

June 29, 2012

Dear resident, neighborhood representative and interested parties:

**Subject: Group Homes- Draft Recommendations and Notice of Community Meeting**

**BACKGROUND:**

In early 2011, the San Rafael City Council adopted a temporary moratorium on unlicensed, large group homes (group homes with seven or more residents). This moratorium was adopted in response to community concerns regarding the establishment of several “sober living residences” (sober living environments – SLE) in single-family dwellings, which City staff determined were un-regulated and unpermitted by the City’s municipal code. The purpose of the temporary moratorium is to provide the City Attorney and Community Development Department staff adequate time to analyze and research the laws pertaining to group homes and to formulate recommendations. In December 2011, this temporary moratorium was extended for one year (due to expire on December 31, 2012).

Following an initial research of laws pertaining to group homes, in July 2011, the City Attorney and Community Development Department staff hosted a community meeting to present findings of this research. At that community meeting, City staff reported that the City Attorney would continue research and develop recommendations that could include proposed amendments to the City municipal code. It was agreed that when recommendations were ultimately formulated, a draft of proposed language would be circulated for comments, and a second community meeting would be held to present the recommendations.

Much has transpired since the July 2011 community meeting:

- There have been many months of additional research and drafting, which included studying numerous approaches and options to permitting and/or regulating group homes.
- City staff has coordinated with Community Action Marin and the Marin Recovery Project in their efforts to develop and administer a countywide client “referral service” for sober living residences. As presently proposed, this referral service is to be offered to the operators of Marin-based sober living residences that are deemed certified by meeting certain standards such as residence compliance with housing and building codes as well as house operational rules. This service would provide some level of residence oversight.
- The Mayor has established a City Council sub-committee on group homes; this sub-committee has been valuable in providing input and direction to the City Attorney and staff through this last phase of work.

## DRAFT RECOMMENDATIONS– CITY ZONING ORDINANCE AMENDMENTS

As a result of the research and outreach summarized above, the City Attorney in coordination with the Community Development Department staff has developed a number of recommended amendments to the San Rafael Municipal Code, Title 14 (Zoning Ordinance) to address the group home topic and related land use issues. The draft municipal code amendments are provided in the attached file and are summarized as follows:

1. New and/or revised land use definitions have been drafted to provide better clarity and distinction between a single household/single housekeeping unit, a group home and a boarding house. The amendments include definitions for a new land use classification entitled “Residential Support Facility” to address both small (3 to 6 residents) and large (7 or more residents), unlicensed group homes for the disabled. The definition of Residential Support Facility is intended to closely mirror the current code definitions for land use classification of “Residential Care Facility,” which are by definition licensed by the State of California. Despite the addition of new definitions, it is expected that some unlicensed facilities may still qualify as single households/single housekeeping units not subject to the standards for a Residential Support Facility or any other regulations not applicable to a typical single family home.
2. A new land use category entitled “Group Residential Uses” is proposed to encompass the land use classifications of “Residential Care Facility,” “Residential Support Facility” and “Boarding House.”
3. A small, unlicensed Residential Support Facility (3 to 6 residents) would be permitted in all residential zoning districts, no different than a small, licensed Residential Care Facility. Although a small Residential Support Facility is categorized as a commercial group residential use, staff has concluded that there is no persuasive reason for, and the law does not support, treating a facility of this size differently than a small licensed facility (which cannot be regulated under State law) or a dwelling occupied by an average single household, as all would have similar and usual impacts in a residential neighborhood.
4. A large, unlicensed Residential Support Facility (7 or more residents) would be permitted in all residential zoning districts, subject to compliance with specific standards. The standards that must be met would include:
  - a) compliance with off-street parking based on number of residents;
  - b) adoption and enforcement of “good neighbor” policies and house rules for residents including a requirement for an on-site manager; and
  - c) a determination by the City building and fire inspectors that the residence is suitable and safe for habitability.

This approval would be non-discretionary, meaning that if a Residential Support Facility meets the above standards, it is approved without conditions or public notice. Separately, staff intends to add a provision to the City's business license regulations to require a business license for Residential Support Facilities.

5. Amendments to provisions for requesting "Reasonable Accommodation" intended to bring that procedure more in line with requirements of Federal law.

Staff will continue to accept comments and consider additional amendments or revisions to the attached draft, and will attempt to answer questions about the draft at the community meeting.

## **NOTICE OF COMMUNITY MEETING**

**Date/Time and Location: Wednesday, July 25, 2012, 7:00pm, City Council Chambers, 1400 Fifth Avenue, San Rafael, CA.**

**What Will Happen at the Community Meeting:** This meeting will be informational only; no decisions or actions will be taken. The meeting will provide an opportunity for the City Attorney and staff to present recommendations for the draft municipal code amendments summarized above, and report on the background and research conducted to formulate these recommendations. The public will be given an opportunity to ask questions.

**Next Steps Following the Community Meeting:** The draft municipal code amendments will be scheduled for public hearings for review and action by the Planning Commission and City Council. Public hearings will be scheduled to commence in August 2012.

**For More Information:** contact Paul Jensen, Community Development Director at 415.485.5064 or [paul.jensen@cityofsanrafael.org](mailto:paul.jensen@cityofsanrafael.org) or Raffi Boloyan, Planning Manager at 415.485.3095 or [raffi.boloyan@cityofsanrafael.org](mailto:raffi.boloyan@cityofsanrafael.org).