

Q: How was a temporary moratorium imposed?

A: On July 7, 2015, the City Council adopted an Urgency Ordinance, imposing a temporary moratorium on permitting or establishment in residential zones of (1) sober living homes and (2) large alcoholism or drug abuse recovery or treatment facilities, subject to reasonable accommodation, to allow time for review and consideration of appropriate amendments to the City's Municipal Code.

Q: What are group homes?

A: There are many types of Group Homes. They include foster care, adult residential care, elderly care, drug and alcohol treatment, sober living, and others.

Q: Why was the residential moratorium initiated?

A: The Residential Moratorium was initiated because the Municipal Code did not appropriately regulate the external impacts of sober-living homes and unlicensed and large licensed recovery or treatment facilities in residential zones. The Municipal Code did not expressly identify or allow these uses. Rather, the Code only specified residential uses in general terms, seemingly permitting a wide-range of uses, including vacation rentals in general, to occupy residentially-zoned properties without the type of zoning review that would be typical of similar uses that the Code does specifically address.

One key purpose of the residential moratorium was to enable the City to study the effects of Group Homes. In doing this and upon further investigation, the City realized that the most troubling external impacts that sometimes accompany these uses are characteristic of a broader category of uses that the City needed to better regulate and integrate into the City. This broader category includes transitory-lodging uses, which had begun to proliferate throughout residential neighborhoods in the City with the advent of web services such as AirBnB.com and VRBO.com and which had become a source of escalating nuisance complaints.

Q: Why did the City amend the Municipal Code?

A: The City drafted amendments to the Municipal Code to ensure that transitory-lodging uses (including traditional vacation rentals, boarding houses, sober-living homes, and large or unlicensed residential treatment facilities) are compatible with the character

and purpose and intent of the City's residential zoning districts. On February 16, 2016, the City Council adopted Ordinance No. 1617, amending the Municipal Code to establish new regulations related to short-term lodgings, general noise standards and enforcement, loud and unruly gatherings, and instituting a repeat nuisance service-call fee.

The following month, on April 6, 2016, the Planning Commission adopted Resolution No. PC 16-007, recommending that the City Council approve a zoning amendment and specific-plan amendment to regulate transitory-lodging uses.

On May 3, 2016, the City Council reviewed and adopted the Planning Commission recommended amendments as Ordinance Nos. 1622, 1623, and 1624. The moratorium was lifted when the Council adopted these comprehensive zoning regulations that apply to all short-term rentals.

Q: What conclusions were made from studying impacts of group homes?

A: Since the temporary moratorium was first imposed, the City studied impacts of sober living homes and large alcoholism or drug abuse recovery or treatment facilities — ultimately in the broader context of transitory-lodging uses — and balanced them with the needs of the vulnerable population of people in recovery that reside there. The City concluded that the nuisance effects and other negative external impacts that sometimes accompany these recovery-related uses in residential zones are not unique to recovery-related uses but are common to transitory-lodging uses generally. Because of this, the City decided to focus on transitory-lodging uses as a whole, an effort that was already underway, and identify areas appropriate for transitory-lodging uses. This ensures that they are located near complementary uses, such as higher-density housing, public-transportation facilities, and commercial amenities.

Q: What were the significant amendments to the Municipal Code?

A: Creating a new “boarding house” use category, which encompasses any residential use that involves a dwelling unit with two or more short-term (29 or fewer days) rentals or four or more long-term rentals. Boarding houses are conditionally permitted in the Residential High, Residential Medium, and Mixed-Use 5 zones. Additionally, “boarding house” uses (e.g., some group homes, hostels, fraternity houses) are generally more similar to higher-density residential uses due to the multiple, individual rental contracts

that speak to the independent nature of the residents. These uses also typically cater to populations that need public transportation and convenient commercial facilities, and by allowing boarding houses only in these zones, the renters and the public's health, safety and welfare are protected.

- Renaming the previously established "STLU permit" in the transient-occupancy-tax part of the Municipal Code as a "STLU operating license."
- Creating a new "short-term lodging unit" or "STLU" zoning definition, which describes the short-term rental of a dwelling unit under one lease or rental agreement. The amendments establish regulations to improve STLU compatibility with neighborhoods that were developed for long-term residents.
- Providing increased enforcement capabilities of the City's Noise Ordinance in Title 8, Health and Safety.
- Clarifying the definition of "loud or unruly gathering."
- Creating a repeat nuisance service-call fee in Title 9, Public Peace, Morals, and Welfare.
- Specifying the types of commercial operations that are permitted at residentially-zoned properties.

Q: Why does the City no longer have the need for a moratorium?

A: These code amendments adequately address the nuisance issues originally identified in the Residential Moratorium. With this work complete, the City no longer has the need for the moratorium and the moratorium has now been lifted.

Moving forward it is important for our citizens to be diligent in reporting issues that arise from these residential uses. When violations are observed, reporting them in a timely manner is essential for staff to identify the violation. Once a violation has been verified steps are taken to notify the owner and obtain compliance. If properties become repeat violators citations can be issued and further steps can be taken to revoke their permitted use.

If you observe a violation please report it by going to the City's Website www.san-clemente.org and click on Graffiti and Code Complaints or you may call (949) 366-4705.

Q: How do the ordinances adopted by City Council on May 3, 2016 help regulate the various group living situations?

A: The City of San Clemente may regulate land uses to protect the character of residential neighborhoods through its ordinances. The following categories are specified in the new ordinances to maintain the integrity of residential neighborhoods and do not jeopardize equal opportunity to enjoy the City's various housing options.

1. Short-term Lodging Units (STLUs)

- a. Defined as any short-term rental (29 days or less) in a dwelling unit (does not include STARs).
- b. Allowed in:
 - i. Downtown/Del Mar T-Zone Focus Area (includes Mixed Use zones (MU 3.0, 3.1, and 3.3))
 - ii. North Beach Focus Area (includes Mixed Use (MU 1 and 2), and Residential (RH and RM) zones)
 - iii. Pier Bowl Focus Area (includes Mixed Use (MU 4, and Residential (RH and RM) zones)
 - iv. South ECR Focus Area (includes Mixed Use (MU 5) zone)
- c. Requires administrative STLU Zoning Permit
- d. Standards:
 - i. Renter occupancy limited by available parking (4 people per space)
 - ii. 20% maximum density in the residential zones of the areas listed in 1.b (e.g. RH and RM in Pier Bowl)
 - iii. No limit on rental days/year
 - iv. No minimum rental length
 - v. Owner occupancy not required

2. Short-term Apartment Rentals (STARs)

- a. Defined as a short-term rental in a multi-family building when the owner lives in one of the units (the owner's unit cannot be rented short term).
- b. Allowed in:

- i. All STLU areas listed in 1.b, and all residential zones throughout the City.
- c. Requires discretionary STAR Permit (Zoning Administrator public hearing)
- d. Standards:
 - i. Renter occupancy limited by available parking (4 people per space)
 - ii. Minimum 300-foot separation required from other STARs.
 - iii. No limit on rental days/year
 - iv. No minimum rental length
 - v. Owner occupancy on-site is required

3. Boarding Houses

- a. Defined as a dwelling unit with multiple rental agreements (4 or more long term, or 2 or more short-term)
- b. Allowed in:
 - i. Residential High (RH)
 - ii. Residential Medium (RM)
 - iii. Mixed Use (MU 5)
- c. Requires a Conditional Use Permit (CUP)
- d. Standards:
 - i. One (1) parking space per guestroom.
 - ii. Minimum 300-foot separation required from other boarding houses.

4. Specialty Hospitals

- a. Defined as an in-patient facility with specialized medical treatment services
- b. Allowed in:
 - i. Hospital-Serving Community Commercial Zone (CC 4)
 - ii. Not in residential zones
- c. Requires a Conditional Use Permit (CUP)

Q: What can I do if I experience problems with a group home or similar use in my neighborhood?

A: Be vigilant about reporting the negative effects of these and any other short-term rentals. Report issues and or violations you observe within your community. Oftentimes we hear neighbors say they feel bad about calling in violations because they feel they are minor compared to more serious violations of the law. This is not the case. We take all complaints seriously and investigate. Oftentimes it is the cumulative effect of a lot of small violations that create a large effect on the community.

For more information or to request a presentation, contact Brent Panas at (949) 361-6191 or email him at PanasB@san-clemente.org.

