

ORDINANCE NO. 237

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GRAND TERRACE AMENDING TITLE 18 OF THE GRAND TERRACE MUNICIPAL CODE REGULATING ROOMING AND BOARDING HOUSE(S) (including Parolee-Probationer Homes and Sober Living Homes) WITHIN THE CITY OF GRAND TERRACE

The City Council of the City of Grand Terrace does ordain as follows:

SECTION 1: FINDINGS. The following Findings are adopted in support of amendments to the Zoning Code by the City of Grand Terrace regulating Rooming and Boarding Houses (including parolee-probationer homes and sober living homes) in the City of Grand Terrace:

- A. This Ordinance is hereby adopted on an Urgency basis pursuant to the authority of Government Code Section 36937. Its adoption on an urgency basis is necessary for the preservation of the public, peace, health and safety.
- B. Currently, there are no existing regulations governing Rooming and Boarding Houses, and specifically parolee-probationer homes and sober living facilities. The impact of non-State licensed facilities opening in residentially-zone neighborhoods would have an immediate and irreversible economic impact on adjacent residences given the current economics of the housing market, potentially resulting in increased foreclosure and resident displacement. Depending upon the nature of the occupancy, due to the lack of regulations adverse impacts on neighborhood safety, parking and residential occupancy are likely to occur.
- C. The proposed amendments ensure and maintain internal consistency with all of the objectives, policies, general land uses, programs, and actions of all elements of the General Plan. None of the amendments conflict with current General Plan policies, objectives or programs.
- D. The proposed amendments are necessary in order to preserve the residential character of single-family residential neighborhoods, and will not be detrimental to the public convenience, health, safety, or general welfare of the City because the regulations establish reasonable permit requirements and development standards, and will avoid an over-concentration of such facilities in single-family residential zones.
- E. The proposed amendments are in compliance with the provisions of the California Environmental Quality Act pursuant to Section 15061(b) (3) because it can be seen with certainty that there is no possibility that the proposed code amendments may have a significant effect on the environment.
- F. The proposed amendments are internally consistent with other applicable provisions of the Development Code.

SECTION 2: CODE AMENDMENT. The definition of "Rooming House" in Section 18.06.675 Title 18 of the Grand Terrace Municipal Code is hereby amended to read as follows:

"Rooming and Boarding House. A residence or dwelling, other than a hotel, wherein three or more rooms, with or without individual or group cooking facilities, are rented to individuals under separate rental agreements or leases, either written or oral, whether or not an owner, agent or rental manager is in residence. Included within the definition of Rooming and Boarding House are Parolee - Probationer Home and Sober Living Home as defined herein. "

SECTION 3: CODE AMENDMENT. The definition of "Parolee-Probationer Home" (including "Parolee-Probationer") is hereby added as Section 18.06.593 of Title 18 of the Grand Terrace Municipal Code to read as follows:

"Parolee - Probationer Home. Notwithstanding the definition of Rooming and Boarding Houses, any residential structure or unit, whether owned and/or operated by an individual or for-profit or non-profit entity, which houses two or more parolee-probationers (as defined herein), unrelated by blood, marriage, or legal adoption, in exchange for monetary or non-monetary consideration given and/or paid by the parolee-probationer and/or any individual or public/private entity on behalf of the parolee-probationer, excluding parolee-probationers who reside in a state-licensed residential care facility.

- 1. Parolee – Probationer.** An individual as follows: (1) convicted of a federal crime, sentenced to a United States federal prison, and received conditional and revocable release in the community under the supervision federal probation officer; (2) who is serving a period of supervised community custody as defined by California State Penal Code Section 3000, following a term of imprisonment in a State prison, and is under the jurisdiction of the California Department of Correction, Parole and Community Services Division; or (3) an adult or juvenile individual sentenced to a term in the California Youth Authority and received conditional and revocable release in the community under the supervision of a Youth Authority parole officer."

SECTION 4: CODE AMENDMENT. The definition of "Sober Living Home" is hereby added as Section 18.06.857 of Title 18 of the Grand Terrace Municipal Code as follows:

"Sober Living Home. Notwithstanding the definition of Rooming and Boarding House, any residential structure or unit which houses two or more persons unrelated by blood, marriage, or legal adoption, in exchange for monetary or non-monetary consideration who reside in said residential structure or unit for the purpose of recovering from problems related to alcohol, drug, or alcohol and drug misuse or abuse, and the facility does not provide alcohol or drug recovery or treatment services on-site, thereby not requiring a license from the State."

SECTION 5: CODE AMENDMENT. Section 18.67 entitled "Rooming and Boarding House" is hereby added to Title 18 of the Grand Terrace Municipal Code as follows:

I. Rooming and Boarding Houses. Rooming and Boarding Houses (including Parolee-Probationer Homes and Sober Living Homes) as defined in Chapter 18.06.675 (a) of this Title, may be established only upon approval of a conditional use permit for six or fewer occupants, and shall be prohibited for more than six occupants subject to the following standards:

1. **Conditional Use Permit Required.** It shall be unlawful in all zones of the City to operate a Rooming and Boarding House, a Parolee-Probationer-Home and/or Sober Living Home without first having obtained a Conditional Use Permit.
 2. **Filing Requirements.** The application for a conditional use permit for a Rooming and Boarding House, Parolee-Probationer Home or Sober Living Home shall include the following information:
 - a. Client profile (the subgroup of the population the facility is intended to serve, such as single men, families, elderly, minor children, developmentally disabled, etc.);
 - b. Maximum number of occupants including support staff;
 - c. Proposed maximum stay for each resident, parolee-probationer or occupant;
 - d. Support services to be provided on-site and projected staffing level, if any;
 - e. Site plan and floor plans; and
 - f. Rules of conduct and business management plan.
 3. **Site Location Criteria.** In evaluating a proposed Rooming and Boarding House, Parolee-Probationer Home or Sober Living Home, the following criteria shall be considered:
 - a. Compatibility of the use with neighboring uses;
 - b. Establishment of the facility will not result in harm to the health, safety or general welfare of the surrounding neighborhood, and substantial adverse impacts on adjoining properties or land uses will not result;
 - c. The facility shall be located along or near a collector or arterial street with reasonable access to public transportation;
 - d. The facility shall be accessible to necessary support services; and
 - e. In the case of the Sober Living and Parolee-Probationer Home, it shall not be located within one thousand-feet of a public or private school (pre-school through twelfth grade), student housing, senior housing, child care facilities, public parks and trails or businesses licensed for on-or off-site sales of alcoholic beverages, as measured from any point on the outside walls of the Home to the nearest property line of the noted use.
 4. **Development Standards.** Any Rooming and Boarding House, Parolee-Probationer Home or Sober Living Home shall comply with the following:
 - a. The facility shall be compatible with the character of the surrounding neighborhood;
 - b. Sufficient on-site parking shall be provided. The precise number of parking spaces required will be determined by the approving authority based on the operating characteristics of the specific proposal;
 - c. Both indoor and outdoor open areas shall be provided on site;
 - d. All setback standards of the underlying zone shall be met;
 - e. Signs as permitted in Chapter 18.80;
 - f. On-site staff supervision shall be required for parolee-probationer homes and sober living homes during all hours of operation;
 - g. Individual client stays at parolee-probationer homes and sober living homes shall not exceed one hundred eighty (180) days; and
 - h. The facility's management shall participate in any formal residential crime prevention program (i.e., Crime Free Multi-Housing Program) provided by the City and as required under the conditional use permit. If the program offers certification then that certification shall be obtained and maintained in current status.
- 4. Notification.** Notification of the conditional use permit public hearing shall be done in accordance with Chapter 18.83 of this Title.

5. Existing Uses. Any existing Rooming and Boarding House, Parolee-Probationer Home or Sober Living Home must comply with these requirements, submitting for the required conditional use permit within sixty (60) days of the effective date of this ordinance and completing the conditional use permit within one hundred-and-eighty (180) days of the effective date of this ordinance. A filing extension may be granted by the Planning Director when it is verified that good faith efforts to budget and/or secure funds are made, financial hardship exists, and a favorable recommendation is obtained from the Department. The Police Department recommendation is based upon a review of calls for service and criminal history at the parolee-probationer home or sober living home for the previous twelve (12) months. The Planning Director may exempt an existing use from obtaining the required CUP. This subsection shall sunset and no longer be effective on the date that is two years after the effective date of this ordinance.

6. Changes to Operation. Any change in operating conditions from what was originally approved and imposed by the City, including, but not limited to, the number of occupants, residents or parolees-probationers, or any modifications to the conditions of approval pursuant to the required conditional use permit shall require the immediate submittal of a request for revision of the required conditional use permit.

7. Existing Facilities. An existing Rooming and Boarding House, Parolee-Probationer Home or Sober Living Home established pursuant to any conditional use permit discontinued for any period of time, excluding a maximum thirty-day closure required to perform necessary repairs or restoration which does not increase the square footage of the residence, is deemed abandoned and any subsequent establishment of a Rooming and Boarding House, Parolee-Probationer Home or Sober Living Home shall be required to first obtain a new conditional use permit.

SECTION 7: SEVERABILITY. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications, and to this end the provisions of this ordinance are declared to be severable.


SECTION 8: ADOPTION. This Ordinance shall become effective immediately upon its adoption, pursuant to Government Code Section 36937. The City Clerk shall certify to the adoption of this ordinance and shall publish a summary of this ordinance the names of the council members voting for and against the ordinance.

ADOPTED by the City Council and signed by the Mayor and attested by the Deputy City Clerk this 27th day of May, 2008.



Mayor
City of Grand Terrace

ATTEST:



Deputy City Clerk
City of Grand Terrace

APPROVED AS TO FORM:

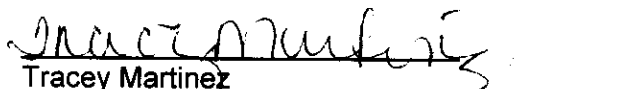


JOHN HARPER, City Attorney
City of Grand Terrace

I, Tracey Martinez, Deputy City Clerk of the City of Grand Terrace, California, hereby certify that the foregoing ordinance was duly and regularly introduced at a meeting of the City Council on the 13th of May, 2008, and that thereafter the said ordinance was duly and regularly adopted at a meeting of the City Council on the 27th day of May, 2008, by the following vote,

Ayes:	Council Members, Cortes, Miller and Buchanan; Mayor Pro Tem Garcia and Mayor Ferre'
Noes:	None
Absent:	None
Abstain:	None

IN WITNESS WHEREOF, I have hereunto set my hand and official seal of the City of Grand Terrace, California, this 27th day of May, 2008.



Tracey Martinez
Deputy City Clerk of the City of Grand Terrace