

**SUBMITTAL TO THE BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

972



**FROM:** Planning Department and County Counsel

**SUBMITTAL DATE:**  
June 9, 2016

**SUBJECT:** Ordinance No. 348.4835 amending Article XIXe of Ordinance No. 348 regarding sober living homes, residential care facilities and residential health facilities [All Districts - \$0] – CEQA Exempt

**RECOMMENDED MOTIONS:** That the Board of Supervisors open the public hearing and at the close of the public hearing:

1. **FIND** that Ordinance No. 348.4835 is exempt from CEQA pursuant to State CEQA Guidelines sections 15061(b)(3), 15301 (existing facilities) and 15303 (new construction or conversion of small structures) based on the findings set forth herein and the conclusion that the project will not have a significant effect on the environment; and
2. **ADOPT** Ordinance No. 348.4835 an ordinance amending Article XIXe of Ordinance No. 348 based upon the findings and conclusions incorporated in the attached staff report; and
3. **DIRECT** the Planning Department to file the attached Notice of Exemption with the County Clerk for posting.

(continued on next page)

Departmental Concurrence

*Steve Weiss*  
\_\_\_\_\_  
Steve Weiss, AICP  
Planning Director

*Anita C. Willis*  
\_\_\_\_\_  
Anita C. Willis for  
Gregory P. Priamos  
County Counsel

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost:	POLICY/CONSENT (per Exec. Office)
COST	\$ 0	\$ 0	\$ 0	\$ 0	Consent <input type="checkbox"/> Policy <input checked="" type="checkbox"/>
NET COUNTY COST	\$ 0	\$ 0	\$ 0	\$ 0	

**SOURCE OF FUNDS:** This is a component of the comprehensive update to Ordinance No. 348.

Budget Adjustment: No

For Fiscal Year:

**C.E.O. RECOMMENDATION:**

APPROVE

BY:

*Tina Grande*  
\_\_\_\_\_  
Tina Grande

County Executive Office Signature

**MINUTES OF THE BOARD OF SUPERVISORS**

- A-30
- Positions Added
- 4/5 Vote
- Change Order

Prev. Agn. Ref.: Item 3-80, 6/30/15 | District: ALL | Agenda Number:

**16-2**

**SUBMITTAL TO THE BOARD OF SUPERVISORS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

**FORM 11:** Ordinance No. 348.4835

**DATE:** June 9, 2016

**PAGE:** Page 2 of 3

**BACKGROUND:**

**Summary**

In the past several years, counties and cities throughout the State, including Riverside County, have experienced an increase in single family dwellings being used as sober living homes within their jurisdictions. This increase has caused concerns for residents living in neighborhoods where sober living homes are located. In response to this increase and concern, the Board of Supervisors initiated this amendment to Ordinance No. 348 to refine provisions within Ordinance No. 348 related to where sober living homes and other group facilities may operate in the County (Item 3-80, June 30, 2015).

In accordance with State law, Ordinance No. 348.4835 clarifies where sober living homes, residential care facilities and residential health facilities may operate in the County and what type of use permit, if any, is required for the use. The ordinance also adds reasonable accommodation provisions to Ordinance No. 348 that provide flexibility in land use and building regulations to ensure persons with disabilities have equal access to housing opportunities, and the ordinance updates definitions to clarify or remove any inconsistencies that may result from the revisions made to Article XIXe.

Federal and State law limits how the County regulates sober living homes, residential care facilities and residential health facilities. State law requires State licensed residential care facilities and residential health facilities serving *6 or fewer persons* to be allowed without a use permit in all zones where one family or multiple family dwellings are allowed. The County, however, is allowed to require a use permit for State licensed residential group and health facilities serving *more than 6 persons*. The proposed ordinance requires State licensed facilities serving more than 6 persons to obtain a conditional use permit to operate in the County.

Sober living homes provide a substance free, mutually supportive living environment for persons recovering from alcohol and drug addiction. These homes cannot provide on-site care or services; therefore, a State license is not required for a sober living home. Since no care or services are provided on-site, State law governing residential facilities does not apply to sober living homes.

However, Federal and State Fair Housing laws do apply to sober living homes because individuals recovering from alcohol and drug addiction are considered disabled and are protected from housing discrimination. As a result, sober living homes cannot be prohibited from operating in residential neighborhoods. The intent of the Federal and State Fair Housing laws is to provide housing opportunities for all persons and prohibit discrimination against individuals with disabilities.

Therefore, to comply with the State and Federal Fair Housing Laws, the proposed ordinance allows sober living homes to operate without a use permit in all zones where single family dwellings or multiple family dwellings are allowed. The proposed ordinance also includes characteristics for sober living homes to comply with in order to be considered a sober living home. The goal in having these characteristics set forth in the ordinance is to ensure sober living homes operate at a high quality level and fulfill the State and Federal objective to provide housing opportunities for persons with disabilities.

Additionally, although the County is limited in regulating sober living homes, residential care facilities and residential health facilities from a land use perspective, the County is still able to enforce compliance with the County's development standards and all County ordinances such as, but not limited to, Ordinance No. 457 (building requirements), Ordinance No. 541 (removal of rubbish) and Ordinance No. 847 (noise regulations). The attached Planning Commission staff reports provide additional information on sober living homes, residential care facilities and residential health facilities.

**SUBMITTAL TO THE BOARD OF SUPERVISORS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

**FORM 11: Ordinance No. 348.4835**

**DATE: June 9, 2016**

**PAGE: Page 3 of 3**

State license violations would be remedied by the appropriate State Department, which may include the Department of Social Services, the Department of Alcohol and Drug Programs or the Department of Health Services. The County's Code Enforcement Department will pursue violations related to the County's development standards and compliance with County ordinances.

Ordinance No. 348.4835 also adds reasonable accommodation provisions to Ordinance No. 348 and updates definitions to clarify and remove any inconsistencies that may result from the revisions made to Article XIXe.

The Planning Commission considered Ordinance No. 348.4835 on April 20, 2016 and May 18, 2016. On May 18<sup>th</sup>, the Planning Commission recommended by a vote of 5-0 that the Board of Supervisors adopt Ordinance No. 348.4835 with a modification to define a "recognized nonprofit organization." This modification is highlighted on the attached ordinance and defines a "recognized nonprofit organization" as "a nonprofit organization that is a member of or affiliated with a national organization which has the primary function of improving the quality of sober living homes through standards and education."

Additionally, in response to comments from the Airport Land Use Commission (ALUC), revisions have been made to the ordinance to clarify that sober living homes, residential care facilities and residential health facilities need to comply with all applicable Federal, State and local laws as well as all applicable Federal, State and local health and safety regulations including, but not limited to, Fire and Building Code regulations.

**Impact on Citizens and Businesses**

Ordinance No. 348.4835 will clarify for the Planning Department, Code Enforcement, the Building and Safety Department, operators and County residents where sober living homes, residential care facilities and residential health facilities may operate in the County and what type of use permit, if any, is required for the use. The impacts of this project have been evaluated through the environmental review and public hearing process.

**ATTACHMENTS:**

- A. Ordinance No. 348.4835 (final version and redline)**
- B. Planning Commission Staff Reports**
- C. Planning Commission Minutes**
- D. CEQA Notice of Exemption**



1 R-T-R, A-D, A-P, A-1, A-2, C-V, WC-W, WC-WE,  
2 WC-R, WC-E, W-2, W-2-M, R-D and N-A.

3 3. A Residential Facility that serves six or fewer  
4 persons shall comply with the development  
5 standards for one family or multiple family  
6 dwellings, as applicable, located within the same  
7 zone.

8 4. A Residential Facility that serves six or fewer  
9 persons shall comply with all applicable Federal,  
10 State and local laws, and all applicable Federal,  
11 State and local health and safety regulations  
12 including, but not limited to, Fire and Building  
13 Code regulations.

14 5. A Residential Facility that serves seven or more  
15 persons is allowed in the following zoning  
16 classifications with an approved conditional use  
17 permit in accordance with Section 18.28 of this  
18 ordinance: R-R, R-R-O, R-1, R-1A, R-A, R-2, R-  
19 2A, R-3, R-3A, R-4, R-6, R-T, R-T-R, A-D, A-P,  
20 A-1, A-2, C-V, WC-W, WC-WE, WC-R, WC-E,  
21 W-2, W-2-M, R-D, N-A, C-1/C-P, C-P-S, C-R and  
22 C-O.

23 6. A Residential Facility that serves seven or more  
24 persons shall comply with the following:  
25 a. Conform to the development standards for  
26 the zoning classification in which it is  
27 located.

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- b. Except for foster family homes, be separated from another licensed Residential Facility by a minimum of three hundred feet (300') measured lot line to lot line.
- c. In addition to the zoning classification's requirements, provide landscaping in compliance with Ordinance No. 859.
- d. Provide outdoor lighting in compliance with Ordinance No. 915 and Ordinance No. 655.
- e. Conduct indoor and outdoor activities in compliance with Ordinance No. 847.
- f. All applicable Federal, State and local laws, and all applicable Federal, State and local health and safety regulations including, but not limited to, Fire and Building Code regulations.

B. Residential Care Facility. A State licensed place, building or similar facility for persons with a chronic, life-threatening illness who are eighteen years of age or older or are emancipated minor, and for family units as provided in Health and Safety Code Section 1568.01.

- 1. As provided in California Health and Safety Code section 1568.0831, residents and operators of a Residential Care Facility that serves six or fewer persons shall be considered a family and the Residential Care Facility shall be considered a residential use of property.

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2. A Residential Care Facility that serves six or fewer persons shall be allowed as a use by right in the following zoning classifications: R-R, R-R-O, R-1, R-1A, R-A, R-2, R-2A, R-3, R-3A, R-4, R-6, R-T, R-T-R, A-D, A-P, A-1, A-2, C-V, WC-W, WC-WE, WC-R, WC-E, W-2, W-2-M, R-D and N-A.
3. Residential Care Facility that serves six or fewer persons shall comply with the development standards for one family or multiple family dwellings, as applicable, located within the same zone.
4. A Residential Care Facility that serves six or fewer persons shall comply with all applicable Federal, State and local laws, and all applicable Federal, State and local health and safety regulations including, but not limited to, Fire and Building Code regulations.
5. A Residential Care Facility that serves seven or more persons is allowed in the following zoning classifications with an approved conditional use permit in accordance with section 18.28 of this ordinance: R-R, R-R-O, R-1, R-1A, R-A, R-2, R-2A, R-3, R-3A, R-4, R-6, R-T, R-T-R, A-D, A-P, A-1, A-2, C-V, WC-W, WC-WE, WC-R, WC-E, W-2, W-2-M, R-D, N-A, C-1/C-P, C-P-S, C-R and C-O.

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- 6. A Residential Care Facility that serves seven or more persons shall comply with the following:
  - a. Conform to the development standards for the zoning classification in which it is located.
  - b. Be separated from another licensed Residential Care Facility by a minimum of three hundred feet (300') measured lot line to lot line.
  - c. In addition to the zoning classification's requirements, provide landscaping in compliance with Ordinance No. 859.
  - d. Provide outdoor lighting in compliance with Ordinance No. 951 and Ordinance No. 655.
  - e. Conduct indoor and outdoor activities in compliance with Ordinance No. 847.
  - f. All applicable Federal, State and local laws, and all applicable Federal, State and local health and safety regulations including, but not limited to, Fire and Building Code regulations.

C. Residential Care Facility for the Elderly. A State 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 or personal care, or



1 health-related services are provided, based upon their  
2 varying needs.

3 1. As provided in California Health and Safety Code  
4 section 1569.85, residents and operators of a  
5 Residential Care Facility for the Elderly that serves  
6 six or fewer persons shall be considered a family  
7 and the Residential Care Facility for the Elderly  
8 shall be considered a residential use of property.

9 2. A Residential Care Facility for the Elderly which  
10 serves six or fewer person shall be allowed as a use  
11 by right in the following zoning classifications: R-  
12 R, R-R-O, R-1, R-1A, R-A, R-2, R-2A, R-3, R-3A,  
13 R-4, R-6, R-T, R-T-R, A-D, A-P, A-1, A-2, C-V,  
14 WC-W, WC-WE, WC-R, WC-E, W-2, W-2-M, R-  
15 D and N-A.

16 3. A Residential Care Facility for the Elderly which  
17 serves six or fewer person shall comply with the  
18 development standards for one family or multiple  
19 family dwellings, as applicable, located in the same  
20 zoning classification.

21 4. A Residential Care Facility for the Elderly that  
22 serves six or fewer persons shall comply with all  
23 applicable Federal, State and local laws, and all  
24 applicable Federal, State and local health and safety  
25 regulations including, but not limited to, Fire and  
26 Building Code regulations.

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5. A Residential Care Facility for the Elderly that serves seven or more persons is allowed in the following zoning classifications with an approved conditional use permit in accordance with section 18.28 of this ordinance: R-R, R-R-O, R-1, R-1A, R-A, R-2, R-2A, R-3, R-3A, R-4, R-6, R-T, R-T-R, A-D, A-P, A-1, A-2, C-V, WC-W, WC-WE, WC-R, WC-E, W-2, W-2-M, R-D, N-A, C-1/C-P, C-P-S, C-R and C-O.

6. A Residential Care Facility for the Elderly that serves seven or more persons shall comply with the following:

- a. Conform to the development standards for the zoning classification in which it is located.
- b. In addition to the zoning classification's requirements, provide landscaping in compliance with Ordinance No. 859.
- c. Provide outdoor lighting in compliance with Ordinance No. 915 and Ordinance No. 655.
- d. Conduct indoor and outdoor activities in compliance with Ordinance No. 847.
- e. All applicable Federal, State and local laws, and all applicable Federal, State and local health and safety regulations including, but not limited to, Fire and Building Code regulations.

1 D. Alcohol or Drug Abuse Treatment Facility. A State  
2 licensed premises, place or building that provides 24 hour  
3 residential non-medical services to adults who are  
4 recovering from problems related to alcohol, drug or  
5 alcohol and drug misuse or abuse, and who need alcohol,  
6 drug or alcohol and drug recovery treatment or  
7 detoxification services.

8 1. As provided in California Health and Safety Code  
9 section 11834.23, residents and operators of an  
10 Alcohol or Drug Abuse Treatment facility shall be  
11 considered a family and the Alcohol or Drug Abuse  
12 Treatment facility shall be considered a residential  
13 use of property.

14 2. An Alcohol or Drug Abuse Treatment facility  
15 which serves six or fewer persons shall be allowed  
16 as a use by right in the following zoning  
17 classifications: R-R, R-R-O, R-1, R-1A, R-A, R-2,  
18 R-2A, R-3, R-3A, R-4, R-6, R-T, R-T-R, A-D, A-P,  
19 A-1, A-2, C-V, WC-W, WC-WE, WC-R, WC-E,  
20 W-2, W-2-M, R-D and N-A.

21 3. An Alcohol or Drug Abuse Treatment Facility  
22 which serves six or fewer persons shall comply with  
23 the development standards for one family or  
24 multiple family dwellings, as applicable, located  
25 within the same zoning classification.

26 4. An Alcohol or Drug Abuse Treatment Facility that  
27 serves six or fewer persons shall comply with all  
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1 applicable Federal, State and local laws and all  
2 applicable Federal, State and local health and safety  
3 regulations including, but not limited to, Fire and  
4 Building Code regulations.

5 5. An Alcohol or Drug Abuse Treatment Facility that  
6 serves seven or more persons is allowed in the  
7 following zoning classifications with an approved  
8 conditional use permit in accordance with section  
9 18.28 of this ordinance: R-R, R-R-O, R-1, R-1A, R-  
10 A, R-2, R-2A, R-3, R-3A, R-4, R-6, R-T, R-T-R,  
11 A-D, A-P, A-1, A-2, C-V, WC-W, WC-WE, WC-R,  
12 WC-E, W-2, W-2-M, R-D and N-A, C-1/C-P, C-P-  
13 S, C-R and C-O.

14 6. An Alcohol or Drug Abuse Treatment Facility that  
15 serves seven or more persons shall comply with the  
16 following.

17 a. Conform to the development standards for  
18 the zoning classification in which it is  
19 located.

20 b. Be separated from another licensed Alcohol  
21 or Drug Abuse Treatment Facility by a  
22 minimum of three hundred feet (300')  
23 measured lot line to lot line.

24 c. In addition to the zoning classification's  
25 requirements, provide landscaping in  
26 compliance with Ordinance No. 859.

- d. Provide outdoor lighting in compliance with Ordinance No. 915 and Ordinance No. 655.
- e. Conduct indoor and outdoor activities in compliance with Ordinance No. 847.
- f. All applicable Federal, State and local laws and all applicable Federal, State and local health and safety regulations, including but not limited to, Fire and Building Code regulations.

E. Sober Living Home. A dwelling or other similar facility not requiring a State license for a group living arrangement for persons recovering from alcoholism or drug addiction where the facility provides no onsite care, services or supervision.

- 1. A Sober Living Home shall be considered a residential use of property.
- 2. A Sober Living Home shall be allowed as a use by right in the following zoning classifications: R-R, R-R-O, R-1, R-1A, R-A, R-2, R-2A, R-3, R-3A, R-4, R-6, R-T, R-T-R, A-D, A-P, A-1, A-2, C-V, WC-W, WC-WE, WC-R, WC-E, W-2, W-2-M, R-D and N-A.
- 3. A Sober Living Home shall comply with the development standards for one family or multiple family dwellings, as applicable, located within the same zone.

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- 4. A Sober Living Home shall demonstrate all of the following characteristics:
  - a. The Sober Living Home is being used as a residence for persons recovering from alcohol and/or drug misuse or abuse and participating in recovery programs;
  - b. The Sober Living Home observes and promotes a zero tolerance policy regarding the consumption or possession of alcohol and controlled substances, except for prescription medications obtained and used under direct medical supervision;
  - c. The Sober Living Home has a written policy dealing with the use of drugs or alcohol;
  - d. There are no on-site services such as, but not limited to, educational counseling, counseling sessions, treatment or recovery planning or detoxification;
  - e. The Sober Living Home maintains current membership in a recognized nonprofit organization of sober living homes that provides a credible quality assurance service for applicants or members or has received a sober living home certificate from the State of California Department of Alcohol and Drug Programs. For purposes of this Article, a recognized nonprofit organization

1 means a nonprofit organization that is a  
2 member of or affiliated with a national  
3 organization which has the primary function  
4 of improving the quality of sober living  
5 homes through standards and education;

- 6 f. Owners, managers, operators and residents  
7 ensure that the Sober Living Home and its  
8 use comply with all applicable Federal, State  
9 and local laws, and all applicable Federal,  
10 State and local health and safety regulations  
11 including, but not limited to, Fire and  
12 Building Code regulations.

13 **Section 19.101 HEALTH FACILITIES**

14 A. Developmentally Disabled Care Facility. A State licensed  
15 facility that includes intermediate care  
16 facilities/developmentally disabled, intermediate care  
17 facilities/developmentally disabled-habilitative and  
18 intermediate care facilities/developmentally disabled-  
19 nursing, as further defined in Health and Safety Code  
20 section 1250, which provides twenty-four (24) hour  
21 personal care, habilitation, developmental and supportive  
22 health services to developmentally disabled persons who  
23 have intermittent recurring needs for nursing services.

- 24 1. As provided in California Health and Safety Code  
25 section 1267.8, a Developmentally Disabled Care  
26 Facility which serves six or fewer persons shall be  
27 considered a residential use of property and allowed  
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1 as a use by right in the following zoning  
2 classifications: R-R, R-R-O, R-1, R-1A, R-A, R-2,  
3 R-2A, R-3, R-3A, R-4, R-6, R-T, R-T-R, A-D, A-P,  
4 A-1, A-2, C-V, WC-W, WC-WE, WC-R, WC-E,  
5 W-2, W-2-M, R-D and N-A.

6 2. A Developmentally Disabled Care Facility which  
7 serves six or fewer persons shall comply with the  
8 development standards for one family or multiple  
9 family dwellings, as applicable located in the same  
10 zoning classification.

11 3. A Developmentally Disabled Care Facility that  
12 serves six or fewer persons shall comply with all  
13 applicable Federal, State and local laws, and all  
14 applicable Federal, State and local health and safety  
15 regulations including, but not limited to, Fire and  
16 Building Code regulations.

17 4. A Developmentally Disabled Care Facility that  
18 serves seven or more persons are allowed in the  
19 following zoning classifications with an approved  
20 conditional use permit in accordance with section  
21 18.28 of this ordinance: R-R, R-R-O, R-1, R-1A, R-  
22 A, R-2, R-2A, R-3, R-3A, R-4, R-6, R-T, R-T-R,  
23 A\_D, A-P, A-1, A-2, C-V, WC-W, WC-WE, WC-  
24 R, WC-E, W-2, W-2-M, R-D and N-A, C-1/C-P, C-  
25 P-S, C-R and C-O.  
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1 5. A Developmentally Disabled Care Facility that  
2 serves seven or more persons shall comply with the  
3 following.

4 a. Conform to the development standards for  
5 the zoning classification in which it is  
6 located.

7 b. Be separated from another licensed  
8 Developmentally Disabled Care Facility by  
9 a minimum of three hundred feet (300')  
10 measured lot line to lot line.

11 c. In addition to the zoning classification's  
12 requirements, provide landscaping in  
13 compliance with Ordinance No. 859.

14 d. Provide outdoor lighting in compliance with  
15 Ordinance No. 915 and Ordinance No. 655.

16 e. Conduct indoor and outdoor activities in  
17 compliance with Ordinance No. 847.

18 f. All applicable Federal, State and local laws,  
19 and all applicable Federal, State and local  
20 health and safety regulations, including but  
21 not limited to, Fire and Building Code  
22 regulations.

23 B. Congregate Living Health Facility. A State licensed  
24 facility with a non-institutional, home-like environment  
25 with no more than eighteen (18) beds which provides  
26 inpatient care, including the following basic services:  
27 medical supervision, twenty-four hour skilled nursing and  
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1 supportive care, pharmacy, dietary, social recreation and at  
2 least one type of service specified in Section 1250(i)(2) of  
3 the Health and Safety Code, as may be amended from time  
4 to time.

5 1. As provided in California Health and Safety Code  
6 section 1267.16, a Congregate Living Health  
7 Facility which serves six or fewer persons shall be  
8 considered a residential use of property and allowed  
9 as a use by right in the following zoning  
10 classifications: R-R, R-R-O, R-1, R-1A, R-A, R-2,  
11 R-2A, R-3, R-3A, R-4, R-6, R-T, R-T-R, A-D, A-P,  
12 A-1, A-2, C-V, WC-W, WC-WE, WC-R, WC-E,  
13 ~~W-2, W-2-M, R-D and N-A.~~

14 2. A Congregate Living Health Facility which serves  
15 six or fewer persons shall comply with the  
16 development standards for one family or multiple  
17 family dwellings, as applicable, located in the same  
18 zoning classification.

19 3. A Congregate Living Health Facility that serves six  
20 or fewer persons shall comply with all applicable  
21 Federal, State and local laws, and all applicable  
22 Federal, State and local health and safety  
23 regulations including, but not limited to, Fire and  
24 Building Code regulations.

25 4. A Congregate Living Health Facility of more than  
26 six beds for persons who are terminally ill or who  
27 are catastrophically and severely disabled is allowed  
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1 in the following zoning classifications with an  
2 approved conditional use permit in accordance with  
3 section 18.28 of Ordinance No. 348: C-1/C-P, C-P-  
4 S, C-R and C-O.

5 5. A Congregate Living Health Facility of more than  
6 six beds for persons who are terminally ill or who  
7 are catastrophically and severely disabled shall  
8 comply with the following:

- 9 a. Conform to the development standards for  
10 the zoning classification in which it is  
11 located.
- 12 b. Be separated from another licensed  
13 Congregate Living Health Facility by a  
14 minimum of one thousand feet (1,000')  
15 measured lot line to lot line.
- 16 c. In addition to the zoning classification's  
17 requirements, provide landscaping in  
18 compliance with Ordinance No. 859.
- 19 d. Provide outdoor lighting in compliance with  
20 Ordinance No. 915 and Ordinance No. 655.
- 21 e. Conduct indoor and outdoor activities in  
22 compliance with Ordinance No. 847.
- 23 f. All applicable Federal, State and local laws,  
24 and all applicable Federal, State and local  
25 health and safety regulations including, but  
26 not limited to, Fire and Building Code  
27 regulations.”  
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1                    Section 2.        A new Section 1.12 is added to Article I of Ordinance No. 348 to read as

2 follows:

3                    “Section 1.12

4                    A.        REASONABLE ACCOMMODATION. This section provides a  
5 procedure to request reasonable accommodations in land use and  
6 zoning regulations for persons with disabilities seeking equal  
7 access to housing under the Federal Fair Housing Act and the  
8 California Fair Employment and Housing Act.

9                    1.        A request for reasonable accommodation may be made by  
10 any person with a disability as defined by the Federal Fair  
11 Housing Act and the California Fair Employment and  
12 Housing Act, their representative, or developer of housing  
13 for individuals with disabilities when the application of a  
14 requirement of this ordinance acts as a barrier to fair  
15 housing opportunities.

16                    2.        A request for reasonable accommodation shall be submitted  
17 on an application form provided by the Planning  
18 Department.

19                    3.        A request for reasonable accommodation may include a  
20 modification or exception to the requirements or standards  
21 for the siting, development and use of housing or housing  
22 related facilities that would eliminate a regulatory barrier  
23 and provide a person with a disability equal opportunity to  
24 housing of their choice.

25                    4.        A reasonable accommodation is granted to the household  
26 that needs the accommodation and does not apply to  
27 successors in interest to the site.  
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5. A reasonable accommodation does not affect an individual's obligation to comply with other applicable regulations not at issue in the requested accommodation.
  6. The Planning Director, with consultation with the Office of County Counsel, shall review a reasonable accommodation request within forty-five (45) days of the request being deemed complete and approve, conditionally approve or deny the request based on the following:
    - a. Whether the housing in the request will be used by an individual considered disabled under the Federal Fair Housing Act and the California Fair Employment and Housing Act;
    - b. Whether the request for reasonable accommodations is necessary to make specific housing available to an individual considered disabled;
    - c. Whether the request would impose an undue financial or administrative burden on the County;
    - d. Whether the request would require a fundamental alteration in the nature of a County program or law; including but not limited to land use and zoning;
    - e. Potential impact on surrounding uses;
    - f. Physical attributes of the property and structures; and
    - g. Other reasonable accommodations that may provide an equivalent level of benefit.

1                                 7.     The Planning Director shall provide a copy of an approved  
2   reasonable accommodation request to the Department of  
3   Building and Safety Department and the Code Enforcement  
4   Department.

5                         B.     NOTICE OF DETERMINATION. The Planning Director's  
6   determination shall be mailed to the applicant and to any person  
7   who has made a written request for a copy of the determination.  
8   The Planning Director's determination is final unless the  
9   determination is appealed pursuant to subsection (C) set forth  
10   below.

11                        C.     APPEAL.

12                                 1.     Within ten (10) calendar days of the date of the Planning  
13   Director's determination, an applicant may appeal the  
14   determination.

15                                 2.     Appeals shall be made in writing on the form provided by  
16   the Planning Department along with the required filing fee.  
17   The written appeal shall include a statement of facts  
18   supporting the appeal.

19                                 3.     Upon timely receipt of an appeal, a hearing shall be set for  
20   a date not less than ten (10) calendar days, but not more  
21   than thirty (30) calendar days from the date the appeal was  
22   received. Written notice of the hearing shall be sent to the  
23   Planning Director and applicant appealing the Planning  
24   Director's determination.

25                                 4.     The County Hearing Officer appointed by the Board of  
26   Supervisors pursuant to Ordinance No. 643 shall preside  
27   over the hearing.  
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1 5. At the hearing, the County Hearing Officer shall receive  
2 testimony and evidence from the Planning Director, the  
3 applicant, or their representatives, and any other concerned  
4 persons who may desire to speak at the hearing. The  
5 County Hearing Officer shall not be limited to the technical  
6 rules of evidence and may continue the hearing from time  
7 to time.

8 6. Within thirty (30) calendar days of concluding the hearing,  
9 the County Hearing Officer shall make his decision and  
10 provide it in writing to the applicant, Planning Director,  
11 Code Enforcement Department and the Building and Safety  
12 Department.

13 7. The decision of the County Hearing Officer shall be final.”

14 Section 3. Section 18.29.a.(4) of Ordinance No. 348 is deleted in its entirety and  
15 replaced with the following:

16 “Any hospital or other facility that is licensed by the California Department of Public  
17 Health, or by the California Department of Mental Hygiene, not including a family care,  
18 foster home, Residential Facility, Residential Care Facility, Residential Care Facilities for  
19 the Elderly, Alcohol or Drug Abuse Treatment Facility or Congregate Living Health  
20 Facility that serves six or fewer persons.”

21 Section 4. Section 18.29.a.(5) of Ordinance No. 348 is deleted in its entirety.

22 Section 5. Sections 18.29.a.(6) and 18.29.a.(7) are renumbered 18.29.a.(5) and  
23 18.29.a.(6) respectively.

24 Section 6. Section 21.12 of Ordinance No. 348 is deleted in its entirety and replaced  
25 with the following:

26 “BOARDING, ROOMING OR LODGING HOUSE. A residence or dwelling unit, or part  
27 thereof, where a room or rooms are rented under two or more separate written or oral rental  
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1 agreements, leases, subleases or combination thereof, whether or not the owner, agent or  
2 rental manager resides within the residence, on a monthly or greater basis. A Boarding,  
3 Rooming or Lodging House does not include Sober Living Homes or Residential  
4 Facilities, Residential Care Facilities, Residential Care Facilities for the Elderly and  
5 Alcohol or Drug Abuse Treatment Facilities serving six (6) or fewer persons.”

6 Section 7. Section 21.23a of Ordinance No. 348 is deleted in its entirety.

7 Section 8. Section 21.34 of Ordinance No. 348 is deleted in its entirety and replaced  
8 with the following:

9 “FAMILY. One or more persons living together as a single housekeeping unit in a single  
10 dwelling unit.”

11 Section 9. Section 21.37 of Ordinance No. 348 is deleted in its entirety and replaced  
12 with the following:

13 “~~HALF WAY HOUSE.~~ A rehabilitation center for treatment, counseling, rooming and  
14 boarding of persons. A half way house shall not include Residential Facilities, Residential  
15 Care Facilities, Residential Care Facilities for the Elderly, Alcohol or Drug Abuse  
16 Treatment Facilities, Sober Living Homes or rehabilitation centers for parolees,  
17 probationers, or persons released to post release community supervision under the “Post-  
18 release Community Supervision Action of 2011” (Penal Code Section 3450 et seq.)”

19 Section 10. Section 21.56d. of Ordinance No. 348 is deleted in its entirety and replaced  
20 with the following:

21 “PAROLEE-PROBATIONER HOME. Any residential building, or portion thereof,  
22 owned or operated by any person which houses two (2) or more parolee-probationers  
23 unrelated by blood, marriage, or legal adoption, in exchange for monetary or non-monetary  
24 consideration given or paid by the parolee-probationers, or given or paid by any person on  
25 behalf of the parolee-probationers, excluding any Residential Facility, Residential Care  
26 Facility, Residential Care Facility for the Elderly or Alcohol or Drug Abuse Treatment  
27 Facility serving six (6) or fewer persons. As used herein, the term parolee-probationers  
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1 includes parolees, probationers, and/or persons released to post-release community  
2 supervision under the ‘Post-release Community Supervision Act of 2011’ (Penal Code  
3 Section 3450 et seq.). In determining whether a Residential Facility, Residential Care  
4 Facility, Residential Care Facility for the Elderly or Alcohol or Drug Abuse Treatment  
5 Facility serving six (6) or fewer persons, the licensee, members of the licensee’s family  
6 and persons employed as facility staff shall not be counted.”

7 Section 11. Section 21.62g of Ordinance No. 348 is deleted in its entirety and replaced  
8 with the following:

9 “SINGLE HOUSEKEEPING UNIT. Any household whose members are a group of  
10 persons jointly occupying a single dwelling unit, including the joint use and responsibility  
11 for common areas, and sharing household activities and responsibilities such as meals,  
12 chores and expenses and where, if the unit is rented, all adult residents have chosen to  
13 jointly occupy the entire premises of the dwelling unit with joint use and responsibility for  
14 the premises, and the makeup of the household occupying the unit is determined solely by  
15 the residents of the unit rather than the landlord or property manager.”

16 Section 12. The existing Sections 21.62g, 21.62h and 21.62i of Ordinance No. 348 are  
17 renumbered 21.62h, 21.62i and 21.62j respectively.

18 Section 13. Section 21.64a. of Ordinance No. 348 is deleted in its entirety.

19 Section 14. If any provision, clause, sentence or paragraph of this ordinance or the  
20 application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the  
21 other provisions of this ordinance which can be given effect without the invalid provision or application,  
22 and to this end, the provisions of this ordinance are hereby declared to be severable.





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WC-R, WC-E, W-2, W-2-M, R-D and N-A.

3. A Residential Facility that serves six or fewer persons shall comply with the development standards for one family or multiple family dwellings, as applicable, located within the same zone.

4. A Residential Facility that serves six or fewer persons shall comply with all applicable Federal, State and local laws, and all applicable Federal State and local health and safety regulations including, but not limited to, Fire and Building Code regulations.

**Comment [MC1]:** Modification to clarify that the facility needs to comply with all applicable Federal, State and local laws as well as all applicable Federal, State and local health and safety regulations.

5. A Residential Facility that serves seven or more persons is allowed in the following zoning classifications with an approved conditional use permit in accordance with Section 18.28 of this ordinance: R-R, R-R-O, R-1, R-1A, R-A, R-2, R-2A, R-3, R-3A, R-4, R-6, R-T, R-T-R, A-D, A-P, A-1, A-2, C-V, WC-W, WC-WE, WC-R, WC-E, W-2, W-2-M, R-D, N-A, C-1/~~C-P~~, C-P-S, C-R and C-O.

**Comment [MC2]:** Clarifying correction on the zoning classification's name.

6. A Residential Facility that serves seven or more persons shall comply with the following:

a. Conform to the development standards for the zoning classification in which it is located.

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- b. Except for foster family homes, be separated from another licensed Residential Facility by a minimum of three hundred feet (300') measured lot line to lot line.
- c. In addition to the zoning classification's requirements, provide landscaping in compliance with Ordinance No. 859.
- d. Provide outdoor lighting in compliance with Ordinance No. 915 and Ordinance No. 655.
- e. Conduct indoor and outdoor activities in compliance with Ordinance No. 847.
- f. All applicable Federal, State and local laws, and all applicable Federal, State and local health and safety regulations including, but not limited to, Fire and Building Code regulations.

B. Residential Care Facility. A State licensed place, building or similar facility for persons with a chronic, life-threatening illness who are eighteen years of age or older or are emancipated minor, and for family units as provided in Health and Safety Code Section 1568.01.

- 1. As provided in California Health and Safety Code section 1568.0831, residents and operators of a Residential Care Facility that serves six or fewer persons shall be considered a family and the Residential Care Facility shall be considered a residential use of property.

**Comment [MC3]:** Modification to clarify that the facility needs to comply with all applicable Federal, State and local laws as well as all applicable Federal, State and local health and safety regulations.

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2. A Residential Care Facility that serves six or fewer persons shall be allowed as a use by right in the following zoning classifications: R-R, R-R-O, R-1, R-1A, R-A, R-2, R-2A, R-3, R-3A, R-4, R-6, R-T, R-T-R, A-D, A-P, A-1, A-2, C-V, WC-W, WC-WE, WC-R, WC-E, W-2, W-2-M, R-D and N-A.
3. Residential Care Facility that serves six or fewer persons shall comply with the development standards for one family or multiple family dwellings, as applicable, located within the same zone.
4. A Residential Care Facility that serves six or fewer persons shall comply with all applicable Federal, State and local laws, and all applicable Federal State and local health and safety regulations including, but not limited to, Fire and Building Code regulations.
5. A Residential Care Facility that serves seven or more persons is allowed in the following zoning classifications with an approved conditional use permit in accordance with section 18.28 of this ordinance: R-R, R-R-O, R-1, R-1A, R-A, R-2, R-2A, R-3, R-3A, R-4, R-6, R-T, R-T-R, A-D, A-P, A-1, A-2, C-V, WC-W, WC-WE, WC-R, WC-E, W-2, W-2-M, R-D, N-A, C-1/C-P, C-P-S, C-R and C-O.

**Comment [MC4]:** Modification to clarify that the facility needs to comply with all applicable Federal, State and local laws as well as all applicable Federal, State and local health and safety regulations.

**Comment [MC5]:** Clarifying correction on the zoning classification's name.

**Comment [MC6]:** Clarifying correction on the zoning classification's name.

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- 6. A Residential Care Facility that serves seven or more persons shall comply with the following:
  - a. Conform to the development standards for the zoning classification in which it is located.
  - b. Be separated from another licensed Residential Care Facility by a minimum of three hundred feet (300') measured lot line to lot line.
  - c. In addition to the zoning classification's requirements, provide landscaping in compliance with Ordinance No. 859.
  - d. Provide outdoor lighting in compliance with Ordinance No. 951 and Ordinance No. 655.
  - e. Conduct indoor and outdoor activities in compliance with Ordinance No. 847.
  - f. All applicable Federal, State and local laws and all applicable Federal, State and local health and safety regulations including, but not limited to, Fire and Building Code regulations.

C. Residential Care Facility for the Elderly. A State 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 or personal care, or

**Comment [MC7]:** Modification to clarify that the facility needs to comply with all applicable Federal, State and local laws as well as all applicable Federal, State and local health and safety regulations.

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health-related services are provided, based upon their varying needs.

1. As provided in California Health and Safety Code section 1569.85, residents and operators of a Residential Care Facility for the Elderly that serves six or fewer persons shall be considered a family and the Residential Care Facility for the Elderly shall be considered a residential use of property.
2. A Residential Care Facility for the Elderly which serves six or fewer person shall be allowed as a use by right in the following zoning classifications: R-R, R-R-O, R-1, R-1A, R-A, R-2, R-2A, R-3, R-3A, R-4, R-6, R-T, R-T-R, A-D, A-P, A-1, A-2, C-V, WC-W, WC-WE, WC-R, WC-E, W-2, W-2-M, R-D and N-A.
3. A Residential Care Facility for the Elderly which serves six or fewer person shall comply with the development standards for one family or multiple family dwellings, as applicable, located in the same zoning classification.
4. A Residential Care Facility for the Elderly that serves six or fewer persons shall comply with all applicable Federal, State and local laws, and all applicable Federal, State and local health and safety regulations including, but not limited to, Fire and Building Code regulations.

**Comment [MC8]:** Modification to clarify that the facility needs to comply with all applicable Federal, State and local laws as well as all applicable Federal, State and local health and safety regulations.



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5. A Residential Care Facility for the Elderly that serves seven or more persons is allowed in the following zoning classifications with an approved conditional use permit in accordance with section 18.28 of this ordinance: R-R, R-R-O, R-1, R-1A, R-A, R-2, R-2A, R-3, R-3A, R-4, R-6, R-T, R-T-R, A-D, A-P, A-1, A-2, C-V, WC-W, WC-WE, WC-R, WC-E, W-2, W-2-M, R-D, N-A, C-1/C-P, C-P-S, C-R and C-O.

**Comment [MC9]:** Clarifying correction on the zoning classification's name

6. A Residential Care Facility for the Elderly that serves seven or more persons shall comply with the following:

- a. Conform to the development standards for the zoning classification in which it is located.
- b. In addition to the zoning classification's requirements, provide landscaping in compliance with Ordinance No. 859.
- c. Provide outdoor lighting in compliance with Ordinance No. 915 and Ordinance No. 655.
- d. Conduct indoor and outdoor activities in compliance with Ordinance No. 847.
- e. All applicable Federal, State and local laws and all applicable Federal, State and local health and safety regulations including, but not limited to, Fire and Building Code regulations.

**Comment [MC10]:** Modification to clarify that the facility needs to comply with all applicable Federal, State and local laws as well as all applicable Federal, State and local health and safety regulations.

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D. Alcohol or Drug Abuse Treatment Facility. A State licensed premises, place or building that provides 24 hour residential non-medical services to adults who are recovering from problems related to alcohol, drug or alcohol and drug misuse or abuse, and who need alcohol, drug or alcohol and drug recovery treatment or detoxification services.

1. As provided in California Health and Safety Code section 11834.23, residents and operators of an Alcohol or Drug Abuse Treatment facility shall be considered a family and the Alcohol or Drug Abuse Treatment facility shall be considered a residential use of property.
2. An Alcohol or Drug Abuse Treatment facility which serves six or fewer persons shall be allowed as a use by right in the following zoning classifications: R-R, R-R-O, R-1, R-1A, R-A, R-2, R-2A, R-3, R-3A, R-4, R-6, R-T, R-T-R, A-D, A-P, A-1, A-2, C-V, WC-W, WC-WE, WC-R, WC-E, W-2, W-2-M, R-D and N-A.
3. An Alcohol or Drug Abuse Treatment Facility which serves six or fewer persons shall comply with the development standards for one family or multiple family dwellings, as applicable, located within the same zoning classification.
4. An Alcohol or Drug Abuse Treatment Facility that serves six or fewer persons shall comply with all

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applicable Federal, State and local laws and all applicable Federal, State and local health and safety regulations including, but not limited to, Fire and Building Code regulations.

**Comment [MC11]:** Modification to clarify that the facility needs to comply with all applicable Federal, State and local laws as well as all applicable Federal, State and local health and safety regulations.

5. An Alcohol or Drug Abuse Treatment Facility that serves seven or more persons is allowed in the following zoning classifications with an approved conditional use permit in accordance with section 18.28 of this ordinance: R-R, R-R-O, R-1, R-1A, R-A, R-2, R-2A, R-3, R-3A, R-4, R-6, R-T, R-T-R, A-D, A-P, A-1, A-2, C-V, WC-W, WC-WE, WC-R, WC-E, W-2, W-2-M, R-D and N-A, C-1/C-P, C-P-S, C-R and C-O.

**Comment [MC12]:** Clarifying correction on the zoning classification's name.

6. An Alcohol or Drug Abuse Treatment Facility that serves seven or more persons shall comply with the following.
- a. Conform to the development standards for the zoning classification in which it is located.
  - b. Be separated from another licensed Alcohol or Drug Abuse Treatment Facility by a minimum of three hundred feet (300') measured lot line to lot line.
  - c. In addition to the zoning classification's requirements, provide landscaping in compliance with Ordinance No. 859.

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- d. Provide outdoor lighting in compliance with Ordinance No. 915 and Ordinance No. 655.
- e. Conduct indoor and outdoor activities in compliance with Ordinance No. 847.
- f. All applicable Federal, State and local laws and all applicable Federal, State and local health and safety regulations, including but not limited to, Fire and Building Code regulations.

E. Sober Living Home. A dwelling or other similar facility not requiring a State license for a group living arrangement for persons recovering from alcoholism or drug addiction where the facility provides no onsite care, services or supervision.

- 1. A Sober Living Home shall be considered a residential use of property.
- 2. A Sober Living Home shall be allowed as a use by right in the following zoning classifications: R-R, R-R-O, R-1, R-1A, R-A, R-2, R-2A, R-3, R-3A, R-4, R-6, R-T, R-T-R, A-D, A-P, A-1, A-2, C-V, WC-W, WC-WE, WC-R, WC-E, W-2, W-2-M, R-D and N-A.
- 3. A Sober Living Home shall comply with the development standards for one family or multiple family dwellings, as applicable, located within the same zone.

**Comment [MC13]:** Modification to clarify that the facility needs to comply with all applicable Federal, State and local laws as well as all applicable Federal, State and local health and safety regulations.

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- 4. A Sober Living Home shall demonstrate all of the following characteristics:
  - a. The Sober Living Home is being used as a residence for persons recovering from alcohol and/or drug misuse or abuse and participating in recovery programs;
  - b. The Sober Living Home observes and promotes a zero tolerance policy regarding the consumption or possession of alcohol and controlled substances, except for prescription medications obtained and used under direct medical supervision;
  - c. The Sober Living Home has a written policy dealing with the use of drugs or alcohol;
  - d. There are no on-site services such as, but not limited to, educational counseling, counseling sessions, treatment or recovery planning or detoxification;
  - e. The Sober Living Home maintains current membership in a recognized nonprofit organization of sober living homes that provides a credible quality assurance service for applicants or members or has received a sober living home certificate from the State of California Department of Alcohol and Drug Programs. For purposes of this Article, a recognized nonprofit organization

**Comment [MC14]:** Planning Commission recommended modification to define a "recognized nonprofit organization."

1 means a nonprofit organization that is a  
2 member of or affiliated with a national  
3 organization which has the primary function  
4 of improving the quality of sober living  
5 homes through standards and education.;

- 6 f. Owners, managers, operators and residents  
7 ensure that the Sober Living Home and its  
8 use comply with all applicable Federal, State  
9 and State and local laws, and all applicable  
10 Federal, State and local health and safety  
11 regulations including, but not limited to, Fire  
12 and Building Code regulations.

**Comment [MC15]:** Modification to clarify that the facility needs to comply with all applicable Federal, State and local laws as well as all applicable Federal, State and local health and safety regulations.

13 Section 19.101 HEALTH FACILITIES

- 14 A. Developmentally Disabled Care Facility. A State licensed  
15 facility that includes intermediate care  
16 facilities/developmentally disabled, intermediate care  
17 facilities/developmentally disabled-habilitative and  
18 intermediate care facilities/developmentally disabled-  
19 nursing, as further defined in Health and Safety Code  
20 section 1250, which provides twenty-four (24) hour  
21 personal care, habilitation, developmental and supportive  
22 health services to developmentally disabled persons who  
23 have intermittent recurring needs for nursing services.

- 24 1. As provided in California Health and Safety Code  
25 section 1267.8, a Developmentally Disabled Care  
26 Facility which serves six or fewer persons shall be  
27 considered a residential use of property and allowed  
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as a use by right in the following zoning classifications: R-R, R-R-O, R-1, R-1A, R-A, R-2, R-2A, R-3, R-3A, R-4, R-6, R-T, R-T-R, A-D, A-P, A-1, A-2, C-V, WC-W, WC-WE, WC-R, WC-E, W-2, W-2-M, R-D and N-A.

2. A Developmentally Disabled Care Facility which serves six or fewer persons shall comply with the development standards for one family or multiple family dwellings, as applicable located in the same zoning classification.

3. A Developmentally Disabled Care Facility that serves six or fewer persons shall comply with all applicable Federal, State and local laws, and all applicable Federal, State and local health and safety regulations including, but not limited to, Fire and Building Code regulations.

4. A Developmentally Disabled Care Facility that serves seven or more persons are allowed in the following zoning classifications with an approved conditional use permit in accordance with section 18.28 of this ordinance: R-R, R-R-O, R-1, R-1A, R-A, R-2, R-2A, R-3, R-3A, R-4, R-6, R-T, R-T-R, A\_D, A-P, A-1, A-2, C-V, WC-W, WC-WE, WC-R, WC-E, W-2, W-2-M, R-D and N-A, C-1/C-P, C-P-S, C-R and C-O.

**Comment [MC16]:** Modification to clarify that the facility needs to comply with all applicable Federal, State and local laws as well as all applicable Federal, State and local health and safety regulations

**Comment [MC17]:** Clarifying correction on the zoning classification's name.

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5. A Developmentally Disabled Care Facility that serves seven or more persons shall comply with the following.

- a. Conform to the development standards for the zoning classification in which it is located.
- b. Be separated from another licensed Developmentally Disabled Care Facility by a minimum of three hundred feet (300') measured lot line to lot line.
- c. In addition to the zoning classification's requirements, provide landscaping in compliance with Ordinance No. 859.
- d. Provide outdoor lighting in compliance with Ordinance No. 915 and Ordinance No. 655.
- e. Conduct indoor and outdoor activities in compliance with Ordinance No. 847.
- f. All applicable Federal, State and local laws, and all applicable Federal, State and local health and safety regulations, including but not limited to, Fire and Building Code regulations.

B. Congregate Living Health Facility. A State licensed facility with a non-institutional, home-like environment with no more than eighteen (18) beds which provides inpatient care, including the following basic services: medical supervision, twenty-four hour skilled nursing and

**Comment [MC18]:** Modification to clarify that the facility needs to comply with all applicable Federal, State and local laws as well as all applicable Federal, State and local health and safety regulations.



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supportive care, pharmacy, dietary, social recreation and at least one type of service specified in Section 1250(i)(2) of the Health and Safety Code, as may be amended from time to time.

1. As provided in California Health and Safety Code section 1267.16, a Congregate Living Health Facility which serves six or fewer persons shall be considered a residential use of property and allowed as a use by right in the following zoning classifications: R-R, R-R-O, R-1, R-1A, R-A, R-2, R-2A, R-3, R-3A, R-4, R-6, R-T, R-T-R, A-D, A-P, A-1, A-2, C-V, WC-W, WC-WE, WC-R, WC-E, W-2, W-2-M, R-D and N-A.
2. A Congregate Living Health Facility which serves six or fewer persons shall comply with the development standards for one family or multiple family dwellings, as applicable, located in the same zoning classification.
3. A Congregate Living Health Facility that serves six or fewer persons shall comply with all applicable Federal, State and local laws, and all applicable Federal, State and local health and safety regulations including, but not limited to, Fire and Building Code regulations.
4. A Congregate Living Health Facility of more than six beds for persons who are terminally ill or who are catastrophically and severely disabled is allowed

**Comment [MC19]:** Modification to clarify that the facility needs to comply with all applicable Federal, State and local laws as well as all applicable Federal, State and local health and safety regulations.

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in the following zoning classifications with an approved conditional use permit in accordance with section 18.28 of Ordinance No. 348: C-1/~~C-P~~, C-P-S, C-R and C-O.

**Comment [MC20]:** Clarifying correction on the zoning classification's name.

5. A Congregate Living Health Facility of more than six beds for persons who are terminally ill or who are catastrophically and severely disabled shall comply with the following:

- a. Conform to the development standards for the zoning classification in which it is located.
- b. Be separated from another licensed Congregate Living Health Facility by a minimum of one thousand feet (1,000') measured lot line to lot line.
- c. In addition to the zoning classification's requirements, provide landscaping in compliance with Ordinance No. 859.
- d. Provide outdoor lighting in compliance with Ordinance No. 915 and Ordinance No. 655.
- e. Conduct indoor and outdoor activities in compliance with Ordinance No. 847.
- f. All applicable Federal, State and local laws and all applicable Federal, State and local health and safety regulations including, but not limited to, Fire and Building Code regulations."

**Comment [MC21]:** Modification to clarify that the facility needs to comply with all applicable Federal, State and local laws as well as all applicable Federal, State and local health and safety regulations.

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Section 2. A new Section 1.12 is added to Article I of Ordinance No. 348 to read as follows:

“Section 1.12

- A. REASONABLE ACCOMMODATION. This section provides a procedure to request reasonable accommodations in land use and zoning regulations for persons with disabilities seeking equal access to housing under the Federal Fair Housing Act and the California Fair Employment and Housing Act.
1. A request for reasonable accommodation may be made by any person with a disability as defined by the Federal Fair Housing Act and the California Fair Employment and Housing Act, their representative, or developer of housing for individuals with disabilities when the application of a requirement of this ordinance acts as a barrier to fair housing opportunities.
  2. A request for reasonable accommodation shall be submitted on an application form provided by the Planning Department.
  3. A request for reasonable accommodation may include a modification or exception to the requirements or standards for the siting, development and use of housing or housing related facilities that would eliminate a regulatory barrier and provide a person with a disability equal opportunity to housing of their choice.
  4. A reasonable accommodation is granted to the household that needs the accommodation and does not apply to successors in interest to the site.

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5. A reasonable accommodation does not affect an individual's obligation to comply with other applicable regulations not at issue in the requested accommodation.
6. The Planning Director, with consultation with the Office of County Counsel, shall review a reasonable accommodation request within forty-five (45) days of the request being deemed complete and approve, conditionally approve or deny the request based on the following:
  - a. Whether the housing in the request will be used by an individual considered disabled under the Federal Fair Housing Act and the California Fair Employment and Housing Act;
  - b. Whether the request for reasonable accommodations is necessary to make specific housing available to an individual considered disabled;
  - c. Whether the request would impose an undue financial or administrative burden on the County;
  - d. Whether the request would require a fundamental alteration in the nature of a County program or law; including but not limited to land use and zoning;
  - e. Potential impact on surrounding uses;
  - f. Physical attributes of the property and structures; and
  - g. Other reasonable accommodations that may provide an equivalent level of benefit.

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7. The Planning Director shall provide a copy of an approved reasonable accommodation request to the Department of Building and Safety Department and the Code Enforcement Department.

B. NOTICE OF DETERMINATION. The Planning Director's determination shall be mailed to the applicant and to any person who has made a written request for a copy of the determination. The Planning Director's determination is final unless the determination is appealed pursuant to subsection (C) set forth below.

C. APPEAL.

1. Within ten (10) calendar days of the date of the Planning Director's determination, an applicant may appeal the determination.
2. Appeals shall be made in writing on the form provided by the Planning Department along with the required filing fee. The written appeal shall include a statement of facts supporting the appeal.
3. Upon timely receipt of an appeal, a hearing shall be set for a date not less than ten (10) calendar days, but not more than thirty (30) calendar days from the date the appeal was received. Written notice of the hearing shall be sent to the Planning Director and applicant appealing the Planning Director's determination.
4. The County Hearing Officer appointed by the Board of Supervisors pursuant to Ordinance No. 643 shall preside over the hearing.

- 1                   5.     At the hearing, the County Hearing Officer shall receive  
2                   testimony and evidence from the Planning Director, the  
3                   applicant, or their representatives, and any other concerned  
4                   persons who may desire to speak at the hearing. The  
5                   County Hearing Officer shall not be limited to the technical  
6                   rules of evidence and may continue the hearing from time  
7                   to time.  
8                   6.     Within thirty (30) calendar days of concluding the hearing,  
9                   the County Hearing Officer shall make his decision and  
10                  provide it in writing to the applicant, Planning Director,  
11                  Code Enforcement Department and the Building and Safety  
12                  Department.  
13                  7.     The decision of the County Hearing Officer shall be final.”

14                  Section 3.     Section 18.29.a.(4) of Ordinance No. 348 is deleted in its entirety and  
15 replaced with the following:

16                  “Any hospital or other facility that is licensed by the California Department of Public  
17                  Health, or by the California Department of Mental Hygiene, not including a family care,  
18                  foster home, Residential Facility, Residential Care Facility, Residential Care Facilities for  
19                  the Elderly, Alcohol or Drug Abuse Treatment Facility or Congregate Living Health  
20                  Facility that serves six or fewer persons.”

21                  Section 4.     Section 18.29.a.(5) of Ordinance No. 348 is deleted in its entirety.

22                  Section 5.     Sections 18.29.a.(6) and 18.29.a.(7) are renumbered 18.29.a.(5) and  
23 18.29.a.(6) respectively.

24                  Section 6.     Section 21.12 of Ordinance No. 348 is deleted in its entirety and replaced  
25 with the following:

26                  “BOARDING, ROOMING OR LODGING HOUSE. A residence or dwelling unit, or part  
27                  thereof, where a room or rooms are rented under two or more separate written or oral rental  
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1 agreements, leases, subleases or combination thereof, whether or not the owner, agent or  
2 rental manager resides within the residence, on a monthly or greater basis. A Boarding,  
3 Rooming or Lodging House does not include Sober Living Homes or Residential  
4 Facilities, Residential Care Facilities, Residential Care Facilities for the Elderly and  
5 Alcohol or Drug Abuse Treatment Facilities serving six (6) or fewer persons.”

6 Section 7. Section 21.23a of Ordinance No. 348 is deleted in its entirety.

7 Section 8. Section 21.34 of Ordinance No. 348 is deleted in its entirety and replaced  
8 with the following:

9 “FAMILY. One or more persons living together as a single housekeeping unit in a single  
10 dwelling unit.”

11 Section 9. Section 21.37 of Ordinance No. 348 is deleted in its entirety and replaced  
12 with the following:

13 “HALF WAY HOUSE. A rehabilitation center for treatment, counseling, rooming and  
14 boarding of persons. A half way house shall not include Residential Facilities, Residential  
15 Care Facilities, Residential Care Facilities for the Elderly, Alcohol or Drug Abuse  
16 Treatment Facilities, Sober Living Homes or rehabilitation centers for parolees,  
17 probationers, or persons released to post release community supervision under the “Post-  
18 release Community Supervision Action of 2011” (Penal Code Section 3450 et seq.).”

19 Section 10. Section 21.56d. of Ordinance No. 348 is deleted in its entirety and replaced  
20 with the following:

21 “PAROLEE-PROBATIONER HOME. Any residential building, or portion thereof,  
22 owned or operated by any person which houses two (2) or more parolee-probationers  
23 unrelated by blood, marriage, or legal adoption, in exchange for monetary or non-monetary  
24 consideration given or paid by the parolee-probationers, or given or paid by any person on  
25 behalf of the parolee-probationers, excluding any Residential Facility, Residential Care  
26 Facility, Residential Care Facility for the Elderly or Alcohol or Drug Abuse Treatment  
27 Facility serving six (6) or fewer persons. As used herein, the term parolee-probationers  
28

1 includes parolees, probationers, and/or persons released to post-release community  
2 supervision under the 'Post-release Community Supervision Act of 2011' (Penal Code  
3 Section 3450 et seq.). In determining whether a Residential Facility, Residential Care  
4 Facility, Residential Care Facility for the Elderly or Alcohol or Drug Abuse Treatment  
5 Facility serving six (6) or fewer persons, the licensee, members of the licensee's family  
6 and persons employed as facility staff shall not be counted."

7 Section 11. Section 21.62g of Ordinance No. 348 is deleted in its entirety and replaced  
8 with the following:

9 "SINGLE HOUSEKEEPING UNIT. Any household whose members are a group of  
10 persons jointly occupying a single dwelling unit, including the joint use and responsibility  
11 for common areas, and sharing household activities and responsibilities such as meals,  
12 chores and expenses and where, if the unit is rented, all adult residents have chosen to  
13 jointly occupy the entire premises of the dwelling unit with joint use and responsibility for  
14 the premises, and the makeup of the household occupying the unit is determined solely by  
15 the residents of the unit rather than the landlord or property manager."

16 Section 12. The existing Sections 21.62g, 21.62h and 21.62i of Ordinance No. 348 are  
17 renumbered 21.62h, 21.62i and 21.62j respectively.

18 Section 13. Section 21.64a. of Ordinance No. 348 is deleted in its entirety.

19 Section 14. If any provision, clause, sentence or paragraph of this ordinance or the  
20 application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the  
21 other provisions of this ordinance which can be given effect without the invalid provision or application,  
22 and to this end, the provisions of this ordinance are hereby declared to be severable.

23 Section 15. This ordinance shall take effect thirty (30) days after its adoption.

24  
25 BOARD OF SUPERVISORS OF THE COUNTY  
26 OF RIVERSIDE, STATE OF CALIFORNIA

27 By: \_\_\_\_\_  
28 Chairman, Board of Supervisors



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ATTEST:  
CLERK OF THE BOARD

By: \_\_\_\_\_  
Deputy

(SEAL)

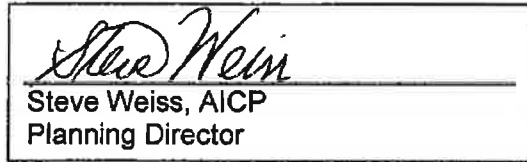
APPROVED AS TO FORM  
April \_\_, 2016

By: \_\_\_\_\_  
Michelle P. Clack  
Deputy County Counsel

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Agenda Item No.:  
 Area Plan: Countywide  
 Zoning All Zoning Areas and Zones  
 Supervisorial District: All Districts  
 Planning Commission: April 20, 2016

Ordinance No. 348.4835  
 CEQA Exempt  
 Applicant: County of Riverside



## COUNTY OF RIVERSIDE PLANNING DEPARTMENT STAFF REPORT

### PROJECT DESCRIPTION AND LOCATION:

Pursuant to the Board of Supervisors' direction on June 30, 2015, Ordinance No. 348.4835 modifies Article XIXe of Ordinance No. 348, per State law, clarifying where sober living homes, residential care and health facilities may operate in the County and the type of use permit, if any, is required for the use. Ordinance No. 348.4835 also adds reasonable accommodation provisions to Ordinance No. 348, and updates definitions to clarify and remove any inconsistencies that may result from the revisions made to Article XIXe.

### BACKGROUND:

In the past several years, counties and cities throughout the State, including Riverside County, have experienced an increase in single family dwellings being used as sober living homes within their jurisdictions. As a result of this increase, it is necessary to further refine provisions within Ordinance No. 348 related to where sober living homes and other group facilities may operate in the County.

Federal and State laws have long established the intent to provide persons with physical and developmental disabilities, and other special needs, the opportunity to live in residential surroundings where they can experience independence and participate in community life while also receiving services and care. Additionally, Federal and State Fair Housing laws were enacted to promote housing opportunities for all persons and prohibit discrimination against individuals with disabilities.

In compliance with Federal and State law, this Amendment's purpose is to preserve the peace, quiet and quality of life intended for residential neighborhoods, to clarify where licensed residential group and health facilities may operate in the County, to provide criteria for the establishment of sober living homes and to provide individuals with disabilities reasonable accommodations to ensure equal access to housing. These specific uses are described below.

#### 1. State Licensed Residential Group and Health Facilities with 6 or Fewer Persons

State law, including the Community Care Facilities Act and the Lanterman Act, require local governments to treat State licensed residential care facilities serving six or fewer person as a residential use. This means that all licensed facilities serving 6 or fewer persons must be regulated like one family dwellings. One family dwellings would include single family dwellings and units in multi-family dwellings, including apartments, mobilehomes, condominiums and townhouses.

This Amendment provides the following:

- defines the various types of residential care and health facilities

- allows these State licensed facilities to operate without requiring a use permit in all zone classifications where residential dwellings (one family dwellings and multiple family dwellings) are allowed
- requires these State licensed facilities to comply with the same zoning development standards as required for residential dwellings, and applicable health and safety regulations such as the Building and Fire Code requirements.

Enforcement

For State licensed residential group and health facilities serving 6 or fewer persons, the facility needs to comply with the following:

- State license requirements
- zone development standards
- all applicable Federal, State and local health and safety regulations such as Fire, Building and Noise regulations.

State license violations would be remedied by the appropriate State Department, which may include the Department of Social Services, the Department of Alcohol and Drug Programs or the Department of Health Services.

The County's Code Enforcement Department will pursue violations related to the County's development standards and compliance with County ordinances such as, but not limited to, Ordinance No. 457 (building requirements) and Ordinance No. 847 (noise regulations).

Both the State and County would be able to pursue actions against a facility operating without a license when a State license is required for the use. For the County, this would include a land use violation of Ordinance No. 348.

2. State Licensed Residential Group and Health Facilities with 7 or more Persons

The County may regulate State licensed residential group and health facilities serving 7 or more persons by requiring a use permit for these facilities, establishing where they can operate and requiring compliance with specific development standards.

This Amendment provides the following:

- requires a conditional use permit
- establishes the zone classifications where the facilities may operate with an approved conditional use permit
- sets forth the development standards for the facilities

Enforcement

For State licensed residential group and health facilities serving 7 or more persons, the facility needs to comply with the following:

- State license requirements
- County use permit requirements
- zone development standards
- all applicable Federal, State and local health and safety regulations such as Fire, Building and Noise regulations.

State license violations would be remedied by the appropriate State Department, which may include the Department of Social Services, the Department of Alcohol and Drug Programs or the Department of Health Services.

The County's Code Enforcement Department will pursue violations related to the County's development standards and compliance with County ordinances such as, but not limited to, Ordinance No. 348, Ordinance No. 457 and Ordinance No. 847.

Both the State and County would be able to pursue actions against a facility operating without a license when a State license is required for the use. For the County, this would include a land use violation of Ordinance No. 348.

### 3. Sober Living Homes

Sober Living Homes provide a substance free, mutually supporting living environment for persons recovering from alcohol and drug addiction. In contrast to Alcohol or Drug Abuse Treatment facilities, Sober Living Homes do not provide on-site care or services; therefore, a State license is not required for a Sober Living Home. Since there is no State license requirement, State statutes applicable to residential care facilities do not apply to Sober Living Homes.

However, certain Federal and State Fair Housing laws do apply because individuals recovering from alcohol and drug addiction are considered disabled and are protected from housing discrimination. This means that a local government cannot discriminate on the basis of the disability, and Sober Living Homes need to be treated as similar uses in residential zones. In accordance with the Fair Housing Act Amendments of 1988, local governments cannot discriminate against the disabled by establishing a bedroom/per occupant rule, imposing distance requirements between facilities or prohibiting Sober Living Homes from operating in residential neighborhoods.

This Amendment provides the following:

- defines a Sober Living Home
- considers a Sober Living Home a residential use of the property
- establishes characteristics for Sober Living Homes
- establishes where Sober Living Homes may operate without requiring a use permit

### Enforcement

For Sober Living Homes, the home needs to comply with the following:

- the Sober Living Home definition
- zone development standards
- all of the Sober Living Home characteristics
- all applicable Federal, State and local health and safety regulations such as Fire, Building and Noise regulations.

One of the characteristics for a Sober Living Home is that it maintains current membership in a recognized nonprofit organization of sober living homes. Membership in these organizations identifies the homes as being safe, clean, well-managed and sets forth standards for the homes. Locally, the Riverside County Sober Living Coalition is a member of the Sober Living Network. The Sober Living Network requires, among others, that member homes be maintained in a manner consistent with other homes in the neighborhood, be responsive to neighbors' complaints, enforce a drug and alcohol free environment and cooperate in regular inspections. These local coalitions can be a tool to ensure Sober Living Homes are being good neighbors and are maintained properly.

The County's Code Enforcement Department will also pursue violations related to the County's development standards and compliance with County ordinances such as, but not limited to, Ordinance No. 457 and Ordinance No. 847.

**4. Reasonable Accommodations**

Federal and State Fair Housing laws prohibit discrimination against individuals with disabilities in housing and require local governments to provide flexibility in the application of land use, zoning and building regulations to individuals with disabilities or developers of housing for persons with disabilities. In regards to land use, zoning and building regulations, reasonable accommodations are appropriate modifications and adjustments to the regulations to ensure all people have equal access to housing opportunities. As provided in this amendment, the reasonable accommodations provisions of this amendment will provide this flexibility and provide relief from land use and building regulations that have the effect of discriminating against individuals with disabilities. Additionally, these provisions assist the County in complying with Government Code section 65583(c)(3) which requires the County's Housing Element to address governmental constraints to the development of housing for persons with disabilities.

**5. Definitions**

This amendment also revises the definitions of Boarding House, Family, Half Way House and Parolee-Probationer Home. A definition of Single Housekeeping Unit is added to Ordinance No. 348, and the existing definitions for Congregate Care Facility and State Residential Care Facility are deleted from Ordinance No. 348. These revisions are being made to ensure there are no inconsistencies within Ordinance No. 348 and the revisions proposed by this amendment.

**RECOMMENDATIONS:**

**THE PLANNING COMMISSION RECOMMENDS THAT THE BOARD OF SUPERVISORS TAKE THE FOLLOWING ACTIONS:**

**FIND** that the proposed amendment is exempt from CEQA pursuant to State CEQA Guidelines sections 15061(b)(3), 15301 (existing facilities) and 15303 (new construction or conversion of small structures) based on the findings set forth herein and the conclusion that the project will not have a significant effect on the environment; and,

**ADOPT** Ordinance No. 348.4835 based upon the findings and conclusions incorporated in the staff report.

**FINDINGS:**

1. The proposed amendment applies to all unincorporated areas of Riverside County.
2. Federal and State Fair Housing laws, including the Fair Housing Act and the California Fair Employment and Housing Act, prohibit enforcement of zoning regulations that discriminate against equal housing opportunities for the handicapped.
3. Federal and State Fair Housing laws prohibit discrimination against individuals with disabilities in housing and require local governments to provide flexibility in the application of land use, zoning and building regulations to individuals with disabilities or developers of housing for persons with disabilities.

4. State law, including the Community Care Facilities Act and the Lanterman Developmental Disabilities Act, provides that whether or not unrelated persons are living together, residential care and health facilities that serves six or fewer persons shall be considered a residential use of property and that no conditional use permit, zoning variance, or other zoning clearance shall be required of a residential facility that serves six or fewer persons that is not required of a family dwelling of the same type in the same zone.
5. Pursuant to Article XI, Section 7 of the California Constitution, a county may make and enforce within its limits all local, police, sanitary and other ordinances and regulations not in conflict with general laws.
6. Ordinance No. 348.4835 is exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines sections 15061(b)(3), 15301 (existing facilities) and 15303 (new construction or conversion of small structures). CEQA Guidelines Section 15301 exempts from CEQA the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures or facilities involving negligible or no expansion of use beyond that existing at the time of the lead agency determination. Additionally, State CEQA Guidelines section 15303 exempts from CEQA the construction or conversion of small structures. Examples of this exemption include, but are not limited to, one single-family residence in a residential zone, a duplex or similar multi-family residential structure totaling no more than four dwelling units and a store, office or similar structure not exceeding 2500 square feet in floor area. At this time, it is not known specifically where in the County's unincorporated area sober living homes or residential group and health facilities for six or fewer persons will operate. However, these uses are considered residential uses, and will most likely operate in existing or new one family or multiple family dwellings. Therefore, these residential uses are exempt from CEQA because they will involve the construction of small structures or will be located in existing structures or facilities.

Additionally, Ordinance No. 348.4835 does not permit residential group and health facilities serving more than 6 people as a use by right. It only establishes what zones these facilities are allowed in and that a conditional use permit is required for the use. As a result, no new land disturbance or development projects are associated with Ordinance No. 348.4835. Additionally, the reasonable accommodation provisions of the proposed amendment only establish the procedures to request reasonable accommodations in land use and zoning regulations for persons with disabilities. Therefore, the proposed amendment is also exempt from CEQA pursuant to State CEQA Guidelines section 15061(b)(3) because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

#### **CONCLUSIONS:**

1. The proposed project is in conformance with the Land Use Designations of the unincorporated area of Riverside County, and with all other elements of the Riverside County General Plan.
2. The proposed ordinance amendment is consistent with the zoning classifications of Ordinance No. 348, and with all other applicable provisions of Ordinance No. 348.
3. The public's health, safety, and general welfare are protected through project design.

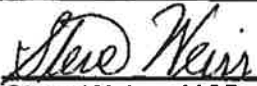
4. The proposed project will not have a significant effect on the environment.

**INFORMATIONAL ITEMS:**

1. As of this writing, no letters, in support or opposition have been received.

Agenda Item No.: 3.1  
Area Plan: Countywide  
Zoning All Zoning Areas and Zones  
Supervisorial District: All Districts  
Planning Commission: May 18, 2016  
Continued From: April 20, 2016

Ordinance No. 348.4835  
CEQA Exempt  
Applicant: County of Riverside



Steve Weiss, AICP  
Planning Director

## COUNTY OF RIVERSIDE PLANNING DEPARTMENT STAFF REPORT

### PROJECT DESCRIPTION AND LOCATION:

Pursuant to the Board of Supervisors' direction on June 30, 2015, Ordinance No. 348.4835 modifies Article XIXe of Ordinance No. 348, per State law, clarifying where sober living homes, residential care and health facilities may operate in the County and the type of use permit, if any, required for the use. Ordinance No. 348.4835 also adds reasonable accommodation provisions to Ordinance No. 348, and updates definitions to clarify and remove any inconsistencies that may result from the revisions made to Article XIXe.

### Further Planning Considerations:

On April 20, 2016, the Planning Commission continued Ordinance No. 348.4835 to May 18, 2016, to allow staff to contact the Sheriff's Department, the Code Enforcement Department and representatives from local sober living coalitions. Staff met with these Departments and also spoke with David Sheridan, Executive Director of The Sober Living Network, to discuss the purpose of the proposed ordinance and to receive information related to sober living homes.

During the April 20<sup>th</sup> hearing, the Planning Commission raised questions concerning standards, referrals and complaints related to sober living homes. The Sober Living Network is a nonprofit organization dedicated to promoting excellence in the operation and management of sober living homes. Attached to this staff report are The Sober Living Network's standards for quality sober living homes. Annual inspections of the sober living homes are conducted to ensure compliance with these standards. Additionally, in speaking with Mr. Sheridan, it was explained that referrals to sober living homes are generally made by doctors, the court system, family members and treatment centers for persons who completed recovery treatment.

The Code Enforcement Department also reviewed cases countywide from 2004 to 2016 related to sober living homes. During this time period, approximately 16 complaints were received on sober living homes. The majority of the complaints came from the Third Supervisorial District and focused on concerns with occupancy, location, potential crime increase, traffic and noise. Upon investigation of the complaints, Code Enforcement found no violations related to sober living homes. Focusing on the Third District, which had the majority of complaints, the Sheriff's Department reviewed service calls for sober living homes located within the Wine Country area. During the past two years, there have been no service calls to the sober living home addresses.



**BACKGROUND:**

In the past several years, counties and cities throughout the State, including Riverside County, have experienced an increase in single family dwellings being used as sober living homes within their jurisdictions. As a result of this increase, it is necessary to further refine provisions within Ordinance No. 348 related to where sober living homes and other group facilities may operate in the County.

Federal and State laws have long established the intent to provide persons with physical and developmental disabilities, and other special needs, the opportunity to live in residential surroundings where they can experience independence and participate in community life while also receiving services and care. Additionally, Federal and State Fair Housing laws were enacted to promote housing opportunities for all persons and prohibit discrimination against individuals with disabilities.

In compliance with Federal and State law, this Amendment's purpose is to preserve the peace, quiet and quality of life intended for residential neighborhoods, to clarify where licensed residential group and health facilities may operate in the County, to provide criteria for the establishment of sober living homes and to provide individuals with disabilities reasonable accommodations to ensure equal access to housing. These specific uses are described below.

**1. State Licensed Residential Group and Health Facilities with 6 or Fewer Persons**

State law, including the Community Care Facilities Act and the Lanterman Act, require local governments to treat State licensed residential care facilities serving six or fewer person as a residential use. This means that all licensed facilities serving 6 or fewer persons must be regulated like one family dwellings. One family dwellings would include single family dwellings and units in multi-family dwellings, including apartments, mobilehomes, condominiums and townhouses.

This Amendment provides the following:

- defines the various types of residential care and health facilities
- allows these State licensed facilities to operate without requiring a use permit in all zone classifications where residential dwellings (one family dwellings and multiple family dwellings) are allowed
- requires these State licensed facilities to comply with the same zoning development standards as required for residential dwellings, and applicable health and safety regulations such as the Building and Fire Code requirements.

**Enforcement**

For State licensed residential group and health facilities serving 6 or fewer persons, the facility needs to comply with the following:

- State license requirements
- zone development standards
- all applicable Federal, State and local health and safety regulations such as Fire, Building and Noise regulations.

State license violations would be remedied by the appropriate State Department, which may include the Department of Social Services, the Department of Alcohol and Drug Programs or the Department of Health Services.

The County's Code Enforcement Department will pursue violations related to the County's development standards and compliance with County ordinances such as, but not limited to, Ordinance No. 457 (building requirements) and Ordinance No. 847 (noise regulations).

Both the State and County would be able to pursue actions against a facility operating without a license when a State license is required for the use. For the County, this would include a land use violation of Ordinance No. 348.

**2. State Licensed Residential Group and Health Facilities with 7 or more Persons**

The County may regulate State licensed residential group and health facilities serving 7 or more persons by requiring a use permit for these facilities, establishing where they can operate and requiring compliance with specific development standards.

This Amendment provides the following:

- requires a conditional use permit
- establishes the zone classifications where the facilities may operate with an approved conditional use permit
- sets forth the development standards for the facilities

**Enforcement**

For State licensed residential group and health facilities serving 7 or more persons, the facility needs to comply with the following:

- State license requirements
- County use permit requirements
- zone development standards
- all applicable Federal, State and local health and safety regulations such as Fire, Building and Noise regulations.

State license violations would be remedied by the appropriate State Department, which may include the Department of Social Services, the Department of Alcohol and Drug Programs or the Department of Health Services.

The County's Code Enforcement Department will pursue violations related to the County's development standards and compliance with County ordinances such as, but not limited to, Ordinance No. 348, Ordinance No. 457 and Ordinance No. 847.

Both the State and County would be able to pursue actions against a facility operating without a license when a State license is required for the use. For the County, this would include a land use violation of Ordinance No. 348.

**3. Sober Living Homes**

Sober Living Homes provide a substance free, mutually supporting living environment for persons recovering from alcohol and drug addiction. In contrast to Alcohol or Drug Abuse Treatment facilities, Sober Living Homes do not provide on-site care or services; therefore, a State license is not required for a Sober Living Home. Since there is no State license requirement, State statutes applicable to residential care facilities do not apply to Sober Living Homes.

However, certain Federal and State Fair Housing laws do apply because individuals recovering from alcohol and drug addiction are considered disabled and are protected from housing discrimination. This means that a local government cannot discriminate on the basis of the disability, and Sober Living

Homes need to be treated as similar uses in residential zones. In accordance with the Fair Housing Act Amendments of 1988, local governments cannot discriminate against the disabled by establishing a bedroom/per occupant rule, imposing distance requirements between facilities or prohibiting Sober Living Homes from operating in residential neighborhoods.

This Amendment provides the following:

- defines a Sober Living Home
- considers a Sober Living Home a residential use of the property
- establishes characteristics for Sober Living Homes
- establishes where Sober Living Homes may operate without requiring a use permit

#### Enforcement

For Sober Living Homes, the home needs to comply with the following:

- the Sober Living Home definition
- zone development standards
- all of the Sober Living Home characteristics
- all applicable Federal, State and local health and safety regulations such as Fire, Building and Noise regulations.

One of the characteristics for a Sober Living Home is that it maintains current membership in a recognized nonprofit organization of sober living homes. Membership in these organizations identifies the homes as being safe, clean, well-managed and sets forth standards for the homes. Locally, the Riverside County Sober Living Coalition is a member of the Sober Living Network. The Sober Living Network requires, among others, that member homes be maintained in a manner consistent with other homes in the neighborhood, be responsive to neighbors' complaints, enforce a drug and alcohol free environment and cooperate in regular inspections. These local coalitions can be a tool to ensure Sober Living Homes are being good neighbors and are maintained properly.

The County's Code Enforcement Department will also pursue violations related to the County's development standards and compliance with County ordinances such as, but not limited to, Ordinance No. 457 and Ordinance No. 847.

#### 4. Reasonable Accommodations

Federal and State Fair Housing laws prohibit discrimination against individuals with disabilities in housing and require local governments to provide flexibility in the application of land use, zoning and building regulations to individuals with disabilities or developers of housing for persons with disabilities. In regards to land use, zoning and building regulations, reasonable accommodations are appropriate modifications and adjustments to the regulations to ensure all people have equal access to housing opportunities. As provided in this amendment, the reasonable accommodations provisions of this amendment will provide this flexibility and provide relief from land use and building regulations that have the effect of discriminating against individuals with disabilities. Additionally, these provisions assist the County in complying with Government Code section 65583(c)(3) which requires the County's Housing Element to address governmental constraints to the development of housing for persons with disabilities.

#### 5. Definitions

This amendment also revises the definitions of Boarding House, Family, Half Way House and Parolee-Probationer Home. A definition of Single Housekeeping Unit is added to Ordinance No. 348, and the existing definitions for Congregate Care Facility and State Residential Care Facility are deleted from

Ordinance No. 348. These revisions are being made to ensure there are no inconsistencies within Ordinance No. 348 and the revisions proposed by this amendment.

**RECOMMENDATIONS:**

**THE PLANNING COMMISSION RECOMMENDS THAT THE BOARD OF SUPERVISORS TAKE THE FOLLOWING ACTIONS:**

**FIND** that the proposed amendment is exempt from CEQA pursuant to State CEQA Guidelines sections 15061(b)(3), 15301 (existing facilities) and 15303 (new construction or conversion of small structures) based on the findings set forth herein and the conclusion that the project will not have a significant effect on the environment; and,

**ADOPT** Ordinance No. 348.4835 based upon the findings and conclusions incorporated in the staff report.

**FINDINGS:**

1. The proposed amendment applies to all unincorporated areas of Riverside County.
2. Federal and State Fair Housing laws, including the Fair Housing Act and the California Fair Employment and Housing Act, prohibit enforcement of zoning regulations that discriminate against equal housing opportunities for persons with disabilities.
3. Federal and State Fair Housing laws prohibit discrimination against individuals with disabilities in housing and require local governments to provide flexibility in the application of land use, zoning and building regulations to individuals with disabilities or developers of housing for persons with disabilities.
4. State law, including the Community Care Facilities Act and the Lanterman Developmental Disabilities Act, provides that whether or not unrelated persons are living together, residential care and health facilities that serves six or fewer persons shall be considered a residential use of property and that no conditional use permit, zoning variance, or other zoning clearance shall be required of a residential facility that serves six or fewer persons that is not required of a family dwelling of the same type in the same zone.
5. Pursuant to Article XI, Section 7 of the California Constitution, a county may make and enforce within its limits all local, police, sanitary and other ordinances and regulations not in conflict with general laws.
6. Ordinance No. 348.4835 is exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines sections 15061(b)(3), 15301 (existing facilities) and 15303 (new construction or conversion of small structures). CEQA Guidelines Section 15301 exempts from CEQA the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures or facilities involving negligible or no expansion of use beyond that existing at the time of the lead agency determination. Additionally, State CEQA Guidelines section 15303 exempts from CEQA the construction or conversion of small structures. Examples of this exemption include, but are not limited to, one single-family residence in a residential zone, a duplex or similar multi-family residential structure totaling no more than four dwelling units and a store, office or similar structure not exceeding 2500 square feet in floor area.

At this time, it is not known specifically where in the County's unincorporated area sober living homes or residential group and health facilities for six or fewer persons will operate. However, these uses are considered residential uses, and will most likely operate in existing or new one family or multiple family dwellings. Therefore, these residential uses are exempt from CEQA because they will involve the construction of small structures or will be located in existing structures or facilities.

Additionally, Ordinance No. 348.4835 does not permit residential group and health facilities serving more than 6 people as a use by right. It only establishes what zones these facilities are allowed in and that a conditional use permit is required for the use. As a result, no new land disturbance or development projects are associated with Ordinance No. 348.4835. Additionally, the reasonable accommodation provisions of the proposed amendment only establish the procedures to request reasonable accommodations in land use and zoning regulations for persons with disabilities. Therefore, the proposed amendment is also exempt from CEQA pursuant to State CEQA Guidelines section 15061(b)(3) because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

**CONCLUSIONS:**

1. The proposed project is in conformance with the Land Use Designations of the unincorporated area of Riverside County, and with all other elements of the Riverside County General Plan.
2. The proposed ordinance amendment is consistent with the zoning classifications of Ordinance No. 348, and with all other applicable provisions of Ordinance No. 348.
3. The public's health, safety, and general welfare are protected through project design.
4. The proposed project will not have a significant effect on the environment.

**INFORMATIONAL ITEMS:**

1. As of this writing, no letters, in support or opposition have been received.



## Standard for Quality Sober Living Homes

### Baseline Standard for Committee Review and Comments

Revision draft October 1, 2011

Draft revised March 30, 2012

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#### Introduction and Purpose

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**This Standard sets forth the minimum requirements that any quality sober living home must meet. These requirements are based on the combined experience of hundreds of sober living homes over decades of operation. The Standard is compatible with a wide variety of home organizational models.**

**The revised Standard for Quality Sober Living Homes will, when approved, apply to all sober living homes affiliated with the Sober Living Network through its recognized and affiliated Sober Living Coalitions. The Standard will be maintained by the Network Standards Committee and may be amended in a manner determined by the Network Board of Directors in consultation with its affiliated Coalitions.**

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#### Section 1: Safety, maintenance, appearance, space requirements

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A good home is safe, well maintained, has suitable space for its residents and is in keeping with neighborhood standards.

1. The home's appearance must be neat, and the home and grounds maintained in a manner consistent with other homes in the neighborhood.
2. The home must be equipped and furnished in accordance with Coalition inspection guidelines.
3. The home must meet all health and safety standards established by the Coalition and included in their inspection guidelines.
4. Common areas must be adequate for the number of residents in the home, and must be freely accessible to all residents.
5. The home must, to the extent possible, not give any outward indication that it is a sober living home. Exceptions include signage for homes in commercial zones, homes which are located in commercial or similar structures and homes which are not in single family residential neighborhoods.
6. Garages, outbuildings and similar structures, temporary structures and common areas may not be used as sleeping quarters.
7. Bedroom occupancy must conform to Coalition guidelines.
8. Bedroom and dwelling occupancy may not exceed the dwelling's legal capacity as defined by the town or city's fire and safety codes applicable to all residences in the neighborhood.

9. If the city, town or comparable jurisdiction in which the home is located imposes occupancy limits or other requirements which do not apply equally to all dwellings in the neighborhood regardless of the type of household, violation of such limits is not construed as a violation of this Standard.
10. Homes are expected to be responsive to neighbors' complaints with respect to secondhand smoke. Smoking areas must not abut adjacent property or allow excessive smoke to enter neighboring homes or yards.
11. Coed homes must have separate bathrooms for each gender, provide clearly separated living quarters and otherwise be suitable for a mixed population.
12. Parent/Child homes must provide suitable, safe play areas for children.
13. Parent/Child homes must ensure adequate supervision of children whose parents are absent from the home.

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## **Section 2: Admission requirements, forms, documentation, record keeping and reporting**

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Sober living homes are first and foremost families of people in recovery, living together for mutual support. Appropriate admission guidelines ensure that residents are compatible, and that they are united by a desire to further their recovery from addiction. The application and admission process supports full disclosure to potential residents about their rights and obligations, and establishes a mutual understanding of the recovery goals of the home.

1. Applicants admitted for residence must suffer from, and be in active recovery from, at least one treatable substance use disorder including alcoholism and/or drug addiction, regardless of other addictions or behavioral health conditions from which they may also suffer.
2. All applicants must be able to engage independently in major life activities including eating, dressing, bathing and other activities consistent with independent living.
3. Applicants must have the firm intention of remaining clean and sober, and of actively engaging in a program of recovery.
4. Applicants must be assessed for their ability to become part of a harmonious home environment, taking into consideration the needs of individual residents and the character of the existing resident family.
5. Minors may not be admitted as residents in any home which also houses residents over the age of 18, except for minor children of parents admitted as residents of approved parent/child homes
6. Applicants must be fully informed of all fees and charges for which they will be responsible
7. Homes must disclose refund policies to applicants in advance of acceptance into the home, and before accepting any applicant funds.
8. Applicants must be informed about policies regarding abstinence, toxicology testing, recovery participation and other requirements.
9. Applicants must receive a complete written set of house rules and other requirements of residence.

10. Applications must include the name and contact information for person(s) to be contacted in case of an emergency.
11. Applicants must be advised of house policies on medications, and must explicitly consent to such policies before being accepted as residents.
12. Residents must be informed that the home is a family unit, and that they do not have personal property rights in any specific portion of the home.
13. Applicants must be informed of their rights to avail themselves of Coalition grievance procedures, including contact information for designated Coalition staff.
14. The Coalition will review the home's application and intake documents as part of the inspection process. The Coalition reserves the right to disapprove or request modifications to documents based on policies it publishes and distributes to members. The Coalition will maintain a family of pre-approved intake and related documents for optional use by member homes.
15. Applicant and resident records are confidential documents, and must be treated as such. All such records must be maintained in a secure and locked location either on or off premises.
16. Records maintained electronically must not be accessible to residents or others, except for those explicitly delegated with the authority to view such information.

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### **Section 3: Abstinence, enforcement, testing**

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The heart of the sober living experience is the process of learning how to live a life free from drugs and alcohol. Requirements in this section support the important aspects of enforcing abstinence and of managing relapse situations. Other requirements ensure that toxicology screening is conducted in a consistent and fair manner by competent and trained individuals.

1. The home must document its disciplinary processes for residents who test positive for prohibited substances or who are otherwise determined to be in violation of abstinence rules.
2. The home must have and uniformly enforce a written toxicology testing protocol.
3. The home must document the training given to residents or staff responsible for administering toxicology tests.

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### **Section 4: Resident rights to quiet enjoyment of home and premises**

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Residents are a family, and entitled to the peaceful enjoyment of their home and property. Homes serving both men and women must meet additional requirements to ensure the privacy and safety of their residents. Resident rights to utilize common areas must be consistent with the family nature of the household.

1. Bedroom doors must not have locks, except that a manager in residence, living in a private room, may have a lockable door.
2. Access to bedrooms may be limited to the room's residents.
3. Parent/Child homes serving women with children must not permit adult males to reside in the home.
4. Homes serving parents with minor children must be suitable for such purposes.



5. Access to areas of the home permitted to some residents must be permitted to all residents, with exceptions for designated office and confidential records location as noted elsewhere herein.
6. An office for administrative activities and records storage may be maintained in the home, may be locked, and may be off limits to residents except with permission.
7. Businesses unrelated to or inconsistent with the private residential character of the home may not be operated on the home's premises.

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## Section 5: Inspections

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Regular inspections are part of ensuring, for residents and the public, that your home meets the high standards expected. Cooperation is essential to the proper functioning of the inspection and quality assurance process. These requirements ensure the smooth functioning of the inspection process, and clarify the scope of Coalition inspections.

1. The home must comply with Coalition inspection procedures, including reasonable requests for inspection of the premises and business documents as described in the Coalition's inspection guidelines.
2. The home operator must cooperate with Coalition inspectors in their investigation of complaints involving the home, including providing access to premises, records and persons involved in the dispute.
3. Inspections may include review of remediation steps taken to resolve disputes with either residents or community members.
4. A single gender home may not convert to co-ed without a Coalition re-inspection and certification that the home is suitable for a co-ed population

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## Section 6: House rules

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House rules are an important component of a safe and supportive recovery environment. Homes take a variety of structural approaches in this regard. The Standard does not specify what rules a home may adopt and enforce. Rather it specifies elements which must be present in house rules. Prohibitions include weapons, physical violence, threats of violence, abusive behavior or language. These requirements apply to house rules generally, regardless of the form of home organization or the resident community.

1. Abstinence is required of all residents. Abstinence requirements are not violated for certain medications taken as prescribed by physicians aware of the resident's substance use disorder, and where such medications are consistent with the home's published medication guidelines.
2. House rules must be based on respect for the dignity of the individual.
3. Threats, antisocial conduct, lewdness and behavior which violates the principle of respect for the individual must be strictly prohibited, and the prohibitions must be strictly enforced.
4. All residents must be actively involved in self-directed recovery program activities.

5. Rights of residents to avail themselves of Coalition grievance procedures must be posted in a common area and easily readable by residents.
6. Resident use of marijuana, even with a doctor's prescription, is not permitted. Coalitions may review and approve requests for individual exceptions to this requirement on a case-by-case basis, and may impose additional resident testing requirements in cases where a waiver is granted.
7. Policies on resident medications must be written, disclosed to residents and strictly followed.

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## **Section 7: Resolution of disputes, grievance processes**

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Prompt and effective dispute resolution is an important characteristic of a good home. Formal grievance procedures should be posted. Unresolved disputes and disagreements are detrimental to the recovery character of a home, and damage relations with the community.

1. In the event a resident is asked to leave the home, all reasonable efforts must be made to find alternative lodging, exception for immediate danger to health, safety and welfare of residents or the community.
2. The home must make arrangements with relocated residents for removal of personal possessions on mutually agreeable terms.
3. The home operator must make every reasonable effort to resolve resident disputes amicably and fairly.
4. Disputes between residents and either providers or staff must be resolved quickly and fairly whenever possible. Disputes which cannot be resolved within the family must be referred to the Coalition grievance committee.
5. The home must make all reasonable efforts to resolve neighborhood complaints brought to its attention.

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## **Section 8: Community relationships and good neighbor policies**

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Homes are expected to make a positive contribution to the life of the neighborhood. Homes which cause problems for neighbors are not providing their residents with the living skills that are an integral part of the sober living experience.

1. House rules must foster behavior among residents which is respectful of neighbors and the community.
2. Excessive neighborhood or community complaints are evidence of poor home management, and will be considered as possible grounds for termination of membership privileges.
3. Residents must be given the contact information of a responsible party representing the home, and instructed that the information must be provided to neighbors upon request.
4. A responsible party representing the home must respond to neighborhood complaints within 12 hours of receipt of a complaint, even if it is not possible to resolve the issue immediately.
5. Rules regarding noise, smoking, and loitering must be responsive to neighbors' reasonable complaints.

6. In neighborhoods where street parking is scarce, homes must have and enforce rules regarding parking courtesy such that residents do not monopolize parking in areas immediately adjacent to the home.

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## Section 9: Ethical behavior, business practices

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Ethical behavior toward residents and with the public is essential to maintaining the trust and confidence placed in your home. Residents in positions of authority, paid staff and provider representatives who have contact with residents have a special duty to conduct themselves with integrity and professionalism. All homes must sign and abide by a Code of Ethics. Homes must carry adequate insurance of the proper type, and must meet their financial reporting obligations to staff and contractors.

1. All staff with resident contact must be abstinent on premises and during work hours
2. The home is required to comply with local ordinances applicable to all comparable dwellings in the same neighborhood.
3. Staff who are in recovery must be and remain abstinent at all times, even if not a resident in the home.
4. Staff found to have violated abstinence regulations may not remain in positions of authority or responsibility in the home.
5. The home is required to comply with its Coalition code of ethics, and to be cooperative in Ethics Committee inquiries
6. Advertising and promotional material must not misrepresent physical accommodations, services offered or fees charged.
7. The home may not advertise that it provides treatment or other services for which a license is required, or the equivalent of such services.
8. Staff must never become involved in residents' personal financial affairs, including lending or borrowing money, or other transactions involving property or services, except that the home may make agreements with residents with respect to payment of fees.
9. Applications for new and renewal Coalition membership must be complete and truthful.
10. All staff is subject to toxicology testing on demand if requested to submit to testing by a Coalition officer. This requirement extends to any provider personnel who have regular resident contact.
11. Refunds consistent with the terms of a resident agreement must be provided within 10 business days, and preferably upon discharge.
12. The home must comply with reasonable requests by former residents to retrieve possessions left at the home. Personal possessions may not be retained to offset unpaid resident financial obligations.
13. Staff may not involve residents in outside business interests, except that information about opportunities for paid employment may be provided.
14. The home operator must, within 10 business days, inform the Coalition of any legal proceedings lodged against the home or against anyone in a position of responsibility or authority over

residents if such proceedings relate to or may reasonably affect the operation of the home.  
When in doubt, disclose.

15. No staff member may be sexually or romantically involved with a resident.
16. Violence or threats of violence by staff members against residents are not permitted under any circumstances, either on or away from the property.
17. Home must maintain insurance of the correct type and with minimum stipulated coverage
18. Homes must furnish individuals who are compensated for services, whether as employees or contractors, with Federal and state tax reporting forms within 30 days of the end of each year.

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## Section 10: Activities and services

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Activities should promote recovery and facilitate mutual recovery support among residents. Homes are encouraged to provide a variety of opportunities to engage in life-affirming recovery activities inside and outside the home. However, such activities should be voluntary on the part of residents to encourage independent living skills.

1. Home may not operate treatment programs for which a license is required. Homes affiliated with or under common ownership of organizations providing licensed treatment or mental health services may be Coalition members, provided that such licensed services are not provided in the home.
2. Weekly family meetings of residents are permitted and encouraged.
3. Residents may not engage in a trade or business based in the home which is not permitted in the neighborhood
4. Homes must ensure that residents are actively engaged in their self-determined programs of recovery.
5. Homes may promote activities inside and outside the home, provided that such services do not alter the family nature of the home.

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## Section 11: Training

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It is important that all persons in positions of authority or responsibility in the home, whether they are residents, alumni, non-residents or persons affiliated with the provider organization, receive proper training. The Network provides regular training workshops at locations throughout Southern California to ensure that requirements can be met.

1. Homes must comply with Network training requirements. Regardless of the minimum requirements in place, it is strongly advised that anyone in a position of responsibility or authority in the home receives Network training.
2. When member or home staff changes such that Network training requirements are no longer met, the home must ensure that replacement staff receives required training.
3. The home must ensure that all staff, including resident staff, who administer toxicology tests are trained in the proper administration of such tests, and must document that such training was provided.

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## Section 12: Coalition participation, additional requirements, revision of this Standard

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Good homes are active participants in their local Coalitions. Local Coalition rules dictate the majority of members' requirements and duties. Coalitions also have standards, which complement those detailed herein. Network and Coalition standards change from time to time. Homes may request waivers from some standards, under a formal process administered by the Coalition.

1. A member home must comply with meeting attendance, financial and other requirements established by their Coalition.
2. A member home may appeal adverse Coalition decisions against it to the Network Standards Committee if a home believes that the relevant Coalition regulation is in conflict with Network policy.
3. Homes may petition their Coalition for waivers from elements of this Standard, with certain exceptions.
4. Waiver requests must be in writing, must state the specific requirement or prohibition from which a waiver is requested, must clearly state the reasons for the waiver, and the amount of time for which the waiver is requested.
5. Waivers may not be granted from requirements for abstinence, abstinence verification, participation in resident-directed programs of recovery from addiction, behavioral and certain other requirements. Coalitions maintain and will provide detailed information about the waiver process.
6. Coalitions may impose additional requirements on their member homes, provided those requirements do not conflict with the requirements and prohibitions in this Standard.
7. Homes outside areas with existing, Network-affiliated coalitions may make independent application directly to the Network for membership.
8. This Standard is subject to change, and may be amended according to procedures established by the Sober Living Network in consultation with its affiliated Coalitions.



RIVERSIDE COUNTY  
PLANNING DEPARTMENT

**PLANNING COMMISSION  
MINUTE ORDER  
APRIL 20, 2016**

**I. AGENDA ITEM 4.2  
ORDINANCE NO. 348.4835**

**II. PROJECT DESCRIPTION:**

A Countywide amendment to Riverside County Ordinance No. 348, modifying Article XIXe of Ordinance No. 348 to clarify where sober living homes, residential care and residential health facilities may operate in the County of Riverside and the type of use permit, if any, is required for such uses consistent with State law. Ordinance No. 348. 4835 also adds reasonable accommodation provisions to Ordinance No. 348 and updates definitions to clarify and remove any inconsistencies that may result from the revisions made to Article XIXe.

**III. MEETING SUMMARY:**

The following staff presented the subject proposal:  
Project Planner: Larry Ross at 951-955-9294 or e-mail [lross@rctlma.org](mailto:lross@rctlma.org).

**IV. CONTROVERSIAL ISSUES:**

None.

**V. PLANNING COMMISSION ACTION:**

Public Comments: Open  
Motion by Commissioner Taylor Berger, 2<sup>nd</sup> by Commissioner Valdivia  
A vote of 5-0

**CONTINUED TO May 18, 2016.**

**CD** The entire discussion of this agenda item can be found on CD. For a copy of the CD, please contact Mary Stark, TLMA Commission Secretary, at (951) 955-7436 or email at [mcstark@rctlma.org](mailto:mcstark@rctlma.org).



RIVERSIDE COUNTY  
PLANNING DEPARTMENT

**PLANNING COMMISSION  
MINUTE ORDER  
MAY 18, 2016**

**I. AGENDA ITEM 3.1**

**ORDINANCE NO. 348.4835** – CEQA Exempt – is a Countywide amendment to Riverside County Ordinance No. 348, modifying Article XIXe of Ordinance No. 348 to clarify where sober living homes, residential care and residential health facilities may operate in the County of Riverside and the type of use permit, if any, is required for such uses consistent with State law. Ordinance No. 348.4835 also adds reasonable accommodation provisions to Ordinance No. 348 and updates definitions to clarify and remove any inconsistencies that may result from the revisions made to Article XIXe. Continued from April 20, 2016.

**II. MEETING SUMMARY:**

Project Planner: Larry Ross at 951-955-9294 or e-mail [lross@rctlma.org](mailto:lross@rctlma.org).

Spoke in favor of the proposed project:

- David Sheridan, Executive Director of the Sober Living Network
- Candy Stout, Riverside Sober Living Collation

No one spoke in a neutral position or in opposition.

County Staff that spoke:

- Captain Jeffrey Kubel, Sheriff's Department
- Captain Joseph Borja, Sheriff's Department
- Mary Ortiz, Code Enforcement

**III. CONTROVERSIAL ISSUES:**

None.

**IV. PLANNING COMMISSION ACTION:**

Public Comments: Closed

Motion by Commissioner Hake, 2<sup>nd</sup> by Commissioner Taylor Berger

A vote of 5-0

**The Planning Commission recommends that the Board of Supervisors take the following actions:**

**FIND that Ordinance No. 348.4835 Exempt from CEQA; and,**

**ADOPT Ordinance No. 348.4835, as modified at hearing.**

**CD** The entire discussion of this agenda item can be found on CD. For a copy of the CD, please contact Mary Stark, TLMA Commission Secretary, at (951) 955-7436 or email at [mcstark@rctlma.org](mailto:mcstark@rctlma.org).



# RIVERSIDE COUNTY PLANNING DEPARTMENT

Steve Weiss, AICP  
Planning Director

## NOTICE OF EXEMPTION

TO:  Office of Planning and Research (OPR) P.O. Box 3044 Sacramento, CA 95812-3044  
 County of Riverside County Clerk

FROM: Riverside County Planning Department  
 4080 Lemon Street, 12th Floor P. O. Box 1409 Riverside, CA 92502-1409

38686 El Cerrito Road Palm Desert, CA 92201

Project Title/Case No.: Ordinance No. 348.4835

Project Location: The unincorporated area of Riverside County

Project Description: Ordinance No. 348.4835 modifies Article XIXe of Ordinance No. 348, per State law, clarifying where sober living homes, residential care and health facilities may operate in the County and the type of use permit, if any, required for the use. Ordinance No. 348.4835 also adds reasonable accommodation provisions to Ordinance No. 348, and updates definitions to clarify and remove any inconsistencies that may result from the revisions made to Article XIXe.

Name of Public Agency Approving Project: County of Riverside

Project Applicant & Address: County of Riverside

**Exempt Status: (Check one)**

- Ministerial (Sec. 21080(b)(1); 15268)  Categorical Exemption (15301 and 15303)  
 Declared Emergency (Sec. 21080(b)(3); 15269(a))  Statutory Exemption ( )  
 Emergency Project (Sec. 21080(b)(4); 15269 (b)(c))  Other: 15061(b)(3)

Reasons why project is exempt: Ordinance No. 348.4835 is exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines sections 15061(b)(3), 15301 (existing facilities) and 15303 (new construction or conversion of small structures). CEQA Guidelines Section 15301 exempts from CEQA the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures or facilities involving negligible or no expansion of use beyond that existing at the time of the lead agency determination. Additionally, State CEQA Guidelines section 15303 exempts from CEQA the construction or conversion of small structures. Examples of this exemption include, but are not limited to, one single-family residence in a residential zone, a duplex or similar multi-family residential structure totaling no more than four dwelling units and a store, office or similar structure not exceeding 2500 square feet in floor area. At this time, it is not known specifically where in the County's unincorporated area sober living homes or residential group and health facilities for six or fewer persons will operate. However, these uses are considered residential uses, and will most likely operate in existing or new one family or multiple family dwellings. Therefore, these residential uses are exempt from CEQA because they will involve the construction of small structures or will be located in existing structures or facilities. Additionally, Ordinance No. 348.4835 does not permit residential group and health facilities serving more than 6 people as a use by right. It only establishes what zones these facilities are allowed in and that a conditional use permit is required for the use. As a result, no new land disturbance or development projects are associated with Ordinance No. 348.4835. Additionally, the reasonable accommodation provisions of the proposed amendment only establish the procedures to request reasonable accommodations in land use and zoning regulations for persons with disabilities. Therefore, the proposed amendment is also exempt from CEQA pursuant to State CEQA Guidelines section 15061(b)(3) because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

Larry Ross  
County Contact Person

951-955-9294  
Phone Number

\_\_\_\_\_  
Signature

Principal Planner  
Title

June 9, 2016  
Date

FOR COUNTY CLERK'S USE ONLY

