- ~~(4)~~ Any owner/operator or staff person is on parole or formal probation supervision on the date of the submittal of the application or at any time thereafter.
- ~~(5)~~ The owner/operator accepts residents, other than a house manager, who are not handicapped as defined by the FHAA and FEHA.
- ~~(6)~~ A group home permit for a sober living home shall also be denied or revoked by the Director under any of the following additional circumstances:

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- a. Any owner/operator or staff person of a sober living home is a recovering drug or alcohol abuser and upon the date of application or employment has had less than one (1) full year of sobriety.
 - b. The owner/operator of a sober living home fails to immediately take measures to remove any resident who uses alcohol or illegally uses prescription or non-prescription drugs, or who is not actively participating in a legitimate recovery program from contact with all other sober residents.
 - c. The sober living home, as measured by the closest property lines, is located within six hundred fifty (650) feet of any other sober living home or state licensed and/or certified alcoholism or drug abuse recovery/treatment facility. If a state licensed and/or certified alcoholism or drug abuse recovery/treatment facility moves within six hundred fifty (650) feet of an existing sober living home this shall not cause the revocation of the sober living home's permit.
- (7) For any other significant and/or repeated violations of this section and/or any other applicable laws and/or regulations.
- (8) Revocation shall not apply to any group home, which otherwise would cause it to be in violation of this section, that has obtained a reasonable accommodation pursuant to section 7-9-153.
- (c) Compliance of existing group homes.
- (1) Existing group homes shall apply for a group home permit within ninety (90) days of the effective date of the group home regulations.
 - (2) Existing group homes shall have one (1) year from the effective date of the group home regulations to comply with its provisions, provided that any existing group home, which is serving more than six (6) residents, shall first comply with the six (6) resident maximum.
 - (3) Existing group homes obligated by a written lease exceeding one (1) year from the effective date of the ordinance, or whose activity involves investment of money in leasehold or improvements such that a longer period is necessary to prevent undue financial hardship, are eligible for up to one (1) additional year grace period pursuant to approval of a group home permit.
- (d) Expiration.
- (1) A group home permit shall expire and be of no further force or effect if after establishment, the use or activity for which the permit was approved is discontinued or abandoned for a period of six (6) months.

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(e) Severability.

If any provision of section 7-9-141, or the application of any such provision to any person or circumstances, shall be held invalid, the remainder of this section to the extent it can be given effect, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby, and to this extent the provisions of this section are severable.

Sec. 7-9-145.6. - Off-street parking requirements.

(a) All land uses shall provide off-street parking in compliance with the following requirements unless otherwise modified by the provisions contained in section 7-9-145.7. The off-street parking requirements listed under this section are the minimum requirements for each specific use; however, it shall be the responsibility of the developer, owner or operator of any specific use to provide adequate off-street parking, even though such parking may be in excess of the minimum requirements set forth in this section.

	Use	Minimum Parking Stalls Required
(10)	Congregate <u>Community care</u> facility serving more than 12 persons.	1 for each unit per section 7-9-141.1.
(11)	Convallescent care facilities and nursing homes, homes for the aged, rest homes, children's homes and sanitariums for elderly persons and persons with disabilities.	1 for every 4 beds in accordance with the resident capacity of the home as listed on required license or permit.
(13)	<u>Licensed facilities providing nonmedical daytime care and/or early education for children. Does not include In-home Family Child Care.</u> Day nurseries for children, including pre-schools and nursery schools.	2 for each 3 employees and teachers plus 1 loading space for every 8 children.

(Note: Above is an excerpt of a table and does not include all of the uses and minimum parking stalls required, as noted in the Zoning Code.)

Sec. 7-9-148.5. - Accessory uses permitted.

The following accessory uses and structures are permitted when customarily associated with, and subordinate to, a permitted residential use on the same building site and when consistent with the approved site development permit for the project.

(a) Uses per section 7-9-137 which include:

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- (1) Garages and carports;
- (2) Fences and walls;
- (3) Patio covers;
- (4) Swimming pools.
- (b) Signs per section 7-9-144 except no roof signs or projecting signs.
- (c) Noncommercial keeping of pets and animals per section 7-9-146.3.
- (d) Home occupations per section 7-9-146.6.
- (e) Manager's unit which is exempt from affordability requirements.
- (f) ~~Child day care facility~~ Child care center/early education facility per Housing Opportunities Manual.
- (g) Accessory uses and structures which the Director finds consistent with the design of the development project and consistent with the purpose and intent of these regulations.

Sec. 7-9-153. - ~~Reserved~~ Reasonable accommodation.

California and Federal laws (42 USC §3600, et seq. and Government Code §12900, et seq.), as may be amended, provide individuals with disabilities the civil right to access publicly funded buildings, facilities and programs, or privately funded housing, including single-family and multifamily dwellings, and public accommodations on an equal basis with others who are not disabled. This section establishes the County procedures for reviewing and approving requests for reasonable accommodation in housing for persons with disabilities, which require a modification or waiver of the requirements of the Zoning Code in conformance with Title 7, Division 1, Sec. 7-1-2 of the Codified Ordinances of the County of Orange, applicable fair housing laws and related statutes.

- (a) County's reasonable accommodation policy. Any disabled person, or their representative, may request an accommodation from any of the County's land use, zoning or building laws, rules, policies, practices and/or procedures when accommodation is reasonable and necessary to afford the person(s) equal opportunity to access publicly-funded buildings, facilities or programs, or privately-funded housing, including single-family and multi-unit dwellings and public accommodations on an equal opportunity basis with others who are not disabled.
- (b) Notice to the public of availability of accommodation process. Notice of the availability of reasonable accommodation shall be displayed at OC Public Works/OC Development Services and on the department's web site. A fact sheet regarding the County's reasonable accommodation policy and process shall also be available.
- (c) Requesting reasonable accommodation.

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- (1) Any eligible person may request a reasonable accommodation in land use, zoning and building regulations, policies, practices and procedures.
- (2) Requests for reasonable accommodation shall be in writing, may be submitted concurrently with any application for discretionary or ministerial permit, and shall include the following information:
- a. Name and address of the individual(s) requesting reasonable accommodation.
 - b. Name and address of the property owner(s).
 - c. Address of the property for which accommodation is requested.
 - d. Description of the requested accommodation and the regulation(s), policy or procedure from which accommodation is being requested.
 - e. Reason the requested accommodation is necessary for the individual(s) with the disability to use and enjoy the dwelling.
- (3) Any information identified by an applicant as confidential, including documentation relating to the disability involved, shall be retained in a manner so as to respect the privacy rights of the applicant and shall not be made available for public inspection.
- (4) A request for reasonable accommodation in regulations, policies, practices and procedures may be filed at any time that the accommodation may be necessary to ensure equal access to housing. A reasonable accommodation does not remove an individual's obligations to comply with other applicable regulations.
- (5) If an individual needs assistance in making the request for reasonable accommodation, the County shall provide assistance.
- (d) Decision-making body.
- (1) For purposes of this section, the decision-making body is the Director.
 - (2) Requests for reasonable accommodation shall be reviewed by the Director, using the criteria set forth in this section.
 - (3) The Director shall notify the applicant within thirty (30) calendar days of the application submittal date whether the application is deemed complete or incomplete.
 - (4) The Director shall issue a written decision on a request for reasonable accommodation within sixty (60) days of the date the application has been determined to be complete, and may either grant, grant with specified reasonable conditions, or deny a request for reasonable

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accommodation in accordance with the required findings set forth in subsection (d).

- (5) If necessary to reach a determination on the request for reasonable accommodation, the Director may request further information from the applicant consistent with fair housing laws, specifying in detail the information that is required. In the event a request for additional information is made, the sixty (60) day period to issue a decision shall not begin until after the application has been deemed complete.
- (e) Required findings. The written decision to grant, grant with specified reasonable conditions, or deny a request for reasonable accommodation shall be based on the following factors:
- (1) Whether the housing, which is the subject of the request for reasonable accommodation, shall be used by an individual with disabilities protected under the law.
- (2) Whether the requested accommodation is necessary to make housing available to an individual with disabilities protected under the law.
- (3) Whether the requested accommodation would impose an undue financial or administrative burden on the County.
- (4) Whether the requested accommodation would require a fundamental alteration in the nature of the County's land use and zoning or building program.
- (f) Written decision on the request for reasonable accommodation.
- (1) The written decision on the request for reasonable accommodation shall explain in detail the basis of the decision, including the Director's findings. All written decisions shall give notice of the applicant's right to appeal and to request reasonable accommodation in the appeals process as set forth below. The notice of decision shall be sent to the applicant by certified mail.
- (2) The written decision of the Director shall be final unless an applicant appeals it to the Planning Commission.
- (3) If the Director fails to render a written decision on the request for reasonable accommodation within the sixty (60) day time period from the date the application is deemed complete, the request shall be deemed granted.
- (4) While a request for reasonable accommodation is pending, all laws and regulations otherwise applicable to the property that is the subject of the request shall remain in full force and effect.

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- (g) Appeals.
- (1) Within thirty (30) days of the date of the Director written decision, an applicant may appeal an adverse decision. Appeals shall be made in writing.
 - (2) If an individual needs assistance in filing an appeal on an adverse decision, the County provide assistance to ensure the appeals process is accessible.
 - (3) All appeals shall contain a statement of the grounds for the appeal. Any information identified by an applicant as confidential shall be retained in a manner so as to respect the privacy rights of the applicant and shall not be made available for public inspection.
 - (4) Nothing in this procedure shall preclude an aggrieved individual from seeking any other remedy available.
 - (5) Appeals of any decision by the Director shall be to the Planning Commission. The decision of the Planning Commission shall be final.