



Planning Commission **STAFF REPORT**

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*Vincent Gonzalez, Director of
Planning and Community
Preservation*

DATE: August 18, 2016

TO: Planning Commission

FROM: Vincent Gonzalez, Director of Planning & Community Preservation

SUBJECT: Discussion Regarding Regulation of Group Living Facilities Allowed by Right in Residential Zones.

BACKGROUND

Executive Summary

At the meeting of April 21, 2016, the Planning Commission (Commission) initiated a discussion regarding the regulation of group living facilities in compliance with Land Use Implementation Measure-4 of the General Plan Update. This measure implements Land Use Policy L2.3 of the General Plan to establish zoning provisions for both unlicensed and licensed group living facilities including floor area limits, height limits, setbacks, location of residential uses in commercial areas, and design guidelines.

The proposed ordinance amendments do not seek to regulate licensed group living facilities with six (6) or fewer persons as they would be exempt from local regulation. Licensed group living facilities serving six or fewer residents must also be treated like single-family homes, with the same parking requirements, setbacks, design standards, etc. **The Commission will consider the regulation of unlicensed group living facilities licensed group living facilities with greater than six (6) persons.** Accordingly, the proposed ordinance amendments would not be in conflict with State law.

The purpose of the Zoning Code amendments are to update definitions related to group living facilities in the Zoning Code, and to establish conditional use permit and operational requirements for unlicensed group living facilities and licensed group living facilities with greater than six persons. This would afford the City the ability to better regulate such facilities by imposing operational and distance requirements to preserve the residential character of neighborhoods.

This discussion will continue the Commission's effort to review Chapter 17.08 – Definitions of the Sierra Madre Municipal Code specific to the regulation of group living facilities, Chapter 17.60.030 – Conditionally Permitted Uses, and a new Chapter 17.94. – Group Living Facility Standards.

There are several federal and state laws that must be taken into consideration when regulating or establishing operational standards for licensed and unlicensed group living facilities. A discussion of the applicable laws is included in **Exhibit F**.

ANALYSIS

“Group living facilities” is a general term, which is not defined in state law or federal law, but is frequently used to describe homes with unrelated residents in residentially zoned districts. For the purposes of this discussion, the following definition shall apply:

"Group living facility" means any home, residence, facility, or premises which provides temporary, interim, or permanent housing to persons with mental, physical and/or developmental disabilities (as defined in state or federal law) living in a group setting.

Definitions

There are six facility categories that fall under the umbrella of “group living facilities” as follows.

1. **"Community Care Facilities"** are licensed by the Community Care Licensing Division of the State Department of Social Services to provide non-medical residential care to children and adults with developmental and/or physical disabilities who are in need of personal services, supervision, and/or assistance essential for self-protection or sustaining the activities of daily living.
2. **"Drug and Alcohol Treatment Facilities"** are licensed by the State Department of Drug and Alcohol Programs serving six (6) or fewer persons that provide residential non-medical services to adults who are recovering from problems related to alcohol and/or drugs and need treatment or detoxification services. Individuals in recovery from drug and alcohol addiction are defined as disabled under the Federal Fair Housing Act.
3. **“Drug and Alcohol Recovery Facilities”** are unlicensed homes, residences, facilities, or premises which provide housing and supportive services for persons recovering from drug and alcohol abuse in a group setting, but do not provide professional medical, psychiatric, psychological, or nursing care for the purpose of curing persons of drug or alcohol addiction.
4. **"Family Child Care Home"** means a state licensed facility with an organized daytime program for the supervision and care of children who are not related to the person operating such facility.
5. **“Residential Care Facility for the Elderly”** means a housing arrangement chosen voluntarily by persons 60 years of age or over, or their authorized representative, where varying levels and intensities of care and supervision, protective supervision, personal care, or health-related services are provided, based upon their varying needs, as determined in order to be admitted and to

remain in the facility. Persons under 60 years of age with compatible needs may be allowed to be admitted or retained in a residential care facility for the elderly as specified in Section 1569.316 of the Health and Safety Code.

6. **“Residential Health Care Facilities (Chronically III)”** are licensed by the State Department Health Services and State Department of Mental Health serving six (6) or fewer persons. These include congregate living health facilities, which provide in-patient care who may be terminally ill, ventilator dependent, or catastrophically and severely disabled, and intermediate care facilities for persons who need intermittent nursing care.

Exhibit A highlights the six facility categories above and group’s associated state and federal programs according to the applicable facility category. Definitions from Chapter 17.08 are grouped under the facility category and are either omitted, updated, or a new definition is introduced.

Exhibit B lists those programs that are permitted by-right in residential zones. The matrix also evaluates the use by the legal authority, the number of residents served, whether a state license is required, if local regulation applies, if the residents are a protected class (i.e., Americans with Disabilities), if the use is allowed in a single-family zone, and whether the use is subject to spacing requirements. Note that the “Residential Care Facility for the Elderly” is not included in the Matrix because it is a Commercial use.

Exhibit C provides draft redline ordinance amendments to Chapter 17.08 – Definitions.

Exhibit D updates Chapter 17.60.030 – Conditionally Permitted Uses. The draft amendments omit individual programs from the list of conditionally permitted uses and introduces the six facility categories. It is under the Commissions purview to determine if conditionally permitted uses for programs with greater than six (6) persons should be allowed as a conditional use, and secondly, should they be allowed in the Commercial and/or Residential Professional Zones.

Exhibit E introduces a new ordinance, Chapter 17.94 – Group Living Facility Standards Subject to a Conditional Use Permit. This new section of the Zoning Code includes “standards” to minimize health, safety and nuisance impacts to adjacent residents.

Staff seeks the Commission’s continued review of these proposed amendments. The proposed amendments offer new and updated definitions to Chapter 17.08. Updates to Conditionally Permitted Uses in Chapter 17.60, and a new Chapter 17.94 – “Group Living Facilities” establishing regulations and standards applicable to facilities with greater than six persons proposed as a conditional use in the C (Commercial) and R-P (Residential Professional) Zoning districts. Furthermore, all of the proposed amendments are generally consistent with the goals, policies, and objectives of the General Plan in that they would help protect low-density single-family residential uses in the City from an overconcentration of uses and public nuisance impacts.

If the Commission desires, staff can return with a draft Resolution for a future meeting, or direct staff to bring back any particular items for further review and discussion.

Attachments (6):

Exhibit A: Draft Redline Amendments:

1. Group Living Facility Categorical Definitions
2. Related Program Definition Updates

Exhibit B: Group Living Facilities Exempt from Regulation in Residential Zones

Exhibit C: Chapter 17.08 – Definitions Draft Redline Ordinance Amendments

Exhibit D: Chapter 17.60.030 – Conditionally Permitted Uses – When Required (Redline Ordinance Amendments)

Exhibit E: Chapter 17.94 – Group Living Facility Subject to a Conditional Use Permit

Exhibit F: Background: Federal and State Regulations

EXHIBIT A

Draft Redline Amendments:

1. Group Living Facility Categorical Definitions
2. Related Program Definition Updates

August 18, 2016

1. Group Living Facility Categorical Definitions and Supporting Program Definitions

"Community Care Facilities" are licensed by the Community Care Licensing Division of the State Department of Social Services to provide non-medical residential care to children or adults who are physically disabled and/or mentally impaired who are in need of personal services, supervision, and/or assistance essential for self-protection or sustaining the activities of daily living. Community Care Facilities include, but are not limited to an Adult Residential Facility, Children's Day Center (Emotionally Disturbed), Group Home, and Residential School (Developmentally Disabled).

Program Definitions:

"Adult Residential Facility" is a residential home for adults 18 through 59 with mental health care needs who have physical and/or developmental disabilities and require or prefer assistance with care and supervision.

~~"Child care center" means a facility with an organized daytime program for the supervision and care of children who are not related to the person operating such facility.~~

"Children's Day Center" (Emotionally Disturbed) means an institution of up to a one-bed capacity of six (6) beds or more intended solely for the admission and treatment of minors with mental illness or behavior or emotional disorders.

~~"Day center for the physically and/or developmentally (mentally retarded) disabled" means a facility intended solely for the admission of patients 18 years of age or older who are not permitted to remain overnight with a developmental disability, mental retardation, who are provided with a daytime program of education or training, handicraft, vocational and recreational activities.~~

~~"Day treatment hospital" means a place intended solely for the admission and treatment of patients with mental illness or mental disorder, who are provided with a daytime program of organized treatment, activities, and supervision under medical direction, but are not permitted to remain overnight.~~

~~"Family Home (Mentally Developmental and/or physical Retarded Disabilities)" means a facility intended solely for the admission of not more than six one or more mentally retarded patients with developmental disabilities who are provided with a program of services and protective supervision in a home setting.~~

"Group Home" means a state licensed facility that provides 24-hour non-medical care and supervision in a structured environment to troubled youths who exhibit social, psychological, and behavioral problems

~~"Psychiatric hospital" means an institution intended primarily for the admission, diagnosis and intensive short-term treatment of patients with mental illness or behavior or emotional disorders.~~

~~"Resident facility (mentally retarded)" means an institution of one-bed capacity or more intended solely for the admission of developmentally mentally retarded patients who require supervision and who are provided with an organized program of services.~~

"Residential School (Developmentally Disabled Mentally Retarded)" means a state-licensed facility intended primarily for the admission, care, and treatment of educable and trainable

~~developmentally mentally disabled retarded~~ patients. The facility shall provide an educational program on the premises as one of its services.

"Drug and Alcohol Treatment Facilities" are licensed by the State Department of Drug and Alcohol Programs serving six (6) or fewer persons that provide 24-hour residential non-medical services to adults who are recovering from problems related to alcohol and/or drugs and need treatment or detoxification services. Individuals in recovery from drug and alcohol addiction are defined as disabled under the Federal Fair Housing Act.

Program Definitions:

~~"Alcoholism hospital" means an institution intended solely for the admission, diagnosis and intensive short-term treatment of patients' addicted to excessive use of alcohol, and related conditions.~~

~~"Facilities for the rehabilitation of drug abusers" mean any building where two or more resident patients are kept under medical, psychological, or psychiatric supervision for the purpose of curing them of drug addiction.~~

"Treatment Facility" means any licensed premise, place, or building that provides 24-hour residential non-medical services to adults who are recovering from problems related to substance abuse and that at least one of these services are provided: Treatment services, or detoxification services. Existing law also requires treatment facilities with six or fewer persons to be regarded as a residential use and to be treated no differently than other residential use.

Drug and Alcohol Recovery Facility (former drug abusers)" means an unlicensed home, residence, facility, or premises which provides temporary housing and supportive services for persons recovering from drug and alcohol abuse in a group setting, but does not provide professional medical, psychiatric, psychological, or nursing care is provided for the purpose of curing persons of drug or alcohol addiction. Individuals in recovery from drug and alcohol addiction are defined as disabled under the Federal Fair Housing Act. This category of disability includes both individuals recovering in licensed detoxification facilities and recovering alcoholics or drug users who seek to live in unlicensed "clean and sober" living facilities. Drug and Alcohol Recovery Facilities include, but are not limited to a Recovery Home, and Sober Living Home.

Program Definitions:

"Recovery Home" is a non-licensed facility serving six (6) or fewer persons providing group living arrangements for people who have graduated from drug and alcohol programs, but which do not provide care or supervision.

"Sober Living Home" means a home which is defined as a residential property which is operated as a cooperative living arrangement to provide an alcohol and drug free environment for persons recovering from alcoholism or drug abuse, or both, who seek a living environment in which to remain clean and sober. A sober living home meets the definition when residents, including resident owners, operators, and managers, are living a sober lifestyle; residents actively participate in legitimate programs and maintain records of meeting attendance; a zero tolerance policy towards drugs and alcohol is maintained; no services requiring licensure by Department of Drug and Alcohol Programs are provided. Residents do not require care or supervision as provided by a licensed care facility.

"Family Child Care Home, is a licensed facility offering an organized daytime program for the supervision and care of children in the licensee's own home. Family Child Care Homes include, but are not limited to a Family Child Care Home–Small, Family Child Care Home–Large.

Program Definitions:

"Family Child Care Home, Small" means a licensed facility offering an organized daytime program for the supervision and care of up to eight (8) or fewer children in the licensee's own home.

"Family Child Care Home, Large" means a licensed facility offering an organized daytime program for the supervision and care of up to fourteen (14) or fewer children in the licensee's own home. "School Aged Child Care Center" is a facility that serves children ages 5 to 17.

"Residential Care Facility for the Elderly" means a housing arrangement chosen voluntarily by persons 60 years of age or over, or their authorized representative, where varying levels and intensities of care and supervision, protective supervision, personal care, or health-related services are provided, based upon their varying needs, as determined in order to be admitted and to remain in the facility. Persons under 60 years of age with compatible needs may be allowed to be admitted or retained in a residential care facility for the elderly as specified in Section 1569.316 of the Health and Safety Code. Residential Care Facilities for the Elderly include, but are not limited to Assisted Living Facilities, and Continuing Care Retirement Communities.

Note: Residential Care Facilities for the Elderly are not permitted by right-in-residential zones.

Program Definitions:

"Assisted Living Facility" means the same as "Residential Care Facility for the Elderly."

"Continuing Care Retirement Community" is a "Residential Care Facility for the Elderly" that offers a long-term continuing care contract that provides for housing, residential services, and nursing care, usually in one location, and usually for resident's lifetime.

~~"Convalescent home" means the same as "Nursing and convalescent hospital."~~

~~"Home for the aged" means any building or portion thereof, other than a hospital or rest home, used and maintained to provide living accommodations, including board, room or care, for ambulatory aged persons. This shall also include "residential care home."~~

~~"Nursing and convalescent hospitals" means any place or institution which provides bed accommodations for one or more chronic or convalescent patients, who, by reason of illness or physical infirmity, are unable to properly care for themselves. Alcoholics, drug addicts, persons with mental or communicable diseases, including contagious tuberculosis, shall not be admitted or cared for in nursing and convalescent hospitals.~~

~~"Residential care home" means the same as "home for the aged."~~

~~"Rest home" means the same as "nursing and convalescent hospital."~~

"Residential Health Care Facilities (Chronically III)" are licensed by the State Department Health Services and State Department of Mental Health serving six (6) or fewer persons. These include congregate living health facilities, which provide in-patient care who may be terminally ill, ventilator dependent, or catastrophically and severely disabled, and intermediate care facilities for persons who need intermittent nursing care. Residential Health Care Facilities (Chronically III) include, but are not limited to Adult Residential Facilities for Persons with Special Health Care Needs, Long-term Care Facility (Mental Disorders), Nursery (Developmentally Disabled), and Residential Care for the Chronically III.

Program Definitions:

"Adult Residential Facility for Persons with Special Health Care Needs" is a residential home that provides 24-hour services for up to five adults with developmental disabilities who have special health care and intensive support needs and who would otherwise need to reside in an institution.

"Long-term Care Facility (Mental Disorders)" means an institution of seven-patient capacity or more intended primarily for the admission of chronic mentally ill or mentally disordered or other incompetent persons who are provided medical care, nursing services and intensive supervision.

"Nursery (Developmentally Disabled ~~mentally-retarded~~)" means a state-licensed facility intended primarily for the admission of nonambulatory ~~mentally-retarded~~ intellectually disabled patients, who are provided nursing services primarily in crib accommodations for less than six (6) persons.

"Residential Care for the Chronically III" is a facility that provides care and supervision to adults who have terminal illness. Acquired Immune Deficiency Syndrome (AIDS) or the Human Immunodeficiency Virus.

2. Related Program Definition Updates

~~"Boarding house" means a facility having space for not more than ten boarders and one kitchen facility for common usage. a residence or dwelling, other than a hotel, wherein three (3) or more rooms, with or without individual or group cooking facilities, for not more than ten boarders are rented to individuals under separate rental agreement or lease, either written or oral, whether or not an owner, agent, or rental manager is in residence. Such use is prohibited in all zones.~~

"Disabled" as defined in state or federal law.

"Drug and Alcohol Recovery Facilities" are unlicensed homes, residences, facilities, or premises which provide housing and supportive services for persons recovering from drug and alcohol abuse in a group setting, but do not provide professional medical, psychiatric, psychological, or nursing care for the purpose of curing persons of drug or alcohol addiction.

"Drug and Alcohol Treatment Facilities" are licensed by the State Department of Drug and Alcohol Programs serving six (6) or fewer persons that provide 24-hour residential non-medical services to adults who are recovering from problems related to alcohol and/or drugs and need treatment or detoxification services. Individuals in recovery from drug and alcohol addiction are defined as disabled under the Federal Fair Housing Act.

~~"Emergency shelter" means 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 shelter because of an inability to pay.~~

"Emergency Shelter" means any building used by a nonprofit organization to provide emergency housing and meals on a temporary basis (six months or less) to stranded, evicted, transient, or otherwise dislocated and homeless persons until a satisfactory solution to their immediate problem is found.

"Group living facility" means any home, residence, facility, or premises which provides temporary, interim, or permanent housing to persons with mental, physical, and/or developmental disabilities (as defined in state or federal law) living in a group setting.

Hospital, General. "General hospital" means an institution staffed and equipped to provide the various types of intensified hospital care, including, but not limited to, short-term care in acute medical, surgical and obstetrical services. ~~but shall not include the treatment, other than on a temporary emergency basis, of alcoholic or mental patients.~~

~~"Hospitality house" means any building used by a nonprofit organization to provide emergency housing and meals on a temporary basis to stranded, evicted, transient, or otherwise dislocated and homeless persons until a satisfactory solution to their immediate problem is found.~~

"Hotel" means any building or portion of any building with access provided through a common entrance, lobby or hallway, to one or more guest rooms, which have no cooking facilities and which are designed and intended to be used or are used, rented or hired out as temporary or overnight accommodations for guests.

"Residential Ddrug and Aalcohol Rrehabilitation Ffacility (former drug abusers)" means an unlicensed home, residence, facility, or premises which provides temporary housing and supportive services for persons recovering from drug and alcohol abuse in a group setting, but does not provide professional medical, psychiatric, psychological, or nursing care is provided for the purpose of curing persons of drug addiction.

“Supportive Housing” means housing with no limit on length of stay that is occupied to the target population as defined in the Health and Safety Code 53260(d), which provides services for six (6) or fewer persons and that is linked to onsite or offsite services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live, and when possible, work in the community.

“Target Population” is defined as adults with low incomes having one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health problems; and persons eligible for services under the Lanterman Development Disabilities Act, which provides services to persons with developmental disabilities that originate before the person turned 18.

"Transitional housing" means rental housing provided to facilitate the movement of homeless individuals or families to conventional housing. Transitional housing may take the form of single-family or multi-family units, and may include supportive services operated under program requirements to allow individuals or families to gain necessary life skills in support of independent living. This type of housing may be occupied by a program recipient for a minimum of six months up to a maximum of two years, at which time it may be recirculated to another eligible program recipient.

EXHIBIT B

Group Living Facilities Exempt from Regulation in Residential Zones

August 18, 2016

Group Living Facilities Exempt From Regulation In Residential Zones

The following matrix identifies the Group Living Facility Category as the umbrella definition based on facility type. The definition of each facility category is provided below. Individual Programs are listed accordingly after each category. The Programs listed below are exempt from local regulation and are permitted uses in single-family zones. Each program serves six (6) or fewer persons with the exception of "Family Child Care Home."

Group Living Facility Categories	Program Name	Legal Authority	Limited to 6 or Fewer Residents?	Requires a State License?	Pre-empted by Statute from Local Regulations?	Protected Class under Fair Housing Anti-discrimination Laws?	Allowed in a Single-Family Zone?	Subject to Spacing Requirements?
Community Care Facilities (Licensed Non-Medical Care for Mentally and/or Developmentally Disabled)	Adult Residential Facility; Children's Day Center (Treatment of minors with emotional disorders); Group Home (Troubled youths); Residential School (Developmentally Disabled)	6 or Fewer Persons (Licensed) State Dept. of Social Services; State Department of Mental Health Services; Health & Safety Code §1500 <i>et seq.</i> ; 1502(a)	Yes	Yes	Yes	Yes	Yes	300 Ft.
Drug and Alcohol Treatment Facilities	Treatment Facility (Substance Abuse)	6 or Fewer Persons (Licensed) Health & Safety Code §11834.01 Nonmedical, Residential and §1500; ADA Requires Reasonable Accommodation; Constitutional right to privacy: A "family" as defined by courts; ADA Defines Alcoholics and Drug Addicts as a Protected Class	Yes	Yes	Yes	Yes	Yes	No
Drug and Alcohol Recovery Facilities	Recovery Home; Sober Living Home	6 or Fewer Persons (Unlicensed) Health & Safety Code, §11834.01 Nonmedical, residential and §1500; ADA Requires Reasonable Accommodation; Constitutional right to privacy: A "family" as defined by courts; ADA defines alcoholics and drug addicts as a protected class	No	No	Yes	Yes	Yes	No
Family Child Care Home	Family Child Care Home, Small	California Care and Licensing Program; State Department of Social Services; Health & Safety Code §1596.78; Family Day Care, Small §1597.45	Maximum of 8	Yes	Yes	Yes	Yes	300 Ft.
	Family Child Care Home, Large	California Care and Licensing Program; State Department of Social Services; Health & Safety Code §1596.78; Family Day Care, Large §1597.46	Maximum of 14	Yes	Yes	Yes	Yes	300 Ft.
Residential Health Care Facilities, Chronically III (In-patient medical care)	Adult Residential Facility for Persons with Special Health Care Needs; Long-Term Care Facility; Nursery (Developmental Disabilities); Residential Care Facility for the Chronically III	6 or Fewer Persons (Unlicensed) State Dept. of Health Services; State Department of Mental Health; CA Health and Safety Code, §1265 - 1271.1	Yes	Yes	Yes	Yes	Yes	300 Ft.

Group Living Facility Definition: "Group living facility" means any home, residence, facility, or premises which provides temporary, interim, or permanent housing to persons with physical, mental and/or developmental disabilities (as defined in state or federal law) living in a group setting.

Group Living Facility Categorical Definitions:

"Community Care Facilities" are licensed by the Community Care Licensing Division of the State Department of Social Services to provide non-medical residential care to children and adults with developmental and/or physical disabilities who are in need of personal services, supervision, and/or assistance essential for self-protection or sustaining the activities of daily living.

"Drug and Alcohol Treatment Facilities" are licensed by the State Department of Drug and Alcohol Programs serving six (6) or fewer persons that provide residential non-medical services to adults who are recovering from problems related to alcohol and/or drugs and need treatment or detoxification services. Individuals in recovery from drug and alcohol addiction are defined as disabled under the Federal Fair Housing Act. This category of disability includes both individuals recovering in licensed detoxification facilities and recovering alcoholics or drug users who seek to live in unlicensed "clean and sober" living facilities.

"Family Child Care Home" means a facility with an organized daytime program for the supervision and care of children who are not related to the person operating such facility.

“Residential Health Care Facilities (Chronically III)” are licensed by the State Department Health Services and State Department of Mental Health serving six (6) or fewer persons. These include congregate living health facilities, which provide in-patient care who may be terminally ill, ventilator dependent, or catastrophically and severely disabled, and intermediate care facilities for persons who need intermittent nursing care.

EXHIBIT C

Draft Redline Ordinance Amendments 17.08 –Definitions

August 18, 2016

17.08.010 - Definitions—Generally.

For the purpose of this title, the words, phrases and terms set forth in this chapter shall be deemed to have the meaning ascribed to them in this chapter.

17.08.020 - Words, terms, phrases defined.

"Abut, adjoining or contiguous" means, in reference to real property, two or more lots sharing a common lot line; with reference to two or more objects, the same shall mean in immediate contact with each other.

"Access" means the place, or way, by which pedestrians and/or vehicles shall have safe, adequate and usable ingress and egress to a lot, from a public or private street or alley.

"Accessory" means a building, part of a building or structure or use which is subordinate to, and the use of which is incidental to, that of the main building, structure or use on the same lot. Where the wall of an accessory building has a common wall or a portion of a common wall not less than four feet in length, such accessory building shall be considered as part of the main building.

"Accessory use" means a use which is directly related, but clearly subordinate, to a permitted principal use. All accessory uses shall be established and maintained on the same lot as the principal use which they serve, except as expressly otherwise provided herein.

"Adjacent" means two or more objects which are located in close proximity to each other.

"Adult Residential Facility" is a residential home for adults 18 through 59 with mental health care needs who have physical and/or developmental disabilities and require or prefer assistance with care and supervision.

"Adult Residential Facility for Persons with Special Health Care Needs" is a residential home that provides 24-hour services for up to five adults with developmental disabilities who have special health care and intensive support needs and who would otherwise need to reside in an institution.

~~"Alcoholism hospital" means an institution intended solely for the admission, diagnosis and intensive short-term treatment of patients' addicted to excessive use of alcohol, and related conditions.~~

"Alley" means a public or private way designated as an alley by the city, other than a street, permanently reserved as a means of secondary vehicular access to adjoining properties.

"Apartment" means the same as "dwelling unit."

"Apartment house" means a building containing three or more dwelling units.

"Assessed value" means the then assessed value of the land, building or structure, as is shown on the current assessment role in effect as of the time of the making of the determination of such assessed value.

"Assessor" means the tax assessor of the county of Los Angeles.

"Assisted Living Facility" means the same as "Residential Care Facility for the Elderly."

"Automobile repair and service garage" means a facility which provides for the repair and maintenance of motor vehicles; provided, that such facility shall not be deemed to include painting of motor vehicles, nor body and fender repair.

"Automobile wrecking" means the dismantling or wrecking of one or more used motor vehicles or trailers, or the storage, sale or dumping of dismantled or wrecked vehicles or their parts.

"Barber shop" means a place of business for a barber, whose occupation is to cut any type of hair, give shaves and trim beards.

"Basement" is any floor level below the first story in a building, except that a floor level in a building having only one floor level shall be classified as a basement unless such floor level qualifies as a first story as defined herein.

"Beauty shop" means establishments where hairdressing, and services incidental to hairdressing are done, including the sale of beauty supplies and cosmetics.

"Bedroom" R-2 zone. For the purpose of calculating parking requirements in the R-2 zone, the following rooms which regularly make up a standard dwelling unit shall not be considered a bedroom: one kitchen, one living room, one family or recreation room, one dining room, and bathrooms.

"Bedroom" R-3 and R-P zones. For the purpose of calculating parking requirements, the following rooms which regularly make up a standard dwelling unit shall not be considered a bedroom: one kitchen, one living room, one dining room, and bathrooms. Single-family residences located in the R-3 and R-P zones shall be subject to the bedroom definition in the R-1 zone.

"Block" means all properties fronting upon one side of a street between intersecting and intercepting streets, or between a street and a railroad right-of-way, water way, terminus or dead-end street, or city boundary. An intercepting street shall determine only the boundary of the block on the side of the street which it intercepts.

~~"Boarding house" means a facility having space for not more than ten boarders and one kitchen facility for common usage. a residence or dwelling, other than a hotel, wherein three (3) or more rooms, with or without individual or group cooking facilities, for not more than ten boarders are rented to individuals under separate rental agreement or lease, either written or oral, whether or not an owner, agent, or rental manager is in residence. Such use is prohibited in all zones excluding licensed group living facilities or similar uses.~~

"Building" means any structure having a roof supported by columns or by walls and intended for the shelter, housing or enclosure of persons or property of any kind.

Building, Accessory. "Accessory building" means a separate, detached building, housing a permitted accessory use, located on the same lot as the main building or principal use.

Building Height. See "Height."

Building, Main. "Main building" means a building in which is conducted one or more principal uses permitted on the lot upon which it is situated.

"Building site" means: (1) the ground area of one lot or (2) the ground area of two or more lots when used in combination for a building or group of buildings, together with all open spaces, as required by this chapter.

"Business day" means a day on which city offices are open for regular business.

"Canopy" means any structure, temporary or permanent, constructed of canvas or other cloth or material on a framework sheltering an area, or forming a sheltered walk to the entrance of a building.

"Carport" means a permanently roofed structure with not more than two enclosed sides, used or intended to be used for automobile shelter and storage.

"Cellar" means the same as "basement."

"Centerline" means the centerline, as determined by the city engineer, of any street, highway or alley.

~~"Child care center" means a facility with an organized daytime program for the supervision and care of children who are not related to the person operating such facility.~~

~~"Children's Day Center" (Emotionally Disturbed) means an institution of one-bed capacity intended solely for the admission and treatment of minors with mental illness or behavior or emotional disorders.~~

"Community Care Facilities" are licensed by the Community Care Licensing Division of the State Department of Social Services to provide non-medical residential care to children or adults who are physically disabled and/or mentally impaired who are in need of personal services, supervision, and/or assistance essential for self-protection or sustaining the activities of daily living. Community Care Facilities include, but are not limited to an Adult Residential Facility, Children's Day Center (Emotionally Disturbed), Group Home, and Residential School (Developmentally Disabled).

"Continuing Care Retirement Community" is a "Residential Care Facility for the Elderly" that offers a long-term continuing care contract that provides for housing, residential services, and nursing care, usually in one location, and usually for resident's lifetime.

"Children's Day Center" (Emotionally Disturbed) means an institution of up to a one-bed capacity of six (6) beds or more intended solely for the admission and treatment of minors with mental illness or behavior or emotional disorders.

"City" means the city of Sierra Madre.

"City manager" means the city manager of the city.

"Clerk" means the city clerk of the city.

Club, Private. "Private club" means any building or premises used by an association of persons, whether incorporated or unincorporated, organized for some common purpose, but not

including a group organized primarily to render a service customarily carried on as a commercial enterprise.

"Code" means the Sierra Madre Municipal Code.

"Commission" means the planning commission of the city.

"Communications equipment buildings" mean buildings housing operating electrical and mechanical equipment utilized in conducting a public utility communications operation.

"Condominium" means the same as "dwelling, multiple."

~~"Convalescent home" means the same as "Nursing and convalescent hospital."~~

"Council" means the city council of the city.

"Court" means an area which is open and unoccupied by any building or structure, bounded on three or more sides by the exterior walls of a building. An inner court is a court entirely enclosed within the exterior walls of a building. All other courts are outer courts.

"Dairy" means any premises where one or more cows or goats, or any combination thereof, are kept or maintained for the purpose of producing milk.

~~"Day center for the physically and/or developmentally (mentally retarded) disabled" means a facility intended solely for the admission of patients 18 years of age or older who are not permitted to remain overnight with a developmental disability, mental retardation, who are provided with a daytime program of education or training, handicraft, vocational and recreational activities.~~

~~"Day treatment hospital" means a place intended solely for the admission and treatment of patients with mental illness or mental disorder, who are provided with a daytime program of organized treatment, activities, and supervision under medical direction, but are not permitted to remain overnight.~~

"Detached living quarters" mean the same as "Guest house."

"Director" means director of planning for the city.

"Drive-in restaurant" means a restaurant use which:

1. Has facilities to allow patrons to consume prepared food at an area outside of an enclosed building; and/or
2. Has facilities which would allow the service of prepared foods directly to a patron while that patron is in a motor vehicle, whether or not for consumption on the premises.

"Disabled" as defined in state or federal law.

"Drug and Alcohol Recovery Facilities" are unlicensed homes, residences, facilities, or premises which provide housing and supportive services for persons recovering from drug and alcohol abuse in a group setting, but do not provide professional medical, psychiatric, psychological, or nursing care for the purpose of curing persons of drug or alcohol addiction.

"Drug and Alcohol Treatment Facilities" are licensed by the State Department of Drug and Alcohol Programs serving six (6) or fewer persons that provide 24-hour residential non-medical services to adults who are recovering from problems related to alcohol and/or drugs and need treatment or detoxification services. Individuals in recovery from drug and alcohol addiction are defined as disabled under the Federal Fair Housing Act.

Dump, Inert Solids. "Inert solids dump" means an area devoted to the disposal of nonwater soluble, nondecomposable inert solids such as natural earth, rock, sand and gravel; paving fragments; concrete brick; plaster and plaster products; steel mill slag; glass; asbestos fiber and products therefrom.

Dump, Rubbish and Refuse. "Rubbish and refuse dump" means an area devoted to the disposal of inert solid and/or decomposable organic refuse and scrap metal.

"Duplex" means the same as "Dwelling, Two-Family."

Dwelling, Single-family. "Single-family dwelling" means a detached building designed or used for occupancy, as living quarters, by one person or one family. "Single-family dwelling" shall also include a modular home manufactured and certified under the National Mobilehome Construction and Safety Standards Act of 1974 on a permanent foundation system approved by the city engineer.

Dwelling, Three-family. "Three-family dwelling" means a building designed or used for occupancy, as living quarters, by three separate families or persons and containing three dwelling units.

Dwelling, Two-family. "Two-family dwelling" means a building designed or used for occupancy, as living quarters, by two separate families or persons and containing two dwelling units.

"Dwelling unit" means one or more rooms in a building designed and intended to be used as living quarters by one person or one family.

"Educational institution" means any public, private or parochial; elementary, junior high, high school, university, or other school giving general academic instruction in the several branches of learning.

~~"Emergency shelter" means 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 shelter because of an inability to pay.~~

"Emergency Shelter" means any building used by a nonprofit organization to provide emergency housing and meals on a temporary basis (six months or less) to stranded, evicted, transient, or otherwise dislocated and homeless persons until a satisfactory solution to their immediate problem is found.

"Engineer" means the city engineer of the city.

"Explosives" mean any explosive substance, as defined in Section 12000 of the Health and Safety Code of the state of California.

"Facilities for parole adjustment/rehabilitation" mean any building where a program is conducted to prepare prisoners for return to the community in which they live and assist them in developing emotionally stable and economically productive lives.

~~"Facilities for the rehabilitation of drug abusers" mean any building where two or more resident patients are kept under medical, psychological, or psychiatric supervision for the purpose of curing them of drug addiction.~~

~~"Family Child Care Home, is a licensed facility offering an organized daytime program for the supervision and care of children in the licensee's own home. Family Child Care Homes include, but are not limited to a Family Child Care Home—Small, Family Child Care Home—Large, School Aged Child Care Center, Nursery School, and Preschool Child Care Center.~~

~~"Family Child Care Home, Large" means a licensed facility offering an organized daytime program for the supervision and care of up to fourteen (14) or fewer children in the licensee's own home.~~

~~"Family Child Care Home, Small" means a licensed facility offering an organized daytime program for the supervision and care of up to eight (8) or fewer children in the licensee's own home.~~

~~"Family Home (Mentally Developmental and/or physical Retarded Disabilities)" means a facility intended solely for the admission of not more than six one or more mentally retarded patients with developmental disabilities who are provided with a program of services and protective supervision in a home setting.~~

"Fence" means a fence made of material other than concrete block or masonry.

"First story" means the lowest story in a building which qualifies as a story, as defined herein, except that a floor level in a building having only one floor level shall be classified as a first story, provided such floor level is not more than four feet below preexisting natural grade, as defined herein, for more than fifty percent of the total perimeter, or not more than eight feet below grade, as defined herein, at any point.

"Floor area" means the sum of the horizontal areas of floors of buildings measured from the exterior face of exterior walls.

Floor Area Net. "Net floor area" means the total horizontal floor area of all the floors of a building included within the surrounding walls, exclusive of vents, shafts, courts, elevators, stairways and similar facilities.

"Fraternity" means the same as "Club, Private."

Frontage, Street. "Street frontage" means the length of a lot line of a lot which abuts a street.

"Garage" means any building, with three enclosed sides, provided with a closeable access door or doors, which is used or intended to be used for automobile shelter or storage.

Gender. When consistent with context, words in the masculine gender include the feminine and neuter genders.

Grade. Whenever the term "grade" is used alone, it shall refer to the most restrictive condition.

"Grade, finished" means the final grade of the site which conforms to the approved plan.

"Grade, natural" means prior to deposit of earth material placed by artificial means and/or prior to the mechanical removal of earth material.

"Grade, preexisting" means an established grade that exists on a site for which a legal grading or building permit was in effect for ten years prior to a request for a building, demolition or grading permit.

"Gradient" means the rate of vertical change of a ground surface expressed as a percentage figure and determined by dividing the vertical distance by the horizontal distance.

"Group Home" means a state licensed facility that provides 24-hour non-medical care and supervision in a structured environment to troubled youths who exhibit social, psychological, and behavioral problems.

"Guest house" means living quarters located within an accessory building, designed and utilized for the sole use of persons employed on the lot, or for temporary use by guests of the occupants of the dwelling located upon such lot. Guest houses shall have no kitchen facilities and shall not be rented or otherwise used as a separate dwelling unit.

"Group living facilities" means any home, residence, facility, or premises which provides temporary, interim, or permanent housing for to persons with mental, physical and/or developmental disabilities (as defined in state or federal law) in a group setting.

"Height" of building is the vertical distance above a reference datum measured to the highest point of coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof. The reference datum shall be selected by either of the following, whichever yields a greater height of building:

1. The average elevation of adjoining finished grade within a five-foot horizontal distance of the exterior wall of the building;
2. The average elevation of adjoining preexisting natural grade within a five-foot horizontal distance of the exterior wall of the building.

The height of a stepped or terraced building is the maximum height of any segment of the building.

"Highway" means the same as "Street."

~~"Home for the aged" means any building or portion thereof, other than a hospital or rest home, used and maintained to provide living accommodations, including board, room or care, for ambulatory aged persons. This shall also include "residential care home."~~

"Home occupations" mean any ongoing or repetitive business or professional use, activity or utilization of residentially zoned and improved property, by the inhabitants of said property, which is incidental and accessory to the primary residential use and does not generate an adverse impact to the surrounding neighborhood, pursuant to the provisions of [Chapter 17.85](#) of this title.

Hospital, General. "General hospital" means an institution staffed and equipped to provide the various types of intensified hospital care, including, but not limited to, short-term care in acute medical, surgical and obstetrical services. ~~but shall not include the treatment, other than on a temporary emergency basis, of alcoholic or mental patients.~~

~~"Hospitality house" means any building used by a nonprofit organization to provide emergency housing and meals on a temporary basis to stranded, evicted, transient, or otherwise dislocated and homeless persons until a satisfactory solution to their immediate problem is found.~~

"Hotel" means any building or portion of any building with access provided through a common entrance, lobby or hallway, to one or more guest rooms, which have no cooking facilities and which are designed and intended to be used or are used, rented or hired out as temporary or overnight accommodations for guests.

"Household pets" mean, and are limited to, the following pets, maintained principally within a dwelling unit:

1. Domesticated cats;
2. Domesticated dogs;
3. Fish, without limit on number; and
4. Any bird which is:
 - a. Customarily kept in residence with man, and
 - b. Kept, at all times, within a dwelling unit; specifically, "bird" shall not include, among others, for the purpose of these regulations, chickens, hens, roosters, geese or ducks.

"Housekeeping unit" means a single, integrated home-style of living together and sharing of space in a nonexclusive, noncompartmentalized lifestyle with one kitchen, one set of utilities, and one mailing address and with one front door for all persons residing at that location.

"Kennel" means a place where four or more adult dogs and/or cats are kept, whether by the owner of such dogs and cats or by other persons, providing facilities and care, whether or not for compensation. An "adult" dog or cat, for the purpose of these regulations, is one that has reached the age of four months.

"Kitchen" means any room or space within a building designed and intended to be used for the cooking or the preparation of food.

"Landscaping" means the planting and maintenance of natural and/or artificial trees, shrubs, vines, ground covers, flowers and lawns. In addition, the same may include natural features such as rock and stone; and structural features, including but not limited to, fountains, reflecting pools, art works, screens, walls, fences and benches; "landscaped area" means an area upon which landscaping is required by these regulations to be continuously maintained.

"Livestock" means a use involving the grazing, care and maintenance of cattle and/or horses for commercial or noncommercial purposes.

"Long-term Care Facility (Mental Disorders)" means an institution of seven-patient capacity or more intended primarily for the admission of chronic mentally ill or mentally disordered or other incompetent persons who are provided medical care, nursing services and intensive supervision.

"Lot" or "parcel of land" means:

1. A parcel of real property which is shown as a single lot in a lawfully recorded subdivision, approved pursuant to the provisions of the Subdivision Map Act; or
2. A parcel of real property, the dimensions and boundaries of which are defined as a single lot by a lawfully recorded Record of Survey Map; or
3. A parcel of real property shown on a parcel map as a single lot, lawfully recorded pursuant to the provisions of the Subdivision Map Act; or
4. Any parcel of real property otherwise lawfully created and dimensioned prior to October 1, 1955; or
5. Two or more lots which are combined by an appropriate recorded written instrument, or two or more lots which are combined by a common usage, shall be deemed, for all purposes, a single lot.

"Lot area" means the total horizontal area within the boundary lines of a lot or parcel; provided, however, that the following shall be excluded from the computation thereof:

1. Any portion of said lot or parcel which serves as an access easement to any other lot or building site; or
2. Any portion of said lot or parcel which serves as an improved surface flood control project under the jurisdiction of any public agency.

For the purpose of determining area in the case of an irregular, triangular or gore-shaped lot, a line ten feet in length within the lot and farthest removed from the front lot line and at right angles to the line representing the lot depth of such lot shall be used as the rear lot line.

Lot Area, Interior. "Interior lot area" means the total lot area minus: (1) the sum of the ground floor area of all buildings located thereon, and (2) any area used for perimeter landscaping.

Lot, Corner. "Corner lot" means a lot situated at the intersection of two or more streets, which streets have an angle of intersection of not more than one hundred thirty-five degrees.

"Lot depth" means the horizontal length of a straight line drawn from the midpoint of the front lot line and at right angles to such line connecting with a line intersecting the midpoint of the rear lot line and parallel to the front lot line. In the case of a lot having a curved front line, the front lot line, for purposes of this section, shall be deemed to be a line tangent to the curve and parallel to a straight line connecting the points of intersection of the side lot lines of the lot with the front lot line.

Lot, Interior. "Interior lot" means a lot, other than a corner or reversed corner, or through lot.

Lot, Key. "Key lot" means a lot which has a side lot line which is a common lot line with the rear lot line of a reversed corner lot.

Lot Line, Rear. "Rear lot line" means a lot line which is opposite and most distant from the front lot line. For the purpose of establishing the rear lot line of a triangular or trapezoidal lot, or of a lot the rear line of which is formed by two or more lines, the following shall apply:

1. For a triangular or gore-shaped lot a line ten feet in length within the lot and farthest removed from the front lot line and at right angles to the lot depth line shall be used as the rear lot line; and

2. In the case of a trapezoidal lot, the rear line of which is not parallel to the front lot line, the rear lot line shall be deemed to be a line at right angles to the lot depth line and drawn through a point bisecting the recorded rear lot line; and
3. In the case of a pentagonal lot the rear boundary of which includes an angle formed by two lines, such angle shall be employed for determining the rear lot line in the same manner as prescribed for a triangular lot.

In no case shall the application of the above be interpreted as permitting a main building to locate closer than five feet to any property line.

Lot Line, Side. "Side lot line" means any lot line which is not a front or rear lot line.

Lot, Reversed Corner. "Reversed corner lot" means a corner lot, the side lot line of which is substantially a continuation of the front line of a lot which adjoins the rear lot line of said corner lot.

Lot, Through. "Through lot" means a lot having frontage on two approximately parallel streets.

"Lot width" means the horizontal distance between the side lot lines measured at right angles to the lot depth line at a point midway between the front and rear lot lines.

Average width shall be the average of the length of line drawn parallel to the "lot width line" extending toward the front and rear lot lines at ten foot intervals, but excluding from such determination any prolonged portions of the lot used exclusively for access to a public street or for a driveway.

In computing lot width or average width, the following shall be excluded:

1. Any portion of said width which serves as an access easement to any other lot or building site; and
2. Any portion of said width which serves as an improved surface flood control project under the jurisdiction of any public agency.

"Map" means the zoning map of the city.

"Manufacturing" means the creation of a product from raw materials.

"May" is permissive.

"Medical and/or dental clinic" means any facility providing health service, or medical, surgical or dental care of the sick or injured, but shall not include inpatient or overnight accommodations. "Medical clinic" includes health center, health clinic, doctors' and dentists' offices.

"Mobilehome" means a mobilehome defined as such in the Mobilehome Park Law (Health and Safety Code, Section 18000 et seq.).

"Mobilehome park" means any lot where mobilehomes and/or sites are rented or leased or offered for rent or lease.

"Mobilehome site" means that portion of a mobilehome park designated for use or occupancy of one mobilehome and including all appurtenant facilities thereon.

"Modular home" means factory constructed, single-family one-story detached dwellings, certified under the National Mobilehome Construction and Safety Standards Act of 1974, with approved sticker attached, and placed on full, approved foundation systems and permanently anchored thereto.

"Motel" means one or more buildings containing rooms, without kitchen facilities, each having a separate entrance leading directly from the outside of the buildings or from an inner court, which rooms are designed for rental for temporary or overnight accommodations for guests, and are offered primarily to automobile tourists or transients by signs or other advertising media; one unit, for use by a resident manager, may have kitchen facilities. "Motel" includes auto courts, motor lodges and tourist courts.

Nonconforming Building, Structure or Use.

"Nonconforming building or structure" means a building or structure, or portion thereof, which was lawfully altered or constructed in accordance with the then existing zoning regulations of the city, but which did not comply with subsequently adopted zoning regulations, or which does not conform to these regulations.

"Nonconforming use" means the utilization of any lot, building, buildings or structures, or any combination thereof, which use, when established, conformed to the then existing zoning regulations, but which did not comply with subsequently adopted zoning regulations, or which does not conform to these regulations.

Notice. Whenever written notice is required to be given by personal service thereof upon the person or persons to be notified, or by United States mail, postage prepaid, addressed to such person or persons at his last known address; such notice shall be conclusively deemed to have been given as of the time of personal service, or as of the time the same is deposited in the course of postal transmission.

"Nursery (~~Developmentally Disabled mentally-retarded~~)" means a state-licensed facility intended primarily for the admission of nonambulatory ~~mentally-retarded~~ intellectually disabled patients, who are provided nursing services primarily in crib accommodations for less than six (6) persons.

"Nursery school" means the same as "child care center."

"Nursing and convalescent hospitals" means any place or institution which provides bed accommodations for one or more chronic or convalescent patients, who, by reason of illness or physical infirmity, are unable to properly care for themselves. Alcoholics, drug addicts, persons with mental or communicable diseases, including contagious tuberculosis, shall not be admitted or cared for in nursing and convalescent hospitals.

"Oath" includes affirmation.

"Open space" means an area other than a required yard area, driveway or off-street parking facility, which has no building or structure located therein, except for those used exclusively for recreational purposes. To meet the requirement of open space such area, referred to as usable open space, shall meet the following:

If the same is located upon the ground, or upon the roof of a subterranean garage, such contiguous area shall not be less than five hundred square feet in area; and

If the roof of such subterranean garage is utilized for such open space all such roof areas may be utilized for such open space provided that the same is not in excess of two feet above the grade of the lot immediately adjacent thereto; and

That where such open space is located on any roof area, other than a subterranean garage, not to exceed twenty-five percent of such roof area may be utilized to meet the open space requirement.

Parking Space, Off-Street. "Off-street parking space" means a readily accessible area on a lot, not including driveways, ramps, loading or work areas, maintained exclusively for the parking of one automobile.

"Perimeter landscaping" means any landscaping required by the provisions of this code which is adjacent to, and runs substantially parallel with, any property line of the lot for which such landscaping is required.

"Person" means any individual, firm, copartnership, joint venture, association, social club, fraternal organization, corporation, estate, trust, business trust, receiver, syndicate, district, public agency, public utility, or any group or combination acting as a unit; "person" shall not include the city.

Plural. When consistent with the context, words in plural include the singular.

"Principal use" means a use specifically allowed of right in any one or more of the zones set forth in this title.

"Preschool Child Care Center" is a licensed facility that serves children ages 2 to 4.

"Processing" means, when used in reference to a commercial or industrial use, one or more acts or operations which have the effect of changing the form of a product or material, so as to render the same more salable or usable.

~~"Psychiatric hospital" means an institution intended primarily for the admission, diagnosis and intensive short-term treatment of patients with mental illness or behavior or emotional disorders.~~

"Quarry" means any place on a lot where dirt, soil and gravel, rock or other similar material is removed by excavation or otherwise; "quarry" shall not include the excavation and removal of materials from a lot preparatory to construction of a building for which a building permit has been issued and remains in full force and effect; provided, that such excavation is confined to that necessary for such building construction.

"Recorder" means the county recorder of the county of Los Angeles.

"Recovery Home" is a non-licensed facility serving six (6) or fewer persons providing group living arrangements for people who have graduated from drug and alcohol programs, but which do not provide care or supervision.

"Regulations" means the provisions of this title.

~~"Resident facility (mentally retarded)" means an institution of one-bed capacity or more intended solely for the admission of developmentally mentally retarded patients who require supervision and who are provided with an organized program of services.~~

~~"Residential care home" means the same as "home for the aged."~~

~~"Residential Drug and Alcohol Rehabilitation Facility (former drug abusers)" means an unlicensed home, residence, facility, or premises which provides temporary housing and supportive services for persons recovering from drug and alcohol abuse in a group setting, but does not provide professional medical, psychiatric, psychological, or nursing care is provided for the purpose of curing persons of drug addiction.~~

~~"Residential facility limited (former drug abusers)" means a building with not more than five guest rooms for not more than ten persons participating in a program of rehabilitation and social readjustment for former drug abusers. "Residential facility limited" does not mean any facility wherein professional medical, psychiatric, psychological, or nursing care is provided for the purpose of curing persons of drug addiction.~~

~~"Residential Care for the Chronically Ill" is a licensed facility that provides care and supervision to adults who have terminal illness. Acquired Immune Deficiency Syndrome (AIDS) or the Human Immunodeficiency Virus.~~

~~"Residential Care Facility for the Elderly" means a licensed housing arrangement chosen voluntarily by persons 60 years of age or over, or their authorized representative, where varying levels and intensities of care and supervision, protective supervision, personal care, or health-related services are provided, based upon their varying needs, as determined in order to be admitted and to remain in the facility. Persons under 60 years of age with compatible needs may be allowed to be admitted or retained in a residential care facility for the elderly as specified in Section 1569.316 of the Health and Safety Code. Residential Care Facilities for the Elderly include, but are not limited to Assisted Living Facilities, and Continuing Care Retirement Communities.~~

"Residential/Commercial mixed-use" means developments which integrate residential and commercial uses within a single project. Mixed-use developments include projects where housing is developed above commercial ("vertical" mixed-use), as well as projects where residential and commercial uses are developed side-by-side ("horizontal" mixed-use).

~~"Residential Health Care Facilities (Chronically Ill)" are licensed by the State Department Health Services and State Department of Mental Health serving six (6) or fewer persons. These include congregate living health facilities, which provide in-patient care who may be terminally ill, ventilator dependent, or catastrophically and severely disabled, and intermediate care facilities for persons who need intermittent nursing care. Residential Health Care Facilities (Chronically Ill) include, but are not limited to Adult Residential Facilities for Persons with Special Health Care Needs, Long-term Care Facility (Mental Disorders), Nursery (Developmentally Disabled), and Residential Care for the Chronically Ill.~~

"Residential School (~~Developmentally Disabled Mentally Retarded~~)" means a state-licensed facility intended primarily for the admission, care, and treatment of educable and trainable ~~developmentally mentally disabled retarded~~ patients. The facility shall provide an educational program on the premises as one of its services.

~~"Rest home" means the same as "nursing and convalescent hospital."~~

"School Aged Child Care Center" is a licensed facility that serves children ages 5 to 17.

"Secretary" means the secretary of the commission.

"Service station" is a retail place of business engaged primarily in the sale of motor fuels, but also engaged in supplying goods and services generally required in the operation and maintenance of motor vehicles. Such goods and services include sale of petroleum products; sale and servicing of tires, batteries and automotive accessories; washing and lubrication services; the performance of minor automotive maintenance and repair; and the supplying of other incidental customer services and products. Major automotive repairs, painting, body and fender work, and automobile or truck rental or storage shall not be deemed permitted as a part of such service station usage.

"Shall" is mandatory.

Singular. When consistent with the context, words in the singular number shall include the plural.

"Solid fill" means any combustible materials, insoluble in water, such as soil, rock, sand or gravel that can be used for grading land or filling depressions.

"Solid fill project" means any operation which involves the importation and deposit of one thousand or more cubic yards of solid fill material, on a lot, for the purpose of reclaiming such lot or portion thereof.

"Sorority" means the same as "club, private."

Stable, Private. "Private stable" means a detached accessory building in which horses owned by the occupants of the premises are kept, and in which no horses are kept for hire or sale.

"Stand" means a structure for the display and sale of products with no space for customers within the structure itself.

"State" means the state of California.

"Story" means that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a usable or unused underfloor space is more than six feet above pre-existing or natural grade as defined herein for more than fifty percent of the total perimeter or is more than twelve feet above grade as defined herein at any point, such useable or unusable underfloor space shall be considered as a story.

"Street" means a public or private way permanently reserved as a primary means of vehicular access to adjoining property; "street" shall not include an "alley."

Street Frontage. See "Frontage, street."

"Structural alterations" means any change in the supporting members of a building such as foundation, bearing walls, columns, beams, floor or roof joints, girders or rafters, or changes in roof or exterior lines.

"Structure" means anything constructed or erected which requires location on the ground or attached to something having a location on the ground.

Except: Fences or walls less than three feet in height located in any required yard area, provided the same are not adjacent to any property line and do not interfere with, divert, block or channel surface water run-off. All fences and walls (regardless of height) adjacent to property lines and those which interfere with, divert, block or channel surface water run-off. All fences and walls (regardless of height) adjacent to property lines and those which interfere with, divert, block or channel surface water run-off shall not be excepted.

"Sober Living Home" means a home which is defined as a residential property which is operated as a cooperative living arrangement to provide an alcohol and drug free environment for persons recovering from alcoholism or drug abuse, or both, who seek a living environment in which to remain clean and sober. A sober living home meets the definition when residents, including resident owners, operators, and managers, are living a sober lifestyle; residents actively participate in legitimate programs and maintain records of meeting attendance; a zero tolerance policy towards drugs and alcohol is maintained; no services requiring licensure by Department of Drug and Alcohol Programs are provided. Residents do not require care or supervision as provided by a licensed care facility.

"Supportive Housing" means housing with no limit on length of stay that is occupied to the target population as defined in the Health and Safety Code 53260(d), which provides services for six (6) or fewer persons and that is linked to onsite or offsite services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live, and when possible, work in the community.

Tenses. When consistent with the context, words used in the present tense include the past and future tenses and words in the future tense include the present tense.

"Tent" means any structure, temporary or permanent, constructed of canvas or other cloth or material attached to, and encloses, a framework that is intended to provide shelter to an area.

Trailer, Automobile. "Automobile trailer" means a vehicle without motor power, designed to be drawn by a motor vehicle and to be used for human habitation or for carrying persons and property, including a trailer coach and any self-propelled vehicle having a body designed for the same uses as an automobile trailer without motor power.

Trailer Park, Trailer Court and Public Camp. Any or all of them shall mean any area or tract of land used or designed to accommodate one or more automobile trailers or one or more camp parties, including tents or other camping outfits and including trailer camps as defined by state law.

"Transfer station" means an area, including any necessary building or structures, for the temporary storage and the salvage of rubbish, garbage or industrial waste.

"Target Population" is defined as adults with low incomes having one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health problems; and

persons eligible for services under the Lanterman Development Disabilities Act, which provides services to persons with developmental disabilities that originate before the person turned 18.

"Transitional housing" means rental housing provided to facilitate the movement of homeless individuals or families to conventional housing. Transitional housing may take the form of single-family or multi-family units, and may include supportive services operated under program requirements to allow individuals or families to gain necessary life skills in support of independent living. This type of housing may be occupied by a program recipient for a minimum of six months up to a maximum of two years, at which time it may be recirculated to another eligible program recipient.

"Treatment Facility" means any premise, place, or building that provides 24-hour residential non-medical services to adults who are recovering from problems related to substance abuse and that at least one of these services are provided: Treatment services, or detoxification services. Existing law also requires treatment facilities with six or fewer persons to be regarded as a residential use and to be treated no differently than other residential use.

"Triplex" means the same as "dwelling, three-family."

"Use" means the utilization of a lot, building, structure or any combination thereof.

"Wall" means a concrete block or masonry wall.

"Writing" includes any form of message recorder in English and capable of visual comprehension.

"Yard" means an open space, other than a court, on a lot unoccupied and unobstructed from the ground upward, except as otherwise provided in this chapter. Wherever in this chapter required yards are prescribed, the same shall be established from the boundary line of such lot or parcel; provided, that the following shall be excluded, and the boundary line shall be deemed to be the interior line of:

1. Any portion of said lot or parcel which serves as an access easement to any other lot or building site;
2. Any portion of said lot or parcel which serves as an improved surface flood control project under the jurisdiction of any public agency.

Yard, Front. "Front yard" means an area extending across the full width of the lot and lying between the front lot line and a line parallel thereto, and having a distance between them equal to the required front yard depth as prescribed in each zone. Front yards shall be measured by a line at right angles to the front lot line, or by the radial line in the case of a curbed front lot line. When a lot lies partially within a planned street indicated on a precise plan for such a street and where such planned street is of the type that will afford legal access to such lot, the depth of the front yard shall be measured from the contiguous edge of such planned street in a manner prescribed in this definition.

Yard, Rear. "Rear yard" means a yard extending across the full width of a lot, immediately adjacent to the rear lot line thereof. The depth of a required rear yard shall be the specified horizontal distance measured between the rear lot line and a line parallel thereto on the lot.

Yard, Rear Line of Required Front. "Rear line of required front yard" means a line parallel to the front lot line and at a distance therefrom equal to the depth of the required front yard, and extending across the full width of the lot.

Yard, Required Setback. For purposes of the restriction of any structure exceeding forty-two inches in height, the term "setback" includes any required yard, front, side or back.

Yard, Side. "Side yard" means a yard between the main building and the side lot lines extending from the rear line of the required front yard, or the front lot line where no front yard is required, to the beginning of the required rear yard line, and at right angles to the nearest point of a side lot line towards the nearest part of a main building.

"Zoning map" or "map" means the official zoning map of the city.

EXHIBIT D

Draft Redline Ordinance Amendments
17.60.030 – Conditionally Permitted Uses – When
Required.

August 18, 2016

17.60.030 – Conditionally Permitted Uses – When Required.

The purpose of any conditional use permit shall be to insure that the use for which the same is required will be rendered compatible with other existing and permitted uses located in the general area of the same. The following uses, each of which possesses characteristics of such unique and special form as to render impractical their operation without specific approval, shall be permitted in the zones as hereinafter set forth, provided that a conditional use permit is first obtained pursuant to the provisions of this part, unless such use is designated as a permitted use in a particular zone.

A. Conditional Uses—All zones except the R-C Zone.

Airports, landing fields, heliports, and helistops,

Borrow pits to a depth of over three feet,

Cemeteries,

~~Child care center (four or more children),~~

~~Children's treatment center (emotionally disturbed),~~

Churches, temples and other places of worship, provided they shall be excluded from the C (commercial) zone, except as provided in [Section 17.56.120](#) of this title,

Clubs, provided they shall be excluded from the R-1 and R-2 zones (see [Section 17.36.020](#)(F) of this title),

Columbariums, crematories and mausoleums,

Crops, field, tree, bush, berry, and row, including nursery stock, the growing of (see [Section 17.20.020](#)(H) of this title),

~~Day center (mentally retarded),~~

~~Day treatment hospitals,~~

Dumps,

Educational institutions,

Equestrian establishments,

Establishments or enterprises involving large assemblages of people or automobiles as follows:

Amusement parks,

Circuses, carnivals, or fairgrounds,

Labor camps

Open air theatres,

Race tracks and rodeos,

Recreational centers privately operated,

Trailer (mobilehome) parks,

Facilities for parole adjustment/rehabilitation programs,

~~Facilities for the rehabilitation of drug addicts,~~

~~Family home (mentally ill),~~

~~Family homes (mentally retarded),~~

Family Child Care Home, Large

Fraternity,

Golf courses, privately owned,

~~Home for the aged,~~

~~Hospitality houses,~~

~~Hospitals and sanitariums, rest homes, guest homes, convalescent hospitals and similar institutions,~~

~~Institutions for treatment of alcoholics,~~

Livestock, care and maintenance for commercial or noncommercial purposes,

~~Long-term facility,~~

~~Mental hospitals,~~

Mortuaries,

Natural mineral resources, the development of, together with the necessary buildings, apparatus or appurtenances incidental thereto; provided, that no review or permit shall be required for the exploration of oil, rock, sand, gravel, or clay if any other section of this code makes separate provisions with respect thereto,

Nonprofit organizations provided they shall be excluded from the C (commercial) zone except as provided in Section 17.56.120,

~~Nursing and convalescent hospitals,~~

Parking lots, commercial,

Public utilities or utilities operated by mutual agencies consisting of water wells, electrical substations, gas metering stations, telephone exchanges, power boosters or conversion plants with the necessary buildings, apparatus, or appurtenances incident thereto when located in other than C or M zones,

Public utility facilities and utilities operated by mutual companies except any public facility for which a building permit is not required pursuant to the city's building regulations, and any such facility which is permitted by a city-granted franchise,

Refuse, disposal of,

~~Resident facility (mentally retarded),~~

~~Resident school (mentally retarded),~~

~~Rest home,~~

Sewage disposal plants,

Sorority,

Swimming pools, hot tubs, spas and similar recreational facilities which are located within twenty-five feet and/or are visible to or from a public or private street or alley,

Veterinarians, kennels and small animal hospitals,

Any use permitted pursuant to Section 5116 of the Welfare and Institutional Code of the State of California (certain licensed residential care homes);

B. Conditional Uses—R-1, R-2, R-3 and R-C Zones.

Maintenance of keeping of horses or mules, as enumerated in [Chapter 6.08](#), "Animals Generally";

C. Conditional Uses—R-1-9, R-1-11 and R-1-15 Zones-

~~Granny hospice;~~

D. Conditional Uses—R-1, R-2, R-3 Zones.

Any use permitted pursuant to Section 5116 of the Welfare and Institutional Code of the State of California (certain licensed residential care homes)

~~E~~D. Conditional Uses—R-2 Development in the R-2 zone;

F. Conditional Uses—All developments in the R-3 zone;

~~G~~E. Conditional Uses—H Zone. Development, structures, grading, or subdivisions;

H. Conditional Uses—R-P Zone.

Community Care Facilities, 7 beds or more

Drug and Alcohol Treatment Facilities with 7 beds or more

Drug and Alcohol Recovery Facilities.

Facilities for the Preparole Adjustment/Rehabilitation.

Family Child Care Home, with 7 beds or more

Residential Health Care Facilities (Chronically III).

I. Conditional Uses—C Zone.

Residential Care Facility for the Elderly.

JG. Wireless communications facilities, as provided in [Chapter 17.93](#) of this title.

EXHIBIT E

Draft Redline Ordinance
17.94 – Group Living Facility
Subject to a Conditional Use Permit

August 18, 2016

Chapter 17.94

GROUP LIVING FACILITIES SUBJECT TO A CONDITIONAL USE PERMIT

Sections:

17.94.010 – Purpose.

17.94.020 – Definition.

17.94.030 – Applicability.

17.94.40 – Conditional Use Permit Requirement.

Chapter 17.94.050 – Application Procedures.

17.094.060 – Standards.

Chapter 17.94.010 – Purpose.

The purpose of this chapter is to address community problems that are associated with unlicensed group living facilities; provide opportunities for the operation of such uses to be conducted in a mutually beneficial relationship with the community; ensure that there is no degradation of the community; and to prevent conduct that is contrary to the purpose of this chapter.

Chapter 17.94.020 - Definition.

For the purposes of this chapter, the following definition shall apply: "Group living facilities" means any home, residence, facility, or premises which provides temporary, interim, or permanent housing for persons with mental, physical and/ or developmental disabilities (as defined in state or federal law) in a group setting.

Chapter 17.94.030 - Applicability.

The provisions of this chapter shall apply to all unlicensed Group living facilities and licensed Group living facilities serving more than six residents allowed to locate in the R-P (Residential Professional) Zone and C (Commercial) Zone, and to all persons who own, manage, or operate such uses.

Chapter 17.94.040 – Conditional Use Permit Requirement.

A. Any person who owns, manages or operates an unlicensed group living facility and seeks to operate such facility in the R-P Zone or C Zone must first obtain a conditional use permit pursuant to the requirements of the Chapter.

B. Any person who owns, manages, or operates a licensed group living facility with greater than six (6) persons and seeks to operate such facility in the R-P Zone or C Zone must first obtain a conditional use permit pursuant to the requirements of this Chapter.

Chapter 17.94.050 – Application Procedures.

- A. An application for such permits shall be filed with the city and shall be in writing on forms provided by the city.
- B. The city shall investigate and shall ascertain whether or not all persons directly or indirectly interested in the permit or in the operation of the proposed group living facility as owner, partner, officer, manager, employee or other person to be in charge of the group living facility have been convicted of a felony. This list includes, but is not limited to, a registered sex offender, murder, felony hit and run, perjury, receiving stolen property, or any other crime that the court deems a crime of moral turpitude. If any individual has been convicted of such crimes listed above then it is grounds for denial of the application.
- C. The fire chief and building official shall ascertain whether the premises to be used comply with applicable laws, ordinances and regulations concerning such premises.
- D. The city shall notify the applicant in writing within thirty (30) days after the filing of the completed application for a conditional use permit that the application has scheduled before the Planning Commission. In event of denial, the applicant may appeal to the City Council but must do so within 10 days of the date of the Planning Commission decision. The city shall hear the appeal within 30 days of the date of receipt of the notice of appeal.

Chapter 17.94.060 – Findings for Conditional Use Permit.

A. The following findings must be made by the reviewing body in order to approve a conditional use permit under this Chapter:

1. It shall not result in adverse effects to the health, welfare, peace, or safety of persons in the surrounding area;

2. It shall not jeopardize or endanger the public health, welfare, or safety of persons in the surrounding area;
3. It shall not adversely affect the livability of the surrounding neighborhood as a result of inadequate maintenance, prohibited activities, and/or operating characteristics;
4. It shall not result in nuisance activities, including but not limited to disturbance of the peace, illegal drug activity, public drunkenness, public consumption of alcohol, harassment of passers-by, gambling, public urination, theft, assault, battery, vandalism, littering, loitering, illegal parking, loud noises, lewd conduct, or police detentions and/or arrests;
5. It shall not result in violation of any applicable provision of any other city, state, or federal regulation, ordinance or statute;
6. It shall not be located within 300 feet, measured from the property lines, of any group home or group living facility, whether or not such facility is licensed by the state of California

EXHIBIT F

Background: Federal and State Regulations

August 18, 2016

BACKGROUND – FEDERAL AND STATE REGULATIONS

There are several laws that must be taken into consideration when regulating or establishing operational standards for group living facilities (Facilities) allowed by-right in residential zones. They are as follows:

- Americans with Disabilities Act (ADA)
- Federal Fair Housing Act (FFHA)
- California Community Care Facilities Act (CCF)
- California Department of Corrections Alcoholic and Drug Programs (DCADP)
- California Welfare and Institutions Code (WIC)
- Lanterman Developmental Disabilities Services Act (Lanterman Act)
- State Department of Alcohol and Drug Programs (ADP)

Federal Law

The Federal Fair Housing Act (42 USC Section 3601 et seq) prohibits a local government from enacting zoning legislation that excludes or otherwise discriminates against protected persons. Under the Act it is unlawful to utilize land use policies or actions that treat groups of persons with physical or intellectual disabilities less favorably than groups of non-disabled persons. Similarly, the Americans with Disabilities Act also prohibits governmental entities from implementing or enforcing housing policies in a discriminatory manner against persons with disabilities.

[The U.S. Supreme Court has held that alcoholism and drug addictions are disabilities for purposes of the FFHA].

California Law

There are at least two California statutory programs which regulate and license social programs. The first is the California Community Care Facilities Act (California Health and Safety Code Section 1500 et seq). This Act, specifically excludes “recovery houses from regulation or other similar facilities providing group living arrangements for persons recovering from alcoholism or drug addiction while the facility provides care or supervision” such as a sober living home. [Health and Safety Code Section 1505(l).] .

The second statutory framework is the California Department of Alcohol and Drug Programs (ADP). This program regulates alcohol and drug abuse recovery or treatment facilities. Such licensed facilities that provide 24-hour residential services and have six (6) or fewer persons must be treated under zoning laws as a single family residence (Health and Safety Code Section 11834.23). In order to provide 24-hour residential services, these facilities must include certain counseling services. Note that a “sober living home” is not a licensed facility under either ADP or the Community Care Facilities Act because it offers no on-site treatment.

Licensed Facilities Serving 6 or Fewer Persons

Licensed Facilities serving six (6) or fewer persons is considered a residential use as a matter of state law under the Community Care Facilities Act or the ADP, and is therefore exempt from local regulation. Facilities licensed through either the State Department of Social Service (Community Care Facilities Act) or the ADP may locate within any residential zone as a matter of right, without any use permit or notice to the neighborhood. The only constraint on location of a group home licensed through the Community Care Facilities Act is a finding of “overconcentration” by the State Department of Social Services, e.g. when a new licensed group home would be within 300 feet of an existing licensed group home, the state Department of Social Services shall not approve the license application without the approval of the City. (Health & Safety Code Section 1520.5(a, b); however, the “overconcentration” limitation does not apply to group living homes for alcohol and drug abuse treatment or recovery facilities.

Licensed Facilities Serving Greater than 6 Persons

Licensed Facilities with greater than six (6) persons, excluding the licensee or member of the licensee’s family or persons employed as facility staff are subject to local zoning regulations and may be required to obtain a conditional use permit.

While a city may establish reasonable zoning regulations and discretionary permit requirements applicable to licensed group homes serving greater than six persons, it is important to note that such regulations may not have a discriminatory impact on the disabled. The Federal Fair Housing Act (42 USC Section 3601 et seq) (“FFHA”) prohibits a local government from enacting zoning legislation that excludes or otherwise discriminates against protected persons. Under the Act it is unlawful to utilize land use policies or actions that treat groups of persons with physical or intellectual disabilities less favorably than groups of non-disabled persons. Similarly, the Americans with Disabilities Act also prohibits governmental entities from implementing or enforcing housing policies in a discriminatory manner against persons with disabilities.

Unlicensed Facilities

Unlicensed Facilities, regardless of the number of persons served are not preempted by state law and are subject to regulation by the City. An unlicensed Facility, is more commercial in nature, and is subject to zoning regulation, such as a requirement of a conditional use permit. Facilities serving greater than six (6) persons are subject to regulation, however, such regulations must be carefully drafted to avoid a discriminatory impact on the disabled, under either state or federal law.