

# Exhibit C

## ORDINANCE NO. 4212

### AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HUNTINGTON BEACH AMENDING CHAPTER 204 OF THE HUNTINGTON BEACH ZONING AND SUBDIVISION ORDINANCE TITLED USE CLASSIFICATIONS (ZONING TEXT AMENDMENT NO. 19-005)

THE CITY COUNCIL OF THE CITY OF HUNTINGTON BEACH MAKES THE  
FOLLOWING FINDINGS WITH RESPECT TO THE ADOPTION OF THIS ORDINANCE:

WHEREAS, under the California Constitution, Article XI, Section 7, the City has been granted broad police powers to preserve the residential characteristics of its RL, RHM, RH and RMP residential zones; and the residential portion of its Specific Plans, which powers have been recognized by both the California Supreme Court and United States Supreme Court, the latter of which has stated that, "It is within the power of the legislature to determine that the community should be beautiful as well as healthy, spacious as well as clean, well-balanced as well as carefully patrolled"; and

The Federal Fair Housing Act ("FHA") and the California Fair Employment Housing Act ("FEHA") prohibit enforcement of business regulation facially or effectively discriminate against equal housing opportunities for the disabled; and

A core purpose of the FHA and FEHA is to provide a broader range of housing opportunities to the disabled; to free the disabled, to the extent possible, from institutional style living; and to ensure that disabled persons may live in a similar fashion as non-disabled persons live in residential neighborhoods; and

To fulfill this purpose, the FHA and FEHA also require that the City provide reasonable accommodations to its zoning ordinances if such accommodation is necessary to afford a disabled person an equal opportunity to use and enjoy a dwelling; and

Any facility which provides non-medical alcoholism or drug abuse recovery, treatment, or detoxification services must obtain a license from the California Department of Alcohol and Drug Programs ("ADP"). Health & Safety Code section 11834.30 provides that no person "shall operate, establish, manage, conduct, or maintain an alcoholism or drug abuse recovery or

treatment facility to provide recovery, treatment, or detoxification services” with the State without first obtaining an ADP license; and

State law has preempted local regulation of ADP-licensed facilities, and requires that all California cities must permit in all residential zones pursuant to ADP-licensed facilities with six or fewer residents pursuant to Health and Safety Code Sections 11834.20 and 11834.23; and

A Group Home is residential facility that is being used as a supportive living environment for persons who are considered disabled under State or Federal law. Persons recovering from drug and/or alcohol addiction are considered disabled for the purposes of the FEHA and the Federal Americans with Disabilities Act (“ADA”); and

A Sober Living Home is a Group Home for persons who are recovering from a drug and/or alcohol addiction and who are considered handicapped under FEHA or ADA; and

The City of Huntington Beach has seen a sharp increase in the number of Sober Living Homes, which has generated secondary impacts including, but not limited to neighborhood parking shortfalls, overcrowding, inordinate amounts of second-hand smoke, and noise; and the clustering of Sober Living Homes in close proximity to each other creating near neighborhoods of Sober Living Homes; and

As of May 2020, the City has identified approximately 177 Sober Living Homes and residential care facilities in the multi-family and single-family residential zones; and

The number of Sober Living Homes in the City of Huntington Beach is rapidly increasing, leading to an overconcentration of Sober Living Homes in certain of the City’s residential neighborhoods, which is both deleterious to the residential character of these neighborhoods and may also lead to the institutionalization of such neighborhoods; and

The purpose of Sober Living Homes is to provide a comfortable living environment for persons with drug or alcohol addictions in which they remain clean and sober and can participate in a recovery program in a residential, community environment, and so that they have the opportunity to reside in the residential neighborhood of their choice; and

In enacting this Ordinance, the City Council of the City of Huntington Beach is attempting to strike a balance between the City's and residents' interests of preserving the characteristics of residential neighborhoods and to provide opportunities for the disabled to reside in such neighborhoods that are enjoyed by the non-disabled; and

Because of their extremely transient populations, above-normal numbers of individuals/adults residing in a single dwelling and the lack of regulations, Sober Living Homes present problems not typically associated with more traditional residential uses, including but not limited to: the housing of large numbers of unrelated adults who may or may not be supervised; disproportionate numbers of cars associated with a single housing unit, which causes disproportionate traffic and utilization of on-street parking; excessive noise and outdoor smoking, which interferes with the use and enjoyment of neighbors' use of their property; neighbors who have little to no idea who does and does not reside in the home; little to no participation in community activities that form and strengthen neighborhood cohesion; disproportional impacts from the average dwelling unit to nearly all public services including sewer, water, parks, libraries, transportation infrastructure, fire and police; a history of congregating in the same general area; and the potential influx of individuals with a criminal record; and

Housing inordinately large numbers of unrelated adults in a single dwelling or congregating Sober Living Homes in close proximity to each other does not provide the disabled with an opportunity to "live in normal residential surroundings," but rather places them into living environments bearing more in common with the types of institutional dormitory living that the FEHA and FHA were designed to avoid for the disabled, and which no reasonable person could contend provides a normal residential surrounding; and

Notwithstanding the above, the City Council recognizes that while not in character with residential neighborhoods, responsibly operated Sober Living Homes, and Group Homes, including Sober Living Homes, benefit society by providing the disabled the opportunity to live in residential neighborhoods, recovery programs for individuals attempting to overcome their drug and alcohol addictions, and providing Sober Living Homes greater access to residential zones; and

Without regulation there is no means of ensuring that (i) the individuals entering into Sober Living Homes are disabled individuals and entitled to reasonable accommodation under local and state law; (ii) the Sober Living Home is operated professionally to minimize impacts to the surrounding neighborhood; and (iii) the secondary impacts from over concentration of Sober Living Homes and Group Homes in a neighborhood and large numbers of unrelated adults residing in a single facility are lessened; and

At least some operators of Sober Living Homes and Group Homes are driven more by profit rather than intent to provide recovering addicts a realistic potential of sobriety, or a living environment resembling the manner in which the non-disabled use and enjoy a dwelling; and

The residents of Sober Living Homes and Group Homes come to the City from all parts of the country and often lack established ties to the community and a local support system independent of the Sober Living Home or Group Home; and consequently the residents are especially vulnerable to becoming homeless upon eviction; and

Is the intent of this Ordinance to require that operators of Group and Sober Living Homes provide the residents information regarding the available local housing resources prior to eviction from a Sober Living Home or Group Home; and

Pursuant to the California State Planning and Zoning Law, the Huntington Beach Planning Commission and Huntington Beach City Council have held separate, duly noticed public hearings to consider Zoning Text Amendment No. 19-005, which amends Chapter 204 of the Huntington Beach Zoning and Subdivision Ordinance relating to updated, clarified, and additional use classifications utilized within the ZSO.

After due consideration of the findings and recommendations of the Planning Commission and all other evidence presented, the City Council finds that the aforesaid amendment is proper and consistent with the General Plan;



NOW, THEREFORE, the City Council of the City of Huntington Beach does hereby ordain as follows:

SECTION 1. That Chapter 204 of the Huntington Beach Zoning and Subdivision Ordinance titled Use Classifications is hereby amended to read as follows:

**“204.06 Residential Use Classifications**

A. **Day Care, Limited (or Small-Family).** Non-medical care and supervision of six or fewer persons, or eight or fewer persons if two of the persons are six years of age or older, on a less than 24-hour basis. Children under the age of 10 years who reside in the home shall be counted for purposes of these limits. This classification includes nursery schools, preschools, and day-care centers for children and adults.

B. **Group Home.** A facility that is being used as a supportive living environment for persons who are considered disabled under State or Federal law. A Group Home operated by a single operator or service provider (whether licensed or unlicensed) constitutes a single facility, whether the facility occupies one (1) or more dwelling units. Group homes shall not include the following: (1) residential care facilities; (2) any unit operating as a single housekeeping unit.

C. **Group Residential.** Shared living quarters without separate kitchen or bathroom facilities for each room or unit. This classification includes boarding houses, but excludes residential hotels or motels, and Group Homes.

D. **Multifamily Residential.** Two or more dwelling units on a site. This classification includes manufactured homes.

E. **Referral Facility.** A Residential Care Facility, Group Home, or Sober Living Home where one or more person's residency in the facility is pursuant to a court order or directive from an agency in the criminal justice system.

F. **Residential Care Facility.** A residential facility licensed by the State where care, services, or treatment is provided to persons living in a supportive community residential setting. Residential care facilities include, but may not be limited to, the following: intermediate care facilities for the developmentally disabled (Health & Safety Code §§ 1267.8, 1267.9); community care facilities (Health & Safety Code § 1500 et seq.); residential care facilities for the elderly (Health & Safety Code § 1569 et seq.); residential care facilities for the chronically ill (22 C.C.R. § 87801(a)(5); Health & Safety Code §

1568.02); alcoholism and drug abuse facilities (Health & Safety Code §§ 11834.02—11834.30); pediatric day health and respite care facilities (Health & Safety Code § 1760 et seq.); residential health care facilities, including congregate living health facilities (Health & Safety Code §§ 1265—1271.1, 1250(i), 1250(e), (h)); family care home, foster home, group home for the mentally disordered or otherwise disabled persons or dependent and neglected children (Wel. & Inst. Code §§ 5115—5120).

G. **Single-Family Residential.** Buildings containing one dwelling unit located on a single lot. This classification includes manufactured homes.

H. **Sober Living Home.** A Group Home for persons who are recovering from a drug and/or alcohol addiction and who are considered disabled under State or Federal law. Sober Living Homes shall not include the following: (1) residential care facilities; (2) any unit operating as a single housekeeping unit.

I. **Supportive Housing.** Housing with no limit on length of stay that is occupied by the target population and is linked to on-site or off-site services that assist residents to retain the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community. On-site and off-site services may include, but are not limited to, after-school tutoring, child care, and career counseling. Supportive housing uses are subject only to those restrictions and processing requirements that apply to other residential dwellings of the same type in the same zone.

J. **Transitional Housing.** Temporary housing (generally six months to two years) for a homeless individual or family who is transitioning to permanent housing. This type of housing includes multi-family unit developments and often includes a supportive services component to allow individuals to gain necessary life skills in support of independent living. Transitional housing uses are subject only to those restrictions and processing requirements that apply to other residential dwellings of the same type in the same zone.

## **204.08 Public and Semipublic Use Classifications**

A. **Cemetery.** Land used or intended to be used for the burial of human remains and dedicated for cemetery purposes. Cemetery purposes include columbariums, crematoriums, mausoleums, and mortuaries operated in conjunction with the cemetery, business and administrative offices, chapels, flower shops, and necessary maintenance facilities.

B. **Clubs and Lodges.** Meeting, recreational, or social facilities of a private or nonprofit organization primarily for use by members or guests. This classification includes union halls, social clubs and youth centers.

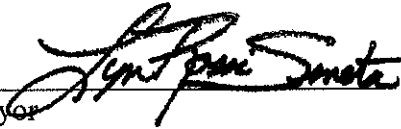
C. **Community and Human Service Facilities.**

1. Drug Abuse Centers. Facilities offering drop-in services for persons suffering from drug abuse, including treatment and counseling without provision for on-site residence or confinement.
2. Primary Health Care. Medical services, including clinics, counseling and referral services, to persons afflicted with bodily or mental disease or injury without provision for on-site residence or confinement.
3. Emergency Kitchens. Establishments offering food for the "homeless" and others in need.
4. Emergency Shelters. Establishments offering food and shelter programs for "homeless" people and others in need. This classification does not include facilities licensed for residential care, as defined by the State of California, which provide supervision of daily activities.
5. Residential Care, General. Twenty-four-hour non-medical care for seven or more persons, including wards of the juvenile court, in need of personal services, supervision, protection, or assistance essential for sustaining the activities of daily living. This classification includes only those facilities licensed by the State of California.


SECTION 2. All other provisions of Chapter 204 not modified herein shall remain in full force and effect.

SECTION 3. This ordinance shall become effective immediately 30 days after its adoption.

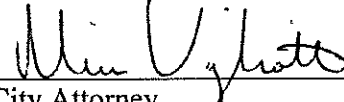
PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting thereof held on the 20th day of July, 2020.

  
\_\_\_\_\_  
Mayor


ATTEST:

  
\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
City Attorney

REVIEWED AND APPROVED:

  
\_\_\_\_\_  
City Manager

INITIATED AND APPROVED:

  
\_\_\_\_\_  
Director of Community Development

STATE OF CALIFORNIA                    )  
COUNTY OF ORANGE                    ) ss:  
CITY OF HUNTINGTON BEACH        )

I, ROBIN ESTANISLAU, the duly elected, qualified City Clerk of the City of Huntington Beach, and ex-officio Clerk of the City Council of said City, do hereby certify that the whole number of members of the City Council of the City of Huntington Beach is seven; that the foregoing ordinance was read to said City Council at a **Regular** meeting thereof held on **July 7, 2020**, and was again read to said City Council at a **Regular** meeting thereof held on **July 20, 2020**, and was passed and adopted by the affirmative vote of at least a majority of all the members of said City Council.

**AYES:**           Posey, Delgleize, Hardy, Semeta, Peterson, Carr, Brenden

**NOES:**           None

**ABSENT:**       None

**ABSTAIN:**      None

I, Robin Estanislau, CITY CLERK of the City of Huntington Beach and ex-officio Clerk of the City Council, do hereby certify that a synopsis of this ordinance has been published in the Huntington Beach Wave on July 30, 2020.

In accordance with the City Charter of said City.

Robin Estanislau, City Clerk

Donna Smith Deputy City Clerk

Robin Estanislau

City Clerk and ex-officio Clerk  
of the City Council of the City  
of Huntington Beach, California

ORDINANCE NO. 4213

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HUNTINGTON BEACH  
AMENDING TITLE 5 OF THE HUNTINGTON BEACH MUNICIPAL CODE TITLED  
BUSINESS LICENSES AND REGULATIONS  
(ZONING TEXT AMENDMENT NO. 19-005)

THE CITY COUNCIL OF THE CITY OF HUNTINGTON BEACH MAKES THE  
FOLLOWING FINDINGS WITH RESPECT TO THE ADOPTION OF THIS ORDINANCE:

Under the California Constitution, Article XI, Section 7, the City has been granted broad police powers to preserve the residential characteristics of its RL, RHM, RH and RMP residential zones; and the residential portion of its Specific Plans, which powers have been recognized by both the California Supreme Court and United States Supreme Court, the latter of which has stated that, "It is within the power of the legislature to determine that the community should be beautiful as well as healthy, spacious as well as clean, well-balanced as well as carefully patrolled"; and

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A core purpose of the FHA and FEHA is to provide a broader range of housing opportunities to the disabled; to free the disabled, to the extent possible, from institutional style living; and to ensure that disabled persons may live in a similar fashion as non-disabled persons live in residential neighborhoods; and

To fulfill this purpose, the FHA and FEHA also require that the City provide reasonable accommodations to its zoning ordinances if such accommodation is necessary to afford a disabled person an equal opportunity to use and enjoy a dwelling; and

Any facility which provides non-medical alcoholism or drug abuse recovery, treatment, or detoxification services must obtain a license from the California Department of Alcohol and Drug Programs ("ADP"). Health & Safety Code section 11834.30 provides that no person "shall operate, establish, manage, conduct, or maintain an alcoholism or drug abuse recovery or

treatment facility to provide recovery, treatment, or detoxification services” with the State without first obtaining an ADP license; and

State law has preempted local regulation of ADP-licensed facilities, and requires that all California cities must permit in all residential zones pursuant to ADP-licensed facilities with six or fewer residents pursuant to Health and Safety Code Sections 11834.20 and 11834.23; and

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A Sober Living Home is a Group Home for persons who are recovering from a drug and/or alcohol addiction and who are considered handicapped under FEHA or ADA; and

The City of Huntington Beach has seen a sharp increase in the number of Sober Living Homes, which has generated secondary impacts including, but not limited to neighborhood parking shortfalls, overcrowding, inordinate amounts of second-hand smoke, and noise; and the clustering of Sober Living Homes in close proximity to each other creating near neighborhoods of Sober Living Homes; and

As of May 2020, the City has identified approximately 177 Sober Living Homes and residential care facilities in the multi-family and single-family residential zones; and

The number of Sober Living Homes in the City of Huntington Beach is rapidly increasing, leading to an overconcentration of Sober Living Homes in certain of the City’s residential neighborhoods, which is both deleterious to the residential character of these neighborhoods and may also lead to the institutionalization of such neighborhoods; and

The purpose of Sober Living Homes is to provide a comfortable living environment for persons with drug or alcohol addictions in which they remain clean and sober and can participate in a recovery program in a residential, community environment, and so that they have the opportunity to reside in the residential neighborhood of their choice; and

In enacting this Ordinance, the City Council of the City of Huntington Beach is attempting to strike a balance between the City's and residents' interests of preserving the characteristics of residential neighborhoods and to provide opportunities for the disabled to reside in such neighborhoods that are enjoyed by the non-disabled; and

Because of their extremely transient populations, above-normal numbers of individuals/adults residing in a single dwelling and the lack of regulations, Sober Living Homes present problems not typically associated with more traditional residential uses, including but not limited to: the housing of large numbers of unrelated adults who may or may not be supervised; disproportionate numbers of cars associated with a single housing unit, which causes disproportionate traffic and utilization of on-street parking; excessive noise and outdoor smoking, which interferes with the use and enjoyment of neighbors' use of their property; neighbors who have little to no idea who does and does not reside in the home; little to no participation in community activities that form and strengthen neighborhood cohesion; disproportional impacts from the average dwelling unit to nearly all public services including sewer, water, parks, libraries, transportation infrastructure, fire and police; a history of congregating in the same general area; and the potential influx of individuals with a criminal record; and

Housing inordinately large numbers of unrelated adults in a single dwelling or congregating Sober Living Homes in close proximity to each other does not provide the disabled with an opportunity to "live in normal residential surroundings," but rather places them into living environments bearing more in common with the types of institutional dormitory living that the FEHA and FHA were designed to avoid for the disabled, and which no reasonable person could contend provides a normal residential surrounding; and

Notwithstanding the above, the City Council recognizes that while not in character with residential neighborhoods, responsibly operated Sober Living Homes, and Group Homes, including Sober Living Homes, benefit society by providing the disabled the opportunity to live in residential neighborhoods, recovery programs for individuals attempting to overcome their drug and alcohol addictions, and providing Sober Living Homes greater access to residential zones; and



Without regulation there is no means of ensuring that (i) the individuals entering into Sober Living Homes are disabled individuals and entitled to reasonable accommodation under local and state law; (ii) the Sober Living Home is operated professionally to minimize impacts to the surrounding neighborhood; and (iii) the secondary impacts from over concentration of Sober Living Homes and Group Homes in a neighborhood and large numbers of unrelated adults residing in a single facility are lessened; and

At least some operators of Sober Living Homes and Group Homes are driven more by profit rather than intent to provide recovering addicts a realistic potential of sobriety, or a living environment resembling the manner in which the non-disabled use and enjoy a dwelling; and

The residents of Sober Living Homes and Group Homes come to the City from all parts of the country and often lack established ties to the community and a local support system independent of the Sober Living Home or Group Home; and consequently the residents are especially vulnerable to becoming homeless upon eviction; and

Is the intent of this Ordinance to require that operators of Group and Sober Living Homes provide the residents information regarding the available local housing resources prior to eviction from a Sober Living Home or Group Home; and

Pursuant to the California State Planning and Zoning Law, the Huntington Beach Planning Commission and Huntington Beach City Council have held separate, duly noticed public hearings to consider Zoning Text Amendment No. 19-005, which amends Title 5 relating to updated, clarified, and site standards utilized within the HBMC.

After due consideration of the findings and recommendations of the Planning Commission and all other evidence presented, the City Council finds that the aforesaid amendment is proper and consistent with the General Plan;

NOW, THEREFORE, the City Council of the City of Huntington Beach does hereby ordain as follows:

SECTION 1. That Title 5 Business Licenses and Regulations of the Huntington Beach Municipal Code is hereby amended to read as follows:

Chapter 5.110 GROUP HOMES

5.110.010 Definitions.

The definitions set forth in Title 20 Chapter 203 of the ZSO Code shall apply to the provisions of this article unless otherwise provided for herein.

5.110.020 Zoning Regulations.

In addition to the requirements of this article, all group homes subject to this article shall comply with the requirements set forth in Title 23 Chapter 230.28 of the ZSO Code.

5.110.030 Operator's Permit Required.

It is unlawful for any person to operate, or to permit any person to operate, a group home on any property located within the RL, RM, RMH, RH, RMP, Specific Plan Residential or Specific Plan Mixed Use zone, without a valid permit issued for that group home pursuant to the provisions of this article.

5.110.040 Exceptions.

The requirements of this article shall not apply to:

- A. A group home that has six (6) or fewer occupants, not counting a house manager, and that is in compliance with the applicable provisions of Title 23 Chapters 230.28 of this Code;
- B. A state licensed alcoholism or drug abuse recovery or treatment facility; or
- C. A state licensed residential care facility.

5.110.050 Requirements for issuance of operator's permit.

- A. The owner/operator shall submit an application to the Finance Director that provides the following information:
  - 1. The name, address, phone number and driver's license number of the owner/operator;
  - 2. A live scan of the operator and/or house manager;

3. If the applicant and/or operator is a partnership, corporation, firm or association, then the applicant/operator shall provide the additional names and addresses as follows and such persons shall also sign the application:

- a. Every general partner of the partnership;
- b. Every owner with a controlling interest in the corporation; and
- c. The person designated by the officers of a corporation as set forth in a resolution of the corporation that is to be designated as the permit holder.

4. The license and permit history of the applicant(s), including whether such applicant(s), in previously operating a similar use in this or another city, county or state under license and/or permit, has had such license and/or permit revoked or suspended, and the reason therefor;

5. The name, address, phone number and driver's license number of the house manager;

6. A copy of the group home rules and regulations;

7. Written intake procedures;

8. The relapse policy;

9. An affirmation by the owner/operator that only residents (other than the house manager) who are disabled as defined by state and federal law shall reside at the group home;

10. Blank copies of all forms that all residents and potential residents are required to complete; and

11. A fee for the cost of processing of the application as set by resolution of the City Council.

B. Requirements for operation of group homes.

1. The group home has a house manager who resides at the group home or any multiple of persons acting as a house manager who are present at the group home on a twenty-four (24) hour basis and who are responsible for the day-to-day operation of the group home.

2. All garage and driveway spaces associated with the dwelling unit shall, at all times, be available for the parking of vehicles. Residents and the house manager may each only store or park a single vehicle at the dwelling unit or on any street within five hundred (500) feet of the dwelling unit. The vehicle must be operable and currently used as a primary form of transportation for a resident of the group home.
3. Occupants must not require and operators must not provide “care and supervision” as those terms are defined by Health and Safety Code section 1503.5 and section 80001(c)(3) of Title 22, California Code of Regulations.
4. Integral group home facilities are not permitted. Applicants shall declare, under penalty of perjury, that the group home does not operate as an integral use/facility.
5. If the group home operator is not the property owner, written approval from the property owner to operate a group home at the property.
6. At least forty-eight (48) hours prior to eviction from or involuntary termination of residency in a group home, the operator thereof shall:
  - a. Notify the person designated as the occupant’s emergency contact or contact of record that the occupant will no longer be a resident at the home;
  - b. Contact the Orange County Health Care Agency OC Links Referral Line or other entity designated by the City to determine the services available to the occupant, including, but not limited to, alcohol and drug inpatient and outpatient treatment;
  - c. Notify the city’s Homeless Task Force or its successor panel that an occupant is no longer a resident at the home, determine the services available therefrom; and
  - d. Provide the information obtained from paragraphs b and c of this subsection (B)(6) and any other treatment provider or service to the occupant prior to his or her release on a form provided by the city and obtain the occupant’s signed acknowledgement thereon;
  - e. Provided, however, that if the occupant’s behavior results in immediate termination of residency pursuant to rules approved by the city as part of the

special use permit for that facility, the operator shall comply with paragraphs a through e of this subsection B.6. as soon as possible.

7. Prior to an occupant's eviction from or involuntary termination of residency in a group home, the operator thereof shall also:

- a. Make available to the occupant transportation to the address listed on the occupant's driver license, state issued identification card, or the permanent address identified in the occupant's application or referral to the group home;
- b. Provided, however, that should the occupant decline transportation to his or her permanent address or otherwise has no permanent address, then the operator shall make available to the occupant transportation to another group home or residential care facility that has agreed to accept the occupant.

8. The group home operator shall maintain records for a period of one year following eviction from or involuntary termination of residency of an occupant that document compliance with subsections A.7. and A.8. of this section; provided, however, that nothing herein shall require an operator of a group home to violate any provision of state or federal law regarding confidentiality of health care information. The group home operator may not satisfy the obligations set forth in subsection A.8. by providing remuneration to the occupant for the cost of transportation.

9. All drivers of vehicles picking up or dropping off persons at a group home shall comply with all applicable provisions of this Code and the Vehicle Code, including, but not limited to, those provisions regulating licensure and parking, standing and stopping.

10. The property must be fully in compliance with all building codes, municipal code and zoning.

11. In addition to the regulations outlined above, the following shall also apply to Sober Living Homes:

- a. All occupants, other than the house manager, must be actively participating in legitimate recovery programs, including, but not limited to, Alcoholics Anonymous or Narcotics Anonymous and the Sober Living Home must maintain current records of meeting attendance. Under the Sober Living Home's rules and

regulations, refusal to actively participate in such a program shall be cause for eviction.

b. The Sober Living Home's rules and regulations must prohibit the use of any alcohol or any non-prescription drugs at the Sober Living Home or by any recovering addict either on or off site. The Sober Living Home must also have a written policy regarding the possession, use and storage of prescription medications. The facility cannot dispense medications but must make them available to the residents. The possession or use of prescription medications is prohibited except for the person to whom they are prescribed, and in the amounts/dosages prescribed. These rules and regulations shall be posted on site in a common area inside the dwelling unit. Any violation of this rule must be cause for eviction under the Sober Living Home's rules for residency and the violator cannot be re-admitted for at least ninety (90) days. Any second violation of this rule shall result in permanent eviction. Alternatively, the Sober Living Home must have provisions in place to remove the violator from contact with the other residents until the violation is resolved.

c. The number of occupants subject to the sex offender registration requirements of Penal Code section 290 does not exceed the limit set forth in Penal Code section 3003.5 and does not violate the distance provisions set forth in Penal Code section 3003.

d. The Sober Living Home shall have a written visitation policy that shall preclude any visitors who are under the influence of any drug or alcohol.

e. The Sober Living Home shall have a good neighbor policy that shall direct occupants to be considerate of neighbors, including refraining from engaging in excessively loud, profane or obnoxious behavior that would unduly interfere with a neighbor's use and enjoyment of their dwelling unit. The good neighbor policy shall establish a written protocol for the house manager/operator to follow when a neighbor complaint is received.

f. The Sober Living Home shall not provide any of the following services as they are defined by section 10501(a)(6) of Title 9, California Code of

Regulations: detoxification; educational counseling; individual or group counseling sessions; and treatment or recovery planning.

C. An applicant may seek relief from the strict application of this section by submitting an application to the Community Development Director setting forth specific reasons as to why accommodation over and above this section is necessary under state and federal laws, pursuant to Chapter 17.77 of this Code,

D. The operator's permit shall be issued by the Director if the applicant is in compliance, or, where applicable, has agreed to comply, with the requirements of subsections A. and B. above.

E. In addition to denying an application for failing to comply, or failing to agree to comply, with subsections A. and/or B. of this section, an operator's permit shall also be denied, and if already issued shall be revoked upon a hearing by the Director, under any of the following circumstances:

1. Any owner/operator or staff person has provided materially false or misleading information on the application or omitted any pertinent information.
2. Any owner/operator or staff person has an employment history in which he or she was terminated during the past two (2) years because of physical assault, sexual harassment, embezzlement or theft; falsifying a drug test; and selling or furnishing illegal drugs or alcohol.
3. Any owner/operator or staff person has been convicted of or pleaded nolo contendere, within the last seven (7) to ten (10) years, to any of the following offenses:
  - a. Any sex offense for which the person is required to register as a sex offender under California Penal Code section 290 (last ten (10) years);
  - b. Arson offenses—Violations of Penal Code Sections 451—455 (last seven (7) years); or
  - c. Violent felonies, as defined in Penal Code section 667.5, which involve doing bodily harm to another person (last ten (10) years).
  - d. The unlawful sale or furnishing of any controlled substances (last seven (7) years).

4. Any owner/operator or staff person is on parole or formal probation supervision on the date of the submittal of the application or at any time thereafter.
5. The owner/operator accepts residents, other than a house manager, who are not disabled or disabled as defined by the FHAA and FEHA.
6. An operator's permit for a Sober Living Home shall also be denied, and if already issued shall be revoked upon a hearing by the Director, under any of the following additional circumstances:
  - a. The owner/operator of a Sober Living Home fails to immediately take measures to remove any resident who uses alcohol or illegally uses prescription or non-prescription drugs, or who is not actively participating in a legitimate recovery program from contact with all other sober residents.
  - b. For any other significant and/or repeated violations of this section and/or any other applicable laws and/or regulations.

#### 5.110.060 Transfer of operator's permit.

- A. An operator's permit shall not be valid for a location other than the property for which it is issued, unless and until the transfer of the permit is approved by the Finance Director pursuant to the requirements of section 5.110.060.
- B. An operator's permit may not be transferred to any other person or entity. No operator's permit issued pursuant to this article shall be transferred or assigned or authorize any person or entity other than the person or entity named in the permit to operate the group home named therein.

#### 5.110.070 Revocation of operator's permit.

An operator's permit may be revoked upon a hearing by the Finance Director pursuant to section 5.08.300 for failing to comply with the terms of the permit and/or for failing to comply with the applicable provisions of section 5.110.050.

#### 5.110.080 Reapplication after denial or revocation.



A. An applicant for an operator's permit whose application for such an operator's permit has been denied may not apply for such an operator's permit for a period of six (6) months from the date such notice of denial was issued.

B. A holder of an operator's permit that has been cancelled, revoked, or otherwise invalidated may not reapply for an operator's or a user's permit for a period of six (6) months from the date that such revocation, cancellation, or invalidation became final.

5.110.090 Compliance.

A group home that is subject to the provisions of this article that is in existence as of the effective date of this ordinance shall have one hundred twenty (120) days to comply with the provisions of this article

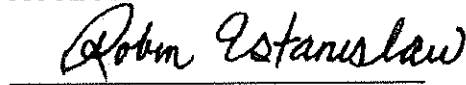
SECTION 2. All other provisions of Title 5 not modified herein shall remain in full force and effect.

SECTION 3. This ordinance shall become effective immediately 30 days after its adoption.

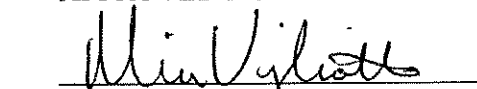
PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting thereof held on the 20th day of July, 2020.

  
Mayor


ATTEST:

  
City Clerk

APPROVED AS TO FORM:

  
City Attorney

REVIEWED AND APPROVED:

  
City Manager

INITIATED AND APPROVED:

  
Community Development Director

STATE OF CALIFORNIA                    )  
COUNTY OF ORANGE                    ) ss:  
CITY OF HUNTINGTON BEACH        )

I, ROBIN ESTANISLAU, the duly elected, qualified City Clerk of the City of Huntington Beach, and ex-officio Clerk of the City Council of said City, do hereby certify that the whole number of members of the City Council of the City of Huntington Beach is seven; that the foregoing ordinance was read to said City Council at a **Regular** meeting thereof held on **July 7, 2020**, and was again read to said City Council at a **Regular** meeting thereof held on **July 20, 2020**, and was passed and adopted by the affirmative vote of at least a majority of all the members of said City Council.

**AYES:**           Posey, Delgleize, Hardy, Semeta, Peterson, Carr, Brenden

**NOES:**           None

**ABSENT:**       None

**ABSTAIN:**      None

I, Robin Estanislau, CITY CLERK of the City of Huntington Beach and ex-officio Clerk of the City Council, do hereby certify that a synopsis of this ordinance has been published in the Huntington Beach Wave on July 30, 2020.

In accordance with the City Charter of said City.

Robin Estanislau, City Clerk

Donna Hild Deputy City Clerk

Robin Estanislau

City Clerk and ex-officio Clerk  
of the City Council of the City  
of Huntington Beach, California

ORDINANCE NO. 4214

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HUNTINGTON BEACH  
AMENDING CHAPTER 203 OF THE HUNTINGTON BEACH ZONING AND  
SUBDIVISION ORDINANCE TITLED DEFINITIONS  
(ZONING TEXT AMENDMENT NO. 19-005)

THE CITY COUNCIL OF THE CITY OF HUNTINGTON BEACH MAKES THE  
FOLLOWING FINDINGS WITH RESPECT TO THE ADOPTION OF THIS ORDINANCE:

WHEREAS, under the California Constitution, Article XI, Section 7, the City has been granted broad police powers to preserve the residential characteristics of its RL, RHM, RH and RMP residential zones; and the residential portion of its Specific Plans, which powers have been recognized by both the California Supreme Court and United States Supreme Court, the latter of which has stated that, "It is within the power of the legislature to determine that the community should be beautiful as well as healthy, spacious as well as clean, well-balanced as well as carefully patrolled"; and

The Federal Fair Housing Act ("FHA") and the California Fair Employment Housing Act ("FEHA") prohibit enforcement of business regulation facially or effectively discriminate against equal housing opportunities for the disabled; and

A core purpose of the FHA and FEHA is to provide a broader range of housing opportunities to the disabled; to free the disabled, to the extent possible, from institutional style living; and to ensure that disabled persons may live in a similar fashion as non-disabled persons live in residential neighborhoods; and

To fulfill this purpose, the FHA and FEHA also require that the City provide reasonable accommodations to its zoning ordinances if such accommodation is necessary to afford a disabled person an equal opportunity to use and enjoy a dwelling; and

Any facility which provides non-medical alcoholism or drug abuse recovery, treatment, or detoxification services must obtain a license from the California Department of Alcohol and Drug Programs ("ADP"). Health & Safety Code section 11834.30 provides that no person "shall operate, establish, manage, conduct, or maintain an alcoholism or drug abuse recovery or

treatment facility to provide recovery, treatment, or detoxification services” with the State without first obtaining an ADP license; and

State law has preempted local regulation of ADP-licensed facilities, and requires that all California cities must permit in all residential zones pursuant to ADP-licensed facilities with six or fewer residents pursuant to Health and Safety Code Sections 11834.20 and 11834.23; and

A Group Home is residential facility that is being used as a supportive living environment for persons who are considered disabled under State or Federal law. Persons recovering from drug and/or alcohol addiction are considered disabled for the purposes of the FEHA and the Federal Americans with Disabilities Act (“ADA”); and

A Sober Living Home is a Group Home for persons who are recovering from a drug and/or alcohol addiction and who are considered handicapped under FEHA or ADA; and

The City of Huntington Beach has seen a sharp increase in the number of Sober Living Homes, which has generated secondary impacts including, but not limited to neighborhood parking shortfalls, overcrowding, inordinate amounts of second-hand smoke, and noise; and the clustering of Sober Living Homes in close proximity to each other creating near neighborhoods of Sober Living Homes; and

As of May 2020, the City has identified approximately 177 Sober Living Homes and residential care facilities in the multi-family and single-family residential zones; and

The number of Sober Living Homes in the City of Huntington Beach is rapidly increasing, leading to an overconcentration of Sober Living Homes in certain of the City’s residential neighborhoods, which is both deleterious to the residential character of these neighborhoods and may also lead to the institutionalization of such neighborhoods; and

The purpose of Sober Living Homes is to provide a comfortable living environment for persons with drug or alcohol addictions in which they remain clean and sober and can participate in a recovery program in a residential, community environment, and so that they have the opportunity to reside in the residential neighborhood of their choice; and



In enacting this Ordinance, the City Council of the City of Huntington Beach is attempting to strike a balance between the City's and residents' interests of preserving the characteristics of residential neighborhoods and to provide opportunities for the disabled to reside in such neighborhoods that are enjoyed by the non-disabled; and

Because of their extremely transient populations, above-normal numbers of individuals/adults residing in a single dwelling and the lack of regulations, Sober Living Homes present problems not typically associated with more traditional residential uses, including but not limited to: the housing of large numbers of unrelated adults who may or may not be supervised; disproportionate numbers of cars associated with a single housing unit, which causes disproportionate traffic and utilization of on-street parking; excessive noise and outdoor smoking, which interferes with the use and enjoyment of neighbors' use of their property; neighbors who have little to no idea who does and does not reside in the home; little to no participation in community activities that form and strengthen neighborhood cohesion; disproportional impacts from the average dwelling unit to nearly all public services including sewer, water, parks, libraries, transportation infrastructure, fire and police; a history of congregating in the same general area; and the potential influx of individuals with a criminal record; and

Housing inordinately large numbers of unrelated adults in a single dwelling or congregating Sober Living Homes in close proximity to each other does not provide the disabled with an opportunity to "live in normal residential surroundings," but rather places them into living environments bearing more in common with the types of institutional dormitory living that the FEHA and FHA were designed to avoid for the disabled, and which no reasonable person could contend provides a normal residential surrounding; and

Notwithstanding the above, the City Council recognizes that while not in character with residential neighborhoods, responsibly operated Sober Living Homes, and Group Homes, including Sober Living Homes, benefit society by providing the disabled the opportunity to live in residential neighborhoods, recovery programs for individuals attempting to overcome their drug and alcohol addictions, and providing Sober Living Homes greater access to residential zones; and

Without regulation there is no means of ensuring that (i) the individuals entering into Sober Living Homes are disabled individuals and entitled to reasonable accommodation under local and state law; (ii) the Sober Living Home is operated professionally to minimize impacts to the surrounding neighborhood; and (iii) the secondary impacts from over concentration of Sober Living Homes and Group Homes in a neighborhood and large numbers of unrelated adults residing in a single facility are lessened; and

At least some operators of Sober Living Homes and Group Homes are driven more by profit rather than intent to provide recovering addicts a realistic potential of sobriety, or a living environment resembling the manner in which the non-disabled use and enjoy a dwelling; and

The residents of Sober Living Homes and Group Homes come to the City from all parts of the country and often lack established ties to the community and a local support system independent of the Sober Living Home or Group Home; and consequently the residents are especially vulnerable to becoming homeless upon eviction; and

Is the intent of this Ordinance to require that operators of Group and Sober Living Homes provide the residents information regarding the available local housing resources prior to eviction from a Sober Living Home or Group Home; and

Pursuant to the California State Planning and Zoning Law, the Huntington Beach Planning Commission and Huntington Beach City Council have held separate, duly noticed public hearings to consider Zoning Text Amendment No. 19-005, which amends Chapter 203 of the Huntington Beach Zoning and Subdivision Ordinance relating to updated, clarified, and additional definitions utilized within the ZSO.

After due consideration of the findings and recommendations of the Planning Commission and all other evidence presented, the City Council finds that the aforesaid amendment is proper and consistent with the General Plan;

NOW, THEREFORE, the City Council of the City of Huntington Beach does hereby ordain as follows:



SECTION 1. That Chapter 203 of the Huntington Beach Zoning and Subdivision Ordinance titled Definitions is hereby amended to read as follows:

**203.02 Applicability**

The meaning and construction of words and phrases defined in this chapter shall apply throughout the zoning and subdivision ordinance, except where the context clearly indicates a different meaning or construction.

**203.04 Rules for Construction of Language**

In addition to the General Provisions Chapter 1.04 of the Municipal Code, the following rules of construction shall apply:

- A. The particular shall control the general.
- B. Unless the context clearly indicates the contrary, the following conjunctions shall be interpreted as follows:
  - 1. "And" indicates that all connected words or provisions shall apply.
  - 2. "Or" indicates that the connected words or provisions apply singly.
  - 3. "Either... or" indicates that the connected words or provisions shall apply singly but not in combination.
  - 4. "And/or" indicates that the connected words or provisions may apply singly or in any combination.
- C. In case of conflict between the text and a diagram, the text shall control.
- D. All references to departments, commissions, boards, or other public agencies are to those of the City of Huntington Beach, unless otherwise indicated.
- E. All references to public officials are to those of the City of Huntington Beach, and include designated deputies of such officials, unless otherwise indicated.
- F. All references to days are to calendar days unless otherwise indicated. If a deadline falls on a weekend or City holiday, it shall be extended to the next working day.
- G. Chapter and section headings contained herein shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of any section hereof.
- H. The words "activities" and "facilities" include any part thereof.

## **203.06 Definitions**

**Abutting.** Having district boundaries or lot lines or combinations thereof in common.

**Access, Lateral.** Public access along the coast.

**Access, Vertical.** Public access from the nearest public roadway to the shoreline.

**Alley.** A public or private way having an ultimate width of not less than 20 feet permanently reserved primarily for vehicular service access to the rear or side of properties otherwise abutting on a street.

**Alter.** To make a change in the exterior appearance or the supporting members of a structure, such as bearing walls, columns, beams, or girders that will prolong the life of the structure.

**Amendment.** A change in the wording, context or substance of this ordinance, or a change in the district boundaries on the zoning map.

**Animal, Exotic.** Any wild animal not customarily confined or cultivated by man for domestic or commercial purposes but kept as a pet or for display.

**Animal, Large.** An animal larger than the largest breed of dogs. This term includes horses, cows, and other mammals customarily kept in corrals or stables.

**Animal, Small.** An animal no larger than the largest breed of dogs. This term includes fish, birds, and mammals customarily kept in kennels.

**Antenna.** Any structure, including but not limited to a monopole, tower, parabolic and/or disk shaped device in single or multiple combinations of either solid or mesh construction, intended for the purposes of receiving or transmitting communications to or from another antenna, device or orbiting satellite, as well as all supporting equipment necessary to install or mount the antenna.

**Antenna, Amateur Radio.** An antenna array and its associated support structure, such as a mast or tower that is used for the purpose of transmitting and receiving radio signals in conjunction with an amateur station licensed by the Federal Communications Commission.

**Antenna, Communication.** All types of receiving and transmitting antenna, except satellite dish antenna, including but not limited to cable television antenna, wireless communication antenna, FM digital communication antenna, microwave telephone communication antenna, amateur radio antenna, and short-wave communication antenna and other similar antenna.



**Antenna Height.** The distance from the property's grade to the highest point of the antenna and its associated support structure when fully extended.

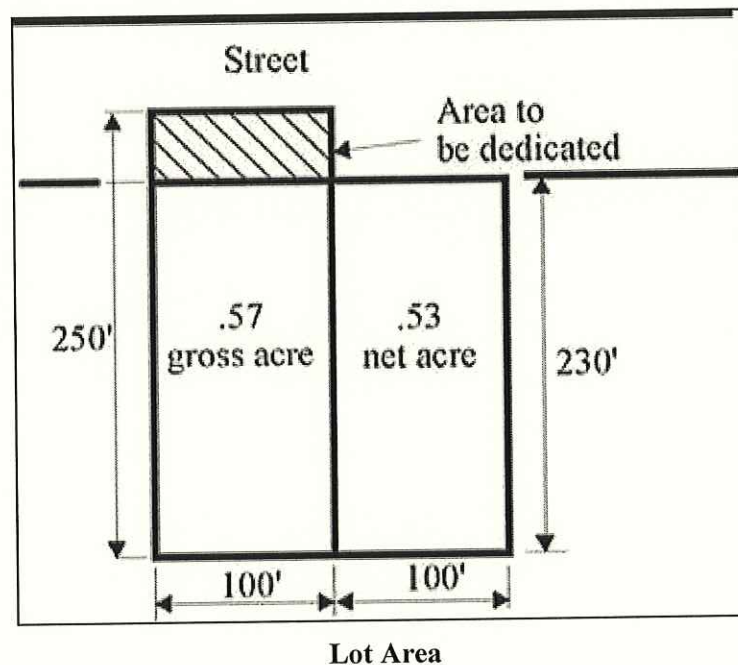
**Antenna, Satellite Dish.** An antenna for the purpose of receiving or transmitting communications to or from an orbiting satellite.

**Antenna Whip.** An antenna and its support structure consisting of a single, slender, rod-like element which is supported only at or near its base.

**Approach-Departure Path.** The flight track of the helicopter as it approaches or departs from a designated takeoff and landing area, including a heliport, helipad, or helistop.

**Architectural Projections or Appurtenances.** Features on a building which provide visual variation and/or relief but do not serve as interior or exterior living or working space.

**Area, Net Lot.** The total horizontal area within the property lines of a parcel of land exclusive of all rights-of-way or easements which physically prohibit the surface use of that portion of the property for other than vehicular ingress and egress.



**Arterial.** Any street, highway or road designated as an arterial street in the General Plan.

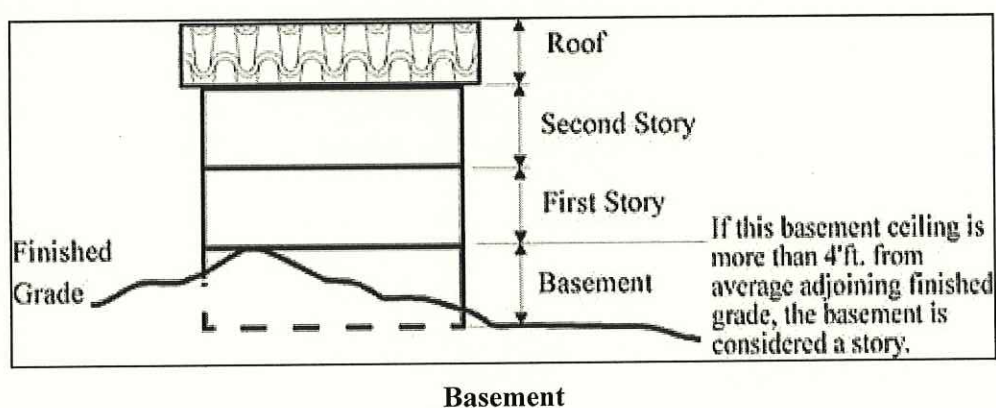
**Assisted Living Facility.** Establishments licensed by the State of California providing care on a 24-hour basis for persons requiring personalized supportive services and health related care, but excluding facilities providing surgical or emergency medical services. This includes State

licensed establishments that provide a continuum of care for residents ranging from assistance with daily activities to memory care.

**Attached Structures.** Two or more structures sharing a common wall or roof.

**Balcony.** A platform that projects from the wall of a building, typically above the first level, and is surrounded by a rail balustrade or parapet.

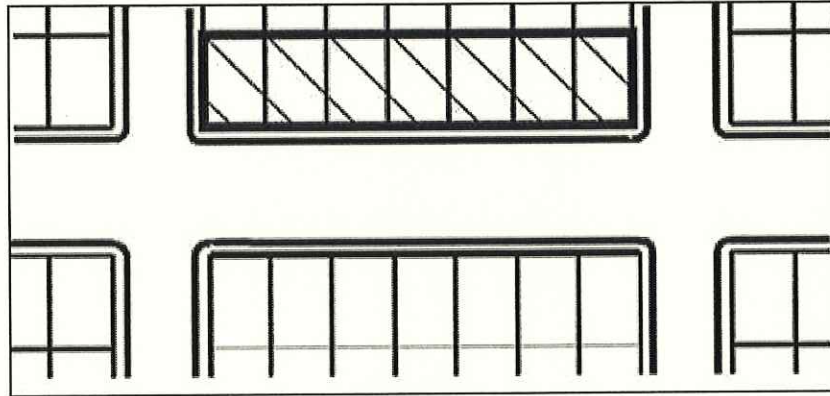
**Basement.** A story partly underground and having at least one-half of its height above the average adjoining grade. A basement shall be considered as a story if the vertical distance from the average adjoining grade to the ceiling is over four feet.



**Bay Window.** A window that projects out from an exterior wall.

**Bedroom.** The term bedroom includes any room used principally for sleeping purposes, an all-purpose room, a study, a den, a room having 100 square feet or more of floor area or less than 50% of one wall open to an adjacent room or hallway.

**Blockface.** The properties abutting on one side of a street and lying between the two nearest intersecting or intercepting streets, or nearest intersecting or intercepting street and railroad right-of-way, unsubdivided land, watercourse, or City boundary.



**Blockface**

**Boarding House.** A residence or dwelling, other than a hotel or convalescent facility, where not more than five guest rooms are rented for more than 30 days under three or more separate written or oral rental agreements, leases, or subleases or combination thereof, whether or not the owner, agent, or rental manager resides within the residence and lodging and meals are provided for no more than 10 persons. Guest rooms numbering six or over shall be considered a hotel.

**Building.** Any structure having a roof supported by columns or walls for the housing or enclosure of persons, animals, chattels, or property of any kind.

**Caretaker's Quarters.** A dwelling unit on the site of a commercial, industrial, public, or semipublic use, occupied by a guard or caretaker.

**Carport.** A permanent roofed accessory structure with not more than two enclosed sides intended for vehicle storage.

**Cart/Kiosk.** Any portable, non-motorized unit used by a vendor as described in Section 230.94.

**City.** The City of Huntington Beach.

**Clinic.** An establishment where patients, who are not lodged overnight, are admitted for examination and treatment by one or more of a group of physicians, dentists, optometrists, psychologists, or social workers practicing together.

**Coastal Zone.** A geographic zone adjacent to the shoreline, the boundaries of which are determined by the California Coastal Act of 1976, as amended.

**Collection Containers.** Containers or buildings with a gross floor area of 500 square feet or less used for the deposit and storage of household articles or recyclables.



**Commission.** The Huntington Beach Planning Commission.

**Community Apartment Project.** A project in which an individual interest in land is coupled with the right exclusively to occupy an individual unit, as provided in Section 11004 of the California Business and Professions Code.

**Completely Rebuilt.** Rebuilding the nonconforming structure or use as it had legally existed immediately prior to its destruction.

**Conditional Use.** A use of land that, due to the specific nature and unique characteristics of the use, requires special standards and discretionary review.

**Condominium.** An estate in real property consisting of an undivided interest in common in a portion of a parcel of real property together with a separate interior space in a residential, industrial or commercial building on the real property, such as an apartment, office or store. A condominium may include, in addition, a separate interest in other portions of the real property.

**Conforming Building.** A building that fully meets the requirements of Title 17 (Building Regulations) and also conforms to all property-development regulations and requirements prescribed for the district in which it is located.

**Convenience Market.** A retail use in conjunction with gasoline sales in which the sales room exceeds 200 square feet.

**Court.** An outdoor, unenclosed area intended to provide light, air, and privacy for individual dwelling units in multifamily projects.

**Coverage, Lot or Site.** The percentage of a lot or site covered by roofs, balconies, fireplaces, architectural projections, or overhangs extending more than 2.5 feet from a wall, decks more than 42 inches in height above grade, and stairs. This also includes the square footage of all building projections into yards or courts containing habitable floor area.

**Deck.** A platform, either free-standing or attached to a building, but without a roof, that is supported by pillars, posts, or walls (see also Balcony).

**Demolition.** The deliberate removal or destruction of the frame or foundation of any portion of a building or structure for the purpose of preparing the site for new construction or otherwise.

**Density Bonus.** An increase in the proposed number of units of 25% or greater over the number permitted pursuant to the current zoning and General Plan designation on the property.

**Director.** The Director of Community Development or designee.

**Disabled.** As more specifically defined under the Fair Housing Laws, a person who has a physical or mental impairment that limits one or more major life activities, a person who is regarded as having that type of impairment, or a person who has a record of that type of impairment, not including current, illegal use of a controlled substance.

**Distribution Line.** An electric power line bringing power from a distribution substation to consumers.

**District.** A portion of the City within which the use of land and structures and the location, height, and bulk of structures are governed by this ordinance. The zoning ordinance establishes “base zoning districts” for residential, commercial, industrial, public and open space uses, and “overlay districts,” which modify base district provisions and standards.

**Drilling.** The digging or boring of a new well into the earth for the purpose of exploring for, developing or producing oil, gas or other hydrocarbons, or for the purpose of injecting water, steam or any other substance into the earth.

**Dwelling, Accessory Unit.** A fully equipped dwelling unit which is ancillary and subordinate to a principal dwelling unit located on the same lot in the RL zone. Also known as second dwelling unit or “granny unit.”

**Dwelling, Multiple Unit.** A building or buildings designed with two or more dwelling units.

**Dwelling, Single Unit.** A detached building designed primarily for use as a single dwelling, no portion of which is rented as a separate unit, except as permitted by this Code. Attached single-family dwellings shall be considered as multifamily.

**Dwelling, Studio Unit.** A dwelling unit consisting of one kitchen, one bathroom, and one combination living room and sleeping room. The gross floor area shall not exceed 500 square feet, or it shall be considered as a one-bedroom unit. Also known as a single, a bachelor, or an efficiency unit.

**Dwelling Unit.** One or more habitable rooms with only one kitchen, and designed for occupancy as a unit by one or more persons living as a household unit with common access to all living, kitchen, and bathroom areas.



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

**Energy Facility.** Any public or private processing, producing, generating, storing, transmitting, or recovering facility for electricity, natural gas, petroleum, coal, or other sources of energy.

**Environmental Impact Report (EIR).** A report complying with the requirements of the California Environmental Quality Act (CEQA) and its implementing guidelines.

**Environmentally Sensitive (Habitat) Area.** A wetland or any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.

**Exemption, Categorical.** An exception from the requirements of the California Environmental Quality Act (CEQA) for a class of projects, which have been determined to not have a significant effect on the environment.

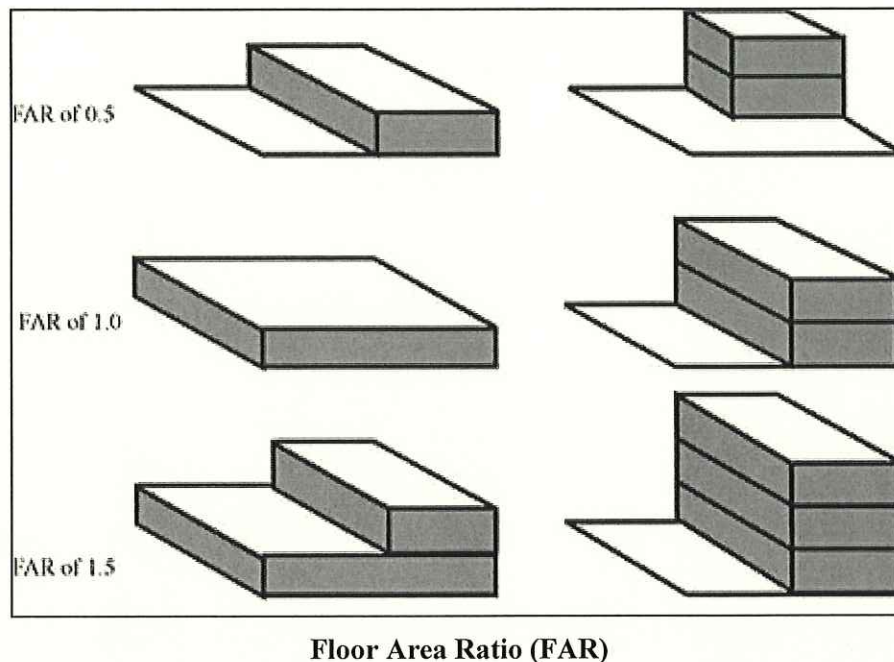
**Fair Housing Laws.** The Federal Fair Housing Act, the Americans with Disabilities Act, and the California Fair Employment and Housing Act, as each statute may be amended from time to time, and each statute's implementing regulations.

**Family.** A single individual or two or more persons living together as a single housekeeping unit in a dwelling unit.

**Feasible.** Capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.

**Floor Area, Gross.** The total enclosed area of all floors of a building measured to the outside face of the structural members in exterior walls, and including halls, stairways, elevator shafts at each floor level, service and mechanical equipment rooms, and habitable basement or attic areas, but excluding area for vehicle parking and loading.

**Floor Area Ratio (FAR).** Determined by dividing the gross floor area of all buildings on a lot by the area of that lot.



**Frontage.** The linear length of a building which contains a public entrance or a lot measured along the property line adjacent to a street or easement.

**Functional Capacity.** The ability of an environmentally sensitive area to be self-sustaining and to maintain natural species diversity.

**General Plan.** The City of Huntington Beach General Plan.

**Grade, Existing.** The surface of the ground or pavement at a stated location as it exists prior to disturbance in preparation for a project regulated by this ordinance.

**Grade, Street.** The top of the curb, or the top of the edge of the pavement or traveled way where no curb exists.

**Height of Building.** A vertical dimension measured from the top of the highest roof to the top of the subfloor/slab directly underneath. (See Section 230.72.)

**Helipad or Helistop.** A heliport without auxiliary facilities such as waiting room, helicopter parking, fueling and maintenance equipment.

**Heliport.** An area, either at ground level or elevated on a structure, that is used or intended to be used for the takeoff and landing of helicopters, and includes some or all the various facilities useful to helicopter operations, including helicopter parking, waiting room, fueling and maintenance equipment.



**Home Occupation.** Business activity conducted in a dwelling unit in a residential district that is incidental to the principal residential use of a lot or site.

**Hotel Owner/Operator.** The entity that owns and operates a hotel. If the hotel operator is separate from the hotel owner both are jointly and severally responsible for ensuring compliance with the requirements described in this LCP and/or recorded against the property, as well as jointly and severally liable for violations of said requirements and restrictions.

**Household.** All the people occupying a dwelling unit, and includes people who live in different units governed by the same Operator.

**Illumination, Direct.** Illumination by means of light that travels directly from its source to the viewer's eye.

**Illumination, Indirect.** Illumination by means only of light cast upon an opaque surface from a concealed source.

**Incentives.** Policies, programs or actions taken by the City designed to ensure that a development will be produced at a lower cost.

**Integral Facilities.** Any combination of two or more group homes which may or may not be located on the same or contiguous parcels of land, that are under the control and management of the same owner, operator, management company, or licensee or any affiliate of any of them, and are integrated components of one operation shall be referred to as Integral Facilities and shall be considered one facility for purposes of applying federal, state, and local laws to its operation. Examples of such Integral Facilities include, but are not limited to, the provision of housing in one facility and recovery programming, treatment, meals, or any other service or services to program participants in another facility or facilities or by assigning staff or a consultant or consultants to provide services to the same program participants in more than one licensed or unlicensed facility.

**Integral Uses.** Any two or more residential care programs commonly administered by the same owner, operator, management company, or licensee, or any affiliate of any of them, in a manner in which participants in two or more care programs participate simultaneously in any care or recovery activity or activities so commonly administered. Any such integral use shall be considered one use for purposes of applying federal, state, and local laws to its operation.



**Junk Yard.** The use of a lot, or contiguous lots, or any portion thereof for the storage of junk, including scrap metal, or other scrap materials, and/or for the dismantling or wrecking of automobiles or other vehicles or machinery.

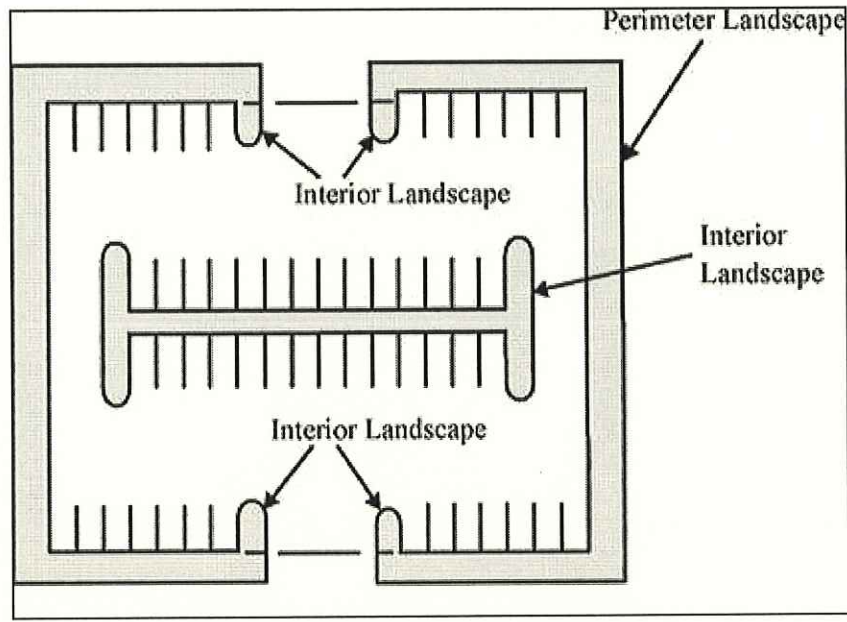
**Kennel.** Any premises where four or more dogs or cats at least four months of age are kept or maintained for any purpose except veterinary clinics and hospitals. For purposes of this section, a detached single-family residence with a maximum of four dogs shall not be considered a kennel when at least one of the dogs is a specially-trained guide dog, signal dog or service dog, as defined in Penal Code Section 365.5, and complies with Section 7.12.160 of the Huntington Beach Municipal Code.

**Kitchenette or Kitchen.** Any room or part of a room which is designed, built, used, or intended to be used for food preparation and dishwashing; but not including a bar, or similar room adjacent to or connected with a kitchen.

**Landscaping.** An area devoted to or developed and maintained with native or exotic plantings, lawn, ground cover, gardens, trees, shrubs, and other plant materials, decorative outdoor landscape elements, pools, fountains, water features, paved or decorated surfaces of rock, stone, brick, block, or similar material (excluding driveways, parking, loading, or storage areas), and sculptural elements. Plants on rooftops, porches or in boxes attached to buildings are not considered landscaping.

**Landscaping, Interior.** A landscaped area or areas within the shortest circumferential line defining the perimeter or exterior boundary of the parking or loading area, or similar paved area, excluding driveways or walkways providing access to the facility (as applied to parking and loading facilities or to similar paved areas).

**Landscaping, Perimeter.** A landscaped area adjoining the exterior boundary of a parking or loading area, or similar paved area, excluding driveways or walkways which provide access to the facility.

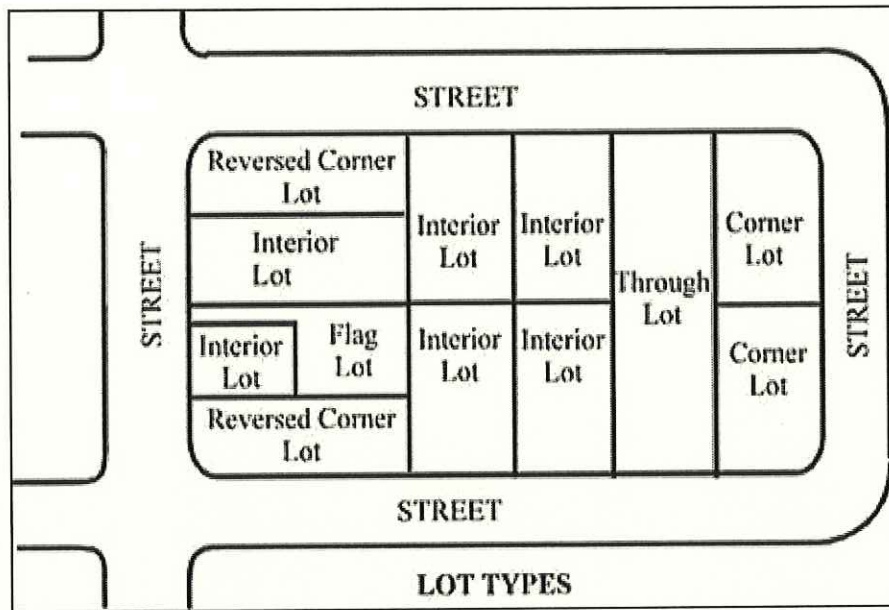


**Landscaping: Perimeter Interior**

**Limited Use Overnight Visitor Accommodations.** Any hotel, motel, or other similar facility that provides overnight visitor accommodations wherein a purchaser receives the right in perpetuity, for life, or a term of years, to the recurrent, exclusive use or occupancy of a lot, parcel, unit, room(s), or segment of the facility, annually or on some other seasonal or periodic basis, for a period of time that has been or will be allotted from the use or occupancy periods into which the facility has been divided and shall include, but not be limited to Timeshare, Condominium-Hotel, Fractional Ownership Hotel, or uses of a similar nature.

**Lodger.** Any person other than a member of a family renting a room for living or sleeping purposes.

**Lot.** Any numbered or lettered parcel shown on a recorded final map, record of survey pursuant to an approved division of land, or a parcel map and abuts a street, alley or recorded access easement.



**Lot, Corner.** A site bounded by two or more adjacent street lines that have an angle of intersection of not more than 135 degrees.

**Lot Depth.** The horizontal distance from the midpoint of the front lot line to the midpoint of the rear lot line, or to the most distant point on any other lot line where there is no rear lot line.

**Lot, Flag.** A lot with developable area connected to a street by a narrow strip of land that includes a driveway.

**Lot or Property Line, Front.** The street property line adjacent to the front yard.

**Lot or Property Line, Interior.** A lot line not abutting a street.

**Lot or Property Line, Rear.** A lot line, not a front lot line, that is parallel or approximately parallel to the front lot line. Where no lot line is within 45 degrees of being parallel to the front lot line, a line 10 feet in length within the lot, parallel to and at the maximum possible distance from the front lot line, shall be deemed the rear lot line.

**Lot or Property Line, Side.** Any lot line that is not a front lot line or a rear lot line.

**Lot or Property Line, Street.** A lot line abutting a street.

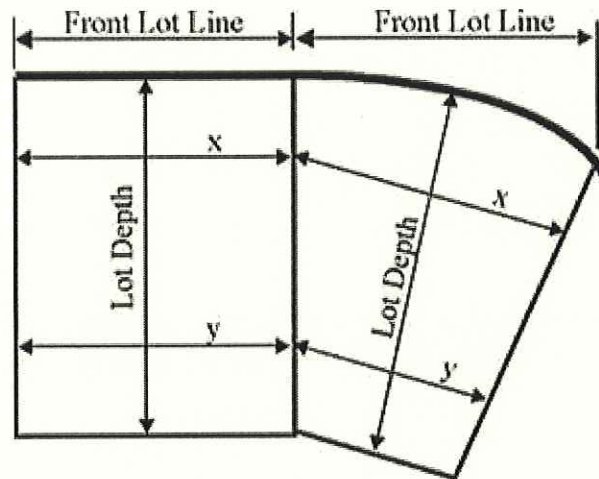
**Lot, Reverse Corner.** A corner lot, the side line of which is substantially a continuation of the front lot line of the lot to its rear.

**Lot, Street-Alley.** An interior lot having frontage on a street and an alley.



**Lot, Through.** A lot having frontage on two dedicated parallel or approximately parallel streets.

**Lot Width.** The mean of the horizontal distance between the side lot lines measured at right angles to the lot depth at midpoints 20 feet from the front lot line and 20 feet from the rear lot line, or from the rearmost point of the lot depth in cases where there is no rear lot line.



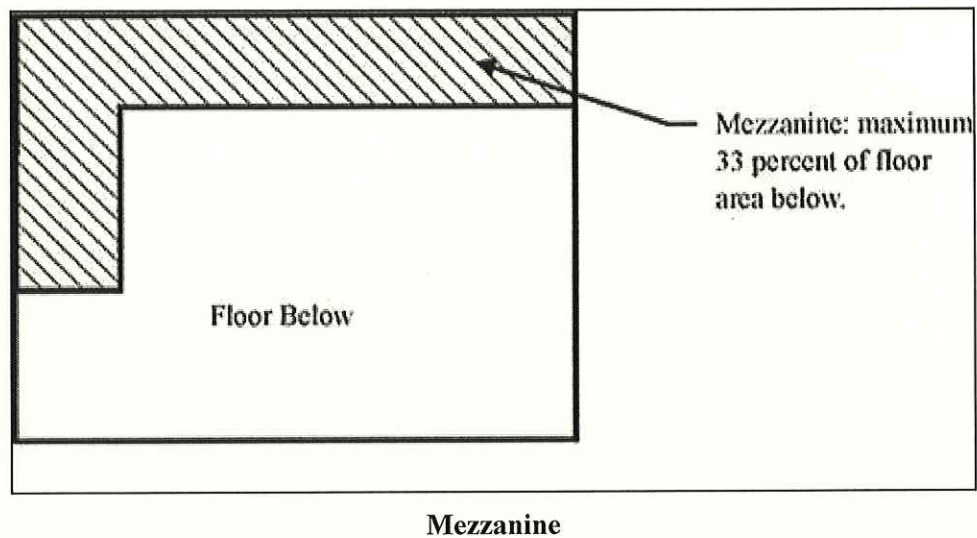
$$\text{Lot Width} = (x + y) / 2$$

**Lot Width**

**Lower Income Household.** A household whose annual income is at or below 80% of Orange County median income as defined by the State of California Department of Housing and Community Development.

**Manufactured Home.** A structure transportable in sections which is a minimum of eight feet in width and 40 feet in length, built on a permanent chassis, and designed to be a dwelling with or without a permanent foundation. Manufactured home includes mobile home.

**Mezzanine.** An intermediate floor within a room containing not more than 33% of the floor area of the room.



**Moderate Income Household.** A household whose annual income is at or below 120% of Orange County median income as defined by the State of California Department of Housing and Community Development.

**Municipal Code.** The Municipal Code of the City of Huntington Beach.

**Negative Declaration.** A written statement briefly describing the reasons that a proposed project will not have a significant impact on the environment which meets the requirements of the California Environmental Quality Act.

**Neighborhood Notification.** Notification process pursuant to Chapter 241 when no entitlements are required and the use requires such notification as stated in the Zoning and Subdivision Ordinance.

**Net Site Area.** See Area, Net Lot.

**New Well.** A new well bore or well hole established at the ground surface. Redrilling from the well bore or well hole of an existing well greater than 150 feet from the existing well bore shall constitute a new well.

**Nonconforming Structure.** A structure that was lawfully erected but which does not conform with the current development standards.

**Nonconforming Use.** A use of a structure or land that was lawfully established and maintained, but which does not conform with the current zoning ordinance.

**Off-Street Loading Facilities.** A site or portion of a site devoted to the loading or unloading of motor vehicles or trailers, including loading berths, aisles, access drives, and landscaped areas.

**Off-Street Parking Facilities.** A site or portion of a site devoted to the off-street parking of motor vehicles, including parking spaces, aisles, access drives, and landscaped areas.

**Oil Operation.** The use or maintenance of any installation, facility, or structure used, either directly or indirectly, to carry out or facilitate one or more of the following functions: drilling, rework, repair, redrilling, production, processing, extraction, assisted recovery, stimulation storage or shipping of oil, gas or hydrocarbons from the subsurface of the earth.

**Oil Operation Site.** The physical location where an oil operation is conducted.

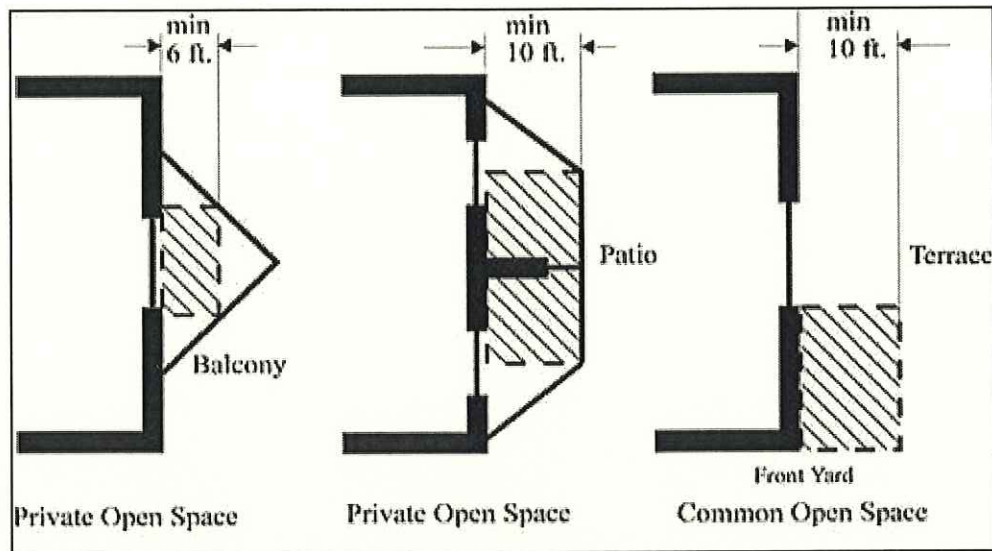
**Open Space, Common.** A usable open space within a residential development reserved for the exclusive use of residents of the development and their guests.

**Open Space, Private.** A usable open space adjoining and directly accessible to a dwelling unit, reserved for the exclusive use of residents of the dwelling unit and their guests.

**Open Space, Total.** The sum of private and common open space.

**Open Space, Usable.** Outdoor or unenclosed area on the ground, or on a balcony, deck, porch or terrace designed and accessible for outdoor living, recreation, pedestrian access or landscaping. Usable open space does not include parking facilities, driveways, utility or service areas, any required front or street side yard, any space with a dimension of less than six feet in any direction or an area of less than 60 square feet.





Usable Open Space

**Operator.** A company, business, or individual who provides residential services, (i.e., the placement of individuals in a residence), setting of house rules, and governing behavior of the occupants as residents. Operator does not include a property owner or property manager that exclusively handles real estate contracting, property management, and leasing of the property and that does not otherwise meet the definition of Operator.

**Oversize Vehicle.** Any vehicle which exceeds 25 feet in length, seven in width, seven in height, or a weight of 10,000 pounds, motorized or non-motorized. Oversize vehicle also includes any equipment or machinery regardless of size.

**Parking Structure.** A structure consisting of two or more levels used for parking of vehicles where parking spaces, turning radius, transition ramps, and drive aisles are incorporated within the structure, including automated parking structures. A surface level parking lot with a solid roof above is not considered a parking structure unless there is access for automobiles and parking stalls on the roof.

**Parking Subterranean.** A parking area that is wholly or partially recessed into the development site, and which may or may not support additional structures above (e.g. dwelling units or parking structures).

**Parking Tandem.** An off-street parking facility which includes parking stalls where one is arranged in front of the other or stacked utilizing mechanical lifts.

**Patio.** A paved court open to the sky.

**Permitted Use.** A use of land that does not require approval of a conditional use permit or temporary use permit.

**Planned Unit Development (PUD).** A large scale development of a parcel or of a combination of related parcels to be developed by a single owner or group of owners acting jointly, involving a related group of uses, planned as an entity and having a predominant developmental feature which serves to unify or organize development.

**Porch.** An open or covered platform, usually having a separate roof, at an entrance to a dwelling, or an open or enclosed gallery or room, which is not heated or cooled, that is attached to the outside of a building.

**Private Property.** Property owned in fee by an individual, corporation, partnership, or a group of individuals as opposed to public property.

**Project.** Any proposal for new or changed use, or for new construction, alteration, or enlargement of any structure, that is subject to the provisions of this ordinance.

**Public Property.** Property dedicated through acquisition or easement for public use which includes but is not limited to streets, alleys, parks, public rights-of-way, and sidewalks.

**Qualifying Senior Resident.** A person who is 62 years of age or older. (Section 51.2 of the California Civil Code.)

**Remodel.** The upgrade of the interior or exterior faces of a building or structure without altering to any degree the structural integrity.

**Residential Privacy Design Standards.** Residential privacy design standards shall apply to:

1. A lot contiguous to one or more existing single-family residential units, excluding parcels separated by streets or alleys; or
2. A vacant parcel intended for new single-family development; or
3. The creation of new floor area above the first floor of an existing single story single-family residence; or
4. Increasing the number of windows above the first floor of an existing single-family residence; or
5. Moving the location of existing windows above the first floor of an existing single-family residence.



**Resource Protection Area.** Within the coastal zone, any area that consists of any of the following: wetlands, Environmentally Sensitive Habitat Areas, buffer areas (as these terms are defined in the Glossary of the City's certified Land Use Plan), and/or land that is zoned Coastal Conservation.

**Room, Habitable.** A room meeting the requirements of the Uniform Building Code for sleeping, living, cooking, or dining purposes, excluding such enclosed places as closets, pantries, bath or toilet rooms, service rooms, connecting corridors, laundries, attics, foyers, storage spaces, utility rooms, garages, and similar spaces.

**Senior Housing.** Housing for a family in which at least one person per unit is 60 years old or older, or for a single person who is 60 years old or older.

**Setback Line.** A line across the front, side, rear of any private or public property which delineates an area adjoining a property line in which erection of a building, fence, or other structure is prohibited except as otherwise provided in the zoning ordinance. All setbacks along streets and alleys shall be measured from the ultimate right-of-way.

**Significant Disruption.** Having a substantial adverse effect upon the functional capacity.

**Single Housekeeping Unit.** The occupants of a dwelling unit that have established ties and familiarity with each other, jointly use common areas, interact with each other, share meals, household activities, and expenses and responsibilities. Membership in the single housekeeping unit is fairly stable as opposed to transient, members have some control over who becomes a member of the household, and the residential activities of the household are conducted on a non-profit basis. There is a rebuttal presumption that integral facilities are not single housekeeping units. Evidence that a household is not operating as a single housekeeping unit include but are not limited to: the occupants do not share a lease agreement or ownership of the property, members of the household have separate, private entrances from other members; members of the household have locks on their bedroom doors; members of the household have separate food storage facilities, such as separate refrigerators.

**Single Ownership.** Holding record title, possession under a contract to purchase, or possession under a lease, by a person, firm, corporation, or partnership, individually, jointly, in common, or in any other manner where the property is or will be under unitary or unified control.

**Site.** A lot, or group of contiguous lots not divided by an alley, street, other right-of-way, or City limit, that is proposed for development in accord with the provisions of this ordinance, and is in a single ownership or has multiple owners, all of whom join in an application for development.

**Specific Event.** A short-term temporary use of public property as defined in Section 5.68.010.

**Specific Plan.** A plan for a defined geographic area that is consistent with the General Plan.

**Stock Cooperative.** A corporation formed for the primary purpose of holding title to, either in fee simple or for a term of years, any real property where the shareholders of the corporation receive a right of exclusive occupancy in a portion of such real property and where the right of occupancy is only transferable by the transfer of shares of stock in the corporation.

**Story.** That portion of a building included between the surface of any floor and the surface of the floor or finished undersurface of the roof directly above it.

**Street.** A public or an approved private thoroughfare or road easement which affords the principle means of access to abutting property, not including an alley.

**Structure.** Anything constructed or erected that requires a location on the ground, excluding patios, walks, access drives, or similar paved areas.

**Structure, Accessory.** A structure that is appropriate, subordinate and customarily incidental to the main structure of the site and which is located on the same site as the main structure, including swimming pools, garages, gazebos and patio covers.

**Structure, Minor Accessory.** An accessory structure that does not exceed 64 square feet in floor area, 80 square feet in roof area and a height of six feet, including storage sheds, pet shelters, playhouses, and decorative elements.

**Supportive Housing.** Housing with no limit on length of stay that is occupied by the target population and is linked to on-site or off-site services that assist residents to retain the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community. On-site and off-site services may include, but are not limited to, after-school tutoring, child care, and career counseling.

**Takeoff and Landing Area.** That area of the helicopter facility where the helicopter actually lands and takes off.



**Target Population.** Persons with low income having one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health conditions, or individuals eligible for services provided under the Lanterman Development Disabilities Services Act (Division 4.5 commencing with Section 4500 of the Welfare and Institutions Code) and may include, among other populations, adults, families, families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, or homeless people.

**Transitional Housing.** Buildings configured as rental housing developments, but operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six months.

**Transmission Line.** An electric power line bringing power to a receiving or distribution substation.

**Ultimate Right-of-Way.** The adopted maximum width for any street, alley, or thoroughfare, as established by the General Plan, by a precise plan of street, alley, or private street alignment; by a recorded map; or by a standard plan of the Department of Public Works. Such thoroughfare shall include any adjacent public easement used as a walkway and/or utility easement.

**Usable Satellite Signals.** Satellite signals from all major communication satellites that, when viewed on a conventional television set, are at least equal in picture quality to those received from local commercial television stations or by way of cable televisions.

**Use, Accessory.** A use that is appropriate, subordinate, and customarily incidental to the main use of the site and which is located on the same site as the main use.

**Value.** The monetary worth of a structure determined by the valuation figures used by the director for the purpose of calculating building permit fees.

**Vehicle Storage.** The business of storing or safekeeping of operative and inoperative vehicles for periods of time greater than a 24 hour period.

**Very Low Income Household.** A household whose annual income is at or below 50% of Orange County median income as defined by the State of California Department of Housing and Community Development.

**Wetbar.** A fixed installation within a dwelling unit providing cold and/or hot water to a single sink without a garbage disposal at a location other than a kitchen or laundry. A wetbar area shall not include a stove, range, or similar appliance usually found in a kitchen, and if such wetbar is located in a room or a portion of a room with a stove, hot plate, range, oven or other type of kitchen facility, it shall be deemed a separate kitchen.

**Wetland.** Lands within the coastal zone which may be covered periodically or permanently with shallow water and include salt water marshes, fresh water marshes, open or closed brackish water marshes, swamps, mudflats, and fens.

**Window, Required.** An exterior opening in a habitable room meeting the area requirements of the Uniform Building Code.

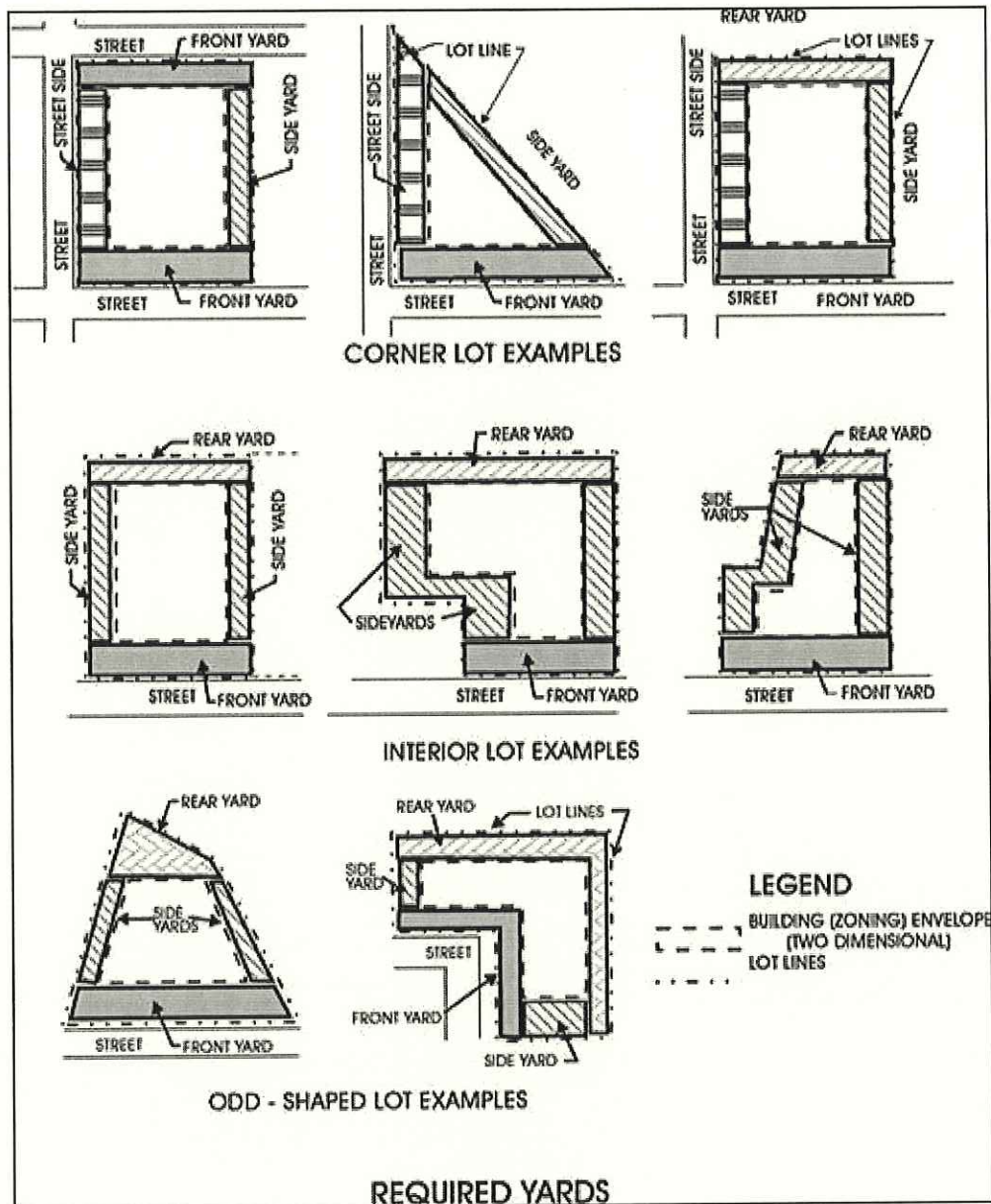
**Yard.** An open space on the same site as a structure, unoccupied and unobstructed by structures from the ground upward except as otherwise provided in this ordinance, including a front yard, side yard, or rear yard.

**Yard, Front.** An area between the front lot line and the front setback line extending across the full width of a site. The front yard of a corner lot shall adjoin the shortest street property line along its entire length. Where one street property line is at least 75% of the length of the other street property line, the director shall determine the location of the front yard.

**Yard, Rear.** An area between the rear lot line and the rear setback line extending across the full width of a site. On a corner lot the rear yard shall extend only to the side yard abutting the street.

**Yard, Side.** An area between the rear setback line and the front setback line and between the side property line and side setback line. The side yard on the street side of a corner lot shall extend to the rear lot line.





**Zoning Ordinance.** The Zoning Ordinance of the City of Huntington Beach.


SECTION 2. All other provisions of Chapter 203 not modified herein shall remain in full force and effect.

SECTION 3. This ordinance shall become effective immediately 30 days after its adoption.

PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting thereof held on the 20th day of July, 2020.

  
Mayor

ATTEST:

  
City Clerk

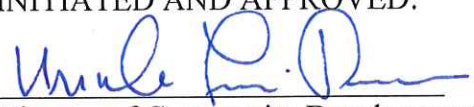
APPROVED AS TO FORM:

  
City Attorney

REVIEWED AND APPROVED:

  
City Manager

INITIATED AND APPROVED:

  
Director of Community Development

STATE OF CALIFORNIA                     )  
COUNTY OF ORANGE                    ) ss:  
CITY OF HUNTINGTON BEACH         )

I, ROBIN ESTANISLAU, the duly elected, qualified City Clerk of the City of Huntington Beach, and ex-officio Clerk of the City Council of said City, do hereby certify that the whole number of members of the City Council of the City of Huntington Beach is seven; that the foregoing ordinance was read to said City Council at a **Regular** meeting thereof held on **July 7, 2020**, and was again read to said City Council at a **Regular** meeting thereof held on **July 20, 2020**, and was passed and adopted by the affirmative vote of at least a majority of all the members of said City Council.

**AYES:**           Posey, Delgleize, Hardy, Semeta, Peterson, Carr, Brenden

**NOES:**           None

**ABSENT:**       None

**ABSTAIN:**      None


I, Robin Estanislau, CITY CLERK of the City of Huntington Beach and ex-officio Clerk of the City Council, do hereby certify that a synopsis of this ordinance has been published in the Huntington Beach Wave on July 30, 2020.

In accordance with the City Charter of said City.

Robin Estanislau, City Clerk



Deputy City Clerk

  
\_\_\_\_\_  
City Clerk and ex-officio Clerk  
of the City Council of the City  
of Huntington Beach, California

ORDINANCE NO. 4215

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HUNTINGTON BEACH  
AMENDING CHAPTER 210 OF THE HUNTINGTON BEACH ZONING AND  
SUBDIVISION ORDINANCE TITLED R RESIDENTIAL DISTRICTS  
(ZONING TEXT AMENDMENT NO. 19-005)

THE CITY COUNCIL OF THE CITY OF HUNTINGTON BEACH MAKES THE  
FOLLOWING FINDINGS WITH RESPECT TO THE ADOPTION OF THIS ORDINANCE:

WHEREAS, under the California Constitution, Article XI, Section 7, the City has been granted broad police powers to preserve the residential characteristics of its RL, RHM, RH and RMP residential zones; and the residential portion of its Specific Plans, which powers have been recognized by both the California Supreme Court and United States Supreme Court, the latter of which has stated that, "It is within the power of the legislature to determine that the community should be beautiful as well as healthy, spacious as well as clean, well-balanced as well as carefully patrolled"; and

The Federal Fair Housing Act ("FHA") and the California Fair Employment Housing Act ("FEHA") prohibit enforcement of business regulation facially or effectively discriminate against equal housing opportunities for the disabled; and

A core purpose of the FHA and FEHA is to provide a broader range of housing opportunities to the disabled; to free the disabled, to the extent possible, from institutional style living; and to ensure that disabled persons may live in a similar fashion as non-disabled persons live in residential neighborhoods; and

To fulfill this purpose, the FHA and FEHA also require that the City provide reasonable accommodations to its zoning ordinances if such accommodation is necessary to afford a disabled person an equal opportunity to use and enjoy a dwelling; and

Any facility which provides non-medical alcoholism or drug abuse recovery, treatment, or detoxification services must obtain a license from the California Department of Alcohol and Drug Programs ("ADP"). Health & Safety Code section 11834.30 provides that no person "shall operate, establish, manage, conduct, or maintain an alcoholism or drug abuse recovery or



treatment facility to provide recovery, treatment, or detoxification services” with the State without first obtaining an ADP license; and

State law has preempted local regulation of ADP-licensed facilities, and requires that all California cities must permit in all residential zones pursuant to ADP-licensed facilities with six or fewer residents pursuant to Health and Safety Code Sections 11834.20 and 11834.23; and

A Group Home is residential facility that is being used as a supportive living environment for persons who are considered disabled under State or Federal law. Persons recovering from drug and/or alcohol addiction are considered disabled for the purposes of the FEHA and the Federal Americans with Disabilities Act (“ADA”); and

A Sober Living Home is a Group Home for persons who are recovering from a drug and/or alcohol addiction and who are considered handicapped under FEHA or ADA; and

The City of Huntington Beach has seen a sharp increase in the number of Sober Living Homes, which has generated secondary impacts including, but not limited to neighborhood parking shortfalls, overcrowding, inordinate amounts of second-hand smoke, and noise; and the clustering of Sober Living Homes in close proximity to each other creating near neighborhoods of Sober Living Homes; and

As of May 2020, the City has identified approximately 177 Sober Living Homes and residential care facilities in the multi-family and single-family residential zones; and

The number of Sober Living Homes in the City of Huntington Beach is rapidly increasing, leading to an overconcentration of Sober Living Homes in certain of the City’s residential neighborhoods, which is both deleterious to the residential character of these neighborhoods and may also lead to the institutionalization of such neighborhoods; and

The purpose of Sober Living Homes is to provide a comfortable living environment for persons with drug or alcohol addictions in which they remain clean and sober and can participate in a recovery program in a residential, community environment, and so that they have the opportunity to reside in the residential neighborhood of their choice; and

In enacting this Ordinance, the City Council of the City of Huntington Beach is attempting to strike a balance between the City's and residents' interests of preserving the characteristics of residential neighborhoods and to provide opportunities for the disabled to reside in such neighborhoods that are enjoyed by the non-disabled; and

Because of their extremely transient populations, above-normal numbers of individuals/adults residing in a single dwelling and the lack of regulations, Sober Living Homes present problems not typically associated with more traditional residential uses, including but not limited to: the housing of large numbers of unrelated adults who may or may not be supervised; disproportionate numbers of cars associated with a single housing unit, which causes disproportionate traffic and utilization of on-street parking; excessive noise and outdoor smoking, which interferes with the use and enjoyment of neighbors' use of their property; neighbors who have little to no idea who does and does not reside in the home; little to no participation in community activities that form and strengthen neighborhood cohesion; disproportional impacts from the average dwelling unit to nearly all public services including sewer, water, parks, libraries, transportation infrastructure, fire and police; a history of congregating in the same general area; and the potential influx of individuals with a criminal record; and

Housing inordinately large numbers of unrelated adults in a single dwelling or congregating Sober Living Homes in close proximity to each other does not provide the disabled with an opportunity to "live in normal residential surroundings," but rather places them into living environments bearing more in common with the types of institutional dormitory living that the FEHA and FHA were designed to avoid for the disabled, and which no reasonable person could contend provides a normal residential surrounding; and

Notwithstanding the above, the City Council recognizes that while not in character with residential neighborhoods, responsibly operated Sober Living Homes, and Group Homes, including Sober Living Homes, benefit society by providing the disabled the opportunity to live in residential neighborhoods, recovery programs for individuals attempting to overcome their drug and alcohol addictions, and providing Sober Living Homes greater access to residential zones; and

Without regulation there is no means of ensuring that (i) the individuals entering into Sober Living Homes are disabled individuals and entitled to reasonable accommodation under local and state law; (ii) the Sober Living Home is operated professionally to minimize impacts to the surrounding neighborhood; and (iii) the secondary impacts from over concentration of Sober Living Homes and Group Homes in a neighborhood and large numbers of unrelated adults residing in a single facility are lessened; and

At least some operators of Sober Living Homes and Group Homes are driven more by profit rather than intent to provide recovering addicts a realistic potential of sobriety, or a living environment resembling the manner in which the non-disabled use and enjoy a dwelling; and

The residents of Sober Living Homes and Group Homes come to the City from all parts of the country and often lack established ties to the community and a local support system independent of the Sober Living Home or Group Home; and consequently the residents are especially vulnerable to becoming homeless upon eviction; and

Is the intent of this Ordinance to require that operators of Group and Sober Living Homes provide the residents information regarding the available local housing resources prior to eviction from a Sober Living Home or Group Home; and

Pursuant to the California State Planning and Zoning Law, the Huntington Beach Planning Commission and Huntington Beach City Council have held separate, duly noticed public hearings to consider Zoning Text Amendment No. 19-005, which amends Chapter 210 of the Huntington Beach Zoning and Subdivision Ordinance relating to updated, clarified, and additional development standards utilized within Residential Districts of the ZSO.

After due consideration of the findings and recommendations of the Planning Commission and all other evidence presented, the City Council finds that the aforesaid amendment is proper and consistent with the General Plan;

NOW, THEREFORE, the City Council of the City of Huntington Beach does hereby ordain as follows:

SECTION 1. That Chapter 210 of the Huntington Beach Zoning and Subdivision Ordinance titled R Residential Districts is hereby amended to read as follows:

**210.02 Residential Districts Established**

The purpose of the residential districts is to implement the General Plan and Local Coastal Program Land Use Plan residential land use designations. Five residential zoning districts are established by this chapter as follows:

- A. The RL Low Density Residential District provides opportunities for single-family residential land use in neighborhoods, subject to appropriate standards. Cluster development is allowed. Maximum density is seven units per acre.
- B. The RM Medium Density Residential District provides opportunities for housing of a more intense nature than single-family detached dwelling units, including duplexes, triplexes, town houses, apartments, multi-dwelling structures, or cluster housing with landscaped open space for residents' use. Single-family homes, such as patio homes, may also be suitable. Maximum density is 15 units per acre.
- C. The RMH Medium High Density Residential District provides opportunities for a more intensive form of development than is permitted under the medium density designation while setting an upper limit on density that is lower than the most intense and concentrated development permitted in the City. One subdistrict has been identified with unique characteristics where separate development standards shall apply: RMH-A Small Lot. Maximum density is 25 units per acre.
- D. The RH High Density Residential District provides opportunities for the most intensive form of residential development allowed in the City, including apartments in garden type complexes and high rise where scenic and view potential exists, subject to appropriate standards and locational requirements. Maximum density is 35 units per acre.
- E. The RMP Residential Manufactured Home Park District provides sites for mobile home or manufactured home parks, including parks with rental spaces and parks where spaces are individually owned. Maximum density is nine spaces per acre. (3334-6/97)

## **210.04 RL, RM, RMH, RH, and RMP Districts—Land Use Controls**

In the following schedules, letter designations are used as follows:

“P” designates use classifications permitted in residential districts.

“L” designates use classifications subject to certain limitations prescribed by the “Additional Provisions” that follow.

“PC” designates use classifications permitted on approval of a conditional use permit by the Planning Commission.

“ZA” designates use classifications permitted on approval of a conditional use permit by the Zoning Administrator.

“TU” designates use classifications allowed upon approval of a temporary use permit by the Zoning Administrator.

“P/U” designates that accessory uses are permitted, however, accessory uses are subject to approval of a conditional use permit if the primary use requires a conditional use permit.

Use classifications that are not listed are prohibited. Letters in parentheses in the “Additional Provisions” column refer to provisions following the schedule or located elsewhere in the zoning ordinance. Where letters in parentheses are opposite a use classification heading, referenced provisions shall apply to all use classifications under the heading.

### **RL, RM, RMH, RH, and RMP Districts: Land Use Controls**

P = Permitted

L = Limited (see Additional Provisions)

PC = Conditional use permit approved by Planning Commission

ZA = Conditional use permit approved by Zoning Administrator

TU = Temporary use permit

P/U = Requires conditional use permit on site of conditional use

- = Not Permitted

	<b>RL</b>	<b>RM</b>	<b>RMH, RH</b>	<b>RMP</b>	<b>Additional Provisions</b>
Residential Uses					(A)(M)(Q)
Day Care, Ltd.	P	P	P	P	
Group Homes Incl. Sober Living Homes	L-8	L-8	L-8	L-8	
Group Residential	-	-	PC	-	
Multifamily Residential					(B)(C)(D)(R)
2 - 4 units	ZA	P	P	-	
5 - 9 units	ZA	ZA	ZA	-	
10 or more units	PC	PC	PC	-	
Manufactured Home Parks	ZA	ZA	-	ZA	(E)(F)
Referral Facility	-	L-9	L-9	L-9	
Residential Care Facility	P/PC	P/PC	P/PC	P/PC	(T)
Single-Family Residential	P	P	P	P	(B)(D)(F)(P)(R)(S)
Supportive Housing	L-7	L-7	L-7	L-7	
Transitional Housing	L-7	L-7	L-7	L-7	
Public and Semipublic					(A)(O)
Clubs & Lodges	PC	PC	ZA	ZA	
Day Care, Large-family	L-6	L-6	L-6	L-6	
Day Care, General	L-1	ZA	ZA	ZA	
Park & Recreation Facilities	L-2	L-2	L-2	L-2	
Public Safety Facilities	PC	PC	PC	PC	
Religious Assembly	L-3	PC	PC	PC	
Residential Care, General		PC	PC	PC	
Schools, Public or Private	PC	PC	PC	PC	
Utilities, Major	PC	PC	PC	PC	
Utilities, Minor	P	P	P	P	
<b>Commercial</b>					
Communication Facilities	L-5	L-5	L-5	L-5	
Horticulture	ZA	ZA	ZA	ZA	
Nurseries	ZA	ZA	ZA	ZA	
Visitor Accommodations					
Bed and Breakfast Inns	-	-	L-4	-	

<b>Accessory Uses</b>	P/U	P/U	P/U	P/U	(A)(G)(H)(I)(L)(M)
<b>Temporary Uses</b>					(J)(M)
Commercial Filming, Limited	P	P	P	P	
Real Estate Sales	P	P	P	P	(N)
Personal Property Sales	P	P	P	P	
Street Fairs	TU	TU	TU	TU	
<b>Nonconforming Uses</b>					(K)(L)

#### **RL, RM, RMH, RH, and RMP Districts: Additional Provisions**

L-1 A conditional use permit from the Planning Commission is required and only allowed on lots 1.0 acre (gross acreage) or greater fronting an arterial in RL District.

L-2 Public facilities permitted, but a conditional use permit from the Zoning Administrator is required for private noncommercial facilities, including swim clubs and tennis clubs.

L-3 A conditional use permit from the Planning Commission is required, and only schools operating in conjunction with religious services are permitted as an accessory use. A general day care facility may be allowed as a secondary use, subject to a conditional use permit, if the Planning Commission finds that it would be compatible with adjacent areas and not cause significant traffic impacts.

L-4 A conditional use permit from the Zoning Administrator is required and only allowed on lots 10,000 square feet or greater in RMH-A subdistrict. See also Section 230.42, Bed and Breakfast Inns.

L-5 Only wireless communication facilities permitted subject to Section 230.96, wireless communication facilities.

L-6 Neighborhood notification is required pursuant to Section 241.24. No architectural plans shall be required.

L-7 Supportive housing and transitional housing shall be considered a residential use of property and shall be subject only to those restrictions and processing requirements that apply to other residential dwellings of the same type in the same zone.



L-8 Group Homes and Sober Living Homes

A. A Group Home or Sober Living Home with **six (6) or fewer residents** in the RL, RM, RMH, RH, RMP, a Specific Plan Residential, or a Specific Plan Mixed Use zone shall require a Special Use Permit from the Community Development Director, and:

1. As measured from the property line to property line, a Sober Living Home shall be at least one thousand (1000) feet from any other property that contains a Group Home, Sober Living Home, or State-Licensed Residential Care Facility. Refer to the procedures and location requirements of Chapter 230.28.

B. A Group Home or Sober Living Home with **seven (7) or more residents** is not permitted in the RL zone. In the RM, RMH, RH, RMP, Specific Plan Residential, or Specific Plan Mixed Use zone, a Group Home or Sober Living Home with **seven (7) or more residents** shall require a Conditional Use Permit from the Planning Commission, and:

1. As measured from the property line to property line, the Group Home or Sober Living Home shall be at least one thousand (1000) feet from any other property that contains a Group Home, Sober Living Home, or State-Licensed Residential Care Facility;
2. An application for an Operator's Permit that complies with Chapter 5.110 of the Huntington Beach Municipal Code (HBMC) shall be required for and may be granted to permit the operation of a Group Home or Sober Living Home.

C. An applicant may seek relief from the strict application of this section by submitting a Reasonable Accommodation application to the Community Development Director setting forth specific reasons as to why accommodation over and above this section is necessary under State and Federal laws, pursuant to Chapter 17.77 of the Huntington Beach Municipal Code.

L-9 A Referral Facility is any individual Residential Care Facility, Group Home, or Sober Living Home where one or more person's residency in the facility is pursuant to a court order or directive from an agency in the criminal justice system. The following standards are applicable to Referral Facilities:

- A. Referral Facilities are not permitted in the Residential Low Density (RL) zone, and no Referral Facility may be located within five hundred (500) feet of property that is zoned either Residential Low Density (RL) or Specific Plan Residential Low Density areas, or within five hundred (500) feet of a school, park, place of worship, or licensed day care facility.
  - B. A Referral Facility must have a manager on-site, twenty-four (24) hours every day to ensure the orderly operation of the facility and its compliance with all applicable laws, regulations, and conditions.
  - C. No Referral Facility shall admit a resident who has been convicted of any crime involving physical force against a person, illegal possession of a weapon, possession or use of a weapon in the commission of a crime, or a felony involving a controlled substance.
- (A) Any addition or modification subsequent to the original construction that would result in an increase in the amount of building area, or a structural or architectural alteration to the building exterior, shall require an amendment to the previously approved conditional use permit, if any, or approval of a new conditional use permit.
- (B) A conditional use permit from the Planning Commission is required for residential uses requesting reduction in standards for senior citizens (See Section 210.08), for affordable housing (See Sections 210.10 and 230.14), or for density bonus (See Section 230.14).
- (C) A conditional use permit from the Zoning Administrator is required for any multiple family residential development that:
- (1) Abuts an arterial highway;
  - (2) Includes a dwelling unit more than 150 feet from a public street; or
  - (3) Includes buildings exceeding 25 feet in height.
- (D) See Section 210.12, Planned Unit Development Supplemental Standards. In addition, a conditional use permit is required for condominium conversion pursuant to Chapter 235.
- (E) See Section 210.14, RMP District Supplemental Standards. In addition, Neighborhood Notification pursuant to Chapter 241 is required for the addition of manufactured home space(s) to an existing manufactured home park.

- (F) See Section 230.16, Manufactured Homes.
- (G) See Section 230.12, Home Occupation in R Districts.
- (H) See Section 230.08, Accessory Structures.
- (I) See Section 230.10, Accessory Dwelling Units.
- (J) See Section 241.20, Temporary Use Permits.
- (K) See Chapter 236, Nonconforming Uses and Structures.
- (L) See Chapter 233, Signs.
- (M) Tents, trailers, vehicles, or temporary structures shall not be used for dwelling purposes.
- (N) See Section 230.18, Subdivision Sales Offices and Model Homes.
- (O) Limited to facilities on sites of fewer than two acres.
- (P) See Section 230.22, Residential Infill Lot Developments.
- (Q) See Section 230.20, Payment of Parkland Dedication In-Lieu Fee.
- (R) Small Lot Development Standards for RM, RMH, and RH Districts. A conditional use permit from the Planning Commission is required for small lot residential subdivisions, including condominium maps for detached single-family dwellings. See also Section 230.24, Small Lot Development Standards.
- (S) See Coastal Element Land Use Plan, Table C-2, for permitted uses, development requirements and restrictions applicable to development within Subarea 4K as depicted in Figures C-6a and C-10 of the Coastal Element Land Use Plan. Subdivision design and development within Subarea 4K shall incorporate the information from the plans and studies required in Table C-2 for development of that subarea. If there is a conflict between the requirements and restrictions of Table C-2 and other provisions of the Zoning and Subdivision Ordinance, the requirements and restrictions included in Table C-2 shall prevail.
- (T) Unlicensed Residential Care Facilities are not permitted in any R district.

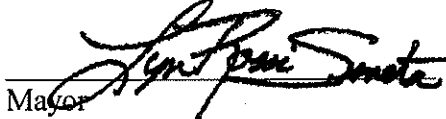
State licensed Residential Care Facilities serving **six (6) or fewer** persons are permitted in the in the RL, RM, RMH, RH, RMP, a Specific Plan Residential, or a Specific Plan Mixed Use zones.

State licensed Residential Care Facilities serving **seven (7) or more** persons in the RL (See Provision L-1), RM, RMH, RH, RMP, a Specific Plan Residential, or a Specific Plan Mixed Use zone are subject to a CUP by the Planning Commission pursuant to the requirements of Section 230.28.

SECTION 2. All other provisions of Chapter 210 not modified herein shall remain in full force and effect.

SECTION 3. This ordinance shall become effective immediately 30 days after its adoption.

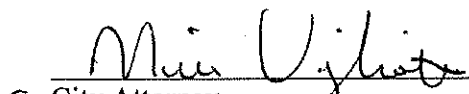
PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting thereof held on the 20th day of July, 2020.

  
Mayor


ATTEST:

  
City Clerk

APPROVED AS TO FORM:

  
City Attorney

REVIEWED AND APPROVED:

  
City Manager

INITIATED AND APPROVED:

  
Community Development Director

STATE OF CALIFORNIA                     )  
COUNTY OF ORANGE                    ) ss:  
CITY OF HUNTINGTON BEACH         )

I, ROBIN ESTANISLAU, the duly elected, qualified City Clerk of the City of Huntington Beach, and ex-officio Clerk of the City Council of said City, do hereby certify that the whole number of members of the City Council of the City of Huntington Beach is seven; that the foregoing ordinance was read to said City Council at a **Regular** meeting thereof held on **July 7, 2020**, and was again read to said City Council at a **Regular** meeting thereof held on **July 20, 2020**, and was passed and adopted by the affirmative vote of at least a majority of all the members of said City Council.

**AYES:**           Posey, Delgleize, Hardy, Semeta, Peterson, Carr, Brenden

**NOES:**           None

**ABSENT:**       None

**ABSTAIN:**      None

I, Robin Estanislau, CITY CLERK of the City of Huntington Beach and ex-officio Clerk of the City Council, do hereby certify that a synopsis of this ordinance has been published in the Huntington Beach Wave on July 30, 2020.

In accordance with the City Charter of said City.

Robin Estanislau, City Clerk

Anna Smith Deputy City Clerk

Robin Estanislau

City Clerk and ex-officio Clerk  
of the City Council of the City  
of Huntington Beach, California



ORDINANCE NO. 4216

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HUNTINGTON BEACH  
AMENDING CHAPTER 230 OF THE HUNTINGTON BEACH ZONING AND  
SUBDIVISION ORDINANCE TITLED SITE STANDARDS  
(ZONING TEXT AMENDMENT NO. 19-005)

THE CITY COUNCIL OF THE CITY OF HUNTINGTON BEACH MAKES THE  
FOLLOWING FINDINGS WITH RESPECT TO THE ADOPTION OF THIS ORDINANCE:

WHEREAS, under the California Constitution, Article XI, Section 7, the City has been granted broad police powers to preserve the residential characteristics of its RL, RHM, RH and RMP residential zones; and the residential portion of its Specific Plans, which powers have been recognized by both the California Supreme Court and United States Supreme Court, the latter of which has stated that, "It is within the power of the legislature to determine that the community should be beautiful as well as healthy, spacious as well as clean, well-balanced as well as carefully patrolled"; and

The Federal Fair Housing Act ("FHA") and the California Fair Employment Housing Act ("FEHA") prohibit enforcement of business regulation facially or effectively discriminate against equal housing opportunities for the disabled; and

A core purpose of the FHA and FEHA is to provide a broader range of housing opportunities to the disabled; to free the disabled, to the extent possible, from institutional style living; and to ensure that disabled persons may live in a similar fashion as non-disabled persons live in residential neighborhoods; and

To fulfill this purpose, the FHA and FEHA also require that the City provide reasonable accommodations to its zoning ordinances if such accommodation is necessary to afford a disabled person an equal opportunity to use and enjoy a dwelling; and

Any facility which provides non-medical alcoholism or drug abuse recovery, treatment, or detoxification services must obtain a license from the California Department of Alcohol and Drug Programs ("ADP"). Health & Safety Code section 11834.30 provides that no person "shall operate, establish, manage, conduct, or maintain an alcoholism or drug abuse recovery or

treatment facility to provide recovery, treatment, or detoxification services” with the State without first obtaining an ADP license; and

State law has preempted local regulation of ADP-licensed facilities, and requires that all California cities must permit in all residential zones pursuant to ADP-licensed facilities with six or fewer residents pursuant to Health and Safety Code Sections 11834.20 and 11834.23; and

A Group Home is residential facility that is being used as a supportive living environment for persons who are considered disabled under State or Federal law. Persons recovering from drug and/or alcohol addiction are considered disabled for the purposes of the FEHA and the Federal Americans with Disabilities Act (“ADA”); and

A Sober Living Home is a Group Home for persons who are recovering from a drug and/or alcohol addiction and who are considered handicapped under FEHA or ADA; and

The City of Huntington Beach has seen a sharp increase in the number of Sober Living Homes, which has generated secondary impacts including, but not limited to neighborhood parking shortfalls, overcrowding, inordinate amounts of second-hand smoke, and noise; and the clustering of Sober Living Homes in close proximity to each other creating near neighborhoods of Sober Living Homes; and

As of May 2020, the City has identified approximately 177 Sober Living Homes and residential care facilities in the multi-family and single-family residential zones; and

The number of Sober Living Homes in the City of Huntington Beach is rapidly increasing, leading to an overconcentration of Sober Living Homes in certain of the City’s residential neighborhoods, which is both deleterious to the residential character of these neighborhoods and may also lead to the institutionalization of such neighborhoods; and

The purpose of Sober Living Homes is to provide a comfortable living environment for persons with drug or alcohol addictions in which they remain clean and sober and can participate in a recovery program in a residential, community environment, and so that they have the opportunity to reside in the residential neighborhood of their choice; and

In enacting this Ordinance, the City Council of the City of Huntington Beach is attempting to strike a balance between the City's and residents' interests of preserving the characteristics of residential neighborhoods and to provide opportunities for the disabled to reside in such neighborhoods that are enjoyed by the non-disabled; and

Because of their extremely transient populations, above-normal numbers of individuals/adults residing in a single dwelling and the lack of regulations, Sober Living Homes present problems not typically associated with more traditional residential uses, including but not limited to: the housing of large numbers of unrelated adults who may or may not be supervised; disproportionate numbers of cars associated with a single housing unit, which causes disproportionate traffic and utilization of on-street parking; excessive noise and outdoor smoking, which interferes with the use and enjoyment of neighbors' use of their property; neighbors who have little to no idea who does and does not reside in the home; little to no participation in community activities that form and strengthen neighborhood cohesion; disproportional impacts from the average dwelling unit to nearly all public services including sewer, water, parks, libraries, transportation infrastructure, fire and police; a history of congregating in the same general area; and the potential influx of individuals with a criminal record; and

Housing inordinately large numbers of unrelated adults in a single dwelling or congregating Sober Living Homes in close proximity to each other does not provide the disabled with an opportunity to "live in normal residential surroundings," but rather places them into living environments bearing more in common with the types of institutional dormitory living that the FEHA and FHA were designed to avoid for the disabled, and which no reasonable person could contend provides a normal residential surrounding; and

Notwithstanding the above, the City Council recognizes that while not in character with residential neighborhoods, responsibly operated Sober Living Homes, and Group Homes, including Sober Living Homes, benefit society by providing the disabled the opportunity to live in residential neighborhoods, recovery programs for individuals attempting to overcome their drug and alcohol addictions, and providing Sober Living Homes greater access to residential zones; and

Without regulation there is no means of ensuring that (i) the individuals entering into Sober Living Homes are disabled individuals and entitled to reasonable accommodation under local and state law; (ii) the Sober Living Home is operated professionally to minimize impacts to the surrounding neighborhood; and (iii) the secondary impacts from over concentration of Sober Living Homes and Group Homes in a neighborhood and large numbers of unrelated adults residing in a single facility are lessened; and

At least some operators of Sober Living Homes and Group Homes are driven more by profit rather than intent to provide recovering addicts a realistic potential of sobriety, or a living environment resembling the manner in which the non-disabled use and enjoy a dwelling; and

The residents of Sober Living Homes and Group Homes come to the City from all parts of the country and often lack established ties to the community and a local support system independent of the Sober Living Home or Group Home; and consequently the residents are especially vulnerable to becoming homeless upon eviction; and

Is the intent of this Ordinance to require that operators of Group and Sober Living Homes provide the residents information regarding the available local housing resources prior to eviction from a Sober Living Home or Group Home; and

Pursuant to the California State Planning and Zoning Law, the Huntington Beach Planning Commission and Huntington Beach City Council have held separate, duly noticed public hearings to consider Zoning Text Amendment No. 19-005, which amends Chapter 230 of the Huntington Beach Zoning and Subdivision Ordinance relating to updated, clarified, and site standards utilized within the ZSO.

After due consideration of the findings and recommendations of the Planning Commission and all other evidence presented, the City Council finds that the aforesaid amendment is proper and consistent with the General Plan;

NOW, THEREFORE, the City Council of the City of Huntington Beach does hereby ordain as follows:

SECTION 1. That Chapter 230 of the Huntington Beach Zoning and Subdivision Ordinance titled Site Standards is hereby amended to read as follows:

230.28 Group Homes

A. Purpose.

This chapter is intended to preserve the residential character of single-family residential neighborhoods and to further the purposes of the FEHA, the FHAA and the Lanterman Act by, among other things: (1) ensuring that group homes are actually entitled to the special accommodation and/or additional accommodation provided under the Huntington Beach Municipal Code and not simply skirting the city's boarding house regulations; (2) limiting the secondary impacts of group homes by reducing noise and traffic, preserving safety and providing adequate on street parking; (3) providing an accommodation for the disabled that is reasonable and actually bears some resemblance to the opportunities afforded non-disabled individuals to use and enjoy a dwelling unit in a single-family neighborhood; and (4) to provide comfortable living environments that will enhance the opportunity for the disabled and for recovering addicts to be successful in their programs.

B. Special Use Permit Required.

1. A group home that may otherwise be considered an unpermitted use may locate in the RL, RM, RMH, RH, RMP, a Specific Plan Residential, or a Specific Plan Mixed Use zone with a Special Use Permit provided:

a. An application for a group home is submitted to the director by the owner/operator of the group home. The application shall provide the following:

- i The name, address, phone number and driver's license number of the owner/operator;
- ii. If the applicant and/or operator is a partnership, corporation, firm or association, then the applicant/operator shall provide the additional names and addresses as follows and such persons shall also sign the application:

- (1). Every general partner of the partnership,
- (2). Every owner with a controlling interest in the corporation,



- (3). The person designated by the officers of a corporation as set forth in a resolution of the corporation that is to be designated as the permit holder;
- iii. The license and permit history of the applicant(s), including whether such applicant(s), in previously operating a similar use in this or another city, county or state under license and/or permit, has had such license and/or permit revoked or suspended, and the reason therefor;
- iv. The name, address, phone number and driver's license number of the house manager;
- v. A copy of the group home rules and regulations;
- vi. Written intake procedures;
- vii. The relapse policy;
- viii. An affirmation by the owner/operator that only residents (other than the house manager) who are disabled as defined by state and federal law shall reside at the group home;
- ix. Blank copies of all forms that all residents and potential residents are required to complete; and
- x. A fee for the cost of processing of the application as set by resolution of the city council.

No person shall open a group home or begin employment with a group home until this information has been provided and such persons shall be responsible for updating any of this information to keep it current.

- b. The group home has six (6) or fewer occupants, not counting a house manager, but in no event shall have more than seven (7) occupants. If the dwelling unit has a secondary accessory unit, occupants of both units will be combined to determine whether or not the limit of six (6) occupants has been exceeded.
- c. The group home shall not be located in an accessory secondary unit unless the primary dwelling unit is used for the same purpose.
- d. The group home has a house manager who resides at the group home or any multiple of persons acting as a house manager who are present at the group home on a

twenty-four (24) hour basis and who are responsible for the day-to-day operation of the group home.

e. All garage and driveway spaces associated with the dwelling unit shall, at all times, be available for the parking of vehicles. Residents and the house manager may each only store or park a single vehicle at the dwelling unit or on any street within five hundred (500) feet of the dwelling unit. The vehicle must be operable and currently used as a primary form of transportation for a resident of the group home.

f. Occupants must not require and operators must not provide "care and supervision" as those terms are defined by Health and Safety Code section 1503.5 and section 80001(c)(3) of Title 22, California Code of Regulations.

g. Integral group home facilities are not permitted. Applicants shall declare, under penalty of perjury, that the group home does not operate as an integral use/facility.

h. If the group home operator is not the property owner, written approval from the property owner to operate a group home at the property.

i. The property must be fully in compliance with all building codes, municipal code and zoning.

j. At least forty-eight (48) hours prior to an occupant's eviction from or involuntary termination of residency in a group home, the operator thereof shall:

i. Notify the person designated as the occupant's emergency contact or contact of record that the occupant will no longer be a resident at the home;

ii. Contact the Orange County Health Care Agency OC Links Referral Line and/or another entity designated by the City to determine the services available to the occupant, including, but not limited to, alcohol and drug inpatient and outpatient treatment;

iii. Notify the City's Homeless Task Force or its successor panel that an occupant is no longer a resident at the home, and determine the services available therefrom;

iv. Provide the information obtained from paragraphs ii and iii of this subsection B.1.j. and any other treatment provider or service to the occupant prior

to his or her release on a form provided by the City and obtain the occupant's signed acknowledgement thereon;

v. Provided, however, that if the occupant's behavior results in immediate termination of residency pursuant to rules approved by the City as part of the special use permit for that facility, the operator shall comply with paragraphs i. through iv. of this subsection B.1.j. as soon as possible.

k. Prior to an occupant's eviction from or involuntary termination of residency in a group home, the operator thereof shall also:

i. Make available to the occupant transportation to the address listed on the occupant's driver license, state-issued identification card, or the permanent address identified in the occupant's application or referral to the group home;

ii. Provided, however, that should the occupant decline transportation to his or her permanent address or otherwise has no permanent address, then the operator shall make available to the occupant transportation to another group home or residential care facility that has agreed to accept the occupant. If the operator cannot find accommodation, the occupant must continue to house on premises until such accommodation can be found for the occupant.

l. The group home operator shall maintain records for a period of one year following eviction from or involuntary termination of residency of an occupant that document compliance with subsections B.1.j. and B.1.k. of this section; provided, however, that nothing herein shall require an operator of a group home to violate any provision of state or federal law regarding confidentiality of health care information. The group home operator may not satisfy the obligations set forth in subsection B.1.k. of this section by providing remuneration to the occupant for the cost of transportation.

m. All drivers of vehicles picking up or dropping off persons at a group home shall comply with all applicable provisions of this Code and the Vehicle Code, including, but not limited to, those provisions regulating licensure and parking, standing and stopping.

n. In addition to the regulations outlined above, the following shall also apply to sober living homes:

- i. The sober living home is not located within one thousand (1000) feet, as measured from the closest property lines, of any other sober living home or a state licensed alcoholism or drug abuse recovery or treatment facility.
- ii. All occupants, other than the house manager, must be actively participating in legitimate recovery programs, including, but not limited to, Alcoholics Anonymous or Narcotics Anonymous and the sober living home must maintain current records of meeting attendance. Under the sober living home's rules and regulations, refusal to actively participate in such a program shall be cause for eviction.
- iii. The sober living home's rules and regulations must prohibit the use of any alcohol or any non-prescription drugs at the sober living home or by any recovering addict either on or off site. The sober living home must also have a written policy regarding the possession, use and storage of prescription medications. The facility cannot dispense medications but must make them available to the residents. The possession or use of prescription medications is prohibited except for the person to whom they are prescribed, and in the amounts/dosages prescribed. These rules and regulations shall be posted on site in a common area inside the dwelling unit. Any violation of this rule must be cause for eviction under the sober living home's rules for residency and the violator cannot be re-admitted for at least ninety (90) days. Any second violation of this rule shall result in permanent eviction. Alternatively, the sober living home must have provisions in place to remove the violator from contact with the other residents until the violation is resolved.
- iv. The number of occupants subject to the sex offender registration requirements of Penal Code section 290 does not exceed the limit set forth in Penal Code section 3003.5 and does not violate the distance provisions set forth in Penal Code section 3003.
- v. The sober living home shall have a written visitation policy that shall preclude any visitors who are under the influence of any drug or alcohol.

vi. The sober living home shall have a good neighbor policy that shall direct occupants to be considerate of neighbors, including refraining from engaging in excessively loud, profane or obnoxious behavior that would unduly interfere with a neighbor's use and enjoyment of their dwelling unit. The good neighbor policy shall establish a written protocol for the house manager/operator to follow when a neighbor complaint is received.

vii. The sober living home shall not provide any of the following services as they are defined by section 10501(a)(6) of Title 9, California Code of Regulations: detoxification; educational counseling; individual or group counseling sessions; and treatment or recovery planning.

o. An applicant may seek relief from the strict application of this section by submitting a reasonable accommodation application setting forth specific reasons as to why accommodation over and above this section is necessary under state and federal laws, pursuant to section HBMC 17.77.

2. The special use permit shall be issued by the director as a ministerial matter if the applicant is in compliance or has agreed to comply with subsections B.1.a. through B.1.n. of this section. The issuance of the special use permit shall be denied upon a determination, and if already issued shall be denied or revoked upon a hearing, by the director that any of the following circumstances exist:

a. Any owner/operator or staff person has provided materially false or misleading information on the application or omitted any pertinent information;

b. Any owner/operator or staff person has an employment history in which he or she was terminated during the past two (2) years because of physical assault, sexual harassment, embezzlement or theft; falsifying a drug test; and selling or furnishing illegal drugs or alcohol.

c. Any owner/operator or staff person has been convicted of or pleaded nolo contendere, within the last seven (7) to ten (10) years, to any of the following offenses:

i. Any sex offense for which the person is required to register as a sex offender under California Penal Code section 290 (last ten (10) years);



- ii. Arson offenses—Violations of Penal Code Sections 451—455 (last seven (7) years); or
  - iii. Violent felonies, as defined in Penal Code section 667.5, which involve doing bodily harm to another person (last ten (10) years).
  - iv. The unlawful sale or furnishing of any controlled substances (last seven (7) years).
- d. Any owner/operator or staff person is on parole or formal probation supervision on the date of the submittal of the application or at any time thereafter.
- e. The owner/operator accepts residents, other than a house manager, who are not disabled as defined by the FHAA and FEHA.
- f. A special use permit for a sober living home shall also be denied upon a determination, and if already issued, any transfer shall be denied or revoked, upon a hearing, by the director that any of the following additional circumstances exist:
- i. Any owner/operator or staff person of a sober living home is a recovering drug or alcohol abuser and upon the date of application or employment has had less than one (1) full year of sobriety.
  - ii. The owner/operator of a sober living home fails to immediately take measures to remove any resident who uses alcohol or illegally uses prescription or non-prescription drugs, or who is not actively participating in a legitimate recovery program from contact with all other sober residents.
  - iii. The sober living home, as measured by the closest property lines, is located within one thousand (1000) feet of any other sober living home or state licensed alcoholism or drug abuse recovery or treatment facility. If a state-licensed alcoholism or drug abuse recovery or treatment facility moves within one thousand (1000) feet of an existing sober living home this shall not cause the revocation of the sober living home's permit or be grounds for denying a transfer of such permit.

g. For any other significant and/or repeated violations of this section and/or any other applicable laws and/or regulations, including, but not limited to, failure to comply with the provisions of subsections B.1.j. through m.

h. Revocation shall not apply to any group home, which otherwise would cause it to be in violation of this section, that has obtained a reasonable accommodation pursuant to HBMC 17.77.

#### C. Compliance

1. Existing Group Homes must apply for a special use permit within ninety (90) days of the effective date of this chapter.

2. Group Homes that are in existence upon the effective date of this chapter shall have one (1) year from the effective date of this chapter to comply with its provisions, provided that any existing Group Home, which is serving more than six (6) residents, must first comply with the six-resident maximum.

3. Existing Group Homes obligated by a written lease exceeding one (1) year from the effective date of the ordinance, or whose activity involves investment of money in leasehold or improvements such that a longer period is necessary to prevent undue financial hardship, are eligible for up to one (1) additional years grace period pursuant to Planning Division approval.

#### D. Transfer of Special Use Permit

1. A Special Use Permit may not be transferred to any other person or entity. No Special Use Permit issued pursuant to this chapter shall be transferred or assigned or authorize any person other than the person or entity named in the permit to operate the group home named therein.

E. A Conditional Use Permit shall be required for and may be granted to allow the operation of a Group Home, or a Residential Care Facility with seven (7) or more occupants in the RM, RMH, RH, RMP, Specific Plan Residential and Specific Plan Mixed Use Zones subject to the following conditions:

1. As measured from the property line to property line, the Group Home or Sober Living Home shall be at least one thousand (1000) feet from any other property that contains a Group Home, Sober Living Home, or State-Licensed Residential Care Facility.

2. An application for an Operator's Permit that complies with Chapter 5.110 of the Huntington Beach Municipal Code (HBMC) shall be required for and may be granted to permit the operation of a Group Home or Sober Living Home.

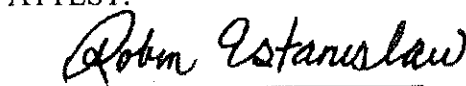
SECTION 2. All other provisions of Chapter 230 not modified herein shall remain in full force and effect.

SECTION 3. This ordinance shall become effective immediately 30 days after its adoption.

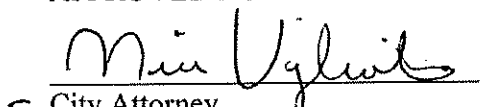
PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting thereof held on the 20th day of July, 2020.

  
Mayor

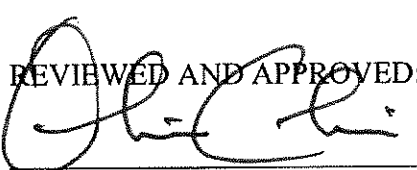
ATTEST:

  
City Clerk


APPROVED AS TO FORM:

  
City Attorney

REVIEWED AND APPROVED:

  
City Manager

INITIATED AND APPROVED:

  
Community Development Director

STATE OF CALIFORNIA                     )  
COUNTY OF ORANGE                    ) ss:  
CITY OF HUNTINGTON BEACH         )

I, ROBIN ESTANISLAU, the duly elected, qualified City Clerk of the City of Huntington Beach, and ex-officio Clerk of the City Council of said City, do hereby certify that the whole number of members of the City Council of the City of Huntington Beach is seven; that the foregoing ordinance was read to said City Council at a **Regular** meeting thereof held on **July 7, 2020**, and was again read to said City Council at a **Regular** meeting thereof held on **July 20, 2020**, and was passed and adopted by the affirmative vote of at least a majority of all the members of said City Council.

**AYES:**           Posey, Delgleize, Hardy, Semeta, Peterson, Carr, Brenden

**NOES:**           None

**ABSENT:**       None

**ABSTAIN:**      None

I, Robin Estanislau, CITY CLERK of the City of Huntington Beach and ex-officio Clerk of the City Council, do hereby certify that a synopsis of this ordinance has been published in the Huntington Beach Wave on July 30, 2020.

In accordance with the City Charter of said City.

Robin Estanislau, City Clerk

Anna Smith Deputy City Clerk

Robin Estanislau

City Clerk and ex-officio Clerk  
of the City Council of the City  
of Huntington Beach, California