



Appeal of Planning Commission's Denial of Administrative Permit No. 22-015

City Council
November 7, 2023

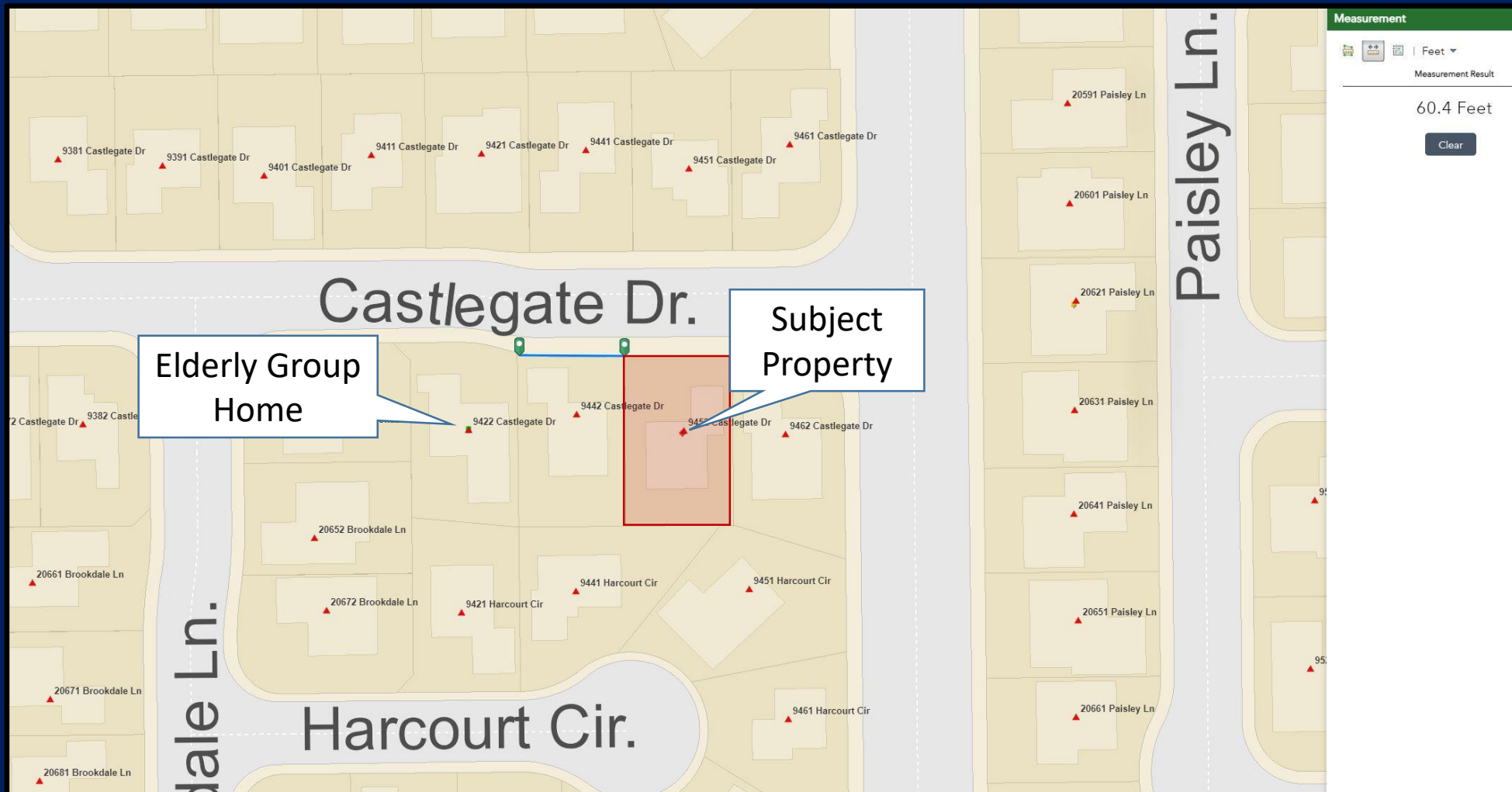
Request

- To provide reasonable accommodation to the operator of a sober living home on a property located 60 linear feet from an existing residential care facility
- Does not comply with required 1,000 linear foot buffer between group homes, sober living homes, or residential care facilities



Subject Property

- 9452 Castlegate Drive (Southside of Castlegate Drive, west of Bushard Street)



Background

- October 2020: City Council adopted group home regulations
 - HBZSO Section 230.28 Group Homes
- Ministerial approval of any group home or sober living home serving 6 or fewer persons via Special Use Permit (SUP)
- Require 1,000 linear foot buffer between each sober living home and/or residential care facility



Special Use Permit

- November 2022: Applicant files request for SUP No. 22-012
- Subject property (9452 Castlegate) does not comply with 1,000 buffer
 - Not eligible for ministerial approval
 - Application deemed void
 - No further action taken



Reasonable Accommodation

- Applicants with disabilities seeking relief from strict application of the regulations of HBZSO
- Requests processed as Administrative Permit
 - Reviewed and acted upon by Director of Community Development
- Procedures and necessary findings identified in Huntington Beach Municipal Code (HBMC) Chapter 17.77
- HBZSO Section 202.10 enables the Director of Community Development to refer matters involving development issues to the Planning Commission



Required Findings

- Five required findings when considering action on reasonable accommodation requests
 1. The housing, which is the subject of the request for reasonable accommodation, will be used by an individual protected under the Acts.
 2. The request for reasonable accommodation is necessary to make specific housing available to an individual protected under the Acts.

The request is not necessary to make such housing available to disabled individuals. The City has issued six SUPs that comply with regulations and multiple sober living beds are currently available.
 3. The requested reasonable accommodation will not impose an undue financial or administrative burden on the City.
 4. The requested reasonable accommodation will not require a fundamental alteration to the nature of a City program, or to the City's zoning or building laws, policies, or procedures.

The request would require a fundamental alteration to the City's zoning code, in that the subject property is within 288 linear feet of a residential care facility, which does not comply with the 1,000 minimum buffer.
 5. Not Applicable – Relates to housing in the Coastal Zone.



Planning Commission Action

- July 11, 2023: Planning Commission voted unanimously to deny request
- Property owner appealed decision to City Council on July 21, 2023



Planning Commission and Staff Recommendation

- Deny Administrative Permit No. 22-015
 - Request does not meet 2 of the 4 applicable findings for approval



Questions?

