



CITY OF SACRAMENTO

~~23~~
22

CITY PLANNING DEPARTMENT

725 "J" STREET

SACRAMENTO, CALIF. 95814

TELEPHONE (916) 449-5604

MARTY VAN DUYN

PLANNING DIRECTOR

April 23, 1980

City Council
Sacramento, California

Honorable Members in Session:

SUBJECT: Zoning Ordinance Amendment regarding family care
and group care facilities (M-419)

SUMMARY

This is a proposed Zoning Ordinance Amendment which affects the review of family care and group care facilities. The purpose of the ordinance is to make local ordinances consistent with recent State amendments and to allow review of care facilities in the R-5 and other commercial zones which are now permitted uses. The staff and Planning Commission recommend approval of the ordinance amendment.

BACKGROUND

Family care and group care facilities are presently allowed uses in the R-5 and other commercial zones. During the past few years, several group care facilities have been established in the Central City without notice, hearings, or advance information to neighboring properties. The Council in turn has received complaints on the lack of City authority and reasonable notice from concerned residents and property owners. The proposed ordinance addresses this problem by requiring a special permit for family and group care facilities in the R-5 zone and other commercial zones.

The ordinance also amends the definition for family care facility and group care facilities in order to be consistent with recent State amendments defining such facilities in the Welfare and Institutions Code.

VOTE OF COMMISSION

On March 27, 1980, the Planning Commission by a vote of eight ayes, one abstention recommended approval of the amendment.

APPROVED
BY THE CITY COUNCIL

AS Amended

MAY 13 1980

OFFICE OF THE
CITY CLERK

RECOMMENDATION

The staff and Planning Commission recommend that the City Council approve the amendment and adopt the attached Zoning Ordinance Amendment.

Respectfully submitted,

Marty Van Duyn

Marty Van Duyn
Planning Director

FOR CITY COUNCIL INFORMATION
WALTER J. SLIPE
CITY MANAGER

MVD:HY:jm
Attachments
M-419

April 29, 1980
All Districts

SACRAMENTO CITY PLANNING COMMISSION

MEETING DATE March 27, 1980
 ITEM NO. 3 FILE NO. P-M-419

GENERAL PLAN AMENDMENT
 COMMUNITY PLAN AMENDMENT
 REZONING
 SPECIAL PERMIT
 VARIANCE

TENTATIVE MAP
 SUBDIVISION MODIFICATION
 EIR DETERMINATION
 OTHER Amend General Ordinance
re family & group cases
facilities

Recommendation:

LOCATION: _____

Favorable Unfavorable Petition Correspondence

	<u>PROPOSERS</u>	
<u>NAME</u>		<u>ADDRESS</u>

	<u>OPPOSERS</u>	
<u>NAME</u>		<u>ADDRESS</u>

MOTION NO. _____

	YES	NO	MOTION	2ND
Augusta	✓			
Flores	✓			✓
Goodin	<u>u/c</u>	<u>u/c</u>	<u>u/c</u>	
Hunter	✓			
Larson	✓			
Muraki	✓			
Simpson	✓			
Silva	✓		✓	
Fong	✓			

MOTION:

- TO APPROVE
- TO DENY
- TO APPROVE SUBJECT TO COND. & BASED ON FINDINGS OF FACT IN STAFF REPORT
- INTENT TO APPROVE SUBJ. TO COND. & BASED ON FINDINGS OF FACT DUE _____
- TO RECOMMEND APPROVAL _____ & FORWARD TO CITY COUNCIL
- TO RATIFY NEGATIVE DECLARATION
- TO CONTINUE TO _____ MEETING
- OTHER _____

- EXHIBITS:
- A. Site Plan
 - B. Floor Plan
 - C. Elevation
 - D. Landscaping

City Planning Commission
Sacramento, California

Members in Session:

Subject: Zoning Ordinance Amendment regarding Family and Group Care
Facilities (M-419)

SUMMARY

The City Council's Planning and Community Development Committee is recommending approval of the attached ordinance concerning family care and group care facilities. The primary elements of the ordinance are to redefine family care, group care, and day care facilities to make local ordinances consistent with recent State amendments defining such facilities in the Welfare and Institution's Code. In addition, the proposed ordinance will now require special permits for group care facilities in the R-5 and other commercial zones which are now permitted uses.

BACKGROUND INFORMATION

The Planning and Community Development Committee has reviewed this draft ordinance and recommends its adoption. Within the past few years several group care facilities have been established in the Central City (primarily in the R-5 zones) without notice, hearings or advance information to neighboring properties. The Council, in turn, has received complaints on lack of City authority and reasonable notice from concerned residents and property owners. In response to this problem, the Council's Committee requested staff to prepare an ordinance which would at least provide use permit review of such activities in the same zones that presently allow such activity by expressed right. The attached ordinance responds to this request.

When this item was considered at the January 24, 1980, meeting, the Commission directed staff to ascertain whether the proposed amendments conflicted with existing state laws. In response to this request staff contacted the State Community Care District Office and the Policy and Administrative Branch of the Department of Social Services.

The State Community Care Licensing Office recognizes fourteen types of Community Care facilities. The rules and regulations concerning the use of these facilities vary according to the types of services provided, the composition of the clientele (ambulatory, elderly, child care, etc.), the size of the facilities, and other criteria. In general, those regulations govern activities normally not subject to land use considerations.

After reviewing the proposed amendments with staff, the District Office indicated that there did not appear to be any conflict with the state mandated requirements.

The only area in which the state regulations govern land use regarding care facilities, is that mandated by SB 2093. SB 2093, effective date April 3rd, 1978, prohibits any local jurisdiction from requiring a special permit or any other such entitlement of a residential care facility serving six or fewer persons, unless such permit is required of a single family residence in that same zone.

SB 2093 directed the Department of Social Services to develop and implement guidelines to prevent the over concentration of residential care facilities (excluding day care and elderly care facilities). These guidelines specify that the state determines whether the proposed facility location is 300' or less from an existing residential care facility prior to the issuance of a state license. If the proposed facility is located within 300' of an existing residential care facility the evaluator is then required to notify the local planning agency.

If the local planning agency requests that the application be denied the evaluator is then to deny the application. If the local planning agency does not respond within 45 days or responds and requests approval, the facility location is to be approved.

The proposed ordinance will not conflict with those requirements set forth in SB 2093 either concerning the location of these facilities or the specific requirements governing the internal use of the facility. Nor, as indicated by the State Community Care District Office, does there appear to be any conflict with other state requirements.

RECOMMENDATION

The Planning and Community Development Committee and staff recommend approval of the proposed ordinance as attached.

Respectfully submitted,


Marty Van Duyn
Planning Director

lrl



COUNTY OF SACRAMENTO

HEALTH DEPARTMENT
RONALD L. USHER, DIRECTOR

3701 Branch Center Road
Sacramento, California 95827
(916) 366-2191

CITY MANAGER'S OFFICE
RECEIVED
APR 15 1980

April 11, 1980

Mac Mailes,
Asst. City Manager/Community Development
City Hall
Sacramento, CA
95814

re: Proposed Zoning Code Amendment, Health
Facilities in C-2 Zone

Dear Mac:

It has come to my attention that the Sacramento City Planning Commission has approved a recommended change in the zoning code which would require a use permit for various health facilities in a C-2 zone. I understand that this matter will be before the City Council shortly.

Sacramento County is currently proceeding on an emergency basis with the establishment of a mental health facility at the former Carmelite Monastery, 2150 Stockton Boulevard. The urgency of this matter results from the pending June 30, 1980, termination of an agreement between UCD and Sacramento County for certain mental health services which have heretofore been provided at UCD Medical Center, which is virtually across the street from the new site.

Extensive remodeling work must be done at the monastery, so it will not be possible for the facility to begin providing services until close to June 30th. Therefore, if the City Council intends to adopt the suggested zoning change, it is essential that a "grandfather" clause be approved for this facility. Otherwise, a severe crisis would result on July 1st from mental health services not being available for patients in need of acute care during whatever period of time it might take to go through use permit processes. In this case, the question of location has been thoroughly aired in public considerations by the Board of Supervisors and in cooperative endeavors with city officials. The necessity for these services at this location has already been established, and the use committed subject only to the construction work which is in progress.

Thanks for your cooperation in seeing that this matter is handled properly.

Sincerely,

Ronald L. Usher, D.P.A.
Director, Health Department
Director, Mental Health

RLU:ms

4352

ORDINANCE NO. 4352 FOURTH SERIES

ORDINANCE AMENDING SECTIONS 2-B-7, 2-B-8, 2-B-9, 22-A-44, 22-A-45, and 22-A-46 OF, AND REPEALING SECTIONS 2-E-6, 2-E-18 AND 2-E-19 OF THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SACRAMENTO, ORDINANCE NO. 2550, FOURTH SERIES, RELATING TO FAMILY CARE AND GROUP CARE FACILITIES

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO AS FOLLOWS :

SECTION 1.

Sections 2-B-7, 2-B-8 and 2-B-9 of the Comprehensive Zoning Ordinance of the City of Sacramento, Ordinance No. 2550, Fourth Series, are hereby amended. Said amendments shall be set forth in the same form shown in the existing chart of said ordinance and shall read as follows:

USE	R 1	R A	R 2	R A	R B	R 3	R 4	R A	R 5	R B	R C	R C	R C	R 1	R 2	R 3	R 4	R H-1H-2 (S)(S)	R A	R F	R A D Y
7. Day Care Facility	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
8. Group Care Facility	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5
9. Family Care Facility	X	17	X	X	X	X	X	5	X	X	5	5	5	5					X		X

SECTION 2.

Section 2-E-6 of the Comprehensive Zoning Ordinance of the City of Sacramento, Ordinance No. 2550, Fourth Series, is hereby repealed.

SECTION 3.

Section 2-E-18 of the Comprehensive Zoning Ordinance of the City of Sacramento, Ordinance No. 2550, Fourth Series, is hereby repealed.

SECTION 4.

Section 2-E-19 of the Comprehensive Zoning Ordinance of the City of Sacramento, Ordinance No. 2550, Fourth Series, is hereby repealed.

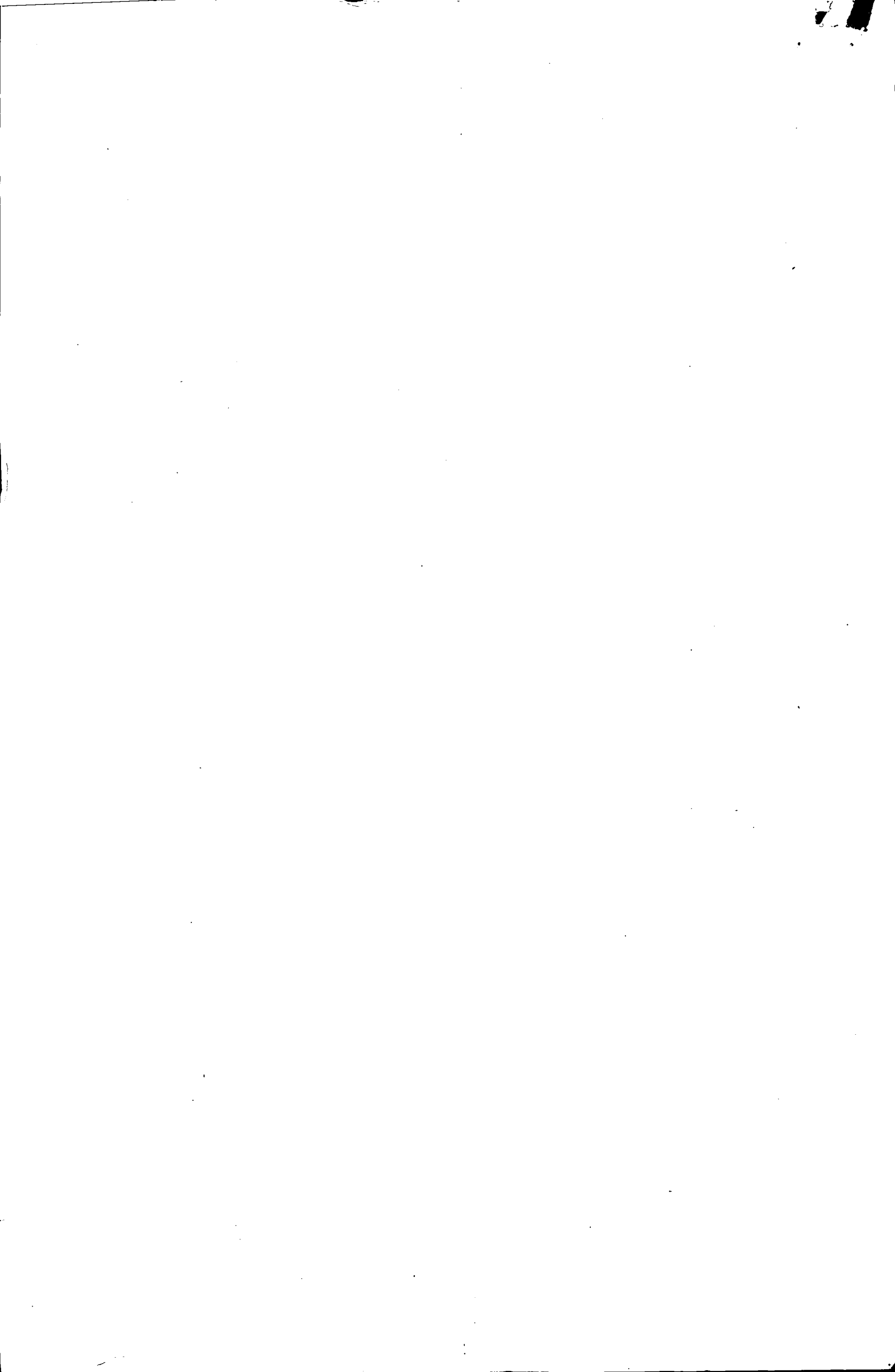
SECTION 5.

Section 22-A-44 of the Comprehensive Zoning Ordinance of the City of Sacramento, Ordinance No. 2550, Fourth Series, is hereby amended to read as follows:

APPROVED BY THE CITY COUNCIL

MAY 13 1980

OFFICE OF THE CITY CLERK



44. Day Care Facility: A facility which provides supervision, care, therapy, instruction, or medical treatment to six (6) or fewer individuals, excluding members of the resident family, during day-time hours. This category shall include day care treatment clinics, children's day nurseries, children's day care centers, and workshops for the handicapped. Such facilities providing services to greater than six (6) individuals per day shall be deemed group care facilities.

SECTION 6.

Section 22-A-45 of the Comprehensive Zoning Ordinance of the City of Sacramento, Ordinance No. 2550, Fourth Series, is hereby amended to read as follows:

45. Family Care Facility: A facility which provides twenty-four (24) hour a day resident services to six (6) or fewer individuals in need of personal services, supervision, or assistance essential for sustaining the activities of daily living, or for the protection of the individual; and which is a "residential care facility" within the meaning of the Community Care Facilities Act (Health and Safety Code Section 1500 et seq.) or is a home for the mentally disordered or otherwise handicapped, or dependent and neglected children within the meaning of Sections 5115 and 5116 of the Welfare and Institutions Code. Facilities which provide the services described herein to more than six (6) persons, or which do not fall within the meaning of the Community Care Facilities Act or Sections 5115 or 5116 of the Welfare and Institutions Code shall be deemed group care facilities. For purposes of this definition, the term "six or fewer" shall include only those persons receiving the care, supervision, or other services provided by the facility and shall not include members of the resident family or persons employed as facility staff.

SECTION 7.

Section 22-A-46 of the Comprehensive Zoning Ordinance of the City of Sacramento, Ordinance No. 2550, Fourth Series, is hereby amended to read as follows:

46. Group Care Facility: A facility which is not a day care facility or a family care facility, and which provides resident personal services, supervision, or assistance essential for sustaining the activities of daily living, or for the protection of the individual, on a twenty-four (24) hour a day basis, or which provides supervision, care, therapy, or medical treatment to individuals on a drop-in basis or otherwise. Group care facility does not include a major medical care facility.

SECTION 8.

This ordinance shall not apply to a project which has obtained a building permit for remodeling prior to May 1, 1980 and which opens for operation prior to July 1, 1980, provided that all parking and security problems are resolved to the satisfaction of the City Planning Director prior to the effective date of this ordinance.

PASSED FOR PUBLICATION:

ENACTED:

EFFECTIVE:

ATTEST:

MAYOR

CITY CLERK



COUNTY OF SACRAMENTO

city clerk
M-419

HEALTH DEPARTMENT
RONALD L. USHER, DIRECTOR

3701 Branch Center Road
Sacramento, California 95827
(916) 366-2191

CITY MANAGER'S OFFICE
RECEIVED
APR 15 1980

April 11, 1980

Mac Mailes,
Asst. City Manager/Community Development
City Hall
Sacramento, CA
95814

re: Proposed Zoning Code Amendment, Health
Facilities in C-2 Zone

Dear Mac:

It has come to my attention that the Sacramento City Planning Commission has approved a recommended change in the zoning code which would require a use permit for various health facilities in a C-2 zone. I understand that this matter will be before the City Council shortly.

Sacramento County is currently proceeding on an emergency basis with the establishment of a mental health facility at the former Carmelite Monastery, 2150 Stockton Boulevard. The urgency of this matter results from the pending June 30, 1980, termination of an agreement between UCD and Sacramento County for certain mental health services which have heretofore been provided at UCD Medical Center, which is virtually across the street from the new site.

Extensive remodeling work must be done at the monastery, so it will not be possible for the facility to begin providing services until close to June 30th. Therefore, if the City Council intends to adopt the suggested zoning change, it is essential that a "grandfather" clause be approved for this facility. Otherwise, a severe crisis would result on July 1st from mental health services not being available for patients in need of acute care during whatever period of time it might take to go through use permit processes. In this case, the question of location has been thoroughly aired in public considerations by the Board of Supervisors and in cooperative endeavors with city officials. The necessity for these services at this location has already been established, and the use committed subject only to the construction work which is in progress.

Thanks for your cooperation in seeing that this matter is handled properly.

Sincerely,

Ronald L. Usher, D.P.A.
Director, Health Department
Director, Mental Health

APR 23 11 25 AM '80

RLU:ms

RECEIVED
CITY CLERK'S OFFICE
CITY OF SACRAMENTO

*Marty
info - cpe file
Ethan*

MCDONOUGH, HOLLAND & ALLEN

A PROFESSIONAL CORPORATION
ATTORNEYS

555 CAPITOL MALL, SUITE 950
SACRAMENTO, CALIFORNIA 95814

(916) 444-3900

January 9, 1980

FELIX S. WAHRHAFTIG
(1909-1969)

NEWPORT BEACH OFFICE
4041 MACARTHUR BOULEVARD, SUITE 190
NEWPORT BEACH, CALIFORNIA 92660
(714) 833-2304

IN REPLY REFER TO:

MARTIN MCDONOUGH
ALFRED E. HOLLAND
BRUCE F. ALLEN
V. BARLOW GOFF
JOSEPH E. COOMES, JR.
WILLIAM G. HOLLIMAN, JR.
DAVID J. SPOTTISWOOD
ELMER R. MALAKOFF
RICHARD W. NICHOLS
DONALD C. POOLE
RICHARD W. OSEN
RICHARD E. BRANDT
GARY F. LOVERIDGE
G. RICHARD BROWN

DENNIS D. O'NEIL
DAVID W. POST
SUSAN K. EDLING
BRUCE MCDONOUGH
ALICE A. WOODYARD
MICHAEL T. FOGARTY
D. WILLIAM DENTINO
ANN H. MORRIS
DAVID F. BEATTY
GARRY A. ROSS
HARRY E. HULL, JR.
RICHARD L. DECOSKY, JR.
JEFFRY R. JONES
WILLIAM L. OWEN

CITY PLANNING COMMISSION

JAN 10 1980

RECEIVED

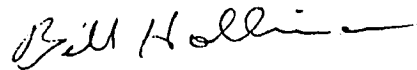
Mr. Ethan Browning
Planning Director
City of Sacramento
915 I Street
Sacramento, CA 95814

Dear Ethan:

Enclosed is a copy of a letter to the City Clerk indicating that we are withdrawing the application for a use permit for the Fairhaven Home property. As you know, however, the County is in the process of finalizing arrangements for acquisition and use of the Carmelite facility on Stockton Boulevard. The timing in this regard is extremely critical and a decision must be made within the next few days.

We seek your assistance in expediting any approval of the alternative site which may be necessary in sufficient time to enable the County to make a decision with respect to the property.

Very truly yours,



William G. Holliman, Jr.

WGH:jk

cc: City Attorney
Bob Willett
Ron Usher - *CO. HEALTH*
Mental Health Management, Inc.
Don Harris
Carl Rauser

419





CITY OF SACRAMENTO

CITY PLANNING DEPARTMENT

915 'I' STREET
CITY HALL - ROOM 304

SACRAMENTO, CALIF 95814
TELEPHONE (916) 449-5604

Marty Van Duyn
Planning Director

April 18, 1980

City Council
Sacramento, California

Honorable Members in Session:

SUBJECT: Ordinance Amending Sections 2-B-7, 2-B-8, 2-B-9, 22-A-44, 22-A-45, and 22-A-46 of, and Repealing Sections 2-E-6, 2-E-18 and 2-E-19 of the Comprehensive Zoning Ordinance of the City of Sacramento, Ordinance No. 2550, Fourth Series, Relating to Family Care and Group Care Facilities (M-419)

SUMMARY

This item is presented at this time for Council's approval of its publication for legal advertisement purposes.

BACKGROUND INFORMATION

Prior to publication of an item in a local paper to meet legal advertising requirements, the City Council must first pass the item for publication. The City Clerk then transmits the title of the item to the paper for publication and for advertising the meeting date.


RECOMMENDATION

It is recommended the item be passed for publication.

Respectfully submitted,


Marty Van Duyn
Planning Director

FOR TRANSMITTAL TO CITY COUNCIL:


Walter J. Slife, City Manager

jm
Attachments
M-419

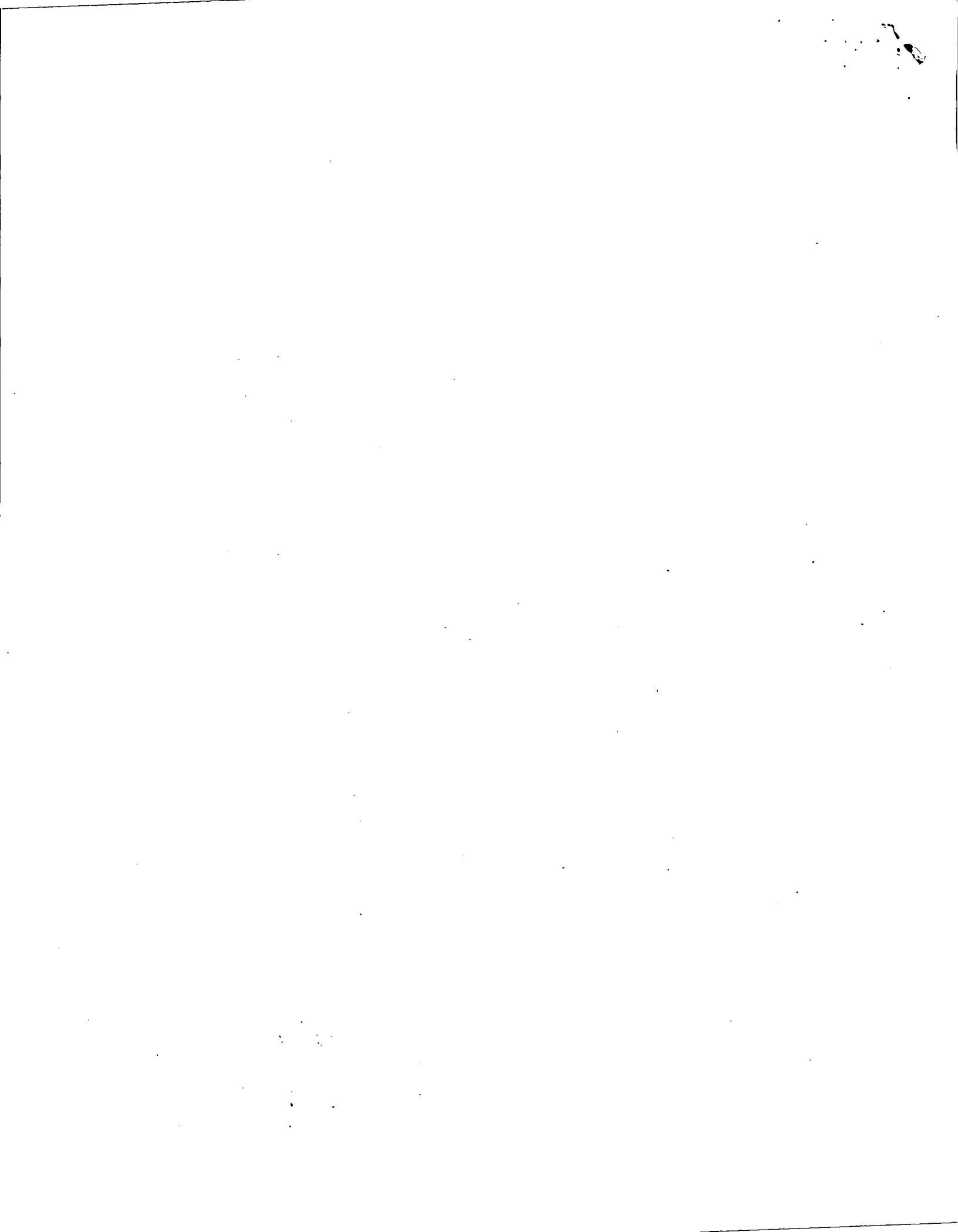
APPROVED
BY THE CITY COUNCIL

APR 22 1980

OFFICE OF THE
CITY CLERK

April 22, 1980
All Districts

PPF +
cost 40
4-29-80



ORDINANCE NO.

FOURTH SERIES

MAY 2 1980

RECEIVED

ORDINANCE AMENDING SECTIONS 2-B-7, 2-B-8, 2-B-9, 22-A-44, 22-A-45, and 22-A-46 OF, AND REPEALING SECTIONS 2-E-6, 2-E-18 AND 2-E-19 OF THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SACRAMENTO, ORDINANCE NO. 2550, FOURTH SERIES, RELATING TO FAMILY CARE AND GROUP CARE FACILITIES

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO AS FOLLOWS :

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	1	2	2	2	3	4	4	5	B	O	C	C	1	2	3	4	H-1H-2	(S)	(S)				
7. Day Care Facility	X	X	X	X	X	X	X	X	X		X		X	X	X	X	X	X	X				
8. Group Care Facility		5	5	5	5	5	5	5	5					5	5	5	5	5	5				5
9. Family Care Facility	X	7	X	X	X	X	X	5	X		X		5	5	5	5				X			X

SECTION 2.

Section 2-E-6 of the Comprehensive Zoning Ordinance of the City of Sacramento, Ordinance No. 2550, Fourth Series, is hereby repealed.

SECTION 3.

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SECTION 4.

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PASSED FOR PUBLICATION:

ENACTED:

EFFECTIVE:

ATTEST:

MAYOR

CITY CLERK

City Clerk
M-419 23



COUNTY OF SACRAMENTO

HEALTH DEPARTMENT
RONALD L. USHER, DIRECTOR
3701 Branch Center Road
Sacramento, California 95827
(916) 366-2191

CITY MANAGER'S OFFICE
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April 11, 1980

Mac Mailes,
Asst. City Manager/Community Development
City Hall
Sacramento, CA
95814

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Thanks for your cooperation in seeing that this matter is handled properly.

Sincerely,
Ronald L. Usher
Ronald L. Usher, D.P.A.
Director, Health Department
Director, Mental Health

RLU:ms

APR 23 11 25 AM '80

RECEIVED
CITY CLERK'S OFFICE
CITY OF SACRAMENTO

THIS MATTER IS BEING CONTINUED TO THE REGULAR MEETING
OF MAY 13, 1980 AT THE REQUEST OF STAFF.

M-419





CITY OF SACRAMENTO

OFFICE OF THE CITY CLERK

915 I STREET

SACRAMENTO, CALIFORNIA 95814

CITY HALL ROOM 203

TELEPHONE (916) 449-5428

LORRAINE MAGANA
CITY CLERK

May 14, 1980

Ronald L. Usher, D.P.A.
Director, Health Department
County of Sacramento
3701 Branch Center Road
Sacramento, CA 95827

Dear Dr. Usher:

On May 13, 1980, the City Council adopted the enclosed certified ordinance Amending Sections 2-B-7, 2-B-8, 2-B-9, 22-A-44, 22-A-45, and 22-A-46 of, and repealing Sections 2-E-6, 2-E-18 and 2-E-19 of the Comprehensive Zoning Ordinance, Ordinance No. 2550, Fourth Series, relating to family care and group care facilities (M-419).

Sincerely,

Lorraine Magana
City Clerk

LM:sj
Encl. 1

cc: Marty Van Duyn
Mac Mailes

Item No. 22