

## **Attachment #2**

### **Planning Commission Packet April 4, 2013**





LAND USE SERVICES DEPARTMENT  
PLANNING STAFF REPORT



HEARING DATE: April 4, 2013

AGENDA ITEM NO: 3

Project Description:

**Applicant:** Land Use Services Department

**Proposal:** A Development Code Amendment to establish new definitions, land use categories, and development standards to accommodate Licensed and Unlicensed Residential Care Facilities, including Sober Living and Alcohol and Drug Treatment Facilities; modify existing residential, commercial, industrial, and agricultural/resource management land use categories and related definitions; and, modify the County's existing Reasonable Accommodation Ordinance.

**Community:** County-wide

**JCS:** L612

**Staff:** Vernon Jones and Jim Squire

**SUMMARY:**

The County's Development Code currently does not address unlicensed alcohol and drug facilities (providing a sober living environment for the disabled), nor does it clearly address the requirements for licensed alcohol and drug facilities providing treatment for seven or more persons requiring such care. Therefore, in April of last year, the Board of Supervisors placed a moratorium on the establishment of:

1. Alcohol and drug free facilities (aka Sober Living Homes); and
2. Alcoholism or drug abuse recovery or treatment facilities (aka A/D Treatment Homes) treating seven or more persons.

The purpose of the moratorium is to allow time for consideration of appropriate amendments to the County Development Code.

Staff has spent the past several months researching relevant data both internally and from outside agencies, meeting with persons and agencies interested in this subject matter, analyzing federal and state legislation, and reviewing recent relevant Court cases. Based upon the research and analysis conducted, staff is recommending a number of Development Code amendments that will:

1. Add new definitions, processes, and development criteria to implement the General Plan's vision for residential neighborhoods and to make the Development Code more current, comprehensive, and internally consistent;
2. Consolidate existing definitions for state-licensed facilities for the disabled and elderly, and all unlicensed facilities for the disabled under the term "Residential Care Facilities" (RCFs);
3. Establish new regulations (including permits and processes) for unlicensed RCFs of any size, and for licensed RCFs (including A/D Treatment Homes) treating seven or more persons;

Action taken by the Planning Commission on this item may be appealed to the Board. Yes  No

Note: Recommendations to the Board of Supervisors are not appealable.

4. Modify existing residential, commercial, industrial, and agricultural/resource management land use categories to incorporate new RCF provisions;
5. Modify the Reasonable Accommodation Ordinance to better address land use accommodation, including findings required for a Reasonable Accommodation; and
6. Reflect best practices recommended by the American Planning Association.

It is important to note that staff looked at all of the land use categories (not only housing for the disabled) in the residential zones to better understand the potential impacts of each use, and that the proposed Development Code amendments were developed to preserve the character of single-family residential neighborhoods and to provide housing opportunities for the disabled, consistent with the County's General Plan.

### **BACKGROUND:**

Over the last decade, many communities in California experienced a significant increase in the number of residences being utilized as unlicensed Sober Living Homes and State-Licensed Residential Facilities that are treating recovering alcohol and drug addicts ("A/D Treatment Homes"). Last year, a number of County residents expressed concern over the proliferation of group homes and other transitory uses in single-family residentially zoned districts in the County. Mountain community residents have emphasized concern about new construction of single-family residences reported to be specifically designed as multiple group homes. Residents have raised concerns about impacts to their neighborhoods, including overcrowding, parking, noise, use of illegal drugs, and the effect on neighborhoods that would result from clusters of these types of facilities in close proximity to each other. The same concerns have been raised, and documented, in other communities around the state. Newport Beach, Orange, Walnut Creek, West Covina, Pasadena, Costa Mesa, and Murrieta have all been in the news as experiencing problems with these types of transitory residential uses, including reports of adverse secondary effects of overcrowding, commercial use of residential property, crime, traffic impacts, insufficient parking, and noise. If clustered in close proximity to each other, these uses have an increased potential to negatively impact the residential character of the County's neighborhoods.

As of March, 2013, the State of California Department of Alcohol and Drug Programs lists seventy-one (71) State-Licensed Residential Facilities and/or Certified Alcohol and Drug Programs operating in cities and unincorporated areas of San Bernardino County. While the County has Development Code criteria to address certain types of transitory uses in residentially zoned districts, amendments to the Development Code are necessary. These amendments will specifically ensure that RCFs, not licensed by the State (including Sober Living Homes of any size), and licensed RCFs (including A/D Treatment Homes, treating seven or more persons), are reasonably regulated so that they blend in with, and do not take over, single-family neighborhoods.

On April 10, 2012, the Board of Supervisors approved Interim Urgency Ordinance No. 4164, establishing a moratorium on the establishment of: (1) alcohol and drug free facilities (aka sober living homes), of any size; and, (2) alcoholism or drug abuse recovery or treatment facilities (aka A/D Treatment Homes) treating seven or more persons, to allow time for consideration of appropriate amendments to the County Development Code. Both uses under the moratorium are subject to requests for reasonable accommodation. The Interim Urgency Ordinance was extended on May 22, 2012, and then again on February 26, 2013. These extensions were approved to:

- Provide staff time to complete the necessary research and analysis of the impacts created by these types of transitory uses in residential zoning districts;
- Develop regulations tailored to the impacts that will comply with federal and state fair housing laws;
- Provide adequate time for consideration of this complex subject by the Planning Commission and Board of Supervisors; and
- Ensure that all necessary actions are completed prior to the termination of the moratorium.

The moratorium, which by law cannot be extended again, will expire on April 6, 2014. The moratorium will also expire as soon as the adopted Development Code amendments become effective.

### **DISCUSSION / ANALYSIS:**

#### **A. THE COUNTY'S GENERAL PLAN VISION FOR SINGLE-FAMILY NEIGHBORHOODS**

The County's General Plan is a legal document that guides and directs how residential communities in the County develop, and sustain themselves, as high-quality, safe living environments for residents and their families. The General Plan provides for a wide range of housing opportunities for County residents, ranging from very low density single-family homes to high-density multiple family with living environs that are much more compact. The objective of the General Plan is to provide housing opportunities for all County households, regardless of type, size, or income level.

The General Plan contains a number of statements that summarize its vision and purpose for single-family residential neighborhoods, as follows:

- To provide areas for single-family homes on individual lots.
- To provide areas for accessory and non-residential uses that complement single-residential neighborhoods.
- To discourage incompatible non-residential uses in single-family residential neighborhoods.

Any amendments to the County's Development Code need to support and implement the County's vision for its single-family neighborhoods. Accordingly, the proposed Development Code amendments have been drafted to ensure that residential and other compatible land uses are encouraged and permitted in single-family Land Use Zoning Districts, consistent with the above vision statements.

#### **B. DEVELOPMENT CODE AMENDMENTS: TO ADDRESS INCOMPATIBLE USES IN SINGLE-FAMILY RESIDENTIAL ZONES**

In conjunction with the study of housing needs of the disabled, staff has reviewed the existing Development Code land use tables to ensure that the intent of the General Plan is being implemented appropriately. Since the Development Code dates back for decades and this type of land use compatibility review had not been conducted for many years, it is not surprising that staff found a number of land use categories in the single-family residential zones that date back to a different era in the County's history. Many of these land use categories are not

consistent with the intent and vision of the General Plan for its residential neighborhoods. In particular, under current Development Code provisions, a number of more intense facility-type “group residential” land uses and commercial-type facilities are potentially permitted (subject to a discretionary use permit) in single-family zones within the County, including:

- Medical Services;
- Sororities and fraternities;
- Homeless shelters; and
- Medical rehabilitation centers.

If permitted, these larger “group residential” uses could erode the character of a single-family neighborhood.

In order to successfully implement the General Plan’s vision for residential neighborhoods, staff has reviewed each Development Code land use zoning district to ensure that allowed and permitted uses are consistent with the goals and policies of the General Plan. In general, staff recommends removing more intensive and higher density “group residential” uses and commercial-type facilities, which could currently be established with a use permit, from the single-family residential zones.

C. DEVELOPMENT CODE AMENDMENTS: TO ADDRESS GROUP HOUSING FOR THE DISABLED

In addition to evaluating the Development Code’s zoning districts to ensure compatibility with the General Plan’s vision, staff also evaluated each zoning district to ensure that ample housing opportunities for the disabled are provided within single-family zones. Per federal and state laws, persons in alcohol and drug treatment and/or recovery are considered disabled and are provided certain protections under the law. These laws include the following objectives:

- To provide disabled persons with alternatives to institutional living; and
- To ensure that disabled persons have the opportunity to use and enjoy a dwelling in a manner similar to opportunities enjoyed by the non-disabled.

State-licensed A/D Treatment Homes with six or fewer residents are considered a permitted residential use under state law, and the County must allow this type of facility in a single-family residential district. However, the County may require that state licensed A/D Treatment Homes serving seven or more persons be permitted in a multi-family residential district, subject to a use permit.

Since unlicensed RCFs (including Sober Living Homes) are not licensed by the State, the County has greater discretion to establish reasonable criteria and standards that preserve the character of a single-family neighborhood, while serving the needs of the disabled. However, state and federal laws governing housing for disabled persons must be considered when regulating these types of uses. Accordingly, staff proposes to permit “small” (6 persons or fewer) unlicensed RCF uses in single-family zones by a new ministerial permit. The proposed permit would be subject to numerous development standard criteria, to ensure that the use remains compatible with the intent of the single-family zoning district.

1. Relevant Federal and State Laws:

The Federal Fair Housing Act, 42 U.S.C. § 3601 et seq. (“FHA”) and the California Fair Employment and Housing Act, Government Code § 12900 et seq. (“FEHA”), prohibit and make it unlawful to discriminate against individuals on the basis of race, color, religion, sex, national origin, familial status and disability through zoning, permits or other land use practices.

There has been a great deal of litigation concerning local agencies’ adoption and enforcement of land use ordinances and policies that regulate group homes for the disabled. While state and federal laws do not pre-empt such zoning laws, the FHA and FEHA prohibit governmental agencies from making zoning or land use decisions that discriminate against individuals with disabilities. Persons with disabilities are individuals with mental or physical impairments which substantially limit one or more major life activities. Examples of disabilities may include blindness, mobility impairment, mental illness, learning disabilities, alcoholism and drug addiction. While individuals in recovery for alcohol or substance abuse are considered to have a disability and are protected from discrimination by federal and state fair housing laws, current users of illegal controlled substances and alcohol are not considered disabled.

The U.S. Department of Justice has provided the following guidance in its paper entitled, “Joint Statement of the Department of Justice and the Department of Housing and Urban Development, *“Group Homes, Local Land Use, and the Fair Housing Act”*”:

“The Fair Housing Act makes it unlawful –

- To utilize land use policies or actions that treat groups of persons with disabilities less favorably than groups of non-disabled persons. An example would be an ordinance prohibiting housing for persons with disabilities or a specific type of disability, such as mental illness from locating in a particular area, while allowing other groups of unrelated individuals to live together in that area.
- To take action against, or deny a permit, for a home because of the disability of individuals who live or would live there. An example would be denying a building permit for a home because it was intended to provide housing for persons with mental retardation.
- To refuse to make reasonable accommodations in land use and zoning policies and procedures where such accommodations may be necessary to afford persons or groups of persons with disabilities an equal opportunity to use and enjoy housing. “

“Local zoning and land use laws that treat groups of unrelated persons with disabilities less favorably than similar groups of unrelated persons without disabilities violate the Fair Housing Act.” A local government may generally restrict the ability of groups of unrelated persons to live together as long as the restrictions are imposed on all such groups.” *Group Homes, Local Land Use, and the Fair Housing Act.* [http://www.justice.gov/crt/about/hce/final8\\_1.php](http://www.justice.gov/crt/about/hce/final8_1.php)

It is important to consider that, regardless of whether these types of facilities are licensed or unlicensed by the State, the residents are considered disabled and, therefore entitled to request a “reasonable accommodation” in the County’s rules and policies, if such accommodation is reasonably necessary, to afford the disabled person an equal opportunity to use and enjoy a dwelling. Whether a particular accommodation is reasonable depends on the facts of each request and will be decided on a case by case basis. An accommodation is deemed “reasonable” so long as it does not:

- a. Impose “undue financial and administrative burdens” on the municipality; or
- b. Require a “fundamental alteration in the nature” of its zoning scheme.

“The scope and magnitude of the modification requested, and the features of the surrounding neighborhood are among the factors that will be taken into account in determining whether a requested accommodation is reasonable.” *Id.*

## 2. Relevant State Programs Regulating Licensed Residential Care Facilities:

State licensed Residential Care Facilities are designed to accommodate individuals who require 24-hour supervision but who do not generally need medical care beyond routine health checks and medication monitoring. These types of facilities provide services to diverse populations and vary in size and capacity. Small facilities provide for six or fewer persons, while large facilities have seven or more persons. Three state agencies license and oversee Residential Care Facilities throughout the state, i.e. the Departments of: Social Services; Alcohol and Drug Programs; and Health Care Services. The Department of Social Services licenses a range of community-based residential facilities for adults and children, including homes for the elderly, mentally disabled, foster care, and developmentally disabled.

The Department of Alcohol and Drug Programs license facilities that provide recovery or treatment services in a supportive environment for adults addicted to drugs or alcohol. Services include detoxification, group and individual sessions, education, and recovery planning. The state Department of Corrections uses these facilities to provide community-based drug treatment and recovery services to offenders under the Substance Abuse and Crime Prevention Act of 2000, which diverted non-violent offenders from prison into community treatment, including residential treatment facilities. Residents of Sober Living Homes, which are unlicensed alcohol and drug-free residences, often come directly from a licensed A/D Treatment facility to live in a supportive environment for a limited period of time, ranging from three to six months, but typically 90 days.

The Department of Health Care Services licenses facilities for the intermediate or severely physically or developmentally disabled, or terminally ill, where skilled nursing care is required on a continuous and/or intermittent basis.

## 3. Survey of Other Communities

An informal survey was conducted of 18 municipalities within San Bernardino, Los Angeles, Riverside, and Orange Counties, to study how each agency accommodates licensed and unlicensed RCFs within residential neighborhoods. The survey revealed that very few agencies have the same approach to regulating and/or accommodating both licensed and unlicensed facilities.

For unlicensed facilities, the approaches ranged from treating homes for six or fewer person as an allowed use to not allowing them at all in single-family residential districts. However, most of the agencies do not have recently updated ordinances, so they may not reflect current case law. There was a much more consistent regulatory approach amongst jurisdictions regarding licensed RCFs. As required by state law, licensed homes for six or fewer persons are treated as single-family residences, with no land use permit required, while homes for seven or more were allowed subject to a CUP in either all residential zones, or only multiple-family zones.

#### 4. Balancing Objectives

In proposing changes to the Development Code to accommodate group homes for the disabled within residential neighborhoods, staff has attempted to balance the following objectives:

- Maintaining the character of single-family neighborhoods; and
- Providing housing opportunities for the disabled within single-family neighborhoods.

Providing housing opportunities for the disabled by allowing unlicensed RCFs with six or fewer persons, in single-family zones may create impacts to neighborhoods that would not be found with more typical family households and other single housekeeping units, which are more likely to share vehicles, meals, and household duties. For example, secondary impacts associated with: vehicle trips to and from the residence, the need for additional on-site parking, overcrowding of bedrooms, and noise associated with multiple individuals residing at the home with a variety of work schedules, could create undesirable impacts without criteria to ensure that potential impacts are adequately addressed. In addition to incorporating dispersion criteria (as discussed below) for unlicensed RCFs with six or fewer persons, staff is also recommending that a ministerial permit be required, to implement land use compatibility criteria (see new Chapter 84.32, Unlicensed Residential Care Facilities). Some of the criteria proposed for unlicensed RCFs with six or fewer persons include: maximum of two tenants per bedroom, one parking space required for each bedroom, plus one for the house manager, compliance with the County's Noise Standards, and property maintenance requirements. The criteria are necessary to ensure that the use remains compatible with the intent of the single-family zoning district.

If group homes are concentrated together within any single-family neighborhood they can have the impact of disrupting the neighborhood character that the zoning district is intended to provide. A neighborhood composed largely of group home facilities would also be inconsistent with the objective of integrating persons with disabilities into the community. The state typically incorporates distance criteria (generally 300 feet) between group home facilities so that they do not dominate any particular neighborhood by clustering too closely together. Interestingly, the state does not have separation criteria for licensed A/D Treatment Homes. Since Sober Living Facilities are unlicensed, there are no requirements, or limitations on requirements, specified by state law. Staff believes that it is reasonable to incorporate separation criteria within the Development Code for unlicensed RCFs to achieve both of the objectives outlined above. Accordingly, staff is recommending a 300 foot separation for new unlicensed RCFs from any existing licensed or unlicensed group home facility and a limitation of no more than one unlicensed RCF per block, consistent with the American Planning Association's Policy Guide on Community Residences, as discussed below.

Integration of the disabled into neighborhoods is occurring all across the nation and, therefore, is relevant to every city and county. A few years ago, the American Planning Association (APA) spent a substantial amount of time analyzing this subject matter. On January 22, 2008, the APA issued a Policy Guide on Community Residences that is a useful resource for addressing the complexities of neighborhood integrity. It contains recommendations for incorporating homes for the disabled in residential neighborhoods in a way that allows a typical neighborhood environment for the disabled persons and retains the desirable elements of the neighborhood for all residents. The Policy Guide concludes that community residences should be allowed in single-family zones, but that they should be

scattered throughout residential districts rather than concentrated in any single neighborhood or on a single block. In summary, the Policy Guide recommends that no more than one or two group homes be accommodated on a single block. Since the term “block” is not amenable to a consistent definition due to varying neighborhood circumstances, it will be redefined in the proposed amendments.

## **PROPOSED DEVELOPMENT CODE AMENDMENTS**

*Group residential* housing, which includes uses such as boarding houses and dormitories, and other commercial-type facilities are not compatible with single-family zones because they can create parking, noise, and other nuisance impacts not typical of low density neighborhoods comprised of single housekeeping units. Therefore, *group residential* uses should be permitted in the multiple-family zones, but not single-family zones.

Although unlicensed homes for the disabled (with six or fewer persons) are a type of group residential use, the proposed amendments provide that these types of homes can be established in single-family zones, subject to a permit with reasonable standards intended to reduce potential impacts to neighborhoods. For example, a standard requiring at least 300 feet between these types of facilities, in combination with a limitation of one facility per block, will ensure that group home uses do not become the dominant residential use in a neighborhood. In addition, numerous other standards, including a minimum parking space requirement (of one for each bedroom), a maximum number of persons per bedroom (two), in conjunction with property maintenance requirements, have been included to ensure that the County has a mechanism to ensure that these facilities will be operated in a manner compatible with single housekeeping units in the neighborhood.

Large homes for the disabled (with seven or more persons) are not required by state or federal law to be allowed in single-family zones. Staff proposes that they be restricted to multiple-family zones, subject to issuance of a conditional use permit.

These amendments are also directed at ensuring internal consistency throughout the Development Code, including amendments to definitions, land use categories, permit processes, parking standards, fees, and reasonable accommodation provisions. See **Attachment 1** for a “redlined version” of the full extent of affected sections of the Development Code. Following is a brief summary of the proposed amendments:

### **Tables 82-7, 82-4, 82-11, 82-17 – Allowed Land Use and Permit Requirements for Residential, Agricultural and Resource Management, Commercial, and Industrial and Special Purpose Land Use Zoning Districts**

*Licensed and unlicensed Residential Care Facilities* (RCFs) have been added to the above listed land use tables. Table 82-7 (Residential Land Use Zoning Districts) has been modified to provide for licensed and unlicensed, as follows:

#### Licensed Residential Care Facilities:

- 6 or fewer persons – allowed by right in single-family (SF) zones per state law;
- 7 or more persons – allowed only in multiple-family (MF) zones, subject to a CUP.

Unlicensed Residential Care Facilities:

- 6 or fewer persons – allowed in SF and MF zones, subject to a new (ministerial) Residential Care Facilities Permit with land use compatibility criteria;
- 7 or more persons – allowed only in MF zones, subject to a CUP.

The County’s former “group home” category, i.e. *Social Care Facilities*, has been deleted from all land use tables since it has been folded into the new *Residential Care Facilities* definition. A new land use category, *Emergency Shelter*, has been added, replacing the old land use category, *Homeless Shelter*, to be consistent with Senate Bill 2, and the County’s Housing Element that is currently under review. A new land use category, *Group Residential*, has been added to replace the former category, *Organizational House*, to provide a more descriptive term. Finally, in addition to the Residential Land Use Zoning Districts, the Agricultural and Resource Management, Commercial, and Industrial and Special Purpose Land Use Zoning Districts have been modified to reflect the changes noted above.

**Table 83-15 – Parking Requirements by Land Use**

This table has been modified to include the following new land use categories and the associated parking requirements: emergency shelter, group residential, residential care facilities (including licensed and unlicensed facilities with 6 or fewer persons and 7 or more persons). The Motels and Hotels land use category was also moved from the *Residential Uses* section to the *Services-General* section, since motels and hotels are lodging services, not residential uses.

**Chapter 84.05 Bed and Breakfast Facilities**

The only change to the existing ordinance is to add language to Subsection 84.05.050(h)(6) (Minimum Separation Requirements) to make it consistent with the new standards for unlicensed residential care facilities. This requirement would be that a Bed and Breakfast facility must be at least 300 feet from another similar facility and that there could only be one facility per block.

**Chapter 84.23 Licensed Residential Care Facilities**

This chapter replaces the former *Social Care Facilities* chapter with the more commonly used terminology, *Residential Care Facilities*. However, many of the existing *Social Care Facilities* development standards have been retained, including the provision that the facilities be separated by at least 300 feet, as well as perimeter decorative wall and property maintenance requirements.

**Chapter 84.28 – Short-Term Private Home Rentals**

The only change to the existing ordinance is to add the following language to Section 84.28.040 Development Standards: *The occupants shall be acting as a single housekeeping unit while staying onsite.*

### **Chapter 84.31 - Reasonable Accommodation in Housing for Disabled Individuals**

This chapter has been modified to add a new *Finding* and a list of “factors” that must be considered in approving a request for reasonable accommodation. Language has also been added to require a *Notice of Decision* to the applicant and to all contiguous property owners.

### **Chapter 84.32 - Unlicensed Residential Care Facilities**

A new chapter is added to establish development standards for unlicensed Residential Care Facilities (RCF) containing six or fewer persons proposing to locate in any residential zoning district, including single-family zones. The development standards include more than 20 criteria that an applicant must comply with in order to obtain an Unlicensed Residential Care Facilities Permit (proposed Chapter 85.20). The criteria include the following limitations and/or requirements: there shall be no more than two tenants per bedroom; a house manager shall be on-site at all times; there shall be no more than one licensed or unlicensed Residential Care Facility per block or within 300 feet of another licensed or unlicensed Residential Care Facility; contact information for the house manager shall be posted on the County’s website; there shall be one parking space provided on-site for each bedroom, plus one for the house manager; the property shall be properly maintained at all times; the prohibition of sex offenders; and all facilities must operate in line with a “good neighbor” policy relative to noise, smoking, and loud or obnoxious behavior. If an applicant, cannot agree to, and comply with, each and every one of the criteria, the Unlicensed RCF Permit will not be issued.

### **Chapter 85.20 - Unlicensed Residential Care Facilities Permits**

This new chapter establishes a permit, and permitting process, for Unlicensed Residential Care Facilities of six or fewer persons. Issuance of this permit requires compliance with Chapter 84.32 – Unlicensed Residential Care Facilities. This chapter also includes provisions to address any existing nonconforming uses, as well as a “revocation process” for non-compliance. The permit shall run with the operator of the facility as opposed to running with the property. Each new operator must obtain a permit so that the new operator is committing to compliance with the standards set forth in Chapter 84.32.

### **Chapter 810.01 - Definitions**

This chapter was revised to add, delete, and/or modify several land uses and terms relative to Residential Care Facilities.

The following terms were added: Community Care Facility, Emergency Shelter, Group Residential, Parolee, Probationer, Parolee-Probationer Home, Residential Care Facility (Licensed, Unlicensed, six or fewer and seven or more persons), Single Housekeeping Unit, Sober Living Facility, Supportive Housing, and Transitional Housing.

The following terms were modified: Boarding House, Block, Short-Term Private Home Rental, and Hotel.

The following terms were deleted: Group Housing, Homeless Shelter, Residential Hotel, Rooming or Boarding, and Social Care Facility.

**ENVIRONMENTAL DETERMINATION:**

The Proposed Development Code Amendments are exempt from the California Environmental Quality Act (CEQA) because the proposed amendments will not result in a direct or reasonably foreseeable indirect change in the environment (Section 15060(c)(2) of the CEQA Guidelines) and the amendments are covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment (Section 15061(b)(3) of the CEQA Guidelines); moreover, these code amendments are also exempt from CEQA pursuant to Section 15305 of the CEQA Guidelines (minor alterations in land use limitations). See **Attachment 2**.

**FINDINGS:**

The following findings and evidence to support such findings must be made by the Commission in making its recommendation to the Board to approve the proposed Development Code Amendment:

1. The proposed amendment is consistent with the General Plan and any applicable community plan or specific plan in that the proposed modifications support the primary purpose and intended uses established in the General Plan for each of the affected General Plan land use zoning designations.
2. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the County in that the proposed modifications include safeguards designed to protect the public interest, health, safety, convenience or welfare of the County's residents, including the disabled.
3. The proposed amendment is internally consistent with other applicable provisions of the Development Code in that the proposed modifications ensure land use compatibility within the affected land use zoning designations while accommodating the disabled in single-family neighborhoods.

**RECOMMENDATION:** Staff recommends that the Planning Commission recommend the following actions to the Board of Supervisors:

- A. ADOPT the proposed ordinance to amend the Development Code regulations to establish new definitions, land use categories, and development standards to accommodate Licensed and Unlicensed Residential Care Facilities, including Sober Living and Alcohol and Drug Treatment Facilities; modify existing residential, commercial, industrial, agricultural/resource management land use categories and related definitions; and, modify the County's existing Reasonable Accommodation Ordinance;
- B. ADOPT the findings as contained in the staff report; and
- C. FILE the Notice of Exemption.

ATTACHMENT: [Proposed Development Code Section Changes \(Red-lined Version\)](#)



## **Proposed Development Code Revisions Relative to Residential Care Facilities**

Table 82-4 (Agricultural and Resource Management)  
Table 82-7 (Residential)  
Table 82-11 (Commercial)  
Table 82-17 (Industrial)  
Table 83-15 (Parking)  
Chapter 82.22 (Sphere Overlay)  
Chapter 84.05 (Bed and Breakfast Uses)  
Chapter 84.23 (Licensed Residential Care Facilities)  
Chapter 84.28 (Short-Term Rentals)  
Chapter 84.31 (Reasonable Accommodation)  
Chapter 84.32 (Unlicensed Residential Care Facilities)  
Chapter 85.20 (Unlicensed Residential Care Facilities Permit)  
Definitions  
Fee

**Table 82-4 (continued)  
Allowed Land Uses and Permit Requirements  
for Agricultural and Resource Management Land Use Zoning Districts**

LAND USE <i>See Division 10 (Definitions) for land use definitions</i>	PERMIT REQUIRED BY DISTRICT				Specific Use Regulations
	RC	AG	FW	OS	
<b>RESIDENTIAL</b>					
Accessory use or structure - Residential	A <sup>(1)</sup>	A <sup>(1)</sup>	—	—	84.01
Accessory dwelling (labor quarters, etc.)	P <sup>(2)</sup>	P <sup>(2)</sup>	—	—	84.01
Dependent housing	SUP	SUP	—	—	84.08
<del>Homeless shelter</del>	—	CUP	—	—	
Guest housing	A <sup>(1)</sup>	A <sup>(1)</sup>	—	—	84.01
<del>Home occupation</del>	SUP	SUP	—	—	84.12
Second dwelling unit	A <sup>(5)</sup>	A <sup>(5)</sup>	—	—	84.01
Single dwelling	A	A	—	—	
<b>RETAIL</b>					
Produce stands (200 sq ft or less on lots that are 10,000 sq. ft. or greater)	A <sup>(4)</sup>	A	—	—	84.03
<b>SERVICES - BUSINESS &amp; PROFESSIONAL</b>					
Medical services - Hospital	M/C <sup>(6)</sup>	M/C <sup>(6)</sup>	—	—	
Medical services - Rehabilitation centers	M/C	M/C	—	—	
Office - Accessory	P <sup>(5)</sup>	P <sup>(5)</sup>	—	—	
Office - Government	M/C <sup>(6)</sup>	M/C <sup>(6)</sup>	—	—	
<b>SERVICES – GENERAL</b>					
Cemetery including pet cemeteries	CUP	CUP	—	—	
Commercial Kennels and Catteries - min lot 2.5 acres	M/C	M/C	—	—	
Correctional institution <sup>(6)</sup>	—	—	—	—	
<del>Emergency shelter</del>	—	CUP	—	—	
<del>Home occupation</del>	SUP	SUP	—	—	84.12
<del>Licensed Residential Care Facility of 6 or fewer persons</del>	A	A	—	—	
<del>Licensed Residential Care Facility of 7 or more persons</del>	M/C	M/C	—	—	84.23
<del>Lodging - Bed and breakfast inn (B&amp;B)</del>	SUP	SUP	—	—	
<del>Public safety facility</del>	M/C <sup>(6)</sup>	M/C <sup>(6)</sup>	—	—	
<del>Unlicensed Residential Care Facility of 6 or fewer persons</del>	M/C	M/C	—	—	
<del>Unlicensed Residential Care Facility of 7 or more persons</del>	M/C	M/C	—	—	84.32
<del>Social Care Facility—6 or fewer clients</del>	A	A	—	—	
<del>Social Care Facility—7 or more clients</del>	M/C	M/C	—	—	

**KEY**

A	Allowed use (no planning permit required)	PD	Planned Development Permit required (Chapter 85.10)
P	Permitted Use; Site Plan Permit required (Chapter 85.08)	SUP	Special Use Permit required (Chapter 85.14)
M/C	Minor Use Permit required; unless a Conditional Use Permit required in compliance with Section 85.06.050 (Projects That Do Not Qualify for a Minor Use Permit)	S	Permit requirement set by Specific Use Regulations (Division 4)
		TSP	Temporary Special Events Permit required (Chapter 85.16)
CUP	Conditional Use Permit required (Chapter 85.06)	RCP	<b>Unlicensed Residential Care Facilities Permit (Chapter 85.20)</b>
MUP	Minor Use Permit required (Chapter 85.06)	TUP	Temporary Use Permit required (Chapter 85.15)
		—	Use not allowed

**Notes:**

- (1) Use allowed as an accessory use only, on the same site as a residential use allowed by this table.
- (2) Use allowed as an accessory use only, on the same site as an agricultural use allowed by this table. Requires a Special Use Permit when recreational vehicles are used for seasonal operations.
- (3) CUP required if maximum building coverage exceeds 10,000 sq. ft., the use will have more than 20 employees per shift, or if not exempt from CEQA; may qualify for a MUP in compliance with Section 85.06.020 (Applicability).
- (4) In Phelan/Pinon Hills Community Plan area, a maximum 6 sq. ft. advertising sign shall be allowed.
- (5) Use allowed as an accessory use only with standards, on the same site as a residential use allowed by this table provided that the parcel is twice the minimum lot size required by the land use zoning district.
- (6) Requires a General Plan Amendment to Institutional (IN) Land Use Zoning District.

**Table 82-7 (continued)**  
**Allowed Land Uses and Permit Requirements for Residential Land Use Zoning Districts**

LAND USE <i>See Division 10 (Definitions) for land use definitions</i>	PERMIT REQUIRED BY DISTRICT			Specific Use Regulations
	RL <sup>(7)</sup>	RS	RM	
<b>RESIDENTIAL USES</b>				
Accessory structures and uses	A	A	A	84.01
Caretaker housing	M/C <sup>(5)</sup>	M/C	M/C	84.01
Dependent housing	SUP	SUP	SUP	84.08
<del>Homeless shelter</del>	<del>CUP</del>	<del>CUP</del>	<del>CUP</del>	
<del>Organizational house</del> Group residential (sorority, fraternity, boarding house, parolee-probationer home, private residential club, etc.)	<del>CUP</del>	<del>CUP</del>	M/C	
Guest housing	A	A	A	84.01
<del>Home occupation</del>	<del>SUP</del>	<del>SUP</del>	<del>SUP</del>	<del>84.12</del>
Mobile home park/manufactured home land-lease community	CUP	CUP	CUP	84.14
Multiple dwelling, 2 to 3 units, attached or detached	—	—	A	84.16
Multiple dwelling, 4 to 19 units, attached or detached	—	—	A	84.16
Multiple dwelling, 20 to 49 units, attached or detached	—	—	MUP	84.16
Multiple dwelling, 50 or more units, attached or detached	—	—	CUP	84.16
Rooming or boarding, 2 or fewer persons - Accessory	—	—	P	84.01
Secondary dwelling	A <sup>(1)</sup>	A <sup>(1)</sup>	—	84.01
Single dwelling	A	A	— <sup>(6)</sup>	
<del>Short-Term Private Home Rental</del>	<del>SUP</del>	<del>SUP</del>	<del>SUP</del>	<del>85.28</del>
<b>SERVICES – BUSINESS &amp; PROFESSIONAL</b>				
<del>Medical services – Hospital</del>	<del>M/C<sup>(4)</sup></del>	<del>M/C<sup>(4)</sup></del>	<del>M/C<sup>(4)</sup></del>	
<del>Medical services – Rehabilitation centers</del>	<del>M/C</del>	<del>M/C</del>	<del>M/C</del>	
<del>Office – Accessory</del>	<del>A</del>	<del>A</del>	<del>A</del>	<del>84.12</del>
<del>Office – Government</del>	<del>—<sup>(4)</sup></del>	<del>—<sup>(4)</sup></del>	<del>—<sup>(4)</sup></del>	<del>-</del>
<b>SERVICES - GENERAL</b>				
Cemetery, including pet cemeteries	CUP	CUP	—	84.06
Child care - Small family day care home	A	A	A	
Child care - Large family day care home	MUP	MUP	MUP	
Child care - Day care center	M/C	M/C	M/C	
Commercial Kennels and Catteries - min lot 2.5 acres (over 15 animals)	M/C/S	—	—	84.04
<del>Correctional institution<sup>(4)</sup></del>	<del>—</del>	<del>—</del>	<del>—</del>	
<del>Emergency shelter</del>	<del>—</del>	<del>—</del>	<del>CUP</del>	
<del>Home occupation</del>	<del>SUP</del>	<del>SUP</del>	<del>SUP</del>	<del>84.12</del>
<del>Licensed Residential Care Facility of 6 or fewer persons</del>	<del>A</del>	<del>A</del>	<del>A</del>	<del>84.23</del>
<del>Licensed Residential Care Facility of 7 or more persons</del>	<del>—</del>	<del>—</del>	<del>CUP</del>	<del>84.23</del>
Lodging - Bed and breakfast inn (B&B)	SUP <sup>(3)</sup>	SUP <sup>(3)</sup>	SUP <sup>(3)</sup>	84.05
Public safety facility	M/C	M/C	M/C	
<del>Short-Term Private Home Rental</del>	<del>SUP</del>	<del>SUP</del>	<del>SUP</del>	<del>85.28</del>
<del>Unlicensed Residential Care Facility with 6 or fewer persons</del>	<del>RCP</del>	<del>RCP</del>	<del>RCP</del>	<del>84.32</del>
<del>Unlicensed Residential Care Facility with 7 or more persons</del>	<del>—</del>	<del>—</del>	<del>CUP</del>	<del>84.32</del>
<del>Social care facility – 6 or fewer clients</del>	<del>A</del>	<del>A</del>	<del>A</del>	<del>84.23</del>
<del>Social care facility – 7 or more clients</del>	<del>M/C</del>	<del>CUP</del>	<del>CUP</del>	<del>84.23</del>

**KEY**

A	Allowed use (no planning permit required)	PD	Planned Development Permit required (Chapter 85.10)
P	Permitted Use; Site Plan Permit required (Chapter 85.08)	SUP	Special Use Permit required (Chapter 85.14)
M/C	Minor Use Permit required; unless a Conditional Use Permit required in compliance with Section 85.06.050 (Projects That Do Not Qualify for a Minor Use Permit)	S	Permit requirement set by Specific Use Regulations (Division 4)
		TSP	Temporary Special Events Permit required (Chapter 85.16)
		RCP	Unlicensed Residential Care Facilities Permit (Chapter 85.20)
CUP	Conditional Use Permit required (Chapter 85.06)	TUP	Temporary Use Permit required (Chapter 85.15)
MUP	Minor Use Permit required (Chapter 85.06)	—	Use not allowed

**Table 82-11  
Allowed Land Uses and Permit Requirements  
for Commercial Land Use Zoning Districts (continued)**

LAND USE <i>See Division 10 (Definitions) for land use definitions</i>	PERMIT REQUIRED BY DISTRICT						Specific Use Regulations
	CR	CN	CO	CG	CS	CH	
<b>RESIDENTIAL</b>							
Accessory dwelling (caretakers residence, etc.)	P (3)	P (3)	P (3)	P (3)	P (3)	P (3)	84.01
Accessory use or structure - Residential (conforming and non-conforming uses)	A	P <sup>(2,3)</sup>	84.01				
<del>Homeless shelter</del>	CUP	CUP	CUP	CUP	CUP	CUP	
Group residential (sorority, fraternity, boarding house, parolee-probationer home, private residential club, etc.)	M/C	M/C	—	M/C	M/C	M/C	
Guest housing	P <sup>(2)</sup>	—	—	—	—	—	84.01
<del>Home occupation</del>	SUP	SUP	SUP	SUP	SUP	SUP	84.12
Live/work unit	M/C	M/C	M/C	M/C	M/C	M/C	
Mobile home park/manufactured home land-lease community	CUP	—	—	—	—	—	84.14
Multiple dwelling, up to 19 units, attached or detached	A	—	—	—	—	—	84.16
Multiple dwelling, 20 or more units	CUP	—	—	—	—	—	84.16
Residential use only as part of a mixed use project	PD	—	PD	PD	PD	PD	84.16
Secondary dwelling unit	A	—	—	—	—	—	84.01
Single dwelling	A	—	—	—	—	—	
<b>SERVICES – GENERAL</b>							
Bail bond service within 1 mile of correctional institution	P	—	P	P	P	P	
Cemetery including pet cemeteries	CUP	CUP	CUP	CUP	CUP	CUP	84.06
Child care - Day care center	M/C	M/C	M/C	M/C	M/C	—	
Correctional institution (4)	—	—	—	—	—	—	
Convenience and support services	P(1)	P(1)	—	P(1)	P(1)	P(1)	
Emergency shelter	CUP	CUP	CUP	CUP	CUP	CUP	
Equipment rental	P(1)	—	—	P(1)	P(1)	—	
Home occupation	SUP	SUP	SUP	SUP	SUP	SUP	84.12
Kennel or cattery - 2.5-acre minimum lot area	—	—	—	—	—	—	84.04
Licensed Residential Care Facility of 6 or fewer persons	M/C	M/C	—	M/C	M/C	M/C	84.23
Licensed Residential Care Facility of 7 or more persons	M/C	M/C	—	M/C	M/C	M/C	84.23
Lodging - Bed and breakfast inn (B&B)	SUP	—	—	—	—	—	84.05
Lodging - Hotel or motel - 20 or fewer guest rooms	P <sup>(2)</sup>	—	—	P <sup>(1,2)</sup>	P <sup>(1,2)</sup>	P <sup>(2)</sup>	
Lodging - Hotel or motel - More than 20 guest rooms	M/C	—	—	M/C	M/C	M/C	
Personal services	P <sup>(2)</sup>	P <sup>(2)</sup>	—	P <sup>(2)</sup>	P <sup>(2)</sup>	P <sup>(2)</sup>	
Public safety facility	M/C	M/C	—	—	M/C	M/C	
<del>Social Care Facility—7 or more clients</del>	M/C	M/C	M/C	M/C	M/C	M/C	
Unlicensed Residential Care Facility of 6 or fewer persons	M/C	M/C	—	M/C	M/C	M/C	84.32
Unlicensed Residential Care Facility of 7 or more persons	M/C	M/C	—	M/C	M/C	M/C	84.32
Vehicle services - Major repair/body work	M/C	—	—	—	M/C	M/C	
Vehicle services - Minor maintenance/repair	P <sup>(2)</sup>	—	—	P <sup>(2)</sup>	P <sup>(2)</sup>	P <sup>(2)</sup>	
Veterinary clinic, animal hospital	M/C	—	—	M/C	M/C	—	

**KEY**

A	Allowed use (no planning permit required)	PD	Planned Development Permit required (Chapter 85.10)
P	Permitted Use; Site Plan Permit required (Chapter 85.08)	SUP	Special Use Permit required (Chapter 85.14)
M/C	Minor Use Permit required; unless a Conditional Use Permit required in compliance with Section 85.06.050 (Projects That Do Not Qualify for a Minor Use Permit)	S	Permit requirement set by Specific Use Regulations (Division 4)
		TSP	Temporary Special Events Permit required (Chapter 85.16)
CUP	Conditional Use Permit required (Chapter 85.06)	RCP	Unlicensed Residential Care Facilities Permit (Chapter 85.20)
MUP	Minor Use Permit required (Chapter 85.06)	TUP	Temporary Use Permit required (Chapter 85.15)
		—	Use not allowed

**Notes:**

- (1) A CUP shall be required for this use in the Phelan planning area.
- (2) CUP required if maximum building coverage exceeds 10,000 sq. ft., the use will have more than 20 employees per shift, or if not exempt from CEQA; may qualify for a MUP in compliance with Section 85.06.020 (Applicability).

**Table 82-17  
Allowed Land Uses and Permit Requirements  
for Industrial and Special Purpose Land Use Zoning Districts (continued)**

LAND USE <i>See Division 10 (Definitions) for land use definitions</i>	PERMIT REQUIRED BY DISTRICT						Specific Use Regulations
	IC	IR	IN	SD-RES <sup>(5)</sup>	SD-COM <sup>(5)</sup>	SD-IND <sup>(5)</sup>	
<b>RESIDENTIAL</b>							
Accessory dwelling (labor quarters, etc.)	P <sup>(1)</sup>	P <sup>(1)</sup>	P <sup>(1)</sup>	P <sup>(1)</sup>	P <sup>(1)</sup>	P <sup>(1)</sup>	84.01
Accessory structures and uses - Residential (conforming and non-conforming uses)	P <sup>(1,2)</sup>	P <sup>(1,2)</sup>	P <sup>(1,2)</sup>	P <sup>(1)</sup>	P <sup>(1)</sup>	P <sup>(1)</sup>	84.01
Dependent housing	—	—	—	SUP	—	—	84.08
<del>Homeless shelter</del>	CUP	—	—	CUP	CUP	CUP	
Guest housing	—	—	—	P <sup>(2)</sup>	—	—	84.01
Group residential (sorority, fraternity, boarding house, parolee-probationer home, private residential club, etc.)	—	—	—	M/C	M/C	—	
<del>Home occupation</del>	SUP	SUP	SUP	SUP	SUP	SUP	84.12
Live/work unit	M/C	—	—	M/C	M/C	—	
Mobile home park/manufactured home land-lease community	—	—	—	CUP	CUP	—	
Multiple residential use	—	—	—	PD	PD	PD	
Residential use with retail, service, or industrial use	—	—	—	PD	PD	PD	
Second dwelling unit	—	—	—	S	—	—	84.01
Single dwelling	—	—	—	A	—	—	
<b>SERVICES – GENERAL</b>							
Bail bond service within 1 mile of correctional institution	P	P	P	—	P	P	
Cemetery, including pet cemeteries	—	—	—	CUP	CUP	CUP	84.06
Correctional institution	— <sup>(4)</sup>	— <sup>(4)</sup>	CUP	— <sup>(4)</sup>	— <sup>(4)</sup>	— <sup>(4)</sup>	
<del>Emergency Shelter</del>	CUP	—	—	CUP	CUP	CUP	
Equipment rental	P <sup>(1)</sup>	P <sup>(1)</sup>	—	—	M/C	M/C	
<del>Home occupation</del>	SUP	SUP	SUP	SUP	SUP	SUP	84.12
Kennel or cattery	M/C	—	—	—	—	M/C	84.04
Licensed Residential Care Facility of 6 or fewer persons	M/C	—	—	M/C	M/C	—	84.23
Licensed Residential Care Facility of 7 or more persons	M/C	—	—	M/C	M/C	—	84.23
Lodging – Bed and breakfast inn (B&B)	—	—	—	SUP <sup>(6)</sup>	SUP <sup>(6)</sup>	—	
Lodging – Hotel or motel – 20 or fewer guest rooms	—	—	—	M/C	M/C	—	
Lodging – Hotel or motel – More than 20 guest rooms	—	—	—	M/C	M/C	—	
Bail bond service within 1 mile of correctional institution	P	P	P	—	P	P	
Public safety facility <sup>(6)</sup>	—	—	CUP	—	—	—	
<del>Social care facility – 7 or more clients</del>	—	—	M/C	CUP	CUP	CUP	
Unlicensed Residential Care Facility of 6 or fewer persons	M/C	—	—	M/C	M/C	—	84.32
Unlicensed Residential Care Facility of 7 or more persons	M/C	—	—	M/C	M/C	—	84.32
Vehicle services - Major repair/body work	P <sup>(1)</sup>	P <sup>(1)</sup>	—	—	M/C <sup>(7)</sup>	M/C	
Vehicle services - Minor maintenance/repair	P <sup>(1)</sup>	P <sup>(1)</sup>	CUP <sup>(8)</sup>	—	M/C <sup>(7)</sup>	M/C	
Veterinary clinic, animal hospital	M/C	—	—	—	M/C	M/C	

**KEY**

A	Allowed use (no planning permit required)	PD	Planned Development Permit required (Chapter 85.10)
P	Permitted Use; Site Plan Permit required (Chapter 85.08)	SUP	Special Use Permit required (Chapter 85.14)
M/C	Minor Use Permit required; unless a Conditional Use Permit required in compliance with Section 85.06.050 (Projects That Do Not Qualify for a Minor Use Permit)	S	Permit requirement set by Specific Use Regulations (Division 4)
		TSP	Temporary Special Events Permit required (Chapter 85.16)
		RCP	Unlicensed Residential Care Facilities Permit (Chapter 85.20)
CUP	Conditional Use Permit required (Chapter 85.06)	TUP	Temporary Use Permit required (Chapter 85.15)
MUP	Minor Use Permit required (Chapter 85.06)	—	Use not allowed

<b>Table 83-15</b>	
<b>Parking Requirements by Land Use</b>	
<b>Uses</b>	<b>Number of Spaces Required</b>
<b>Residential Uses</b>	
Caretaker housing	▪ 2, with one covered
<del>Clubs, conference centers, fraternity and sorority houses, rooming and boarding houses, and similar structures having guest rooms<sup>(2)</sup></del>	▪ <del>1 for each 3 guest rooms<sup>(3)</sup></del>
Dependent housing	▪ 2 for each unit
Emergency shelter	▪ 1 for each guest room
Group residential (sorority, fraternity, boarding house, parolee-probationer home, private residential club, etc.)	▪ 1 for each bedroom ▪ 1 for the house manager, staff member or employee
Mobile home parks	▪ 2; one covered on each mobile home parcel (may be in tandem); and ▪ 1 guest space for each 10 spaces, or fraction thereof
<del>Motels, hotels, and boarding house</del>	▪ <del>1 for each unit/room</del>
Multi-family dwelling	▪ 2.5 for projects of 4 or more units, one shall be covered for each dwelling unit on the project site to accommodate resident and visitor parking <sup>(2)</sup> ▪ 2.0 for projects of 2 or 3 units, one shall be covered for each dwelling unit <sup>(2)</sup>
Second dwelling unit	▪ 2, one shall be covered <sup>(2)</sup>
Single-family dwelling	▪ 2, one shall be covered on the same site with the primary structure <sup>(2)</sup>
Short-Term Private Home Rental	▪ 1 for each bedroom
<b>Services – General</b>	
Beauty and nail salons	▪ 2 for each station
Child care centers	▪ 1 for each 5 children that the facility is designed to accommodate
Hospital	▪ 1 for each 2 patient beds
Medical offices, clinics, veterinary hospital	▪ 1 for each 250 s.f. of GLA
<del>Motels and hotels</del>	▪ <del>1 for each unit/room</del>
<del>Licensed Residential care facility of 6 or fewer persons</del>	▪ <del>2, one shall be covered on the same site with the primary structure<sup>(2)</sup></del>
<del>Licensed Residential care facility of 7 or more persons</del>	▪ <del>1 for each bedroom</del> ▪ <del>1 for the house manager, staff member or employee</del>
Offices, general, financial, business and professional uses	▪ 1 for each 250 s.f. of GLA
Personal services	▪ 1 for each 250 sq. ft. of GLA
Social care facilities	▪ 1 for each 3 residents of the maximum licensed resident capacity
<del>Unlicensed Residential Care Facility with 6 or fewer persons</del>	▪ <del>1 for each bedroom</del> ▪ <del>1 for the house manager, staff member or employee</del>
<del>Unlicensed Residential Care Facility with 7 or more persons</del>	▪ <del>1 for each bedroom</del> ▪ <del>1 for the house manager, staff member or employee</del>

## CHAPTER 82.22 SPHERE STANDARDS (SS) OVERLAY

### Sections:

82.22.010	Purpose
82.22.020	Location Requirements
82.22.030	Development Standards within the Sphere of the City of Adelanto
82.22.040	Development Standards within the Sphere of the Town of Apple Valley
82.22.050	Development Standards within the Sphere of the City of Barstow
82.22.060	Development Standards within the Sphere of the City of Big Bear Lake
82.22.070	Development Standards within the Sphere of the City of Chino
82.22.080	Development Standards within the Sphere of the City of Colton
82.22.090	Development Standards within the Sphere of the City of Fontana
82.22.100	Development Standards within the Sphere of the City of Hesperia
82.22.110	Development Standards within the Sphere of the City of Highland
82.22.120	Development Standards within the Sphere of the City of Loma Linda
82.22.130	Development Standards within the Sphere of the City of Montclair
82.22.140	Development Standards within the Sphere of the City of Needles
82.22.150	Development Standards within the Sphere of the City of Rancho Cucamonga
82.22.160	Development Standards within the Sphere of the City of Redlands
82.22.170	Development Standards within the Sphere of the City of Rialto
82.22.180	Development Standards within the Sphere of the City of San Bernardino
82.22.190	Development Standards within the Sphere of the City of Twentynine Palms
82.22.200	Development Standards within the Sphere of the City of Upland
82.22.210	Development Standards within the Sphere of the City of Victorville
82.22.220	Development Standards within the Sphere of the City of Yucaipa

### 82.22.010 Purpose

- (a) **Purpose.** The Sphere Standards (SS) Overlay established by 82.01.030 (Overlays) is created to allow the implementation of County development standards or standards that more closely conform to city development standards within specified spheres of influence areas identified in this Chapter.
- (b) **Intent.** The intent is to ensure that the County's approval of a proposed development in a sphere of influence is consistent with the shared objectives of the County and the applicable city where the County has determined it is appropriate to adopt similar standards.

Adopted Ordinance 4011 (2007)

**82.22.020 Location Requirements**

The Sphere Standards Overlay shall only be applied to the city/town spheres of influence indicated in Table 82-23 (Sphere Standards Overlay) and shall be created upon adoption of an amendment to this Development Code in compliance with Chapter 86.12 (Amendments). These standards apply only to the unincorporated portions of a city’s/town’s sphere of influence.

**Table 82-23  
Sphere Standards Overlays**

Name of City/Town with Sphere of Influence over County lands	Zoning Prefix	Adoption Date of City/Town Sphere Standards	Section Reference (Where sphere standards located in Development Code)
Adelanto	AD	Not adopted	82.22.030
Apple Valley	AV	December 27, 2012	88.22.040
Barstow	BW	Not adopted	88.22.050
Big Bear Lake	BB	Not adopted	88.22.060
Chino	CC	Not adopted	88.22.070
Colton	CL	Not adopted	88.22.080
Fontana	FT	May 8, 2007	88.22.090
Hesperia	HP	Not adopted	88.22.100
Highland	HD	Not adopted	88.22.110
Loma Linda	LL	Not adopted	88.22.120
Montclair	MC	Not adopted	88.22.130
Needles	ND	Not adopted	88.22.140
Rancho Cucamonga	RC	Not adopted	88.22.150
Redlands	RD	Not adopted	88.22.160
Rialto	RT	Not adopted	88.22.170
San Bernardino	SB	Not adopted	88.22.180
Twentynine Palms	TP	Not adopted	88.22.190
Upland	UP	Not adopted	88.22.200
Victorville	VV	Not adopted	88.22.210
Yucaipa	YU	Not adopted	88.22.220

Adopted Ordinance 4011 (2007); Amended Ordinance 4020 (2007); Amended Ordinance 4189 (2012)

**82.22.030 Development Standards within the Sphere of the City of Adelanto**

(Reserved)

Adopted Ordinance 4189 (2012)

**82.22.040 Development Standards within the Sphere of the Town of Apple Valley**

- (a) **General Provisions.** The provisions contained in this section are only those provisions that are different from countywide provisions and unique to the Apple Valley Sphere of Influence.

- (b) **Agricultural and Resource Management Land Use Zoning Districts -- Allowed Uses and Permit Requirements.** As outlined in Table 82-4 of Chapter 82.04, except for the unique uses noted below:

**Table 82-24  
Allowed Land Uses and Permit Requirements  
for Agricultural and Resource Management Land Use Zoning Districts  
within the Apple Valley Sphere of Influence**

LAND USE <i>See Division 10 (Definitions) for land use definitions</i>	PERMIT REQUIRED BY DISTRICT			Specific Use Regulations
	AV/RC	AV/AG	AV/FW	
<b>AGRICULTURAL, RESOURCE &amp; OPEN SPACE USES</b>				
Community garden	A	A	A	
Nursery (Wholesale)	M/C	M/C	M/C	
<b>RECREATION, EDUCATION &amp; PUBLIC ASSEMBLY</b>				
Desert botanical garden	MUP	MUP	—	
Historical landmarks and structures	A	A	A	
Zoos	CUP	CUP	—	
<b>SERVICES – GENERAL</b>				
Licensed Residential Care Facility with 7 or more persons	CUP	CUP	—	84.23
Unlicensed Residential Care Facility with 7 or more persons	CUP	CUP	—	84.32

**KEY**

A	Allowed use (no planning permit required)	PD	Planned Development Permit required (Chapter 85.10)
P	Permitted Use; Site Plan Permit required (Chapter 85.08)	SUP	Special Use Permit required (Chapter 85.14)
M/C	Minor Use Permit required; unless a Conditional Use Permit required in compliance with Section 85.06.050 (Projects That Do Not Qualify for a Minor Use Permit)	S	Permit requirement set by Specific Use Regulations (Division 4)
		TSP	Temporary Special Events Permit required (Chapter 85.16)
CUP	Conditional Use Permit required (Chapter 85.06)	TUP	Temporary Use Permit required (Chapter 85.15)
MUP	Minor Use Permit required (Chapter 85.06)	—	Use not allowed

- (c) **Residential Land Use Zoning Districts -- Allowed Uses and Permit Requirements.** As outlined in Table 82-7 of Chapter 82.04, except for the unique uses noted below:

**Table 82-25  
Allowed Land Uses and Permit Requirements for Residential Land Use Zoning Districts within the Apple Valley Sphere of Influence**

LAND USE <i>See Division 10 (Definitions) for land use definitions</i>	PERMIT REQUIRED BY DISTRICT		Specific Use Regulations
	AV/RL	AV/RS	
<b>AGRICULTURAL, RESOURCE &amp; OPEN SPACE USES</b>			
Agricultural accessory structure (non-habitable) – 1,000 sf max.	A	A	
Agricultural accessory structure (non-habitable) – up to 10,000 sf max. on 5 ac. or less	A	—	
Agricultural accessory structure (non-habitable) – greater than 10,000 sf on 5 ac. or less	M/C	—	
Community garden	A	A	
Nursery (Wholesale)	M/C	—	
<b>RECREATION, EDUCATION &amp; PUBLIC ASSEMBLY</b>			
Historical landmarks and structures	A	A	
<b>RESIDENTIAL USES</b>			
Fitness/health facility	CUP	—	

**KEY**

A	Allowed use (no planning permit required)	PD	Planned Development Permit required (Chapter 85.10)
P	Permitted Use; Site Plan Permit required (Chapter 85.08)	SUP	Special Use Permit required (Chapter 85.14)
M/C	Minor Use Permit required; unless a Conditional Use Permit required in compliance with Section 85.06.050 (Projects That Do Not Qualify for a Minor Use Permit)	S	Permit requirement set by Specific Use Regulations (Division 4)
		TSP	Temporary Special Events Permit required (Chapter 85.16)
CUP	Conditional Use Permit required (Chapter 85.06)	TUP	Temporary Use Permit required (Chapter 85.15)
MUP	Minor Use Permit required (Chapter 85.06)	—	Use not allowed

- (d) **Commercial Land Use Zoning Districts -- Allowed Uses and Permit Requirements.** As outlined in Table 82-11 of Chapter 82.05, except for the unique uses noted below.

**Table 82-26  
Allowed Land Uses and Permit Requirements for Commercial Land Use Zoning Districts within the Apple Valley Sphere of Influence**

LAND USE <i>See Division 10 (Definitions) for land use definitions</i>	PERMIT REQUIRED BY DISTRICT			Specific Use Regulations
	AV/CR	AV/CN	AV/CG	
<b>INDUSTRY, MANUFACTURING &amp; PROCESSING, WHOLESALING</b>				
Storage - Personal storage (mini-storage)	M/C	—	CUP	
Storage - Recreational vehicles	CUP	—	CUP	
<b>RECREATION, EDUCATION &amp; PUBLIC ASSEMBLY</b>				
Historical landmarks and structures	A	A	A	
School - Specialized education/training	M/C	M/C	M/C	
<b>RETAIL</b>				
Construction and heavy equipment sales and rental	M/C	—	CUP	
Nurseries (Retail)	M/C	—	M/C	
<b>SERVICES - GENERAL</b>				
Crematorium	CUP	—	CUP	
Mortuary services	CUP	—	CUP	
Repair Services – non-automotive	MUP	MUP	MUP	
Licensed Residential Care Facility with 6 or fewer persons	—	—	—	
<del>Social Care Facility—7 or more clients</del> Licensed Residential Care Facility with 7 or more persons	—	—	—	
Unlicensed Residential Care Facility with 7 or more persons	—	—	—	

**KEY**

A	Allowed use (no planning permit required)	PD	Planned Development Permit required (Chapter 85.10)
P	Permitted Use; Site Plan Permit required (Chapter 85.08)	SUP	Special Use Permit required (Chapter 85.14)
M/C	Minor Use Permit required; unless a Conditional Use Permit required in compliance with Section 85.06.050 (Projects That Do Not Qualify for a Minor Use Permit)	S	Permit requirement set by Specific Use Regulations (Division 4)
		TSP	Temporary Special Events Permit required (Chapter 85.16)
CUP	Conditional Use Permit required (Chapter 85.06)	TUP	Temporary Use Permit required (Chapter 85.15)
MUP	Minor Use Permit required (Chapter 85.06)	—	Use not allowed

- (e) **Industrial and Special Use Land Use Zoning Districts -- Allowed Uses and Permit Requirements.** As outlined in Table 82-17 of Chapter 82.05, except for the unique uses noted below.

**Table 82-27  
Allowed Land Uses and Permit Requirements  
for Industrial and Special Purpose Land Use Zoning Districts  
within the Apple Valley Sphere of Influence**

LAND USE <i>See Division 10 (Definitions) for land use definitions</i>	PERMIT REQUIRED BY DISTRICT			Specific Use Regulations
	AV/IC	AV/IR	AV/SD-PD	
<b>RECREATION, EDUCATION &amp; PUBLIC ASSEMBLY</b>				
Historical landmarks and structures	A	A	A	
<b>RETAIL</b>				
Building and landscape materials sales - Indoor	M/C	M/C	—	
Building and landscape materials sales - Outdoor	M/C	M/C	—	
<b>SERVICES – BUSINESS, FINANCIAL, PROFESSIONAL</b>				
Office - Government	M/C	M/C	M/C	
<b>SERVICES - GENERAL</b>				
Lodging – Hotel or motel – 20 or fewer guest rooms	CUP	CUP	M/C	
Lodging – Hotel or motel – More than 20 guest rooms	CUP	CUP	M/C	
Licensed Residential Care Facility with 6 or fewer persons	—	—	—	
Licensed Residential Care Facility with 7 or more persons	—	—	—	
Unlicensed Residential Care Facility with 7 or more persons	—	—	—	

**KEY**

A	Allowed use (no planning permit required)	PD	Planned Development Permit required (Chapter 85.10)
P	Permitted Use; Site Plan Permit required (Chapter 85.08)	SUP	Special Use Permit required (Chapter 85.14)
M/C	Minor Use Permit required; unless a Conditional Use Permit required in compliance with Section 85.06.050 (Projects That Do Not Qualify for a Minor Use Permit)	S	Permit requirement set by Specific Use Regulations (Division 4)
		TSP	Temporary Special Events Permit required (Chapter 85.16)
CUP	Conditional Use Permit required (Chapter 85.06)	TUP	Temporary Use Permit required (Chapter 85.15)
MUP	Minor Use Permit required (Chapter 85.06)	—	Use not allowed

- (f) **Single-Family Residential Dwellings.** The exception to the ten-year standard outlined in Subsection 84.21.030(i) [Certification tag or label required] shall not be allowed. Therefore, in the Apple Valley Sphere of Influence, a permit from the Building and Safety Division for the installation of a manufactured home not within an approved and properly licensed mobile home park shall not be issued, if more than ten years have elapsed between the date of manufacture and the date of the application for the issuance of the permit to install such manufactured home.

Adopted Ordinance 4189 (2012)

## CHAPTER 84.05 BED AND BREAKFAST USES

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### Sections:

- 84.05.010 Purpose
- 84.05.020 Applicability
- 84.05.030 Types of Bed and Breakfast Uses
- 84.05.040 Permit and Tax Requirements
- 84.05.050 Development Standards
- 84.05.060 Additional Standards for Bed and Breakfast Inns/Lodges

### 84.05.010 Purpose

The purpose of this Chapter is to regulate the establishment and operation of bed and breakfast facilities in order to maintain and preserve the residential character, integrity, and property values of surrounding areas within which these facilities are located and maintained.

Adopted Ordinance 4011 (2007)

### 84.05.020 Applicability

The standards of this Chapter apply to bed and breakfast uses where allowed in compliance with Division 2 (Land Use Zoning Districts and Allowed Land Uses).

Adopted Ordinance 4011 (2007)

### 84.05.030 Types of Bed and Breakfast Uses

- (a) **Classification of types.** Bed and breakfast uses shall be classified into three types.
- (1) Host Home.
  - (2) Bed and Breakfast Home.
  - (3) Bed and Breakfast Inn/Lodge.
- (b) **Characteristics of types of bed and breakfast uses.** See Table 84-6 (Standards for Bed and Breakfast Uses) in Subsection 84.05.050(h) (Development Standards—Design standards), below.

Adopted Ordinance 4011 (2007); Amended Ordinance 4043 (2008)

### 84.05.040 Permit and Tax Requirements

In addition to the land use permit required in Division 2 (Land Use Zoning Districts and Allowed Land Uses), the following shall also be required for bed and breakfast uses:

- (a) **Special Use Permit.** A Special Use Permit (**SUP**) shall be required in compliance with Chapter 85.14 (Special Use Permits) and shall be renewed annually. The review authority may void a Special Use Permit for a bed and breakfast use for noncompliance with the conditions outlined in the approved permit and shall notify the permittee of its action in compliance with Chapter 86.09 (Enforcement)
- (b) **Health Permit.** A Health Permit shall be required in compliance with Title 3 (Health and Sanitation and Animal Regulations) of the County Code and shall be renewed annually.
- (c) **Transit Occupancy Tax (bed tax) requirements.** Bed and breakfast uses shall be subject to the Transient Occupancy Tax (“bed tax”) in compliance with Title 1 (Government and Administration) of the County Code.
- (d) **Certificate of Land Use Compliance.** Where deemed appropriate by the Code Enforcement Division, owners/operators of bed and breakfast uses shall be required to sign and record a Certificate of Land Use Compliance and abide by its provisions in compliance with Chapter 85.05 (Certificates of Land Use Compliance).

Adopted Ordinance 4011 (2007)

#### **84.05.050 Development Standards**

- (a) **Land use zoning district requirements.** Bed and breakfast uses shall be subject to the development standards for the land use zoning district in which they are located as identified in Division 2 (Land Use Zoning Districts and Allowed Land Uses) and the development standards in this Chapter.
- (b) **Single-family dwelling structure only.** Only a single-family dwelling structure, including related habitable accessory structures (e.g., guest house, second dwelling units, etc.) shall be considered for bed and breakfast uses.
- (c) **Accessory to residential use.** The bed and breakfast use shall be conducted as an accessory residential use only.
- (d) **Owner residency requirement.** The residential structure shall serve as the primary residence of the owner of the bed and breakfast use. If a corporation is the owner, a majority shareholder of the corporation shall reside in the residential structure where the bed and breakfast use is operated.
- (e) **Code and State law requirements.**
  - (1) Dwelling units proposed for bed and breakfast use shall comply with standards and specifications of the California Building Code.
  - (2) Each guest room shall be equipped with a fire extinguisher and a smoke detector that conform to the California Building Code Standards (CBC No. 43-6).

- (3) An exit/egress map and an emergency evacuation map shall be displayed in a prominent location in each guest room in compliance with State law.
- (f) **Access and driveways.** The owner of the bed and breakfast use shall ensure that required access, driveways, and parking spaces remain clear and unobstructed and are available and ready for the occupants' use at all times.
- (g) **Parking.** In addition to the required parking standards for residential uses in Chapter 83.11 (Parking and Loading Standards), one parking stall measuring 19 feet in length and nine feet in width shall be provided on-site for each guest room. These additional parking spaces shall comply with the location and design standards established by the applicable land use zoning district and the provisions of Chapter 83.11 (Parking and Loading Standards). Neither on-street parking nor tandem parking shall be used to satisfy this on-site parking requirement. Additional parking spaces may be required when deemed necessary by the review authority.
- (h) **Design standards.**
- (1) **Minimum number of rooms and parcel size requirements.** Table 84-6 (Standards for Bed and Breakfast Uses) identifies the required number of guest rooms, minimum number of bathrooms, and minimum parcel sizes applicable to each of the three types of bed and breakfast uses.

**Table 84-6**  
**Standards for Bed and Breakfast Uses**

Type of Use	Number of Guest Rooms	Minimum Number of Bathrooms	Minimum Parcel Size <sup>(1)</sup> (Net Area)
Host Home	1	2	5,000 sq. ft.
	2	2	7,200 sq. ft.
Bed and Breakfast Home	3	3	8,200 sq. ft.
	4	3	9,200 sq. ft.
	5	3	10,200 sq. ft.
Bed and Breakfast Inn/Lodge	6-10	4 Access for physically handicapped required.	20,000 sq. ft. + 1,000 sq. ft per every bedroom over 6
	Over 10	Not allowed	

Note:

- (1) A bed and breakfast use shall not be allowed in a dwelling that is located on a site that has less than the required parcel area specified by the underlying land use zoning district.

- (2) **Alterations and modifications.** Alterations and modifications may be made to the structures and the site but the alterations shall be compatible with the character of the neighborhood. The alterations and modifications shall also comply with applicable provisions, requirements, and standards of the County Code.

- (3) **Landscaping.** Additional landscaping may be required to screen parked vehicles from direct view of the neighbors, particularly where the parking is located within the front yard setback.
- (4) **Exterior lighting.** Lights to illuminate the site shall be designed and oriented to reflect away from adjoining properties and public thoroughfares.
- (5) **Signs.** A non-illuminated identification sign, not to exceed six square feet in area, shall be allowed. If not attached to the residence, the sign shall not exceed six feet in height and shall blend with the architectural style of the structure and the neighborhood.
- (6) **Minimum separation requirements.** A Bed and Breakfast facility shall not, at the time the SUP is issued, be located within 300 feet, as measured in a straight line from the property line of the parcel on which the facility is proposed to the closest property line of any other dwelling unit permitted as a Bed and Breakfast facility. However, no more than one Bed and Breakfast facility shall be located on the same block. ~~No bed and breakfast use shall be allowed where more than two other bed and breakfast uses currently exist within 1,000 feet of the perimeter of the proposed site.~~
- (i) **Kitchen facilities and service of meals.**
- (1) No cooking facilities shall be allowed in guest rooms.
- (2) The sale of food or other materials shall be limited to guests who are currently residing on the premises where the use is located and not to the general public.
- (j) **Records of patrons.** Records of all guests who patronize the bed and breakfast establishment shall be preserved for a minimum period of three years before they are discarded.
- (k) **Pedestrian and vehicular traffic.** Pedestrian and vehicular traffic shall be limited to that normally associated with residential land use zoning districts.
- (l) **Commercial vehicles.** The use shall not involve the use of commercial vehicles for the delivery of materials to or from the premises beyond those commercial vehicles normally associated with residential uses.
- (m) **Outdoor storage.** There shall be no outdoor storage of materials or equipment, nor shall merchandise be visible, from outside the home.
- (n) **Residential character of structure.** The appearance of the structure shall not be altered nor the occupation within the residence be conducted in a manner that would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting, signs, or the emission of sounds, noises, and vibrations.

- (o) **Utilities and community facilities.** The uses of utilities and community facilities shall be limited to that normally associated with the use of the property for residential purposes.

Adopted Ordinance 4011 (2007)

**84.05.060 Additional Standards for Bed and Breakfast Inns/Lodges**

(a) **Structures of historical, architectural, and cultural significance.**

- (1) Only the following residential structures shall be allowed to be used as a Bed and Breakfast Inn/Lodge:
  - (A) A residential structure that the Commission has determined to be of historical, architectural, or cultural significance; or
  - (B) A property that is listed in the State Register or the National Register of Historic Places.
- (2) The Commission may establish Historic and Scenic Preservation Standards and shall review the proposal for a determination of historical, architectural, or cultural significance. In making its determination, the Commission shall consider the:
  - (A) Architecture of the structure noting the history, uniqueness, and style of the design.
  - (B) Historical and/or cultural value(s) of the property and/or the site.
  - (C) Age of the structure and its physical and structural condition.
- (3) After a determination, the structure shall be listed:
  - (A) As a State Landmark or Point of Historical Interest; or
  - (B) On the National Register of Historic Places.
- (4) If a Bed and Breakfast Inn/Lodge is associated with an agritourism use, these requirements shall not apply.

- (b) **Preservation and maintenance of significant features.** The Commission may require the preservation and maintenance of significant permanent landscaping features and significant historical, architectural, and/or cultural features of the structure and/or property.

- (c) **Pre-alteration inspection by Building Official.** A residential structure that has been declared a historical structure shall be subject to pre-alteration inspection by the Building Official. A copy of the inspection report shall accompany the application for a Special Use Permit for a bed and breakfast use.

- (d) **Compliance with building code standards.** Historical structures proposed for bed and breakfast uses shall comply with current applicable California Building Code

standards, including the State Historical Building Code, and those pertaining to the physical and structural conditions of the structure and the site.

Adopted Ordinance 4011 (2007)

## CHAPTER 84.23 ~~SOCIAL~~-LICENSED RESIDENTIAL CARE FACILITIES

### Sections:

- 84.23.010 Purpose.
- 84.23.020 Applicability.
- 84.23.030 Development Standards.

#### 84.23.010 Purpose.

The State of California has enacted laws and regulations to provide for the care of children as well as mentally and physically handicapped persons in a residential environment. The purpose of this Chapter is to implement the applicable State laws in a manner that preserves the peace, quiet, and quality of life intended for residential neighborhoods. This Chapter provides standards for the establishment and operation of ~~social~~-licensed residential care facilities.

Adopted Ordinance 4011 (2007)

#### 84.23.020 Applicability.

The standards in this Chapter apply to ~~social~~-licensed residential care facilities where allowed in compliance with Division 2 (Land Use Zoning Districts and Allowed Land Uses).

Adopted Ordinance 4011 (2007)

#### 84.23.030 Development Standards.

- (a) ~~Social~~-Licensed Residential care facilities serving 6 or fewer persons. Each licensed residential ~~social~~-care facility shall conform to the property development standards for the land use zoning district in which it is located.
- (b) ~~Social~~-Licensed Residential care facilities serving 7 or more persons.
  - (1) **Applicable land use zoning district development standards.** Each licensed residential ~~social~~-care facility shall conform to the property development standards for the land use zoning district in which it is located.
  - (2) **Separation.** Licensed residential ~~Social~~-care facilities shall not be located within 300 feet of another similar facility (except as otherwise provided by State law), as measured in a straight line from the property line of the parcel on which the facility is proposed to the closest property line of any other facility housing a licensed or unlicensed residential care facility.
  - (3) **Walls.** Licensed residential ~~Social~~-care facilities shall provide a 6-foot high solid decorative block wall along all property lines, except in the front yard. Walls

shall provide for safety with controlled points of entry and shall incorporate decorative materials and features.

- (4) **Landscaping.** On-site landscaping shall comply with Chapter 83.10 (Landscaping Standards) and shall be regularly maintained, including providing irrigation.
- (5) **Outdoor lighting.** Outdoor lighting shall comply with Chapter 83.07 (Glare and Outdoor Lighting).
- (6) **Signs.** No signs shall be allowed within a residential land use zoning district. Signs for licensed residential ~~social~~-care facilities within nonresidential land use zoning districts shall comply with Chapter 83.13 (Signs).
- (7) **Fire Department requirements.** Each licensed residential ~~social~~-care facility shall provide fire extinguishers and smoke detector devices and shall meet all standards established by the Fire Chief.
- (8) **Noise.** Outdoor activities shall be conducted only between the hours of 7:00 a.m. and 10:00 p.m.
- (9) **Applicable health and safety regulations.** Licensed residential ~~social~~-care facilities shall be operated in compliance with applicable State and local health and safety regulations.
- (10) **Required permits and licenses.** Licensed residential ~~social~~-care facilities shall be located where allowed in compliance with Division 2 (Land Use Zoning Districts and Allowed Land Uses) and in conformance with the California Building Code. A certificate of occupancy shall be obtained from the Building and Safety Division before occupancy of licensed residential ~~social~~-care facilities.

Adopted Ordinance 4011 (2007); Amended Ordinance 4098 (2010); Amended xxxx (2013)

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**CHAPTER 84.28 SHORT-TERM PRIVATE HOME RENTALS**

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**Sections:**

- 84.28.010 Purpose
- 84.28.020 Applicability
- 84.28.030 Special Use Permit Requirements
- 84.28.040 Development Standards and Conditions of Operation

**84.28.010 Purpose**

The purpose of this Chapter is to establish standards and permit procedures for the establishment and maintenance of short-term private home rentals in the Mountain Region.

Adopted Ordinance 4011 (2007)

**84.28.020 Applicability**

The standards and permit procedures of this Chapter apply to the short term rental of private homes where allowed in the Mountain Region in compliance with Division 2 (Land Use Zoning Districts and Allowed Land Uses). “Short-term” means less than 30 days.

Adopted Ordinance 4011 (2007)

**84.28.030 Special Use Permit Requirements**

- (a) **When required.** A short-term private home rental, within the Mountain Region, shall be allowed, provided that a Special Use Permit is first obtained and all of the standards and conditions contained in this Chapter are fulfilled.
- (b) **Biennial renewal.** The Special Use Permit shall be renewed on a biennial basis.
- (c) **Exempt units.** Multi-family condominium units in fee-simple ownership, or owned on a time-share basis, that are located in a multi-family land use zoning district, within the Mountain Region and that have received a previous land use approval from the County, shall be exempt from the requirements of this Chapter and shall not be required to obtain a Special Use Permit in order to rent a unit.
- (d) **Inspections.** In evaluating an initial application to issue a Special Use Permit, the Department shall inspect the subject property to determine maximum parking capacity for the property and to verify compliance with provisions of this Chapter affecting the exterior of the unit. Upon the renewal of the permit, the unit shall be re-inspected to ensure continued compliance with exterior requirements, conditions and standards of this Chapter and with other applicable County codes and ordinances.

- (e) **Notification requirements.** The Department shall notify all contiguous property owners in writing that the specific unit is available as a short-term rental. This notification shall clearly state the following information:
- (1) The name of the managing agency, agent, property manager, or owner of the unit, and a telephone number at which that party may be reached on a 24-hour basis;
  - (2) The maximum number of occupants allowed to stay in the unit;
  - (3) The maximum number of vehicles allowed to be parked on the property; and
  - (4) Whether or not the unit has been approved to allow on-street parking.

Adopted Ordinance 4011 (2007)

#### **84.28.040 Development Standards**

- (a) **Compliance with fire, building, and health codes.** The short-term private rental home unit shall be in compliance with the California Fire Code, California Building Code, California Health and Safety Code, the National Fire Protection Association Standards or regulations, and other relevant laws and codes.
- (b) **Maximum occupancy.** The maximum occupancy of a short-term private home rental unit shall be one person for each 100 square feet of building area, excluding garages or other accessory structures, **if the building complies with the construction requirements for an R-1 occupancy contained in the California Building Code**; provided, that in no case shall the occupancy of a short-term private home rental unit exceed the number of raised sleeping beds, as defined in Division 10 (Definitions), provided for each guest that is two years of age and older. **If the building does not comply with the requirements for an R-1 occupancy, the maximum occupancy is ten persons. The occupants shall be acting as a single housekeeping unit while staying onsite.**
- (c) **Parking.**
- (1) **Number and type of spaces.** Parking shall be provided on-site to meet the occupancy of each short-term private home rental at a ratio of not less than one parking space for each bedroom in compliance with Section 83.11.040 (Number of Parking Spaces Required). Parking spaces may include garage, carport, and driveway spaces, and may allow for tandem parking.
  - (2) **Paving.** Where the rental property parcel abuts a paved street or road, parking areas shall be surfaced with a minimum of two inches of road-mixed surfacing in compliance with County Public Works Department Specification No. 38.
- (d) **Signage.** The address of the unit shall be legible from the street and shall comply with the requirements of Chapter 83.13 (Sign Regulations).

Adopted Ordinance 4011 (2007); Amended Ordinance xxxx (2013)

#### **84.28.050 Conditions of Operation**

The following requirements for short-term private home rentals shall constitute minimum requirements. The unit shall be brought into compliance with these requirements and any other applicable County codes and ordinances in order for the use to be allowed.

- (a) **Contents of rental agreement.** Information on the allowed occupancy and parking capacity for each unit and trash disposal requirements shall be stated in the rental information and agreement provided to prospective renters before their occupancy of the unit.
- (b) **Posted notice within unit.** Each short-term private home rental unit shall have a clearly visible and legible notice posted within the unit on or adjacent to the front door, containing the following information:
  - (1) The name of the managing agency, agent, property manager, or owner of the unit, and a telephone number at which that party may be reached on a 24-hour basis;
  - (2) The maximum number of occupants allowed to stay in the unit;
  - (3) The maximum number of vehicles allowed to be parked on the property;
  - (4) Notification of the arrangements that the owner has made relative to proper trash and refuse disposal;
  - (5) Notification that failure to conform to the parking and occupancy requirements of the structure is a violation of the County Code; and
  - (6) Whether or not the unit has been approved to allow on-street parking.
- (c) **Property maintenance.** Short-term private home rental units shall be maintained in a clean and sanitary condition and free from hazards, which shall include meeting the following requirements:
  - (1) Permanent use of extension cords for appliances, heaters, lamps, or other fixtures shall be prohibited.
  - (2) Bedroom windows shall be operable to allow for emergency egress.
  - (3) Accumulation of trash and/or debris on the site or within the unit shall be prohibited.
  - (4) Trash collection receptacles shall be “animal-proofed” as defined in Division 10 (Definitions). Trash cans shall be secured in an upright condition to prevent

- falling over on their side. Trash can lids shall be secured with self-contained locking handles, bungee cords or other suitable methods.
- (5) Trash shall be removed from the premises after each occupancy. Trash storage on site shall not be allowed, unless commercial trash collection is provided.
  - (6) The main entrance to the unit shall be illuminated when the unit is occupied, provided that the exterior lighting shall be designed and located in compliance with Chapter 83.07 (Glare and Outdoor Lighting). An operational motion-activated light fixture may satisfy this requirement.
  - (7) Snow removal from driveways and off-street parking areas shall be performed before each occupancy period.
- (d) **Call response availability.** The owner, managing agency, property manager, or agent shall be personally available by telephone on a 24-hour basis to respond to calls regarding the condition and/or operation of the unit. Failure to respond to calls in a timely and appropriate manner may result in revocation of the Special Use Permit in compliance with Section 86.09.070 (Revocation or Modification) For purposes of this section, responding in a timely and appropriate manner shall mean that a response to an initial call shall be made within two hours of the time the call was made, and within 24 hours of the initial call corrective action shall be commenced to address any violation of this Chapter.
- (e) **On-street parking.** No overnight on street parking shall be allowed, except where the street is paved to the full width of the ultimate right-of-way. This provision shall not exempt renters and their guests from compliance with Title 5 (Highways, Traffic), Division 3 (Miscellaneous Regulations), Chapter 3 (Parking Regulations in Mountain Areas), Section 53.033 (Parking in Snow Areas) (i.e., parking, or leaving a vehicle unattended within a snow area, so as to interfere with snow removal operations, shall be unlawful.)

Adopted Ordinance 4011 (2007)

## CHAPTER 84.31 REASONABLE ACCOMMODATION IN HOUSING DEVELOPMENT FOR DISABLED INDIVIDUALS

### Sections:

- 84.31.010 Purpose.
- 84.31.020 Notice to the Public of Availability of Accommodation Process.
- 84.31.030 Requesting Reasonable Accommodation.
- 84.31.040 Decision on Application.
- 84.31.050 Required Findings.
- 84.31.060 Waiver of Time Periods.
- 84.31.070 Notice of Decision.
- 84.31.080 Amendments or Revisions.
- 84.31.090 Expiration of Grants of Reasonable Accommodation.

### 84.31.010 Purpose

The purpose of this Chapter, pursuant to Fair Housing Laws, as defined in Section 801.01.080, is to provide individuals with disabilities reasonable accommodation in the application of the County's rules, policies, practices and procedures, as necessary to ensure equal access to housing. The purpose is also to provide a process for individuals with disabilities to make requests for, and be provided, reasonable accommodation, when reasonable accommodation is warranted under the law based upon sufficient evidence, with respect to the various laws, rules, policies, practices and/or procedures of the County, including land use and zoning regulations.

Adopted Ordinance 4169 (2012)

### 84.31.020 Notice to the Public of Availability of Accommodation Process

The department shall prominently display in the public areas of the Land Use Services Department at County offices a notice advising those with disabilities or their representatives that they may request a reasonable accommodation in accordance with the procedures established in this Chapter. County employees shall direct individuals to the display whenever an inquiry regarding reasonable accommodation is made or they reasonably believe that individuals with disabilities or their representatives may be entitled to a reasonable accommodation.

Adopted Ordinance 4169 (2012)

### 84.31.030 Requesting Reasonable Accommodation

- (a) In order to make specific housing available to an individual with a disability, a disabled person or representative may request reasonable accommodation, pursuant to this Chapter, relating to the application of various land use, zoning, or building laws, rules, policies, practices and/or procedures of the County.

- (b) If an individual or representative needs assistance in making a request for reasonable accommodation, or appealing a determination regarding reasonable accommodation, the department will endeavor to provide the assistance necessary to ensure that the process is accessible to the applicant or representative. The applicant may be represented at all stages of the proceeding by a person designated by the applicant as his or her representative.
- (c) A request for reasonable accommodation in laws, rules, policies, practices and/or procedures must be filed on an application form provided by the department. It shall be signed by the owner of the property and shall describe exactly what is being requested and the specific reason the requested accommodation is necessary. All documentation that supports the request shall be submitted along with the application. The housing unit must be the primary residence of the person for whom reasonable accommodation is requested.
- (d) Within ten calendar days after the Director has deemed an application for major reasonable accommodation as complete, the Director to his/her designee shall provide notice of the request for major reasonable accommodation as follows:
- (1) In the event there is no approval, permit, or entitlement sought other than the request for reasonable accommodation, the notice shall be mailed to the owners of record of all properties that are contiguous to the property that is the subject of the request.
  - (2) In the event that the request is being made in conjunction with some other approval, permit or entitlement, the notice shall be transmitted along with the notice of the other proceeding.

Adopted Ordinance 4169 (2012); Amended Ordinance xxxx (2013)

#### **84.31.040 Decision on Application**

- (a) The Director shall have the authority to consider and act on any application for a minor reasonable accommodation as defined in Division 10. The Director shall issue a written determination within 30 days of the date of receipt of a completed application and may
- (1) grant the accommodation request,
  - (2) grant the accommodation request subject to specified nondiscriminatory conditions,
  - (3) deny the request, or
  - (4) refer the matter to Zoning Administrator or to the Planning Commission, whichever is deemed appropriate, who shall render a decision on the application in the same manner as it considers an appeal. No request for reasonable accommodation may be referred to the Board of Supervisors.

- (b) The Zoning Administrator shall have the authority to consider and act on any application for a major reasonable accommodation as defined in Division 10, or any minor reasonable accommodation request referred to it by the Director. The Zoning Administrator shall consider an application at the next reasonably available public meeting after submission of an application for reasonable accommodation, after the submission of any additional information required to make a determination or after referral from the Director. The Zoning Administrator may
  - (1) grant the accommodation request,
  - (2) grant the accommodation request subject to specified nondiscriminatory conditions,
  - (3) deny the request, or
  - (4) refer the matter to the Planning Commission, which shall render a decision on the application in the same manner as it considers an appeal. No request for accommodation may be referred to the Board of Supervisors.
- (c) If necessary to reach a determination on any request for reasonable accommodation, the Director, the Zoning Administrator, or the Planning Commission may request further information from the applicant consistent with this Chapter, specifying in detail what information is required. In the event a request for further information is made, the time period to issue a written determination shall be stayed until the applicant reasonably responds to the request.
- (d) If, based upon all of the evidence presented to the Director, Zoning Administrator or the Planning Commission, the findings required in this Chapter may reasonably be made, the Director, Zoning Administrator or the Planning Commission, as applicable, shall grant the requested reasonable accommodation.
- (e) A reasonable accommodation that is granted pursuant to this Chapter shall not require the approval of any variance as to the reasonable accommodation.
- (f) The reasonable accommodation shall be subject to any reasonable conditions imposed on the approval that are consistent with the purposes of this Chapter to further fair housing. Such conditions may generally include, but are not limited to the following restrictions:
  - (1) That the reasonable accommodation shall only be applicable to particular individual(s);
  - (2) That the reasonable accommodation shall only be applicable to the specific use for which application is made; and/or

(3) That any change in use or circumstances which negates the basis for the granting of the approval shall render the reasonable accommodation null and void and/or revocable by the County.

- (g) If the project for which the application for reasonable accommodation is being made also requires some other approval, permit or entitlement, the applicant shall file the request together with the application for such approval, permit or entitlement.
- (h) In the event that the applicant also seeks a concurrent approval, permit, or entitlement that will be reviewed by the Zoning Administrator or Planning Commission, then that planning authority shall also act as the reviewing authority for the application for reasonable accommodation.
- (i) A fee shall only be required for a major reasonable accommodation. If the project requires another discretionary or ministerial permit, then the prescribed fee shall be paid for the other permit(s) in compliance with the County's Fee Ordinance.

Adopted Ordinance 4169 (2012); Amended Ordinance xxxx (2013)

#### 84.31.050 Required Findings

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

- (2) Whether the individual or individuals with a disability will be denied an equal opportunity to enjoy the housing type of their choice absent the accommodation.
  - (3) In the case of a residential care facility, whether the requested accommodation is necessary to make facilities of a similar nature or operation economically viable in light of the particularities of the relevant market and market participants.
  - (4) In the case of a residential care facility, whether the existing supply of facilities of a similar nature and operation in the community is sufficient to provide individuals with a disability an equal opportunity to live in a residential setting.
- (c) Relative to residential care facilities, the County may consider, but is not limited to, the following factors in determining whether the requested accommodation would require a fundamental alteration in the nature of the County's zoning program:
- (1) Whether the requested accommodation would fundamentally alter the character of the neighborhood.
  - (2) Whether the accommodation would result in a substantial increase in traffic or insufficient parking.
  - (3) Whether granting the requested accommodation would substantially undermine any express purpose of either the County's General Plan or an applicable Specific Plan.
  - (4) Whether the requested accommodation would create an institutionalized environment due to the number of and distance between facilities that are similar in nature or operation.
- (d) In granting a request for reasonable accommodation, the reviewing authority may impose any conditions of approval deemed reasonable and necessary to ensure that the reasonable accommodation will comply with the finding required by this Chapter.

Adopted Ordinance 4169 (2012); Amended Ordinance xxxx (2013)

#### **84.31.060 Waiver of Time Periods**

Notwithstanding any provisions in this Chapter regarding the occurrence of any action within a specified period of time, the applicant may request additional time beyond that provided for in this Chapter or may request a continuance regarding any decision or consideration by the County of the pending appeal. Extensions of time sought by applicants shall not be considered delay on the part of the County, shall not constitute failure by the County to provide for prompt decisions on applications and shall not be a violation of any required time period set forth in this Chapter.

Adopted Ordinance 4169 (2012); Amended Ordinance xxxx (2013)

**84.31.070 Notice of Decision**

The reviewing authority shall notify the applicant of his/her decision by mailing a written determination to the applicant. The notice of decision on an application for a major reasonable accommodation shall include factual findings, conclusions, and reasons for the decision; and notify the applicant of the right to appeal the reviewing authority's decision pursuant to Section 85.03.110.

Adopted Ordinance xxxx (2013)

**84.31.080 Amendments or Revisions:**

A request for changes in conditions of approval of a reasonable accommodation, or a change to plans that would affect a condition of approval shall be treated as a new application. The Director may waive the requirement for a new application if the changes are minor, do not involve substantial alterations or addition to the plan or the conditions of approval, and are consistent with the intent of the original approval.

Adopted Ordinance xxxx (2013)

**84.31.090 Expiration of Grants of Reasonable Accommodation**

Any modification granted for an individual with a disability shall be a personal accommodation for the individual applicant and shall not run with the land, unless the Director determines that it would be impractical to require the property to be returned to its previous condition once the disabled person no longer occupies the property. Prior to the issuance of an building permit or any other applicable permit for such modification, the permittee shall execute a notarized statement that permits the County to inspect the affected property at least annually to verify compliance with this chapter and with any applicable conditions of approval. Prior to any transfer of interest in the property, the permittee shall notify the transferee of the existence of the accommodation, the personal status of the accommodation and the requirements that the transferee must apply for a new accommodation as necessary. Except as otherwise provided by the director, as set forth herein, once such transfer takes effect the accommodation shall have no further effect.

Adopted Ordinance xxxx (2013)

## **CHAPTER 84.32 UNLICENSED RESIDENTIAL CARE FACILITIES**

### **Sections:**

- 84.32.010 Purpose.
- 84.32.020 Applicability.
- 84.32.030 Development Standards for Unlicensed Residential Care Facilities.
- 84.32.040 Existing Legal Nonconforming Unlicensed Residential Care Facilities.

### **84.32.010 Purpose.**

The State of California has enacted laws and regulations to provide for the care of mentally and physically handicapped persons in a residential environment. The purpose of this Chapter is to:

- (a) Implement the applicable State laws in a manner that preserves the peace, quiet, and quality of life intended for residential neighborhoods.
- (b) Promote the public health, safety, and welfare and to implement the goals and policies of the General Plan by ensuring that permitted and/or conditional uses allowed in residential neighborhoods do not change the character of the neighborhoods as primarily residential communities.
- (c) Protect and implement the recovery and residential integration of the disabled by providing adequate accommodation, while also ensuring that unlicensed residential care facilities are distributed throughout residential neighborhoods, rather than overly concentrated within any neighborhood.
- (d) Provide criteria for the establishment of unlicensed residential care facilities, which are by definition not licensed by the State of California, including alcohol and drug free treatment facilities (aka "Sober Living Facilities").

Adopted Ordinance xxxx (2013)

### **84.32.020 Applicability.**

The standards in this Chapter apply to unlicensed residential care facilities where allowed in compliance with Division 2 (Land Use Zoning Districts and Allowed Land Uses).

Adopted Ordinance xxxx (2013)

### **84.32.030 Development Standards for Unlicensed Residential Care Facilities.**

In order to ensure that unlicensed residential care facilities serving six or fewer persons are operated in a manner that is consistent with State and Federal law and established industry standards and to ensure that operators do not have a pattern or practice of operating similar facilities in violation of State, Federal, or local law, the criteria listed below shall apply:

- (a) An application for the subject use shall be submitted to the Land Use Services Department. The contact information for the owner/operator of the project will be extracted from the application and posted on the Land Use Services website to include the following information: name, mailing address, email address and phone number. This information may be used by the surrounding property owners should problems arise relative to the operation of the facility affecting the surrounding neighborhood.
- (b) When such a facility is located within a Single Residential (RS) Land Use Zoning District, the minimum parcel size shall comply with the minimum parcel size of the zone.
- (c) There shall be no more than six tenants, not counting a house manager, but in no event more than seven persons residing in the facility.
- (d) There shall be no more than two tenants per bedroom.
- (e) Tenant rental agreements shall be for a term of no less than 30 days.
- (f) The facility shall not be located in an Accessory or Secondary Housing Unit unless the primary Dwelling Unit is used for the same purpose and, if so, the residents in both the primary and secondary units shall be combined in determining whether the maximum number of six allowed by this section has been exceeded.
- (g) The facility shall have one qualified house manager onsite at all times, 24 hours a day, seven days a week, to manage the day-to-day operation.
- (h) The facility shall not, at the time the relevant RCP or CUP is issued, be located within 300 feet, as measured in a straight line from the property line of the parcel on which the facility is proposed to the closest property line of any other dwelling unit housing a licensed or unlicensed residential care facility. However, no more than one residential care facility (licensed or unlicensed) shall be located on the same block, as recommended in the American Planning Association's Policy Guide on Community Residences dated 1/22/08.
- (i) No combination of tenants who are parolees, probationers or subject to the Uniform Controlled Substances registration requirements of Health and Safety Code Section 11590 shall exceed two. Notwithstanding the preceding, in no event shall any tenant violate any terms or conditions of probation or parole which prohibit the tenant residing with another parolee or probationer.
- (j) No persons who are required to register as sex registrants under Penal Code Section 290 shall reside in the Sober Living Facility.
- (k) The facility shall have a written good neighbor policy that directs tenants to be considerate of neighbors, including refraining from engaging in excessively loud or obnoxious behavior that would interfere with the neighbors' enjoyment of their properties. The good neighbor policy shall establish a written protocol for the house manager to follow when a neighbor complaint is received.

- (l) All garage and driveway spaces shall, at all times, be available and used for the parking of vehicles. There must be at least one on-site parking spot for every bedroom and one for the house manager onsite. Tandem parking is allowed.
- (m) The facility shall not provide any treatment that would require a State license.
- (n) The operator of the facility shall be responsible for updating any information required by this subsection as soon as practical.
- (o) The facility shall comply with all other laws, rules and regulations which may apply to its operation, including any building and fire codes and shall be subject to inspection by a code enforcement officer, building inspector and fire inspector prior to the issuance of any Unlicensed Residential Care Facility Permit.
- (p) The operator of the facility shall maintain the existing residential character of the facility, including the building façade, fences, walls and landscaping.
- (q) All trash and food items shall be promptly and properly contained within closed containers, pending weekly trash collection. The operator shall ensure that adequate containers are provided for the facility, and the containers shall be stored in an area screened from public view.
- (r) The noise level at the facility shall be maintained at or below County Standards, as detailed in Development Code Section 83.01.080. For information, please call the Division of Environmental Health Services (DEHS).
- (s) No second hand tobacco smoke shall be detectable outside of the facility's property boundary.
- (t) Assembly uses (meetings/gatherings) are prohibited, except those that are limited solely to client residents of the facility and staff.
- (u) All landscaping, fuel modification measures, fencing and structures shall be maintained regularly by the property owner, so that all facets of the site are kept in continual good repair, including but not limited to the removal of graffiti and the continued provision of healthy thriving landscaping. All mechanical equipment shall be screened from public view. The property shall be maintained so that it is visually attractive and not dangerous to the health and welfare of the surrounding neighbors. Drought-resistant, fire retardant vegetation shall be used for any replacement landscaping and erosion control to reduce water consumption and promote slope stability (where applicable).
- (v) All tenants, other than the house manager, must be actively participating in legitimate recovery programs, including, but not limited to, Alcoholics Anonymous, Narcotics Anonymous, or 12-Step Recovery. Current records of meeting attendance must be maintained. Refusal to actively participate in such a program shall be cause for eviction.

- (w) The rules and regulations of the facility must prohibit the use, sale or distribution of any alcohol or any non-prescription controlled substances by any tenant either on or off site. These rules and regulations shall be posted in a common area inside the facility. Any violation of this rule must be cause for eviction and the violator cannot be re-admitted for at least 90 days. Any second violation of this rule shall result in permanent eviction. Tenants that have a second violation shall not be permitted to reside in a facility in the County for a period of 12 months.
- (x) The facility shall have a written visitation policy precluding visitors who are under the influence of any drug or alcohol, are probationers, or parolees. No visitors shall be permitted to spend the night or stay past 10 p.m. and a house manager must be present during visitations.
- (y) The facility shall have regular drug testing or some equivalent alternative, to ensure that tenants are not currently using drugs or alcohol.
- (z) The property shall comply with all applicable disabled access regulations as per the California Building Code and the Americans with Disabilities Act.

Adopted Ordinance xxxx (2013)

#### **84.32.040 Existing Legal Nonconforming Unlicensed Residential Care Facilities.**

Any person whose existing Unlicensed Residential Care Facility has been rendered nonconforming at the adoption of this Chapter because such facility is not operated in conformance with the development standards set forth in Section 84.32.030 (Development Standards for Unlicensed Residential Care Facilities) above may seek the issuance of an Unlicensed Residential Care Facility permit to continue the use so long as the application for that permit is completed and filed within 90 days following adoption of this Chapter. If any person fails to file an application for an Unlicensed Residential Care Facility within the 90 day period, the permit to continue the use may not be sought or issued. If any person fails to file an application for an Unlicensed Residential Care Facility within the 90 day period, the permit to continue the use may not be sought or issued.

Adopted Ordinance xxxx (2013)

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**CHAPTER 85.20 UNLICENSED RESIDENTIAL CARE FACILITIES PERMIT**

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**Sections:**

- 85.20.010 Purpose.
- 85.20.020 Applicability.
- 85.20.030 Procedures.

**85.20.010 Purpose.**

It is the purpose of this Chapter to provide an expedited process for the County review and authorization of Unlicensed Residential Care Facilities in compliance with all applicable requirements of this Development Code.

Adopted Ordinance xxxx (2013)

**85.20.020 Applicability.**

- (a) **When required.** An Unlicensed Residential Care Facilities Permit shall be required to authorize:
  - (1) **Compliance with Division 2.** The establishment of an Unlicensed Residential Care Facility that is allowed by a land use zoning district subject to a Residential Care Facilities Permit in compliance with Division 2 (Land Use Zoning Districts and Allowable Land Uses); provided, the use complies with all applicable development standards identified in this Development Code as provided in Chapter 84.32 (Unlicensed Residential Care Facilities);
  - (2) **An Existing Legal Non-conforming Unlicensed Residential Care Facility Use.** The continuance of an existing Unlicensed Residential Care Facility that has been rendered nonconforming at the adoption of this Chapter because such facility is not operated in conformance with the development standards set forth in Section 84.32.030 (Development Standards for Unlicensed Residential Care Facilities) or does not have a permit issued in compliance with this Chapter. The operator of such a facility may seek the issuance of an Unlicensed Residential Care Facility Permit to continue the use so long as the application for that permit is completed and filed within 90 days following adoption of this Chapter. If any person fails to file an application for an Unlicensed Residential Care Facility within the 90-day period, the permit to continue the use may not be sought or issued and the use must be terminated.
  - (3) **Change of Operator:** Any time that there is a change of operators of an existing facility a new permit must be obtained in that, contrary to other permits required by this Code, the Unlicensed Residential Care Facility Permit is issued to the operator as opposed to the use to ensure any and all new operators commit to his/her/their compliance with the standards set forth in Chapter 84.32.

- (b) **Exempt from CEQA.** An Unlicensed Residential Care Facilities Permit application shall be determined exempt from the California Environmental Quality Act (CEQA) in compliance with State law and the *County's Environmental Review Guidelines* or it shall be processed as a Conditional Use Permit or Minor Use Permit.

Adopted Ordinance xxxx (2013)

#### 85.20.030 Procedures.

- (a) **Compliance with Division 5 (Permit Application and Review Procedures).** The Unlicensed Residential Care Facilities Permit procedure is intended to provide a less complex and more streamlined review than that required for a Conditional Use Permit or Minor Use Permit. The project planner shall review the application in compliance with Division 5 (Permit Application and Review Procedures).
- (b) **Procedure.** Staff review without notice.
- (c) **Review authority.** Director.
- (d) **New construction.** In issuing an Unlicensed Residential Care Facilities Permit for new construction the Director shall first confirm that the request satisfies all of the following criteria:
- (1) The unlicensed Residential Care Facility is in compliance with the applicable provisions of Chapter 84.32 (Unlicensed Residential Care Facilities) of this Development Code; and
  - (2) The proposed site and any unlicensed Residential Care Facility existing on the site shall not be in violation of any applicable provision of this Development Code, except for nonconforming uses and structures in compliance with Chapter 84.17 (Nonconforming Uses and Structures).
- (e) **Reuse of existing structure(s).** In issuing an Unlicensed Residential Care Facilities Permit that proposes to establish an unlicensed Residential Care Facility in an existing structure, the Director shall first confirm that the request satisfies all of the following criteria in addition to those identified in Subsection (d), above:
- (1) The required number of parking spaces and driveway and parking lot improvements shall be provided and maintained in compliance with Chapter 83.11 (Parking and Loading Standards);
  - (2) The proposed facility and all existing structures are in compliance with all requirements of previously approved entitlements (e.g., Minor Use Permits, Conditional Use Permits, or Variances, etc.) including conditions of approvals.
- (f) **On-site inspection.** An application for an Unlicensed Residential Care Facilities Permit may require that the Director perform an on-site inspection of the subject

parcel before confirming that the request complies with all of the applicable criteria and provisions identified in this Section.

- (g) **Findings.** Before granting an application for an Unlicensed Residential Care Facilities Permit, the review authority shall make the following findings:
- (1) The project complies with all applicable development standards identified in this Development Code.
  - (2) There is supporting infrastructure, existing or available, consistent with the intensity of development, to accommodate the proposed development without significantly lowering service levels.
  - (3) The proposed use and manner of development are in compliance with the goals, maps, policies, and standards of the General Plan, any applicable community plan or specific plan.
  - (4) The proposed unlicensed Residential Care Facility and manner of development are exempt from the California Environmental Quality Act (CEQA).
- (h) **Rejection or alternative processing required.** If the review authority cannot make the required findings listed in Subsection (g), above, the project will be either rejected or elevated to a Minor Use Permit, as determined appropriate by the Director.
- (i) **Appeal.** Appeal of an Unlicensed Residential Care Facilities Permit shall be limited to the determination that the land use being requested qualifies for the Unlicensed Residential Care Facilities Permit application.
- (j) **Revocation of Permit.** If, after the approval of an Unlicensed Residential Care Facilities Permit, the provisions of Chapter 84.32 are violated, the Code Enforcement Division of the Land use Services Department will issue a Notice of Violation detailing the discrepancies with this Development Code. If such violations are not corrected within 30 days of the receipt of the Notice of Violation, the Unlicensed Residential Care Facilities Permit shall be revoked using the procedures set forth in Section 86.09.170.

Adopted Ordinance xxxx (2013)

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## Definitions

**810.01.040(k) Boarding House.** ~~A dwelling with not more than five guest rooms, with not more than one person per room, where lodging and meals are provided for compensation on a weekly or greater basis, not including those facilities defined as social care facilities.~~ A residence or dwelling unit, or part thereof, wherein a room or rooms are rented under two or more separate written or oral rental agreements, leases or subleases or combination thereof, whether or not the owner, agent or rental manager resides within the residence on a monthly or greater basis. A boarding house cannot have any more than five guest rooms, with not more than one person per room. See “Group Residential.”

**810.01.040(i) Block.** The properties abutting on ~~one~~ both sides of a street between two nearest intersection streets, railroad right of way or other natural barrier, provided however, that where a street curves so that any two chords thereof form an angle of 120 degrees or less measured on ~~the~~ a lot side, each curve shall be construed as an intersection street.

**810.01.050(mm) Community Care Facility.** Any skilled nursing or intermediate care facility, and shall include provisions for developmentally disabled rehabilitative nursing or congregate living (consistent with California Health and Safety Code, Section 1267.8).

~~**810.01.090(p) Group Housing (see Land Use Tables).**~~ Residential occupancy of a building or set of buildings each of which contains group quarters in permanently fixed building or a portions thereof with shared or no kitchen privileges.

**810.01.070(g) Emergency shelter (see Land Use Tables).** Housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay.

**810.01.090(r) Group Residential (see Land Use Tables).** Shared living quarters, occupied by two or more persons not living together as a single housekeeping unit (see “Single housekeeping unit”). Includes, without limitation, boarding or rooming houses (see “Boarding House”), dormitories, fraternities, sororities, parolee-probationer homes (see “Parolee-probationer home”), and private residential clubs. Excludes residential care facilities (see “Residential Care Facility”).

~~**810.01.100(u) Homeless Shelter (see Land Use Tables).**~~ A facility providing sleeping and eating facilities for the homeless.

**810.01.100(x) Hotel (see Land Use Tables).** ~~Any building or portion of thereof containing six or more guest rooms, designed for and/or used by six or more guests for compensation on a daily basis, with no provision for cooking in any individual room or suite, but not including social care facilities. These facilities provide lodging and may also offer meals, various personal services, retail services and sometimes entertainment and recreational opportunities.~~ An establishment that provides guest rooms or suites for a fee. Access to units is primarily from interior lobbies, courts, or halls. Related accessory uses may include conference and meeting rooms, restaurants, bars, and recreational facilities. Guest rooms may or may not contain kitchen facilities for food preparation (i.e., refrigerators, sinks, stoves, and ovens). Hotels with kitchen facilities are commonly known as extended stay hotels. A hotel operates subject to taxation under Revenue and Taxation Code Section 7280.

~~**810.01.100(y) Hotel, Residential (see Land Use Tables).**~~ A hotel in which 75 percent or more of the available rooms are occupied by or reserved for permanent guests for compensation on a monthly or longer basis.

**810.01.180(l) Parolee.** An individual who has been convicted of a federal or state crime, sentenced to a federal or state prison or to a term in the California Youth Authority and has received conditional and revocable release in the community and is under the supervision of a federal, State or youth authority probation/parole officer.

**810.01. 180(m) Parolee-probationer Home.** Any residential structure or dwelling unit, whether owned and/or operated by an individual or a for-profit or nonprofit entity, which houses two or more parolees-probationers unrelated by blood, marriage, or legal adoption, in exchange for monetary or nonmonetary consideration given and/or paid by the parolee-probationer and/or any public or private entity or person on behalf of the parolee-probationer.

**810.01. 180 (yy) Private Home Rental, Short-Term.** A dwelling unit, including either a single-family detached or multi-family attached unit, owned, leased or rented on a less than 30-day basis to individuals acting as a single housekeeping unit. This definition includes a second dwelling unit on-site. This does not include the ongoing month-to-month tenancy granted to the same renter for the same unit.

**810.01. 180(eee) Probationer.** A person who has been convicted of a crime and who has received a suspension in the imposition or execution of their sentence and has received conditional and revocable release in the community under the supervision of a probation officer, as provided under California Penal Code Section 1203 or its successor.

**810.01.200(f) Reasonable Accommodation.** The following reasonable accommodation terms are defined as follows:

(1) **Minor Reasonable Accommodation.** Any deviation requested and/or granted from the strict application of the laws, rules, policies, practices and/or procedures of the County, including land use and zoning regulations of this Code, and which can be removed or terminated in 90 days or less after the need for the reasonable accommodation ends.

(2) **Major Reasonable Accommodation.** Any deviation requested and/or granted from the strict application of the laws, rules, policies, practices and/or procedures of the County, including land use and zoning regulations of this Code, resulting in a physical modification to the property which cannot be restored or terminated within 90 days or less after the reasonable accommodation is terminated. This also includes any use deviation. Any deviation requested and/or granted from the strict application of the land use and zoning regulations of this Code for the establishment and operation of a residential care facility.

**810.01.200(dd) Residential Care Facility.**

(1) **Licensed (Seven or More Persons).** A place, site or building, or groups of places, sites or buildings, licensed by the State, in which seven or more individuals with a disability reside who are not living together as a single housekeeping unit (see “Single housekeeping unit”) and in which every person residing in the facility (excluding the licensee, members of the licensee’s family, or persons employed as facility staff) is an individual with a disability. Does not include “Group residential.”

(2) **Unlicensed (Seven or More Persons).** A place, site or building, or groups of places, sites or buildings, which is not licensed by the State, and is not required by law to be licensed by the State, in which seven or more individuals with a disability reside who are not living together as a single housekeeping unit (see “Single housekeeping unit”) and in which every person residing in the facility (excluding persons employed as facility staff) is an individual with a disability. Does not include “Group residential.”

(3) **Licensed (Six or Fewer Persons).** State-licensed facilities that provide care, services, or treatment in a community residential setting for six or fewer adults, children, or adults and children and which are required by State law to be treated as a single housekeeping unit for zoning purposes. Small licensed residential care facilities shall be subject to all land use and property development regulations applicable to single housekeeping units (see “Single housekeeping unit”). Does not include “Group residential.”

(4) **Unlicensed (Six or Fewer Persons).** A place, site or building, or groups of places, sites or buildings, which is not licensed by the State of California and is not required by law to be licensed by the State, in which six

or fewer individuals with a disability reside who are not living together as a single housekeeping unit and in which every person residing in the facility (excluding persons employed as facility staff) is an individual with a disability. Does not include “Group residential.”

~~810.01.200(yy) Rooming or Boarding (see Land Use Tables). Residential occupancy of a building with no more than five bedrooms and no more than one person per room, where lodging is provided for compensation on a weekly or greater basis; but not including facilities defined as social care facilities.~~

**810.01.210(ii) Single Housekeeping Unit.** The functional equivalent of a traditional family or one household, whose members are an interactive group of persons jointly occupying a single dwelling unit, including the joint use of and responsibility for common areas, and sharing household activities and responsibilities (e.g., meals, chores, household maintenance, expenses, etc.) and where, if the unit is rented, all adult residents have chosen to jointly occupy the entire premises of the dwelling unit, under a single written lease with joint use and responsibility for the premises, and the makeup of the household occupying the unit is determined by the residents of the unit rather than the landlord or property manager.

**810.01.210(qq) Sober Living Facility.** A dwelling unit with more than two tenants which is not licensed by the State and is being used as a drug and alcohol recovery facility for persons who are recovering from drug and/or alcohol addiction and in which all tenants, ~~which~~ except for a house manager, ~~all tenants~~ are considered disabled under state or federal law and are actively enrolled and participating in a legitimate alcohol and/or drug recovery program. A Sober Living Facility is an unlicensed Residential Care Facility.

~~810.01.210(pp) Social Care Facility (see Land Use Tables). Any facility in the general classification of boarding home for aged persons, boarding home for children, day care home for children, day nursery, nursing home or parent child boarding home. These facilities consist of a building or group of buildings used or designed for the housing of sick, demented, injured, convalescent, infirm, or well, normal healthy persons, requiring licensing or certification by regulating government agencies. This definition shall not include use of a part of any single or multiple dwelling, hotel, apartment, or motel not ordinarily intended to be occupied by these persons unless so licensed or certified by the governmental agency concerned with the administration of each specific classification.~~

**810.01.210(vvvv) Supportive Housing.** Housing with no limit on length of stay, that is occupied by the target population, as defined by Section 50675.14 of the California Health and Safety Code, and that is linked to on-site or off-site services that assist the tenant to retain the housing, improve his or her health status, maximize their ability to live and, when possible, to work in the community. Supportive housing that is provided in single-, two-, or multi-family dwelling units, group residential, parolee-probationer home, residential care facilities, or boarding house uses shall be permitted, conditionally permitted or prohibited in the same manner as the other single-, two- or multi-family dwelling units, group residential, parolee-probationer home, residential care facilities, or boarding house uses under this code.

**810.01.220(t) Transitional Housing.** Rental housing operating under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient program at some predetermined future point in time, which shall be no less than six months. Transitional housing that is provided in single-, two- or multi-family dwelling units, group residential, parolee-probationer home, residential care facilities, or boarding house uses shall be permitted, conditionally permitted or prohibited in the same manner as the other single-, two-, or multi-family dwelling units, group residential, parolee-probationer home, residential care facilities, or boarding house uses under this code.

**Fees**

**16.0215A Land Use and Development Review - Planning.**

(I) Other:

(18) Residential Care Facilities Permit: ..... \$2,980.00