

**ORDINANCE NO. 2018-194**

**AN ORDINANCE OF THE CITY COUNCIL  
OF THE CITY OF LAGUNA NIGUEL, CALIFORNIA  
ADOPTING ZONING CODE AMENDMENT ZCA 16-03  
AMENDING LAGUNA NIGUEL MUNICIPAL CODE SECTIONS 9-1-32 (RESIDENTIAL  
DISTRICTS), 9-1-42 (NONRESIDENTIAL DISTRICTS), 9-1-111 (DISCRETIONARY  
REVIEW AUTHORITY), 9-1-142 (DEFINITIONS), AND LAGUNA NIGUEL GATEWAY  
SPECIFIC PLAN SECTION 4.3 (ALLOWABLE USES) AND ADDING SECTIONS 9-1-  
38 (GROUP HOMES) AND 9-1-39 (REASONABLE ACCOMMODATIONS), TO  
CLARIFY AND ESTABLISH REGULATIONS FOR CONGREGATE LIVING  
FACILITIES IN ALL ZONING DISTRICTS**

Summary

Ordinance to amend the Laguna Niguel Municipal Code and the Laguna Niguel Gateway Specific Plan to clarify and establish regulations for congregate living facilities in all zoning districts. State licensed residential care facilities are exempt from local zoning regulations and would therefore not be affected.

At the May 25, 2018 City Council meeting, the City Council introduced the Ordinance. At the June 5, 2018 City Council meeting, the City Council voted to adopt Ordinance No. 2018-194 as follows:

AYES: Councilmembers Davies, Lindholm, Minagar, Mayor Pro Tem Jennings and Mayor Gennawey  
NOES: None  
ABSENT: None  
ABSTAIN: None

Included below is a summary of the major code amendment provisions. A copy of the Ordinance in its entirety is available for Public Review at the City Clerk's Office, at City Hall, 30111 Crown Valley Parkway, Laguna Niguel. For more information, please call (949) 362-4300.

Use Categories (LNZC Section 9-1-32; 9-1-42; 9-1-142; LNGSP Section 4.3)

Boarding houses will be divided into "small" (two rented rooms or less and a maximum of two tenants) and "large" (three or more rented rooms or three or more tenants), with the prior being permitted by right in all zones allowing residential uses (RS-1, RS-2, RS-3, RS-4, RP, RA, RM and MU) and the latter being prohibited in all zones but the Public/Institutional Zoning District. The exception to this rule is unlicensed group homes housing six or fewer individuals with disabilities for which a measure of built in accommodation will be provided due to the disabled status of the residents. These facilities will be permitted in all single-family zones (RS-1, RS-2, RS-3, RS-4, RP, and RA) subject to ministerial approval of a Group Home Permit by the Community Development Director.

## Group Home Permit (LNZC Section 9-1-38; 9-1-111)

Unlicensed group homes, including sober living homes, that would otherwise be considered large boarding houses, will be permitted in all single-family zones (RS-1, RS-2, RS-3, RS-4, RP, and RA) subject to ministerial review and approval of a group home permit by the Community Development Director. Application requirements will include, but will not be limited to, property owner, facility operator and house manager information; copies of facility policies and procedures; a signed statement by the operator that only individuals with disabilities (other than the house manager) will reside at the home; and a signed property owner consent form.

Group homes will be required to have no more than six residents (excluding the house manager), rental agreements of no less than 30 days, a resident house manager, on-site parking for all vehicles associated with the facility, and emergency contact notification of occupant eviction and provision of transportation for the occupant to their last known address. New group homes will not be permitted to locate within 1,000 feet of existing group homes or state licensed residential care facilities. The operator will be required to provide a 24-hour contact to the City and, upon request, allow the City access to the facility premises and records as needed to confirm compliance with permit requirements.

In addition, sober living homes will be required to ensure that all occupants are actively participating in legitimate recovery programs, implement regular drug testing, limit access to medications, implement visitation policies that preclude visitors under the influence of drugs and alcohol and do not allow visitors past 10:00 p.m., and implement good neighbor policies limiting activities that would interfere with a neighbor's use and enjoyment of their property (e.g., excessive second hand smoke, noise, and profane or obnoxious behavior).

Failure to operate in compliance with the regulations established as part of the Group Home Permit will be grounds for permit revocation by the Community Development Director. Director actions on group home permits will be appealable to the Planning Commission and ultimately the City Council.

## Reasonable Accommodation Provisions (LNZC Section 9-1-39; 9-1-111)

Reasonable accommodation from City zoning requirements will be available when strict compliance is shown to deny individuals with disabilities equal opportunity to use and enjoy a dwelling. Requests for reasonable accommodation will be reviewed and decided by the Community Development Director and may be appealed to the Planning Commission and ultimately the City Council.

## Applicability (Ordinance No. 2018-194, Section 5. Effective Date)

The proposed regulations will apply to all new and existing group homes in the City. Existing group homes will be required to make application for a Group Home Permit within 90 days of the zoning code amendment effective date. In such instances, compliance with all applicable regulations will be required by January 1, 2019, with the

exception of the separation requirement. Existing facilities not in compliance with the separation requirement will be deemed legal nonconforming and therefore allowed to operate assuming continued compliance with all other applicable regulations. Upon discontinuance of use for a period of one year, this “grandfathered” status will expire and any future request to operate a group home at the property will be regulated as a new facility.

Eileen C, Gomez, City Clerk  
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