

Letter from the City Manager

I appreciate our community's desire to become engaged in solving safety issues, protecting property values and preserving the quality of life of San Clemente specifically with regard to the rising number of group homes that have altered the character of some neighborhoods. Though most group homes follow the rules the rest of us must abide by, there are some that do not. Further, it is important to remember that the individuals who utilize the resources in the various types of group homes, are considered a protected class under state and federal anti-discrimination laws.

Due to issues associated with the "bad actor" group homes, the City Council adopted an Urgency Ordinance on July 7, 2015, 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 consideration of appropriate amendments to the City's Municipal Code.

The Residential Moratorium was initiated because the City's 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 to occupy residentially-zoned properties without the type of zoning review that would be typical of similar uses that the Code does specifically address.

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 was also trying to better regulate and integrate into the City, namely, 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.

The City therefore drafted amendments to the Municipal Code to ensure that these 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, which amended the Municipal Code to establish new regulations related to short-term lodgings, general noise standards and enforcement, and loud and unruly gatherings, as well as establish 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.

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, so 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 so that they are located near complementary uses, such as higher-density housing, public-transportation facilities, and commercial amenities.

These code amendments include:

- ◆ 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 guests’ 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 an “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.
- ◆ Clarifying the definition of “loud or unruly gathering.”
- ◆ Creating a repeat nuisance service-call fee in Title 9, Public Peace, Morals, and Welfare.
- ◆ Providing increased enforcement capabilities of the City’s Noise Ordinance in Title 8, Health and Safety.

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.

I enjoy hearing from you, so feel free to email me at MakshanoffJ@san-clemente.org or call me at (949) 361-8322.

Sincerely,

James



We appreciate your feedback

CMReports@san-clemente.org

James Makshanoff, City Manager | 100 Avenida Presidio | San Clemente, CA 92672

CMReports@san-clemente.org

949-361-8322

Upcoming Events

July 30th **8:30 a.m.– 10:00 a.m.** **Meet the Mayor** **Panera Bread—Talega Village Center**

Upcoming Meetings

July 25th **5:30 pm** **Investment Advisory Committee Meeting** **City Hall**

August 2nd **6:00 p.m.** **City Council Meeting** **City Hall Council Chambers**

August 3rd **6:00 p.m.** **Planning Commission Meeting** **City Hall Council Chambers**



San
Clemente
THE SPANISH VILLAGE BY THE SEA