



AGENDA REPORT

SAN CLEMENTE CITY COUNCIL MEETING
Meeting Date: May 16, 2017

Agenda Item 6D

Approvals:

City Manager [Signature]
Dept. Head [Signature]
Attorney SS
Finance [Signature]

Department: City Manager [Signature]
Prepared By: Laura Ferguson, Public Information Officer

Subject: **LETTER OF SUPPORT FOR SENATE BILL 786 (MENDOZA) – ALCOHOLISM OR DRUG ABUSE RECOVERY OR TREATMENT FACILITIES: OVERCONCENTRATION – NOTICE OF SUPPORT**

Fiscal Impact: Unknown.

Summary: Senate Bill 786 would require, for any licensing application submitted on or after January 1, 2018, the department to deny an application for a new facility license, if the proposed location is in proximity to an existing facility in an area zoned residential that would result in overconcentration. The League of California Cities supports SB 786.

Background: Under this measure, the city or county would be noticed of state license applications and the municipality could help recognize overconcentration which is defined as having two or more facilities separated by less than 300 feet. This is consistent with state law which already imposes noticing and 300-foot distancing requirements for every existing licensed group home in California, with the exception of alcohol and drug recovery facilities.

Discussion: Residential group home facilities provide a valuable rehabilitation and support service which can benefit those in recovery and the greater community. However, what was not anticipated was that existing laws would be manipulated for the advantage of some business owners to maximize their profits. The loopholes utilized by some operators, have resulted in over-concentrated campus style facilities that result in higher profits than standalone facilities that can drastically change the character of a neighborhood.

SB 786 is consistent with the Fair Housing Act (FHA) and advances state policy favoring residential/social model care facilities for persons with disabilities. This measure would provide consistency with all other state licensed group homes to protect existing neighborhoods and protect the therapeutic, nurturing environment that benefits all categories of protected residence recovering in state licensed group homes.

Recommended

Action: STAFF RECOMMENDS THAT the City Council:
1) Approve the letter of support for SB 786

Attachments: Support Letter for SB 786 (Mendoza)
Bill Text

Notification: Senator Tony Mendoza



Office of Mayor and
City Councilmembers

Phone: (949) 361-8322 Fax: (949) 361-8283

E-mail: CityCouncil@san-clemente.org

Kathy Ward, *Mayor*
Tim Brown, *Mayor Pro Tem*
Lori Donchak, *Councilmember*
Chris Hamm, *Councilmember*
Steven Swartz, *Councilmember*

James Makshanoff, *City Manager*

May 16, 2017

The Honorable Tony Mendoza
State Capitol, Room 5100
Sacramento, CA 95814

Facsimile: (916) 651-4932

**RE: SB 786 (Mendoza) Alcoholism or drug abuse recovery or treatment facilities:
overconcentration – Notice of Support**

Dear Senator Mendoza:

On behalf of the City of San Clemente, I am pleased to announce our support for Senate Bill 786 (Mendoza).

Existing law provides for the licensure and regulation of alcoholism or drug abuse recovery or treatment facilities serving adults by the State Department of Health Care Services. We are pleased to see that your proposed legislation would require, for any licensing application submitted on or after January 1, 2018, the department to deny an application for a new facility license, if the proposed location is in proximity to an existing facility in an area zoned residential that would result in overconcentration. This measure is consistent with state law which already imposes noticing and 300-foot distancing requirements for every existing licensed group home in California, with the exception of alcohol and drug recovery facilities. Additionally, SB 786 is consistent with the Fair Housing Act (FHA) and advances state policy favoring residential/social model care facilities for persons with disabilities.

Over the past few years, San Clemente has seen an increase in facilities that serve individuals with alcohol and/or drug dependency issues. When overconcentration occurs, it adversely affects the quality of life of residential neighborhoods. We recognize the rehabilitation benefits that residential group home facilities provide for individuals in recovery; however, what was not anticipated was that existing laws would be manipulated for the advantage of some business owners to maximize their profits. The loopholes utilized by some operators, have resulted in over-concentrated campus style

facilities that result in higher profits than standalone facilities that can drastically change the character of a neighborhood.

Again, the City of San Clemente is pleased to support this important measure to help prevent overconcentration of multi-structure facilities in residential neighborhoods in order to maintain the purpose and integrity of neighborhood care programs. We applaud your leadership and for bringing this measure forward.

Sincerely,

Kathy Ward
Mayor

cc: Senate Committee on Health - Assembly Member Jim Wood, Chair and Assembly
Member Brian Maienschein, Vice Chair
Senator Pat Bates
Assembly Member Bill Brough
Tony Cardenas, Regional Public Affairs Manager, Tcardenas@cacities.org
Meg Desmond, League of California Cities, mdesmond@cacities.org
San Clemente City Council

**Introduced by Senator Mendoza
(Coauthor: Senator Allen)**

February 17, 2017

An act to add Section 11834.11 to the Health and Safety Code, relating to alcoholism or drug abuse.

LEGISLATIVE COUNSEL'S DIGEST

SB 786, as introduced, Mendoza. Alcoholism or drug abuse recovery or treatment facilities: overconcentration.

(1) Existing law provides for the licensure and regulation of alcoholism or drug abuse recovery or treatment facilities serving adults by the State Department of Health Care Services, as prescribed.

This bill would require, for any licensing application submitted on or after January 1, 2018, the department to deny an application for a new facility license, if the proposed location is in proximity to an existing facility in an area zoned residential that would result in overconcentration, as defined. The bill would require the department or a county licensing agency, at least 45 days prior to approving any application for any new facility, to notify in writing the planning agency of the city, if the facility is to be located in the city, or the planning agency of the county, if the facility is to be located in an unincorporated area, of the proposed location of the facility. By requiring a county licensing agency to notify in this manner, this bill would impose a state-mandated local program. The bill would authorize a city or county to request denial of the license applied for on the basis of an overconcentration of facilities.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 11834.11 is added to the Health and
2 Safety Code, to read:

3 11834.11. (a) For any licensing application submitted on or
4 after January 1, 2018, the department shall deny an application for
5 a new facility license, if the proposed location is in proximity to
6 an existing facility in an area zoned residential that would result
7 in overconcentration.

8 (b) As used in this section, "overconcentration" means that if a
9 new license is issued, two or more alcoholism or drug abuse
10 recovery or treatment facilities will be separated by a distance of
11 300 feet or less, as measured from the nearest property line on
12 which an existing facility is located to the nearest property line of
13 the proposed facility in an area zoned residential.

14 (c) At least 45 days prior to approving any application for a new
15 facility, the department or county licensing agency shall notify in
16 writing the planning agency of the city, if the facility is to be
17 located in the city, or the planning agency of the county, if the
18 facility is to be located in an unincorporated area, of the proposed
19 location of the facility.

20 (d) Any city or county may request denial of the license applied
21 for on the basis of an overconcentration of facilities.

22 SEC. 2. If the Commission on State Mandates determines that
23 this act contains costs mandated by the state, reimbursement to
24 local agencies and school districts for those costs shall be made
25 pursuant to Part 7 (commencing with Section 17500) of Division
26 4 of Title 2 of the Government Code.

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