

# INTEROFFICE MEMO

1853



County of San Bernardino

**DATE** April 26, 2012

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**FROM** **CHRISTINE KELLY**  
Director of Land Use Services Department

**TO** **HONORABLE BOARD OF SUPERVISORS**

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**SUBJECT** **REPORT ON AN INTERIM URGENCY ORDINANCE ESTABLISHING A TEMPORARY MORATORIUM ON THE ESTABLISHMENT OF (1) ALCOHOL AND DRUG FREE FACILITIES AND, (2) ALCOHOLISM OR DRUG ABUSE RECOVERY OR TREATMENT FACILITIES TREATING SEVEN (7) OR MORE PERSONS, BOTH SUBJECT TO REASONABLE ACCOMMODATION, TO ALLOW TIME FOR CONSIDERATION OF APPROPRIATE AMENDMENTS TO THE COUNTY DEVELOPMENT CODE.**

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## **Background**

This memorandum has been prepared with respect to Interim Urgency Ordinance 4164, enacted on April 10, 2012 (Item 74), and in specific regard to Government Code section 65858(d), which requires the legislative body to issue a written report describing the measures taken to alleviate the condition which led to the adoption of an urgency ordinance.

Absent any additional action, Interim Urgency Ordinance 4164 would expire after forty-five (45) days (May 25, 2012). Pursuant to Government Code § 65858(d), a proposed extension ordinance would lengthen the moratorium for an additional ten (10) months and fifteen (15) days, or until April 6, 2013.

## **Reasons for the 45 Day Ordinance**

Interim Urgency Ordinance 4164 was originally adopted for the following reasons:

- It is anticipated that the County will receive a number of applications to construct facilities for or otherwise establish Sober Living Facilities and Alcohol/Drug Treatment Facilities treating seven (7) or more persons, as those terms are defined in Interim Urgency Ordinance 4164.
- Existing zoning regulations do not adequately address the establishment of Sober Living Facilities or Alcohol/Drug Treatment Facilities treating seven (7) or more persons.
- Other public entities have reported adverse secondary effects from these types of transitory residential uses, including overcrowding, commercial use of residential property, crime, traffic impacts, insufficient parking, and noise.

Absent this ordinance, such transitory residential uses could possibly be located in close proximity to each other or operated as “integral facilities” so as to create an overconcentration of such uses.

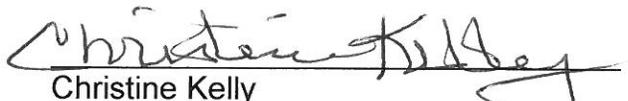
**Measures Taken to Alleviate the Conditions Which Led to the Adoption of the Ordinance**

Following the adoption of Interim Urgency Ordinance 4164, staff began studying and evaluating possible approaches to the issues outline in Interim Urgency Ordinance 4164. Although staff has been working diligently since April 10<sup>th</sup> to complete the necessary research, analysis, and Development Code amendments, more time is needed in order to assess the concerns the residents have brought forward, analyze the impacts created by these types of transitory uses in residential zoning districts, develop regulations that are tailored to the impacts, protect the community, and comply with federal and state fair housing laws.

In order to present these items in a logical manner for meaningful discussion by the Board of Supervisors (Board), the Planning Commission, and the public, additional time is needed that would exceed the initial 45-day moratorium period. Once the appropriate changes to the Development Code can be identified and presented to the Board, the moratorium can then be lifted at any time.

**Duration of the Extension Ordinance**

If adopted by the Board, the ordinance extending the moratorium would cause the moratorium on the establishment of (1) Alcohol and Drug Free Facilities and, (2) Alcoholism or Drug Abuse Recovery or Treatment Facilities treating seven (7) or more persons, both subject to reasonable accommodation, to be extended until April 6, 2013. The extension Ordinance can be again extended (following public notice and hearing) if the conditions which has prompted the urgency ordinance have not been resolved to allow the appropriate decision by the Board.

  
Christine Kelly  
Director, Land Use Services Department