

CITY OF LOS ALAMITOS
Council Chamber
3191 Katella Ave., Los Alamitos CA 90720

PLANNING COMMISSION/SUBDIVISION COMMITTEE
AGENDA
REGULAR MEETING

Wednesday, June 25, 2025 – 7:00 PM

NOTICE TO THE PUBLIC – This Agenda contains a brief general description of each item to be considered. Except as provided by law, action or discussion shall not be taken on any item not appearing on the agenda. Supporting documents, including staff reports, are available for review at City Hall in the Development Services Department or on the City's website at www.cityoflosalamitos.org once the agenda has been publicly posted.

Each matter on the agenda, no matter how described, shall be deemed to include any appropriate motion, whether to adopt a minute motion, resolution, payment of any bill, approval of any matter or action, or any other action. Items listed as "for information" or "for discussion" may also be the subject of an "action" taken by the Planning Commission at the same meeting.

Agenda-related documents provided to a majority of the Planning Commission after distribution of the Planning Commission agenda packet (GC §54957.5) will be made available for public inspection at the meeting. Such documents will also be available at the Development Services office, 3191 Katella Ave., Los Alamitos, CA 90720.

In compliance with the Americans with Disabilities Act, Assistive Listening headphones are available and can be checked out by the Department Secretary. If you need special assistance to participate in this meeting, please contact the Department Secretary at (562) 431-3538, ext. 110. Notification at least 42 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. [28 CFR 35.102.35.104 ADA Title II]. Language translation services are available for this meeting by calling the Development Services Office at least 42 hours in advance.

If you are unable to attend this meeting in person, you may submit comments on any agenda item or on any item not on the agenda by email to gmartinez@cityoflosalamitos.org with the subject line "PLANNING COMMISSION PUBLIC COMMENT". Comments received by 3:00 p.m. the day of the meeting will be compiled, provided to the Planning Commission, and made available to the public before the start of the meeting. Staff will not read email comments at the meeting.

If, as an attendee or a participant at this meeting, you will need special assistance beyond what is normally provided, please contact the Development Services Department at (562) 431-3538, extension 110, 48 hours prior to the meeting, so that reasonable arrangements may be made.

1. CALL TO ORDER

2. ROLL CALL

Chair Cuilty
Vice Chair Hastie
Commissioner Griego
Commissioner Heichman
Commissioner Legere

3. PLEDGE OF ALLEGIANCE

4. ORAL COMMUNICATIONS

At this time, any individual in the audience may address the Planning Commission and speak on any item within the subject matter jurisdiction of the Commission. Please state if you wish to speak on an item on the Agenda. **Remarks are to be limited to not more**

than five minutes.

5. CONSENT CALENDAR

All Consent Calendar items may be acted upon by one motion unless a Planning Commissioner requests separate action on a specific item.

A. Approval of May 28, 2025 Planning Commission Minutes

Recommendation:

Receive and File.

6. PUBLIC HEARING

A. Zoning Ordinance Amendment (ZOA) 25-02 - Regulation of Group Homes and Sober Living Homes

Consideration of Zoning Ordinance Amendment (ZOA) 25-02, an amendment to Title 5 (Business Licenses and Regulations) and Title 17 (Zoning) of the Los Alamitos Municipal Code concerning the regulation of group homes and sober living facilities.

Applicant:

City Initiated

Location:

Residential Zoning Districts (R-1, R-2, R-3, R-4, M-H)

Environmental:

Public Resources Code § 21065 defines “project” as “an activity which may cause either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.” The proposed Resolution does not have the potential to result in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, as the resolution does not call for any change in the existing environmental conditions within the City. Instead, the proposed Resolution merely recommends that the City Council adopt Ordinance No. TBD. Accordingly, the proposed Resolution is not a “project” subject to the California Environmental Quality Act (CEQA). (Public Resources Code § 21065; CEQA Guidelines §

15378(a).)

Recommendation:

Even if this action could be construed to be a project subject to CEQA, the proposed Resolution is exempt pursuant to CEQA Guidelines Section 15061(b)(3) since it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. The Planning Commission, as a recommending body, does not commit the City to any specific course of action, and the proposed Resolution does not constitute “approval” of any identifiable projects.

Approval Criteria:

If changes to the Zoning Code are recommended by the Planning Commission, they shall adopt the resolution recommending to the City Council approval, or approval in modified form, an amendment based on the findings contained in Section 17.58.060 (Findings and Decision) of the Los Alamitos Municipal Code (LAMC). The recommendations of the Planning Commission on a proposed amendment shall be adopted by a majority of the total voting members of the Planning Commission (LAMC § 17.58.040).

Noticing:

On June 2, 2025, a Notice of Public Hearing was posted at City Hall. It was also published in the Orange County Reporter on June 2, 2025 as a 1/8th of a page notice.

Recommendation:

1. Open the Public Hearing: and,
2. Consider the draft ordinance; and, if appropriate,
3. Planning Commission adopt Resolution No. 2025-02, entitled “A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, RECOMMENDING THE CITY COUNCIL TO ADOPT ZONING ORDINANCE AMENDMENT (ZOA) 25-02, ORDINANCE NO. 2025-TBD ADDING

CHAPTER 5.52 (GROUP HOMES) AND SECTION 17.28.290 (GROUP HOMES) TO THE LOS ALAMITOS MUNICIPAL CODE AND AMENDING SECTION 17.08.020 (ALLOWED USES AND PERMIT REQUIREMENTS FOR RESIDENTIAL ZONES) OF THE LOS ALAMITOS MUNICIPAL CODE.”

7. **DISCUSSION**
8. **STAFF REPORT**
9. **ITEMS FROM THE DEVELOPMENT SERVICES DEPARTMENT**
10. **COMMISSIONER REPORTS**
11. **ADJOURNMENT**

APPEAL PROCEDURES

Any final determination by the Planning Commission may be appealed to the City Council, and must be done so in writing at the Development Services Department, within ten (10) business days after the Planning Commission decision. The appeal must include a statement specifically identifying the portion(s) of the decision with which the appellant disagrees and the basis in each case for the disagreement, accompanied by an appeal fee of \$1,101.00 (resident)/ \$2,349.00 (non-resident) in accordance with Los Alamitos Municipal Code Section 17.60 and Fee Resolution No. 2022-11.

I hereby certify under penalty of perjury under the laws of the State of California, that the foregoing Agenda was posted at the Los Alamitos City Hall, 3191 Katella Ave. and online at www.cityoflosalamitos.org not less than 72 hours prior to the meeting.



Gabriela Martinez
Department Secretary

MINUTES OF PLANNING COMMISSION/SUBDIVISION COMMITTEE MEETING OF THE CITY OF LOS ALAMITOS

REGULAR MEETING – May 28, 2025

1. **CALL TO ORDER**

The Planning Commission/Subdivision Committee met in Regular Session at 7:01 p.m., Wednesday, May 28, 2025, in the Council Chamber located at 3191 Katella Avenue, Los Alamitos, CA 90720.

2. **ROLL CALL**

Present: Commissioners: Chair Culty,
Heichman, Griego, Hastie, Legere

Staff: Ron Noda, Deputy City Manager/Development
Services Director
Irving Montenegro Jr., Development Services
Manager
Michael Daudt, City Attorney
Gabriela Martinez, Department Secretary

3. **PLEDGE OF ALLEGIANCE**

Chair Culty led the Pledge of Allegiance.

4. **PRESENTATION**

A. Presentation of National Pollutant Discharge Elimination Systems (NPDES)

Development Services Manager Montenegro Jr. shared the PowerPoint presentation of the National Pollutant Discharge Elimination Systems (NPDES).

Chair Culty asked if home car washing businesses would fall under following NPDES.

Development Services Manager Montenegro Jr. provided further clarification on home car washes business and the proper protocol the business should be abiding by with proper water disposal.

Commissioner Legere asked for further insight into the process if improper pool drainage was observed.

Development Services Manager Montenegro Jr. provided clarity on who to contact if improper pool drainage is witnessed.

Vice Chair Hastie shared insight on the cost of water being a factor for individuals properly draining and maintaining a pool then inquired on what the City process is if someone wanted to drain their pool and/or spa.

Deputy City Manager/Development Services Director Noda clarified that water can be drained into the gutter if it is clean water. Filters can be purchased to help make pool water dechlorinated as possible before draining into the gutter.

Chair Culty inquired about saltwater pool draining.

Deputy City Manager/Development Services Director Noda shared there would need to be clarification to confirm if saltwater drainage is okay but if any chemical is used to filter a saltwater pool, then it has to be properly cleaned before discarding the water.

Development Services Manager Montenegro Jr. completed the NPDES PowerPoint presentation.

5. ORAL COMMUNICATIONS

Chair Culty opened oral communication.

Chair Culty closed oral communication.

6. CONSENT CALENDAR

A. Approval of April 23, 2025, Planning Commission Minutes

Motion/Second: Legere/Hastie

Carried 5/0 (5/0): The Planning Commission approved April 23, 2025, Planning Commission Minutes.

10. ITEMS FROM THE DEVELOPMENT SERVICES DIRECTOR

Deputy City Manager/Development Services Director Noda and Development Services Manager Montenegro Jr. briefly discussed the following:

- City Staff is currently working on a list of vacant properties within the city per Vice Chair Hastie's request and should be ready to present at the June Planning Commission Meeting.
- The City Council has approved the budget for the next Fiscal Year 2025-26.
- The Summer Concert Series kicking off on June 12th from 6:30pm – 8:30pm happening every Thursday until August 7th. No concert on July 3 in preparation of the 3rd of July Fireworks Spectacular event at the JFTB.

- The 3rd of July event will be taking place at the Los Alamitos Joint Forces Training Base. Gates open at 4:00pm with the fireworks show starting at 9:00pm.
- Nites on Pine events will be taking place after the Receptions Summer Concert Series starting on August 14th, September 11th, and October 9th.
- Improvement to the I-605 on ramp & off ramp and sections of Katella Avenue construction project will roughly be an 18-month endeavor starting in late June.

Commissioner Legere asked if there is a dedicated page on the City website where residents can find further information on the project.

Development Services Manager Montenegro Jr. shared where it will be listed on the City website.

11. COMMISSIONER REPORTS

Commissioner Heichman shared the following:

- Her attendance to the Arbor Day Celebration and shared her thanks to the city staff for hosting the event.
- The Neighborhood Clean Up Event was very well organized and had a great turn out of city residents.
- Her attendance to the Webinar for the I-605/Katella Avenue Improvement Project.
- Inquired if Orange County Transportation Authority (OCTA) will be presenting again at a future City Council meeting to provide updates to the project.

Deputy City Manager/Development Services Director Noda answered yes, OCTA will return further City Council Meetings, and the dates will be dependent on construction.

Commissioner Heichman inquired about the effect the project will have on the bike lanes.

Deputy City Manager/Development Services Director Noda provided insight on the extension of the bike lanes from Long Beach into the City.

Commissioner Heichman asked if the Veteran sundial will at all be affected with the future construction.

Vice Chair Hastie shared appreciation of the Arbor Day Event and asked for updates on the Lexington Drive Project and Cerritos Avenue Street project.

Deputy City Manager/Development Services Director Noda provided clarity and a brief timeline for both projects.

Vice Chair Hastie inquired if the Planning Commission could receive an update on the Lampson Park Place project at the June Meeting.

Deputy City Manager/Development Services Director Noda said there is currently no update but as changes arise, they will be shared with the Planning Commission.

Commissioner Griego shared her appreciation for the Neighborhood Clean Up Event and is excited to see what is to come for with the bike lane updates.

The Planning Commissioners discussed the bike lane at Cerritos and Los Alamitos Boulevard.

Deputy City Manager/Development Services Director Noda shared the overview statistics of the Neighborhood Clean Up Event along with a possibility of maybe do a secondary event.

Vice Chair Hastie inquired about residents trying to dispose of hazardous waste.

Development Services Manager Montenegro Jr. provided insight on the overall items that were brought to the event for disposal.

Vice Chair Hastie shared his experience with dropping off hazardous waste items at the Huntington Beach location.

Chair Cuiilty asked if changing the start time from 7p.m. to 6p.m. must be agendized or not.

City Attorney Daudt stated it would have to be agendized and that is something the City can do for the next meeting.

11. ADJOURNMENT

The Planning Commission adjourned the meeting at 7:41 p.m. to June 25, 2025.

ATTEST:

Mary Anne Cuiilty, Chair

Gabriela Martinez, Department Secretary

City of Los Alamitos

PLANNING COMMISSION/SUBDIVISION COMMITTEE

AGENDA REPORT

MEETING DATE: June 25, 2025

ITEM NUMBER: 6A

To: Chair Culty & Members of the Planning Commission

Presented By: Michael Daudt, City Attorney

Subject: Zoning Ordinance Amendment (ZOA) 25-02 - Regulation of Group Homes and Sober Living Homes

SUMMARY

Consideration of Zoning Ordinance Amendment (ZOA) 25-02, an amendment to Title 5 (Business Licenses and Regulations) and Title 17 (Zoning) of the Los Alamitos Municipal Code concerning the regulation of group homes and sober living facilities.

Applicant:

City Initiated

Location:

Residential Zoning Districts (R-1, R-2, R-3, R-4, M-H)

Environmental:

Public Resources Code § 21065 defines “project” as “an activity which may cause either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.” The proposed Resolution does not have the potential to result in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, as the resolution does not call for any change in the existing environmental conditions within the City. Instead, the proposed Resolution merely recommends that the City Council adopt Ordinance No. TBD. Accordingly, the proposed Resolution is not a “project” subject to the California Environmental Quality Act (CEQA). (Public Resources Code § 21065; CEQA Guidelines § 15378(a).)

Recommendation:

Even if this action could be construed to be a project subject to CEQA, the proposed Resolution is exempt pursuant to CEQA

Guidelines Section 15061(b)(3) since it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. The Planning Commission, as a recommending body, does not commit the City to any specific course of action, and the proposed Resolution does not constitute “approval” of any identifiable projects.

Approval Criteria:

If changes to the Zoning Code are recommended by the Planning Commission, they shall adopt the resolution recommending to the City Council approval, or approval in modified form, an amendment based on the findings contained in Section 17.58.060 (Findings and Decision) of the Los Alamitos Municipal Code (LAMC). The recommendations of the Planning Commission on a proposed amendment shall be adopted by a majority of the total voting members of the Planning Commission (LAMC § 17.58.040).

Noticing:

On June 2, 2025, a Notice of Public Hearing was posted at City Hall. It was also published in the Orange County Reporter on June 2, 2025 as a 1/8th of a page notice.

RECOMMENDATION

1. Open the Public Hearing: and,
2. Consider the draft ordinance; and, if appropriate,
3. Planning Commission adopt Resolution No. 2025-02, entitled “A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, RECOMMENDING THE CITY COUNCIL TO ADOPT ZONING ORDINANCE AMENDMENT (ZOA) 25-02, ORDINANCE NO. 2025-TBD ADDING CHAPTER 5.52 (GROUP HOMES) AND SECTION 17.28.290 (GROUP HOMES) TO THE LOS ALAMITOS MUNICIPAL CODE AND AMENDING SECTION 17.08.020 (ALLOWED USES AND PERMIT REQUIREMENTS FOR RESIDENTIAL ZONES) OF THE LOS ALAMITOS MUNICIPAL CODE.”

BACKGROUND

For the past several years, cities in Orange County and across the State of California have

seen a significant increase in the number of single and multi-family homes being utilized as alcohol and drug recovery facilities for large numbers of individuals ("sober living homes"). The City of Los Alamitos has seen a small increase in the number of sober-living facilities operating in its single-family residences. 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 can reside in the residential neighborhood of their choice.

Over the last decade, the number of sober-living homes in Orange County has rapidly increased, leading to an overconcentration of sober-living homes in certain residential areas, which is both deleterious to the residential character of these neighborhoods and may also lead to the institutionalization of such neighborhoods. As a result, the City of Los Alamitos continues to receive comments and concerns from members of the public regarding the lack of local regulations governing these facilities. Absent such regulations, surrounding communities have reported adverse impacts from these facilities, including, but not limited to, noise, excessive debris/trash, second-hand smoke, loitering, traffic, increased parking demands, and the clustering of group homes near each other. The clustering of these homes can have the effect of altering the residential character of neighborhoods so that they appear more institutional and business-oriented in nature.

There is also a legitimate interest in protecting the vulnerable clients of these facilities, who are persons in alcohol and drug recovery. Without regulations, oversight, and government control, people are being taken advantage of by business-oriented facility operators, who care more about their profit than the health and well-being of the people residing in their facilities. Individuals in recovery are being exploited for their insurance money and financial gain to the disadvantage of the people residing in the facilities as well as the surrounding neighborhoods.

Accordingly, the proposed ordinance seeks to regulate group homes and sober living facilities to address these problems, providing a safe space for individuals to recover from drug and alcohol addiction and preserving the residential character of neighborhoods. The attached proposed ordinance regulates group homes and sober-living homes in accordance with State and Federal law.

State and Federal Law

The California Constitution gives cities broad police powers to preserve the characteristics of residential zones. The Federal Fair Housing Act ("FHAA") and California Fair Employment Housing Act ("FEHA") prohibit enforcement of zoning ordinances which, on their face, discriminate, or have the effect of discriminating, against equal housing opportunities for persons with disabilities. Persons recovering from alcohol and drug addiction who are not currently using alcohol or drugs are considered persons with disabilities under both the FHAA and FEHA. The FHAA and FEHA also require that the City provide reasonable accommodations to its zoning ordinances if such accommodation is necessary to afford a handicapped person an equal opportunity to use and enjoy a dwelling.

The California Lanterman Act requires cities to treat state licensed residential care facilities serving six or fewer as a residential use, meaning the City cannot impose any zoning restrictions on state licensed residential care facilities that it does not impose on other

residences.^[1] A city also cannot impose zoning restrictions, or occupancy limits for unrelated persons who live together that do not also apply to other single-family residences, if the unrelated persons live together as a single housekeeping unit.^[2] If a group of people living together can meet the definition of a “household” or “family,” there is no limit on the number of people who are permitted to live together, except for Housing Code limits.

[1] Health and Safety code 11834.21; 11834.23.

[2] *City of Santa Barbara v. Adamson*, 27 Cal. 3d 123, 134.

DISCUSSION

Proposed Regulations on Group Homes and Sober Living Facilities

The proposed ordinance excludes state-licensed care facilities and any group home and/or sober living home that operates as a single housekeeping unit from its zoning restrictions and permit requirements. Facilities that are licensed by the state or households that operate as a single housekeeping unit will not be regulated by this ordinance in compliance with State law.

Group homes with six or fewer residents in the R1, R2, R3, and M-H zones will have to obtain a special use permit. Group homes with seven or more residents are not permitted in the R1 zone. Group homes with seven or more residents in the R2, R3, and M-H zones must obtain a conditional use permit and an operator’s permit.

Permits will not be issued pursuant to the ordinance unless there is a 650-foot separation between the applicant’s group home and any other sober-living home or a state-licensed alcoholism or drug abuse recovery or treatment facility. All occupants, other than the house manager, must actively participate in a legitimate recovery program. A permit will not be issued if the owner/operator or staff person is a sex offender, violent felon, or drug dealer.

Additional requirements include a twenty-four-hour house manager present at the group home on a day-to-day basis, transportation for evicted residents to their permanent address, and prohibition of the use of any alcohol or any non-prescription drug at the sober-living home or by any resident either on or off-site.

In addition, existing group homes will be required to come into compliance with the newly enacted regulations. Group homes with six or less occupants must apply for a special use permit within ninety days of the effective date of the ordinance. Existing group homes with seven or more occupants must apply for an operator’s permit within ninety days of the effective date of the ordinance and obtain a CUP within one year.

FISCAL IMPACT

None.

Attachment: 1. CC Draft Ordinance - Group Home Code Amendment
 2. PC Resolution of Recommendation - Group Home Code Amendment

ORDINANCE NO. 2025-__

AN ORDINANCE (ZONING ORDINANCE AMENDMENT 25-02) OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, ADDING CHAPTER 5.52 (GROUP HOMES) AND SECTION 17.28.290 (GROUP HOMES) TO THE LOS ALAMITOS MUNICIPAL CODE AND AMENDING SECTION 17.08.020 (ALLOWED USES AND PERMIT REQUIREMENTS FOR RESIDENTIAL ZONES) OF THE LOS ALAMITOS MUNICIPAL CODE

WHEREAS, under the California Constitution, Article XI, Section 7, the City has been granted broad police powers to preserve the residential characteristics of its R1, R2, R3, R4 and M-H zones, 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,

WHEREAS, the Federal Fair Housing Act Amendments (“FHAA”) and the California Fair Employment Housing Act (“FEHA”) prohibit enforcement of zoning ordinances which on their face discriminate, or have the effect of discriminating, against equal housing opportunities for persons with disabilities; and,

WHEREAS, a core purpose of the FHAA, FEHA and California’s Lanterman Act is to provide a broader range of housing opportunities to persons with disabilities; to free persons with disabilities, to the extent possible, from institutional style living; and to ensure that persons with disabilities have the opportunity to live in normal residential surroundings and use and enjoy a dwelling in a manner similar to the way a dwelling is enjoyed by others; and,

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

WHEREAS, the Lanterman Act fulfills this purpose in part by requiring cities to treat state-licensed residential care facilities serving six or fewer as a residential use; and,

WHEREAS, in enacting this Ordinance the City Council of the City of Los Alamitos 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 persons with disabilities to reside in such neighborhoods that are enjoyed by others; and,

WHEREAS, over the past several years cities have seen a significant increase in the number of single- and multi-family homes being utilized as alcohol and drug recovery

facilities for large numbers of individuals (hereafter, “sober living homes”); and,

WHEREAS, the increase appears to be driven in part by the Substance Abuse and Crime Prevention Act of 2000 (hereafter, “the Act”) adopted by California voters which provides that specified first-time drug and alcohol offenders are to be afforded the opportunity to receive substance abuse treatment rather than incarceration; and,

WHEREAS, the Affordable Care Act has significantly expanded the availability of health care coverage for substance abuse treatment; and,

WHEREAS, surrounding jurisdictions have 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 facilities in close proximity to each other creating near neighborhoods of sober living homes; and,

WHEREAS, 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,

WHEREAS, recovering alcoholics and drug addicts, who are not currently using alcohol or drugs, are considered persons with disabilities under both the FHAA and FEHA; and,

WHEREAS, based on cities’ experiences it has become clear that at least some operators of sober living homes are driven more by a motivation to profit rather than to provide a comfortable living environment in which recovering addicts have a realistic potential of recovery, or to provide a living environment which remotely resembles the manner in which the non-disabled use and enjoy a dwelling; and,

WHEREAS, persons with drug and/or alcohol addictions are an extremely vulnerable population and the City desires to protect these persons from sober living home operators, who are interested solely in profit and have been exploiting persons in recovery for insurance money and financial gain to the disadvantage of the person as well as the surrounding neighborhood; and,

WHEREAS, establishing distance requirements for sober living homes is reasonable and non-discriminatory and not only helps preserve the residential character of the R1, R2, R3, R4 and M-H zones, but also furthers the interest of ensuring that persons with disabilities are not living in overcrowded environments that are counterproductive to their well-being and recovery; and,

WHEREAS, sober living homes do not function as a single housekeeping unit for the following reasons: (1) they house extremely transient populations (programs are

generally about 90 days and a 2008 UCLA study found that 65-70% of recovering addicts don't finish their recovery programs); (2) the residents generally have no established ties to each other when they move in and typically do not mingle with other neighbors; (3) neighbors generally do not know who or who does not reside in the home; (4) the residents have little to no say about who lives or doesn't live in the home; (5) the residents do not generally share expenses; (6) the residents are often responsible for their own food, laundry and phone; (7) when residents disobey house rules they are often just kicked out of the house; (8) the residents generally do not share the same acquaintances; and (9) residents often pay significantly above market rate rents; and,

WHEREAS, because of their extremely transient populations, above-normal numbers of individuals/adults residing in a single dwelling and the lack of regulations, sober living facilities 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,

WHEREAS, a variable separation requirement will still allow for a reasonable market for the purchase and operation of sober living homes within the City and still result in preferential treatment for sober living homes in that individuals in a similar living situation (i.e., in boardinghouse-style residences) have fewer housing opportunities than persons with disabilities; and,

WHEREAS, 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 persons with disabilities 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/campus/dormitory living that the FEHA and FHAA were designed to provide relief from for persons with disabilities, and which no reasonable person could contend provides a life in a normal residential surrounding; and,

WHEREAS, notwithstanding the above, the City Council recognizes that while not in character with residential neighborhoods, when operated responsibly, group homes, including sober living homes, provide a societal benefit by providing persons with disabilities the opportunity to live in residential neighborhoods, as well as providing recovery programs for individuals attempting to overcome their drug and alcohol addictions, and that therefore providing greater access to residential zones to group homes, including sober living homes, than to boardinghouses or any other type of group living provides a benefit to the City and its residents; and,

WHEREAS, without some regulation there is no way of ensuring that the individuals entering into a group home are persons with disabilities and entitled to reasonable accommodation under local and state law; that a group home is operated professionally to minimize impacts to the surrounding neighborhood; and that the secondary impacts from over concentration of both group homes in a neighborhood and large numbers of unrelated adults residing in a single facility in an individual home are lessened; and,

WHEREAS, in addition to group homes locating in residential neighborhoods other state-licensed residential care facilities for six or fewer persons who are mentally disabled or otherwise disabled or supervised, are also taking up residence in these neighborhoods; and,

WHEREAS, the purpose of group homes for persons with disabilities is to provide persons with disabilities an equal opportunity to comfortably reside in the residential neighborhood of their choice; and,

WHEREAS, on June 25, 2025, the Planning Commission held a duly noticed Public Hearing concerning the proposed amendments to the Los Alamitos Municipal Code, and recommended City Council approval of this Ordinance; and,

WHEREAS, the City Council opened a duly noticed Public Hearing concerning the proposed Amendments on ____ 2025; and,

WHEREAS, the City Council considered all applicable Staff reports and all public testimony and evidence presented at the Public Hearing.

THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, DOES ORDAIN AS FOLLOWS:

SECTION 1. The foregoing recitals are true and correct and are incorporated herein by reference.

SECTION 2. Pursuant to Section 17.58.060 of the Los Alamitos Municipal Code, the following findings are made in support of this code amendment:

1. *This Ordinance ensures and maintains internal consistency with the actions, goals, objectives, and policies of the General Plan, and would not create any inconsistencies with the Zoning Code.*

This Ordinance ensures and maintains internal consistency with the actions, goals, objectives, and policies of the General Plan, including without limitation Land Use Policy 2.7 – Quality of life uses (Maintain, improve, and expand uses that define and enhance the City’s quality of life, including parks, trails, open spaces, and public facilities) and Economic

Development Policy 2.2 – Effective land use regulation (Ensure that development standards, use regulations, and the permitting process (especially discretionary permitting), are streamlined and effective, yet maintain protections for the community's quality of life) and will not create any inconsistencies with the Zoning Code.

2. *This Ordinance will not be detrimental to the public convenience, health, interest, safety, or welfare of the City.*

This Ordinance attempts to strike a balance between the City's and residents' interests of preserving the characteristics of residential neighborhoods and to provide opportunities for persons with disabilities to reside in such neighborhoods that are enjoyed by others. This Ordinance will ensure that the individuals entering into a group home are persons with disabilities and entitled to reasonable accommodation under local and state law; that a group home is operated professionally to minimize impacts to the surrounding neighborhood; and that the secondary impacts from over concentration of both group homes in a neighborhood and large numbers of unrelated adults residing in a single facility in an individual home are lessened. Accordingly, this Ordinance will not be detrimental to the public convenience, health, interest, safety, or welfare of the City.

3. *This Ordinance has been reviewed in compliance with the provisions of the California Environmental Quality Act (CEQA) and the City's environmental review procedures.*

This Ordinance will not result in any physical change to the environment and is therefore exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15061(b) (3) – the project is covered by the general rule that the California Environmental Quality Act (CEQA) applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

4. *The proposed amendment is internally consistent with other applicable provisions of this Zoning Code.*

The proposed Zoning Code amendments will ensure that the group home regulations set forth in this Ordinance are internally consistent with other applicable provisions of the Zoning Code.

SECTION 3. Chapter 5.52 is hereby added to Title 5 (Business Licenses and Regulations) of the Los Alamitos Municipal Code to read as follows:

Chapter 5.52 GROUP HOMES

§ 5.52.010 Definitions.

The following definitions shall apply to this Chapter. To the extent these definitions conflict with any other provision in the Municipal Code, these definitions shall control:

“Alcoholism or drug abuse recovery or treatment facility” means adult alcoholism or drug abuse recovery or treatment facilities that are licensed pursuant to Section 11834.01 of the California Health & Safety Code. Alcoholism or drug abuse recovery or treatment facilities are a subset of residential care facilities.

“Director” means the Director of the Development Services Department of the City of Los Alamitos, or their designee.

“Disabled” shall have the same meaning as handicapped.

“Fair housing laws” means 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.

“Group home” means 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 or more dwelling units. Group homes shall not include the following: (1) residential care facilities; or (2) any group home that operates as a single housekeeping unit.

“Handicapped” means, as more specifically defined under the fair housing laws, a person who has a physical or mental impairment that limits one (1) 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.

“Household” means all the people occupying a dwelling unit and includes people who live in different units governed by the same operator.

“Integral facilities” means 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” means 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.

“Operator” means 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 residents 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.

“Property” means any single development lot that has been subdivided bearing its own assessor’s parcel number or with an approved subdivision map or condominium map.

“Residential care facility” means 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 & Saf. Code §§ 1267.8, 1267.9); community care facilities (Health & Saf. Code §§ 1500 et seq.); residential care facilities for the elderly (Health & Saf. Code §§ 1569 et seq.); residential care facilities for the chronically ill (22 C.C.R. § 87801(a)(5); Health & Saf. § 1568.02); alcoholism and drug abuse facilities (Health & Saf. Code §§ 11834.02-11834.30); pediatric day health and respite care facilities (Health & Saf. Code §§ 1760 et seq.); residential health care facilities, including congregate living health facilities (Health & Saf. Code §§ 1265 – 1271.1, 1250(i), 1250(e), (h)); family care home, foster home, group home for the mentally disordered or otherwise handicapped persons or dependent and neglected children (Wel. & Inst. Code §§ 5115-5120).

“Single housekeeping unit” means that the occupants of a dwelling unit 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 nonprofit basis. There is a rebuttable presumption that integral facilities do not constitute single housekeeping units.

Additional indicia 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.

“Sober living home” means 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 sober living home that operates as a single housekeeping unit.

§ 5.52.020 Zoning requirements.

In addition to the requirements of this Article, all group homes subject to this Article shall comply with the requirements set forth in Section 17.28.290 of Title 17 of this Code.

§ 5.52.030 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 R2, R3, R4 and M-H zones, without a valid operator’s permit issued for that group home pursuant to the provisions of this Chapter.

§ 5.52.040 Exceptions.

The requirements of this Chapter shall not apply to:

1. A group home that has six or fewer occupants, not counting a house manager, and that is in compliance with the applicable provisions of Section 17.28.290 of Title 17 of this Code.
2. A state-licensed alcoholism or drug abuse recovery or treatment facility.
3. A state-licensed residential care facility.

§ 5.52.050 Requirements for issuance of operator’s permit.

- A. The owner/operator shall submit an application to the 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 owner/operator and house manager(s).
 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:
 - i. Every general partner of the partnership;
 - ii. Every owner with a controlling interest in the corporation; and

- iii. 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 group home 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.
 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-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 feet of the dwelling unit. The vehicle must be operable and currently used as a primary form of transportation for a resident or the house manager 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 hours prior to 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 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.
 - iii. Notify the Los Alamitos Police Department that an occupant is no longer a resident at the home, determine the services available therefrom.
 - iv. Provide the information obtained from paragraphs (ii) and (iii) 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.
 - 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)(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:
 - 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.
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 (B)(6) and (B)(7) 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)(7) 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 California Vehicle Code, including, but not limited to, those provisions regulating licensure and parking, standing and stopping.
10. The property must be in full compliance with all building codes, the Los Alamitos Municipal Code, and zoning.
11. In addition to the regulations outlined above, the following shall also apply to sober living homes:
 - i. 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.
 - ii. 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 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.
 - iii. 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.
 - iv. 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.

- v. 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.
 - vi. 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.
12. An applicant may seek relief from the strict application of this Section by submitting an application to the Director setting forth specific reasons as to why accommodation over and above this Section is necessary under state and federal laws, pursuant to Chapter 17.42 of Title 17 of this Code.
13. 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) of this Section.
14. 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:
- i. Any owner/operator or staff person has provided materially false or misleading information on the application or omitted any pertinent information.
 - ii. Any owner/operator or staff person has an employment history in which he or she was terminated during the past two years because of physical assault, sexual harassment, embezzlement or theft; falsifying a drug test; or selling or furnishing illegal drugs or alcohol.
 - iii. Any owner/operator or staff person has been convicted of or pleaded nolo contendere, within the last ten 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;
 - b) Arson offenses—Violations of Penal Code Sections 451 - 455;
 - c) Violent felonies, as defined in Penal Code Section 667.5, which involve doing bodily harm to another person; or

- d) The unlawful sale or furnishing of any controlled substances.
- iv. 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.
- v. The owner/operator accepts residents, other than a house manager, who are not disabled or handicapped as defined by the FHAA and FEHA.
- vi. 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.

§ 5.52.060 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 Director pursuant to the requirements of Section 5.52.050.
- 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.

§ 5.52.070 Revocation of operator's permit.

An operator's permit may be revoked upon a hearing by the Director pursuant to Section 5.52.50 for failing to comply with the terms of the permit and/or for failing to comply with the applicable provisions of Section 5.52.50.

§ 5.52.080 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 reapply for such an operator's permit for a period of six 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 months from the date that such revocation, cancellation, or invalidation became final.

§ 5.52.080 Compliance.

A group home that is subject to the provisions of this Chapter that is in existence as of the effective date of this Chapter shall have one hundred twenty days to comply with the provisions of this Chapter.

SECTION 4. Section 17.28.290 (Group Homes) of Chapter 17.28 (Regulations for Specific Land Uses and Activities) is hereby added to Title 17 (Zoning) of the Los Alamitos Municipal Code to read as follows:

§ 17.28.290 Group Homes.

- A. Purpose. This Section is intended to preserve the residential character of the City's residential zoning districts 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 Los Alamitos Municipal Code; (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 persons with disabilities that is reasonable and actually bears some resemblance to the opportunities afforded non-handicapped 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 persons with disabilities and for recovering addicts to be successful in their programs.
- B. Definitions. The definitions in Chapter 5.52 shall apply to this Section. To the extent those definitions conflict with any other provision in the Los Alamitos Municipal Code, the definitions in Chapter 5.52 shall control for purposes of this Section.
- C. Special Use Permit Required for R1 Zone.
 - 1. A group home with six or fewer occupants may locate in an R1 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. A live scan of the owner/operator and house manager(s).
 - iii. 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.
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- iv. 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;
 - v. The name, address, phone number and driver's license number of the house manager;
 - vi. A copy of the group home rules and regulations;
 - vii. Written intake procedures;
 - viii. The group home relapse policy;
 - ix. 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;
 - x. Blank copies of all forms that all residents and potential residents are required to complete; and
 - xi. A fee for the cost of processing of the application as set by resolution of the City Council.

2. Requirements for Operation of Group Homes.

- a. 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 or fewer occupants, not counting a house manager, but in no event shall have more than seven occupants. If the dwelling unit has an accessory dwelling unit (ADU), occupants of both units will be combined to determine whether or not the limit of six occupants has been exceeded.

- c. The group home shall not be located in an ADU 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 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 feet of the dwelling unit. The vehicle must be operable and currently used as a primary form of transportation for a resident or the house manager 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, the application must include written approval from the property owner to operate a group home at the property.
- i. The property must be in full compliance with all building codes, the Los Alamitos Municipal Code, and zoning.
- j. At least forty-eight 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 Los Alamitos Police Department 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 (C)(2)(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 (C)(2)(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.
- 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 (C)(2)(j) and (C)(2)(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 (C)(2)(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 California Vehicle Code, including, but not limited to, those provisions regulating licensure and parking, standing, and stopping.
- n. The group home is at least six hundred fifty feet from any property, as defined in Section 5.52.010, that contains a group home, sober living home or state-licensed alcoholism or drug abuse recovery or treatment facility, as measured from the property line, unless the reviewing authority determines

that such location will not result in an over-concentration of similar uses.

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

 - i. 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.
 - ii. 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 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.
 - iii. 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.
 - iv. 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.
 - v. 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.

- vi. 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.
 - p. An applicant may seek relief from the strict application of this Section by submitting an application to the Director setting forth specific reasons as to why accommodation over and above this Section is necessary under state and federal laws, pursuant to Chapter 17.42 of Title 17 of this Code
3. 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 (C)(2)(a) through (C)(2)(o) of this Section. At least ten days prior to issuing a special use permit, the Director, or his or her designee, shall cause written notice to be mailed to the owner of record and occupants of all properties within five hundred feet of the location of the group home. Prior to issuance of the special use permit, the Director, or his or her designee, shall hold a public hearing for the purpose of receiving information regarding compliance with the applicable provisions of Subsections (C)(1) and (C)(2) 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 years because of physical assault, sexual harassment, embezzlement or theft; failing a drug test; 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 ten 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;
 - ii. Arson offenses—Violations of Penal Code Sections 451 - 455;
 - iii. Violent felonies, as defined in Penal Code Section 667.5, which involve doing bodily harm to another person; or
 - iv. The unlawful sale or furnishing of any controlled substances.
 - 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, shall be revoked, and any transfer shall be denied or revoked, upon a hearing by the Director that any of the following 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 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 six hundred fifty 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 six hundred fifty 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 (C)(2)(a) through (o).
- 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 Chapter 17.42 of Title 17 of this Code.

D. Compliance for group homes in R1 Zone.

- 1. Existing group homes in the R1 zone must apply for a special use permit within ninety days of the effective date of this Section.
- 2. Group homes that are in existence upon the effective date of this Section shall have one year from the effective date of this Section to comply with its provisions, provided that, any existing group home serving more than six

residents, must first comply with the six-resident maximum.

3. Existing group homes obligated by a written lease exceeding one year from the effective date of this Section, 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 additional year grace period pursuant to approval of the Director.

E. Group homes in the R2, R3, R4 and M-H zones with six or fewer occupants.

1. A special use permit shall be required for the operation of a group home with six or fewer occupants in the R2, R3, R4 and M-H zones subject to the following requirements:
 - i. The application for, and operation of, the group home complies with Subsections (C)(2)(a), (C)(2)(b) and (C)(2)(d) through (C)(2)(o) of this Section.
 - ii. The application includes a live scan of the house manager and/or operator of the group home.
 - iii. The group home is at least six hundred fifty feet from any property, as defined in Section 5.52.010, that contains a group home, sober living home or state-licensed alcoholism or drug abuse recovery or treatment facility, as measured from the property line, unless the reviewing authority determines that such location will not result in an over-concentration of similar uses.
2. The Director may issue, revoke, or deny a special use permit for a group home, including a sober living home subject to this Section, pursuant to the procedures and requirements of Subsection (C)(3) of this Section.
3. An applicant may seek relief from the strict application of this Section by submitting an application to the Director setting forth specific reasons as to why accommodation over and above this Section is necessary under state and federal laws, pursuant to Chapter 17.42 of Title 17 of this Code.

F. Conditional use permit required for group homes, residential care facilities and drug and alcohol treatment facilities in the R2, R3, R4 and M-H zones with seven or more occupants.

1. A conditional use permit shall be required for the operation of a group home with seven or more occupants in the R2, R3, R4 and M-H zones subject to the following conditions:
 - i. The requirements of Chapter 17.32 of this title have been met, including

but not limited to the findings required by Section 17.32.070.

- ii. The group home is at least six hundred fifty feet from any property, as defined in Section 5.52.010, that contains a group home, sober living home or state-licensed alcoholism or drug abuse recovery or treatment facility, as measured from the property line, unless the reviewing authority determines that such location will not result in an over-concentration of similar uses.
- iii. The applicant obtains an operator's permit as required by Section 5.52.030.

G. Compliance for Group Homes in the R2, R3, R4 and M-H zones.

- 1. Group homes in the R2, R3, R4 and M-H zones with six or fewer occupants that are in existence upon the effective date of this Section may continue to operate subject to the following:
 - i. A complete application for a special use permit is filed within ninety days of the effective date of this Section; and
 - ii. The group home is in full compliance with all of the conditions of this Section within one year of the effective date of this Section. Notwithstanding the foregoing, existing group homes obligated by a written lease exceeding one year from the effective date of this Section, 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 additional year grace period pursuant to approval from the Director.
- 2. Group homes in the R2, R3, R4 and M-H zones with seven or more occupants that are in existence upon the effective date of this Section may continue to operate subject to the following:
 - i. The operator of a group home submits a complete application for an operator's permit pursuant to Chapter 5.52 within ninety days from the effective date of this Section; and
 - ii. The group home, is in full compliance with all conditions of this Section, including obtaining a conditional use permit, within one year from the effective date of this Section. Notwithstanding the foregoing, an existing group home obligated by a written lease exceeding one year from the effective date of this Section, 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 additional year grace period pursuant to approval from the Director.

SECTION 4. Subsection (B) of Section 17.08.020 (Allowed Uses and Permit Requirements of Residential Zones) of Chapter 17.08 (Residential Zones) of Title 17 (Zoning) of the Los Alamitos Municipal Code is amended and restated to read as follows (new text shown in underline):

“B. Permitted Uses, Use Permits, and Uses Not Allowed.

1. Permitted Use (“P”). A permitted use is a use permitted as a matter of right, subject to compliance with applicable provisions of this Zoning Code, including Site Development Permit—Major and Minor (Chapter 17.44) and a building permit or other permit required by the Municipal Code.
2. Permitted as an Accessory Use (“A”). Accessory uses are uses clearly incidental to a primary permitted or conditionally permitted use are permitted as a matter of right, subject to the requirements of this Zoning Code, including Section 17.38.030 (Accessory Structures/Uses—Residential).
3. Administrative Use Permit (“AUP”). Uses that are allowed subject to the approval of an Administrative Use Permit (Chapter 17.32).
4. Conditional Use Permit (“CUP”). Uses that are allowed subject to the approval of a Conditional Use Permit (Chapter 17.32).
5. Temporary Use Permit (“TUP”). Temporary uses are subject to the approval of a Temporary Use Permit (Chapter 17.46).
6. Special Use Permit (“SUP”). Uses that are allowed subject to approval of a Special Use Permit (Section 17.28.290 of Chapter 17.28).
7. Uses Not Allowed (“—”). Uses with an “—” indication in Table 2-02 are not allowed in the specified zone.

SECTION 5. Table 2-02 of Section 17.08.020 (Allowed Uses and Permit Requirements of Residential Zones) of Chapter 17.08 (Residential Zones) of Title 17 (Zoning) of the Los Alamitos Municipal Code is amended by revising the following columns and rows pertaining to group homes and special use permits (new text shown in underline):

Table 2-02: Allowed Uses and Permit Requirements for Residential Uses	
P: Permitted Use	CUP: Conditional Use Permit
A: Permitted as an Accessory Use	TUP: Temporary Use Permit
AUP: Administrative Use Permit	<u>SUP: Special Use Permit</u>
-----: Use Not Allowed	
Land Use Regulation	

Use	R-1	R-2	R-3	M-H	Specific Use Regulations
RESIDENTIAL USES					
Group Home – 6 Residents or Fewer	<u>SUP</u>	<u>SUP</u>	<u>SUP</u>	<u>SUP</u>	<u>See Section 17.28.290(C) and (E) and Chapter 5.52 (Group Homes)</u>
<u>Group Home – 7 Residents or More</u>	-----	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	<u>See Section 17.28.290 (F) and Chapter 5.52 (Group Homes)</u>

SECTION 6. If any Section, Subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance for any reason is held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance, and each Section, Subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more Sections, Subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 7. The City Clerk shall certify as to the adoption of this Ordinance and shall cause a summary thereof to be published within fifteen (15) days of the adoption and shall post a Certified copy of this Ordinance, including the vote for and against the same, in the Office of the City Clerk, in accordance with Government Code Section 36933.

PASSED, APPROVED, AND ADOPTED this __ day of ____, 2025.

Shelley Hasselbrink, Mayor

ATTEST:

Windmera Quintanar, MMC, City Clerk

APPROVED AS TO FORM:

Michael S. Daudt, City Attorney

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss.
CITY OF LOS ALAMITOS)

I, Windmera Quintanar, MMC, City Clerk of the City of Los Alamitos, do hereby certify that the foregoing Ordinance No. _____ was duly introduced and placed upon its first reading at a regular meeting of the City Council on the __ day of _____, 2025 and that thereafter, said Ordinance was duly adopted and passed at a regular meeting of the City Council on the __ day of _____, 2025, by the following roll-call vote, to wit:

AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS:
ABSTAIN: COUNCIL MEMBERS:

Windmera Quintanar, MMC, City Clerk

RESOLUTION NO. 2025-02

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, RECOMMENDING THE CITY COUNCIL TO ADOPT ZONING ORDINANCE AMENDMENT (ZOA) 25-02, ORDINANCE NO. 2025-TBD ADDING CHAPTER 5.52 (GROUP HOMES) AND SECTION 17.28.290 (GROUP HOMES) TO THE LOS ALAMITOS MUNICIPAL CODE AND AMENDING SECTION 17.08.020 (ALLOWED USES AND PERMIT REQUIREMENTS FOR RESIDENTIAL ZONES) OF THE LOS ALAMITOS MUNICIPAL CODE.

WHEREAS, the Development Services Director has initiated an amendment to Title 17 of the Los Alamitos Municipal Code (the “Code”) in accordance with Section 17.58.020 of the Code; and,

WHEREAS, Ordinance No. 2025-TBD, attached hereto as Exhibit “A”, and incorporated herein by this reference, concerns the regulation of Group Homes, inclusive of Sober Living Homes, in the City’s residential zoning districts; and,

WHEREAS, the Planning Commission opened a duly noticed Public Hearing concerning the proposed amendment to the Code on June 25, 2025; and,

WHEREAS, the Planning Commission considered all applicable Staff reports and all public testimony and evidence presented at the Public Hearing.

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS DOES RESOLVE AS FOLLOWS:

SECTION 1. The Planning Commission finds that the above recitals are true and correct.

SECTION 2. The Planning Commission hereby recommends that the City Council adopt Ordinance No. 25-TBD based on the following findings, as specified in Section 17.58.060 of the Los Alamitos Municipal Code:

- a) *This Ordinance ensures and maintains internal consistency with the actions, goals, objectives, and policies of the General Plan, and would not create any inconsistencies with the Zoning Code.*

The proposed Ordinance ensures and maintains internal consistency with the actions, goals, objectives, and policies of the General Plan, including without limitation Land Use Policy 2.7 – Quality of life uses (Maintain, improve, and expand uses that define and enhance the City’s quality of life, including parks, trails, open spaces, and public facilities) and Economic Development Policy 2.2 – Effective land use regulation (Ensure that development standards, use regulations, and

the permitting process (especially discretionary permitting), are streamlined and effective, yet maintain protections for the community's quality of life) and will not create any inconsistencies with the Zoning Code.

- b) *This Ordinance will not be detrimental to the public convenience, health, interest, safety, or welfare of the City.*

The proposed Ordinance attempts to strike a balance between the City's and residents' interests of preserving the characteristics of residential neighborhoods and to provide opportunities for persons with disabilities to reside in such neighborhoods that are enjoyed by others. This Ordinance will ensure that that the individuals entering into a group home are persons with disabilities and entitled to reasonable accommodation under local and state law; that a group home is operated professionally to minimize impacts to the surrounding neighborhood; and that the secondary impacts from over concentration of both group homes in a neighborhood and large numbers of unrelated adults residing in a single facility in an individual home are lessened. Accordingly, this Ordinance will not be detrimental to the public convenience, health, interest, safety, or welfare of the City.

- c) *This Ordinance has been reviewed in compliance with the provisions of the California Environmental Quality Act (CEQA) and the City's environmental review procedures.*

The proposed Ordinance will not result in any physical change to the environment and is therefore exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15061(b) (3) – the project is covered by the general rule that the California Environmental Quality Act (CEQA) applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

- d) *The proposed amendment is internally consistent with other applicable provisions of this Zoning Code.*

The proposed Zoning Code amendments will ensure that the group home regulations set forth in the proposed Ordinance are internally consistent with other applicable provisions of the Zoning Code.

SECTION 3. The Secretary of the Planning Commission shall certify as to the adoption of this Resolution.

PASSED, APPROVED, AND ADOPTED this 25th day of June 2025.

Mary Anne Culty, Chair

ATTEST:

Irving Montenegro, Development Services Manager

APPROVED AS TO FORM:

Michael S. Daudt, City Attorney

STATE OF CALIFORNIA)

COUNTY OF ORANGE) ss

CITY OF LOS ALAMITOS)

I, Irving Montenegro, Development Services Manager of the City of Los Alamitos, do hereby certify that the foregoing Resolution was adopted at a regular meeting of the Planning Commission held on the 25th day of June 2025, by the following vote, to wit:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

Irving Montenegro, Development Services Manager