

**TOWN OF
APPLE VALLEY, CALIFORNIA**

AGENDA MATTER

Subject Item:

A REQUEST TO MODIFY THE PROVISIONS OF THE DEVELOPMENT CODE BY AMENDING SECTION 9.29.140 “RESIDENTIAL CARE FACILITIES, GROUP HOMES AND SEXUAL OFFENDER RESIDENCY” TO CHAPTER 9.29 “SPECIFIC USE REGULATIONS FOR RESIDENTIAL DISTRICTS” OF TITLE 9 “DEVELOPMENT CODE” OF THE APPLE VALLEY MUNICIPAL CODE AND ESTABLISH SEPARATE REQUIREMENTS FOR RESIDENTIAL CARE FACILITIES FOR THE ELDERLY IN THE TOWN.

Recommended Action:

**Move to open the public hearing and take testimony.
Close the public hearing. Then:**

1. **Determine** that, pursuant to Section 15061(b)(3) of the State Guidelines to Implement the California Environmental Quality Act (CEQA), the project is exempt from environmental review because that the activity is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question, the proposed Code Amendment, may have a significant effect on the environment, the activity is not subject to CEQA.
2. **Find** the facts presented within the staff report support the required Findings for approval of an amendment to the Development Code, and adopt the Findings.
3. **Find** that the proposed Town Council Ordinance is consistent with the Goals and Objectives of the adopted Town of Apple Valley General Plan and that it is necessary to preserve the health, safety and general welfare of the citizens of Apple Valley.
4. **Move** to waive the reading of Ordinance No. 399 in its entirety and read by title only.
5. **Introduce** Ordinance No. 399, amending Title 9 “Development Code” of the Town of Apple Valley Municipal Code by amending Section 9.29.140 “Residential Care Facilities, Group Homes and Sexual Offender Residency” to Chapter 9.29 “Specific Use Regulations For Residential Districts” of Title 9 “Development Code” of the Apple Valley Municipal Code and establish separate requirements for Residential Care Facilities for the Elderly within the Town.
6. **Direct** staff to file a Notice of Exemption.

Proposed by: Planning Division

Item Number _____

Town Manager Approval: _____ **Budgeted Item** Yes No N/A

Town Council Meeting: June 23, 2009

Summary Item:

At its meeting of April 28, 2009, the Apple Valley Town Council initiated a Development Code Amendment (DCA) and took action directing that language, as it relates to "Section 9.29.140 "Residential Care Facilities, Group Homes and Sexual Offender Residency", be reviewed by the Planning Commission and forwarded to the Town Council. The Council's concerns with Residential Care Facilities for the Elderly ranged from the potential of a residential care facility changing to a commercial use, parking impacts, separation distance requirements to other residential facilities and group homes, and insuring that the nature of the facility does not change under an approved Conditional Use Permit.

The initiation of this DCA by the Town Council is a result of the Planning Commission meeting of April 1, 2009, whereby, the Commission reviewed Conditional Use Permit No. 2009-001, a request to operate a Large Residential Care Facility for a maximum of eight (8) elderly residents. The Commission requested that the Council direct the Planning Commission to review the current "Residential Care Facilities, Group Homes and Sexual Offender Residency" Ordinance, and recommended amendments to the Town Council that would separate requirements for the elderly from residential care facilities from non-seniors and the group home and parolee requirements. The proposed CUP application did not conform to the Code provision requiring a 2,000-foot separation distance from a "Sensitive Similar Use"; therefore, staff recommended denial. The primary concern with the Commission was the requirement of the 2,000-foot separation distance a Residential Care Facility for the Elderly must maintain from a "Sensitive Similar Use".

At the June 3, 2009 Planning Commission meeting, the Commission discussed the separation distance requirements and the CUP application process as a discretionary tool to approve this particular type of residential care (elderly) in the Development Code. The Commission was satisfied with the changes made and reflected in Planning Commission Resolution No. 2009-004.

ANALYSIS:

Ordinance No. 340 pertains to establishing requirements for Residential Care Facilities, Group Homes, Parolee Homes and regulating residency locations for registered sex offenders. The Ordinance requires that residential care facilities, housing more than six (6) residents, obtain a Conditional Use Permit (CUP).

The current ordinance does not separate the elderly from non-seniors, sex offenders and parolees who reside in a group home/residential care facility. Typically, care of the elderly will have less impact on surrounding properties and would not only provide a community service but also preserve an area of residential development with a substantially low-impact population.

In consideration of Council's concerns, staff is recommending amendments to Section 9.29.140 "Residential Care Facilities, Group Homes and Sexual Offender Residency". In addition, the Code provisions for CUP applications are currently in place to further insure that there will be minimal adverse impacts to the surrounding neighborhood. The CUP process for larger residential facilities (seven or more) is discretionary and appropriate conditions can be imposed to regulate such a proposed facility. These conditions can include occupancy limits, fire sprinklers, alarm systems and parking prohibitions. The CUP application would require noticing to the surrounding properties and will allow

public comment on the proposal. Because the permit is discretionary, it can also be found incompatible with the surrounding neighborhood and denied.

When an application for a Residential Care Facility for the Elderly is submitted to the Town, staff will review and evaluate the project within the confines of Section 9.29.140 “Residential Care Facilities, Group Homes and Sexual Offender Residency” and “Chapter 9.16 Conditional and Special Use Permits”. Many of the concerns conveyed by the Commission and Council are addressed under Section 9.16.140 CUP/SUP, some of which are as follows:

- When a CUP is granted in compliance with the Code, the approved use continues to be valid with a change of ownership of the site, business and service. No change in the approved use, and related conditions of approval, can occur automatically with a change in ownership. In researching business licenses for the three (3) elderly care facilities in the Town, there has been no change of ownership to these facilities since their inception.
- An expansion may include additional rooms to accommodate expanded dining facilities and/or bedrooms for increased clientele, which could result in parking and noise impacts. However, the residential site development standards include established building setbacks, height limits, parking and building coverage limits that would apply to a Residential Care Facility for the Elderly. The CUP is a discretionary review and the Commission could limit the occupancy to a specific number by the inclusion of a Condition of Approval.

Definitions have been provided that apply to Residential Care Facilities for the Elderly. The other subheadings, “Conditional Use Permit, Operational, Locational and Prohibition” requirements also include added language to address elderly care facilities. The proposed amended ordinance was modified throughout the document to include, where appropriate, “Residential Care Facility for the Elderly”. The following is a bullet point summary of some of the changes proposed.

- To insure that potential applicants are aware of the requirements for a Residential Care Facility for the Elderly, staff added a provision that states, “The use granted and permitted by this section for a Residential Care Facility for the Elderly is non-transferable and terminates if the structure is devoted to any use other than as a residential facility for the elderly or if the structure fails to comply with the applicable health, safety, zoning and building codes.” This is also covered by CUP provisions as noted above.
- Staff has added language to Section 9.29.140 to address the Council’s concerns with separation distances between elderly care facilities to other large Residential Care Facilities or Group Homes that states, “When a Conditional Use Permit for a Large Residential Care Facility, Residential Care Facility for the Elderly or Group Home is requested, other than for renewal, ownership transfer or expansion of an existing facility/home, a minimum separation distance of 2,000 feet is required from another Large Residential Care Facility, Residential Care Facility for the Elderly or Group Home.
- Parking requirements for senior and elderly facilities are typically less of an impact due to limited driving capabilities and the availability of transportation by the business proprietor and staff. The parking requirements are addressed

under Section 9.29.140 (F7), which is currently a requirement of the Ordinance. In addition, as stated previously, the CUP is a discretionary review and the Commission could limit parking by the inclusion of a Condition of Approval.

- Residential Care Facilities for the Elderly shall meet all applicable building codes, zoning regulations and the Americans with Disabilities Act applicable to single-family or similar dwellings; except as modified by the provisions of this Chapter.
- A Residential Care Facility for the Elderly shall conform to the minimum site development standards as those for a dwelling unit in the zone in which the facility is located. The facility shall be capable of being used as a Residential Care Facility for the Elderly without structural or landscaping alterations that would change the structure's residential character.
- No Residential Care Facility for the Elderly shall be made available to an individual who has demonstrated, by prior behavior, actions and/or criminal convictions, or as a resident, that he or she:
 - a. May be determined to be or does, constitute a substantial risk or direct threat to the health or safety of other individuals; or
 - b. Has or may engage in conduct resulting in substantial physical damage to the property of others.

FINDINGS:

Prior to the approval of any Amendment to the Development Code, the Council, based upon the advice of the Planning Commission, must make specific "Findings" as listed within the Code. Code Section 9.06.060 "Required Findings" of Chapter 9.06 Amendments to Zoning Provisions" specifies that two (2) Findings must be made in a positive manner to approve an Amendment. These Findings, along with a comment to address each, are presented below.

9.06.060 "Required Findings

- A. The proposed Amendment is consistent with the General Plan; and

Comment: The General Plan is the blueprint for the community's future growth. Specific Goals and Objectives are provided within each of the adopted General Plan's State-mandated Elements. Many of these stated Goals and Objectives address the community's desire to establish and maintain high standards for the quality, aesthetic appearance and safety for all new and existing development. The proposed Code Amendment shall establish separate development, locational and operational standards for Residential Care Facilities for the Elderly. The changes proposed to the Development Code, in separating the requirements for Residential Care Facilities for the Elderly from Residential Care Facilities and Group Homes, is consistent with the General Plan and provides a community service, while still protecting the property values and providing an improved living environment for all Apple Valley residents.

- B. The proposed Amendment will not be detrimental to the public health, safety or general welfare of the Town or its residents.

Comment: Amending the Code as proposed under Amendment No. 2009-003 shall establish separate development, locational and operational standards for Residential Care Facilities for the Elderly. The changes proposed to the Development Code, in separating the requirements for Residential Care Facilities for the Elderly from Residential Care Facilities and Group Homes, is consistent with the General Plan and provides a community service, while still protecting the property values and providing an improved living environment for all Apple Valley residents. The amendment complies with the General Plan goals and policies and is consistent with the Housing Element. Thus, the amendment proposed shall result in a change to the Code that addresses the community's living environment while providing for the health, safety and general welfare of the citizens of the Town of Apple Valley.

NOTICING

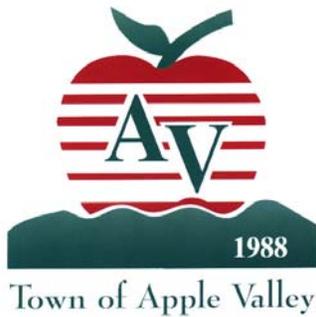
Development Code Amendment No. 2009-003 was advertised as a public hearing in the Apple Valley News newspaper on June 12, 2009 as required under Development Code Section 9.13.030 "Notice of Public Hearings".

RECOMMENDATION

Following receipt of public input and discussion by the Council, it is recommended that the Council move to introduce Ordinance No. ____ amending Title 9 "Development Code" of the Town of Apple Valley Municipal Code Section 9.29.140 "Residential Care Facilities, Group Homes and Sexual Offender Residency" to Chapter 9.29 "Specific Use Regulations For Residential Districts" of the Apple Valley Municipal Code to establish separate requirements for Residential Care Facilities for the Elderly.

Attachments:

Planning Commission Staff Report June 3, 2009
Planning Commission Resolution No. 2009-004
Draft Ordinance No. ____



TOWN OF APPLE VALLEY PLANNING COMMISSION

STAFF REPORT

AGENDA DATE:	June 3, 2009
CASE NUMBER:	Development Code Amendment No. 2009-003
APPLICANT:	Town of Apple Valley
PROPOSAL:	A request to modify the provisions of the Development Code by amending Section 9.29.140 "Residential Care Facilities, Group Homes and Sexual Offender Residency" to Chapter 9.29 "Specific Use Regulations For Residential Districts" of Title 9 "Development Code" of the Apple Valley Municipal Code and establish separate requirements for Residential Care Facilities for the Elderly.
LOCATION:	Town Wide
EXISTING GENERAL PLAN DESIGNATIONS:	All Residential Designations
EXISTING ZONING:	All Residential Zones
ENVIRONMENTAL DETERMINATION:	Staff has determined that the project is not subject to the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the State Guidelines to Implement CEQA, which states that the activity is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question, the proposed Code Amendment, may have a significant effect on the environment, the activity is not subject to CEQA.
CASE PLANNER:	Ms. Becky Reynolds, Principal Planner
RECOMMENDATION:	Adopt Planning Commission Resolution No. 2009-004

BACKGROUND

At the April 1, 2009 Planning Commission meeting, the Commission reviewed Conditional Use Permit No. 2009-001, a request to operate a Large Residential Care Facility for a maximum of eight (8) elderly residents. The single-family residence is currently a licensed residential care facility for six (6) or fewer elderly residents. The proposed CUP did not conform to the Code provision requiring a 2,000 foot separation distance from a "Sensitive Similar Use"; therefore, staff recommended denial.

Following review of the information within the staff report, public input and discussion by the Planning Commission, the Commission directed staff to submit a recommendation to the Town Council indicating that, in its opinion, the proposed Conditional Use Permit application was beyond the legislative intent of the current "Residential Care Facilities, Group Homes and Sexual Offender Residency" Ordinance. The Commission requested that the Council direct the Planning Commission to review the current "Residential Care Facilities, Group Homes and Sexual Offender Residency" Ordinance, and recommend amendments to the Town Council that will address the issues contained within this staff report. The Commission further requested that the applicant withdraw its application until additional, contemplated actions could take place.

At the April 28, 2009 Town Council meeting, the Council discussed certain provisions of Section 9.29.140 "Residential Care Facilities, Group Homes and Sexual Offender Residency" and took action directing that language for a Development Code Amendment be reviewed by the Planning Commission and forwarded to the Town Council. The Council's primary concerns with Residential Care Facilities for the Elderly range from the potential of a residential care facility changing to a commercial use, parking, separation distance requirements and insuring that the nature of the facility does not change under an approved Conditional Use Permit.

ANALYSIS:

Ordinance No. 340 pertains to establishing requirements for Residential Care Facilities, Group Homes, Parolee Homes and regulating residency locations for registered sex offenders. The Ordinance requires that residential care facilities, housing more than six (6) residents, obtain a Conditional Use Permit (CUP). This gives the Town the opportunity to regulate, review and monitor the public service needs to provide the best possible service to the residents with the properly controlled and regulated establishment of residential care facilities and group homes in residentially zoned districts. Residential Care Facilities/Group Homes are licensed by the State of California or are unlicensed facilities. State licensed facilities, typically, require some type of medical assistance or senior/juvenile care.

Section 9.29.140 "Residential Care Facilities, Group Homes and Sexual Offender Residency" was last amended (2007) to include regulations that apply to Large Residential Care and Group Home uses collectively and the regulations are applied equally with respect to the Code provisions of "Purpose, Conditional Use Requirement, Locational Requirements, Operation Requirements and Revocation" processes. The current ordinance does not separate the elderly from sex offenders and parolees who reside in a group home/residential care facility. Typically, care of the elderly will have less impact on surrounding properties and would not only provide a community service

but also preserve an area of residential development with a substantially low-impact population.

The majority of the residential care facilities within the Town house six (6) or fewer residents, so they are not regulated by local authority in accordance with State law. The Town currently has a total of twelve (12) licensed elderly residential care facilities. Nine (9) facilities serve six (6) or less residents and three (3) facilities serve seven (7) or more residents. The licensed residential care facilities provide care for person's age sixty (60) and over. The Town currently has a total of eight (8) group homes, of which, two (2) of these are serving seven (7) or more residents.

In determining the requirements for a Residential Care Facility for the Elderly, staff reviewed provisions of the Code, "Chapter 9.16 Conditional and Special Use Permits", that are established to consider certain uses and to apply specific conditions to insure that the uses are operated and located properly with respect to their effects on surrounding properties and any adverse impacts that can be mitigated. These provisions are currently in the Development Code and a Residential Care Facility for the Elderly would be subject to these provisions with an approved CUP.

Staff has added language to Section 9.29.140 to address the Council's concerns with separation distances between elderly care facilities to other large Residential Care Facilities or Group Homes and maintaining the residence as an elderly care use, as approved under a CUP. With regard to the continued use of a residence as an elderly care facility, this is addressed under the current Code requirements for CUP's (Section 9.16.140)..."it continues to be valid with a change of ownership of the site, business, service, or use of the structure that is approved under the application." However, to insure that potential applicants are aware of the requirements for a Residential Care Facility for the Elderly, staff is recommending adding a provision shown below:

Section 9.29.140

D. Conditional Use Permit

7. The use granted and permitted by this section for a Residential Care Facility for the Elderly is non-transferable and terminates if the structure is devoted to any use other than as a residential facility for the elderly or if the structure fails to comply with the applicable health, safety, zoning and building codes.

Section 9.29.140 "Residential Care Facilities, Group Homes and Sexual Offender Residency" includes provisions that upon a change of ownership, a new CUP is required. Staff did not make changes within the provision, "Sale, transfer or new lease agreement of a Group Home or Large Residential Care Facility to another individual, entity, etc. requires a CUP." Under Section 9.16.140 CUP/SUP, when a CUP is granted in compliance with the Code, it continues to be valid with a change of ownership of the site, business, service, or use of the structure that is approved under the application. In researching business licenses for the three (3) elderly care facilities in the Town, there has been no change of ownership to these facilities since their inception. The approval of a CUP for a Residential Care Facility for the Elderly would be subject to requirements under Section 9.16.140 Conditional Use and Special Use Permits, and therefore, a new CUP should not be required for a change of ownership when maintaining the same use.

Staff did not make changes within the provision, “An existing Group Home or Large Residential Care Facility discontinued for a consecutive period of thirty (30) days is deemed abandoned and shall be required to obtain a new Conditional Use Permit.” Staff has researched the Town’s business license records and the three (3) Residential Care Facilities for the Elderly (7 or more) have been in operation ranging from seven (7) to eighteen (18) years. The existing Code provisions for CUPs specify that a CUP is considered expired if the use, business, or service for which the CUP was issued, terminates or ceases operation for a continuous period of time in excess of one (1) year. In addition, a CUP may be revoked or modified by the Planning Commission if any one (1) of the six (6) Findings can be made, one of which is indicated under Section 9.16.130 Review and Revocation, “3. That the use for which the Use Permit was granted had ceased or was suspended for one hundred and eighty (180) calendar days or longer”. The current Code provision (CUP/SUP Section 9.16.100 B) may be appropriate for an approved CUP for a Residential Care Facility for the Elderly, with a one (1) year time frame, however, the Commission may wish to discuss this further.

Another concern, conveyed by the Council, is the potential expansion of an elderly care facility, which is prescribed under, “D. Conditional Use Permit” and would require a CUP. An expansion may include additional rooms to accommodate expanded dining facilities and/or bedrooms for increased clientele, which could result in parking and noise impacts. Staff did not make changes to include Residential Care Facilities for the Elderly under this subheading, as the facilities that would be located within a residential zoning district will be subject to residential development standards. The development standards include established building setbacks, height limits, parking and building coverage limits. In addition, the CUP is a discretionary review and the Commission could limit the occupancy to a specific number by the inclusion of a Condition of Approval.

Parking requirements for senior and elderly facilities are typically less of an impact, due to limited driving capabilities and the availability of transportation by the business proprietor and staff. The parking requirements are addressed under Section 9.29.140 (F7), which is currently a requirement of the Ordinance. In addition, as stated previously, the CUP is a discretionary review and the Commission could limit parking by the inclusion of a Condition of Approval.

Definitions have been provided for Residential Care Facilities for the Elderly. The other subheadings, “Conditional Use Permit, Operational, Locational and Prohibition” requirements also include added language to address elderly care facilities. The proposed amended ordinance was modified throughout the document to include, where appropriate, “Residential Care Facility for the Elderly”. The changes are shown in underline. The following is provided:

Section 9.29.140

Definitions:

- “Elderly Person - means, for purposes of admission into a residential care facility for the elderly, a person who is sixty (60) years of age or older.
- Residential Care Facility for the Elderly (7 or more residents) - means a housing arrangement chosen voluntarily by the resident, the resident's guardian, conservator or other responsible person; where the residents are sixty (60) years of age or older and where varying levels of care and supervision are provided, as agreed to at time of admission or as determined necessary at subsequent times of reappraisal, in accordance with the Community Care Facilities Act.

C. Prohibitions

3. No Residential Care Facility for the Elderly shall be made available to an individual who has demonstrated, by prior behavior, actions and/or criminal convictions, or as a resident, that he or she:
 - a. May be determined to be or does, constitute a substantial risk or direct threat to the health or safety of other individuals; or
 - b. Has or may engage in conduct resulting in substantial physical damage to the property of others.

D. Conditional Use Permit

7. The use granted and permitted by this section for a Residential Care Facility for the Elderly is non-transferable and terminates if the structure is devoted to any use other than as a residential facility for the elderly or if the structure fails to comply with the applicable health, safety, zoning and building codes.

E. Locational Requirements

1. In evaluating requests for a Large Residential Care Facility, Residential Care Facility for the Elderly, or Group Home, particular attention will be directed to the physical relationship and proximity of the proposed use to similar uses within the surrounding neighborhood and ensuring no adverse effects on the character of a residential neighborhood and public health, safety or general welfare will be created by the proposed use.
3. When a Conditional Use Permit for a Large Residential Care Facility, Residential Care Facility for the Elderly or Group Home is requested, other than for renewal, ownership transfer or expansion of an existing facility/home, a minimum separation distance of 2,000 feet is required from another Large Residential Care Facility, Residential Care Facility for the Elderly or Group Home.
4. When a Conditional Use Permit for a Large Residential Care Facility, Residential Care Facility for the Elderly or Group Home is requested and includes the new construction or remodel of an existing residential structure or unit to expand the square footage, attention shall be directed toward the size, scale and architectural compatibility of the residential structure or unit to ensure that it is compatible with the surrounding residential neighborhood and that it maintains the residential character and appearance of the area.

F. Operational Requirements/Conditions

8. Residential Care Facilities for the Elderly shall meet all applicable building codes, zoning regulations and the Americans with Disabilities Act, applicable to single-family or similar dwellings; except as modified by the provisions of this Chapter.
9. A Residential Care Facility for the Elderly shall conform to the minimum site development standards as those for a dwelling unit in the zone in which the facility is located. The facility shall be capable of being used as a Residential Care Facility for the Elderly without structural or landscaping alterations that would change the structure's residential character."

SUMMARY

The Council's concerns with Residential Care Facilities for the Elderly ranged from the potential of a residential care facility changing to a commercial use, parking impacts,

separation distance requirements to other residential facilities and group homes, and insuring that the nature of the facility does not change under an approved Conditional Use Permit. Although staff is recommending amendments to Section 9.29.140 "Residential Care Facilities, Group Homes and Sexual Offender Residency", the Code provisions for CUP applications are in place to further insure that there will be minimal adverse impacts to the surrounding neighborhood. The Conditional Use Permit process for larger residential facilities (seven or more) is discretionary and appropriate conditions can be imposed to regulate the facility. These conditions can include occupancy limits, fire sprinklers, alarm systems and parking prohibitions. The CUP application would require noticing to the surrounding properties and will allow public comment on the proposal. Because the permit is discretionary, it can also be found incompatible with the surrounding neighborhood and denied.

REQUIRED FINDINGS

An amendment to the Development Code requires that the Planning Commission address two required "Findings", as listed within Development Code Section 9.06.060. As presented within past staff reports, the required Findings are listed below, along with a comment addressing each, for Commission consideration. If the Commission concurs with these comments, it may be adopted and forwarded to the Council for its consideration of the Development Code Amendment. If the Commission wishes modifications to the offered comments after considering input and public testimony at the public hearing, modifications to the Findings and Code Amendment recommendations can be included in the information forwarded to the Council for consideration.

Required "Findings":

A. The proposed amendment is consistent with the General Plan; and

Comment: The General Plan provides the basic framework for land development within the Town of Apple Valley, with the Development Code setting the specific standards and criteria to fulfill the General Plan's Goals and Policies. The proposed Code Amendment shall establish separate development, locational and operational standards for Residential Care Facilities for the Elderly. The changes proposed to the Development Code, in separating the requirements for Residential Care Facilities for the Elderly from Residential Care Facilities and Group Homes, is consistent with the General Plan and provides a community service, while still protecting the property values and providing an improved living environment for all Apple Valley residents.

B. The proposed amendment will not be detrimental to the public health, safety or welfare of the Town or its residents.

Comment: Amending the Code as proposed under Amendment No. 2009-003 shall establish separate development, locational and operational standards for Residential Care Facilities for the Elderly. The changes proposed to the Development Code, in separating the requirements for Residential Care Facilities for the Elderly from Residential Care Facilities and Group Homes, is consistent with the General Plan and provides a community service while still protecting the property values and providing an improved living environment for all Apple Valley residents. The amendment complies with the General Plan

goals and policies and is consistent with the Housing Element. Thus, the amendment proposed shall result in a change to the Code that addresses the community's living environment while providing for the health, safety and general welfare of the citizens of the Town of Apple Valley.

NOTICING

The project was legally noticed in the Apple Valley News on May 15, 2009. Although not legally required for a Development Code Amendment, staff notified all property owners within 300 feet of the site, previous speakers at the April 1st public hearing and the Group Home Ad-hoc members for this public hearing. Staff received no negative written or public counter inquires.

ENVIRONMENTAL REVIEW

Staff has determined that the project is not subject to the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the State Guidelines to Implement CEQA, which states that the activity is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question, the proposed Code Amendment, may have a significant effect on the environment, the activity is not subject to CEQA.

RECOMMENDATION

Following receipt of public input and discussion by the Commission, it is recommended that the Commission move to approve Planning Commission Resolution No. 2009-004, forwarding a recommendation that the Town Council amend Title 9 "Development Code" of the Town of Apple Valley Municipal Code Section 9.29.140 "Residential Care Facilities, Group Homes and Sexual Offender Residency" to Chapter 9.29 "Specific Use Regulations For Residential Districts" of Title 9 "Development Code" of the Apple Valley Municipal Code to establish separate requirements for Residential Care Facilities for the Elderly.

Prepared by:

Becky Reynolds
Principal Planner

ATTACHMENTS:

1. Planning Commission Resolution No. 2009-004

PLANNING COMMISSION RESOLUTION NO. 2009-004

A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF APPLE VALLEY, CALIFORNIA, RECOMMENDING THAT THE TOWN COUNCIL AMEND TITLE 9 “DEVELOPMENT CODE” OF THE TOWN OF APPLE VALLEY MUNICIPAL CODE, BY AMENDING SECTION 9.29.140 “RESIDENTIAL CARE FACILITIES, GROUP HOMES AND SEXUAL OFFENDER RESIDENCY” TO CHAPTER 9.29 “SPECIFIC USE REGULATIONS FOR RESIDENTIAL DISTRICTS” OF TITLE 9 “DEVELOPMENT CODE” OF THE APPLE VALLEY MUNICIPAL CODE AND ESTABLISH SEPARATE REQUIREMENTS FOR RESIDENTIAL CARE FACILITIES FOR THE ELDERLY.

WHEREAS, Title 9 (Development Code) of the Municipal Code of the Town of Apple Valley was adopted by the Town Council on October 24, 2000; and

WHEREAS, Title 9 “Development Code” of the Municipal Code of the Town of Apple Valley has been previously modified by the Town Council on the recommendation of the Planning Commission; and

WHEREAS, On May 8, 2007 the Town Council adopted Ordinance No. 340, as it pertains to establishing requirements for Residential Care Facilities, Group Homes, Parolee Homes and regulating residency locations for registered sex offenders.

WHEREAS, specific changes are proposed to Title 9 “Development Code” of the Town of Apple Valley Municipal Code by amending Section 9.29.140 “Residential Care Facilities, Group Homes and Sexual Offender Residency” to Chapter 9.29 “Specific Use Regulations For Residential Districts” of Title 9 “Development Code” of the Apple Valley Municipal Code and establish separate requirements for Residential Care Facilities for the Elderly; and

WHEREAS, on May 15, 2009, Development Code Amendment No. 2009-003 was duly noticed in the Apple Valley News, a newspaper of general circulation within the Town of Apple Valley; and

WHEREAS, Staff has determined that the project is not subject to the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the State Guidelines to Implement CEQA, which states that the activity is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question, the proposed Code Amendment, may have a significant effect on the environment, the activity is not subject to CEQA; and

WHEREAS, on June 3, 2009 the Planning Commission of the Town of Apple Valley conducted a duly noticed and advertised public hearing on Development Code Amendment No. 2009-003, receiving testimony from the public; and

WHEREAS, Development Code Amendment No. 2009-003 is consistent with Title 9 “Development Code” of the Municipal Code of the Town of Apple Valley and shall promote the health, safety and general welfare of the citizens of the Town of Apple Valley.

NOW, THEREFORE, BE IT RESOLVED that, in consideration of the evidence presented at the public hearing, and for the reasons discussed by the Commissioners at said hearing, the Planning Commission of the Town of Apple Valley, California, does hereby resolve, order and determine as follows and recommends that the Town Council make the following findings and take the following actions:

Section 1. Find that the changes proposed by Development Code Amendment No. 2009-003 are consistent with the Goals and Policies of the Town of Apple Valley adopted General Plan.

Section 2. The project is not subject to the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the State Guidelines to Implement CEQA, which states that the activity is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question, the proposed Code Amendment, may have a significant effect on the environment, the activity is not subject to CEQA.

Section 3. Amend Section 9.29.140 “Residential Care Facilities, Group Homes and Sexual Offender Residency” to Chapter 9.29 “Specific Use Regulations For Residential Districts” to read as follows:

9.29.140 RESIDENTIAL CARE FACILITIES, RESIDENTIAL CARE FACILITIES FOR THE ELDERLY, GROUP HOMES AND SEXUAL OFFENDER RESIDENCY

A. *Purpose*

The purpose of this Section is to give the Town the opportunity to regulate, review and monitor the public service needs to provide the best possible service to the residents within the Town limits with some establishment of residential care facilities, residential care facilities for the elderly, and group homes in residential zones.

C. *Definitions*

Small Residential Care Facility – means any residential structure or unit licensed by the State of California to house six (6) or fewer individuals in accordance with the Community Care Facilities Act.

Large Residential Care Facility – means any residential structure or unit licensed by the State of California to house seven (7) or more individuals in accordance with the Community Care Facilities Act.

Elderly Person - means, for purposes of admission into a residential care facility for the elderly, a person who is sixty (60) years of age or older.

Group Homes – means any residential structure or unit, whether operated by an individual for profit or non-profit entity, which is not licensed by the State of California and which houses individuals not related by blood or marriage.

Mentally and Physically Handicapped Residential Care Facility – means a residential structure or unit licensed by the State of California or the Federal Government to house individuals for profit or non-profit that are mentally and/or physically handicapped or disabled.

Parolee Home – means any residential structure or unit, whether owned and/or operated by an individual for-profit or non-profit entity, which is not licensed by the State of California and which houses at least two (2) parolees unrelated by blood, marriage or legal adoption, in exchange for monetary or non-monetary consideration and/or paid by the parolee and/or any individual or public/private entity on behalf of the parolee.

Parolee, Federal – means an individual convicted of a Federal crime, sentenced to a United States Federal prison, and who received conditional and revocable release in the community under the supervision of a Federal parole officer.

Parolee, State Adult – means an individual who is serving a period of supervised community custody, as defined in Section 3000 of the Penal Code, following a term of imprisonment in a State prison, and is under the jurisdiction of the California Department of Corrections and Rehabilitation, Division of Adult Parolee Operations.

Parolee, California Department of Corrections and Rehabilitation – means an adult or juvenile individual sentenced to a term in the California Department of Corrections and Rehabilitation, Division of Juvenile Operations and who received conditional and revocable release in the community under the supervision of a California Department of Corrections and Rehabilitation parole officer.

Probation – means an individual serving a period of time on probation ordered by a court of law.

Residential Care Facility for the Elderly (7 or more residents) - means a housing arrangement chosen voluntarily by the resident, the resident's guardian, conservator or other responsible person; where the residents are sixty (60) years of age or older and where varying levels of care and supervision are provided, as agreed to at time of admission or as determined necessary at subsequent times of reappraisal, in accordance with the Community Care Facilities Act.

Sex Offender – means an individual that has served a term of imprisonment or jail time for an offense for which registration is required pursuant to Section 290 of the Penal Code.

D. Prohibitions

1. Parolee Homes of two (2) or more parolees unrelated by blood, marriage or legal adoption are prohibited.
2. Group Homes of two (2) or more unrelated sex offenders and/or two (2) or more individuals on probation are prohibited.
3. Sex offenders, including both adult and juvenile, except for those legally registered with the same address prior to the effective date of this

Ordinance, shall not reside within 4,000 feet, as measured by the Town of Apple Valley and/or court-issued Global Positioning System (GPS) tracking equipment, from the following sensitive uses: schools (public and private); parks and park facilities (public and private); libraries; day care facilities (including family home day care); foster or juvenile residential care facilities or group homes; video arcades; movie theaters; religious institutions; museums; hospitals; private and public clubs and lodges; youth centers; places of assembly; dance/martial art studios; amusement parks; children play grounds; and educational/tutorial learning centers.

4. No Residential Care Facility for the Elderly shall be made available to an individual who has demonstrated, by prior behavior, actions and/or criminal convictions, or as a resident, that he or she:
 - a. May be determined to be or does, constitute a substantial risk or direct threat to the health or safety of other individuals; or
 - b. Has or may engage in conduct resulting in substantial physical damage to the property of others.

E. Conditional Use Permit

A Conditional Use Permit shall be required for the new establishment of any type of land use stated below:

1. Large Residential Care Facilities and Residential Care Facilities for the Elderly, licensed by the State of California that were unlawfully established prior to the effective date of this Ordinance.
2. Group Homes that are not licensed by the State of California, and that are not prohibited under subsection C. above, and that were unlawfully established prior to the effective date of this Ordinance.
3. Any change in the operating conditions or facility type of existing Group Homes, Large Residential Care Facilities or Residential Care Facility for the Elderly, lawfully established prior to, or after, the effective date of this Ordinance.
4. Sale, transfer or new lease agreement of a Group Home or Large Residential Care Facility to another individual, entity, etc.
5. An existing Group Home or Large Residential Care Facility discontinued for a consecutive period of thirty (30) days is deemed abandoned and shall be required to obtain a new Conditional Use Permit.
6. The new construction or remodel of a Group Home, Large Residential Care Facility to expand the square footage of a residential structure or unit.
7. The use granted and permitted by this section for a Residential Care Facility for the Elderly is non-transferable and terminates if the structure is devoted to any use other than as a residential facility for the elderly or if the structure fails to comply with the applicable health, safety, zoning and building codes.

F. Locational Requirements

1. In evaluating requests for a Large Residential Care Facility, Residential Care Facility for the Elderly, or Group Home, particular attention will be directed to the physical relationship and proximity of the proposed use to similar uses within the surrounding neighborhood and ensuring no adverse effects on the character of a residential neighborhood and public health, safety or general welfare will be created by the proposed use.
2. When a Conditional Use Permit for a Large Residential Care Facility or Group Home is requested, other than for renewal, ownership transfer or expansion of an existing home/facility, a minimum separation distance of 2,000 feet is required from an existing or proposed park, school, religious institution, youth facility, library, video arcade or similar sensitive uses.
3. When a Conditional Use Permit for a Large Residential Care Facility, Residential Care Facility for the Elderly or Group Home is requested, other than for renewal, ownership transfer or expansion of an existing facility/home, a minimum separation distance of 2,000 feet is required from another Large Residential Care Facility, Residential Care Facility for the Elderly or Group Home.
4. When a Conditional Use Permit for a Large Residential Care Facility, Residential Care Facility for the Elderly or Group Home is requested and includes the new construction or remodel of an existing residential structure or unit to expand the square footage, attention shall be directed toward the size, scale and architectural compatibility of the residential structure or unit to ensure that it is compatible with the surrounding residential neighborhood and that it maintains the residential character and appearance of the area.

G. Operational Requirements/Conditions

1. Large Residential Care Facilities, Residential Care Facilities for the Elderly, and Group Homes shall obtain annually a Town of Apple Valley Business License.
2. Only one resident or two (2) residents related by blood, marriage or legal adoption shall be allowed to occupy one bedroom in a Large Residential Care Facility, Residential Care Facility for the Elderly or Group Home.
3. Inspections of the facility/home shall be conducted by the Apple Valley Fire Protection District in accordance with the requirements of the State Fire Marshall.
4. Multi-family residential projects shall be limited to one (1) Large Residential Care Facility and/or Group Home.
5. The property owner, or designated on-site manager, that is not on parole/probation or a registered 290 sex offender, must live on the site of the Large Residential Care Facility, Residential Care Facility for the

Elderly, and/or Group Home. The name and a copy of legal identification of the property owner/on-site manager shall be provided to the Town of Apple Valley with the business license.

6. All required State and Federal licenses for Large Residential Care Facilities, Residential Care Facility for the Elderly and Group Homes shall be posted within the premises and a copy shall be provided to the Town of Apple Valley Planning Division.
7. Residents of a Large Residential Care Facility or Group Home shall not park vehicles off-site or adjacent to the facility/home in the public right-of-way, unless adequate on-site parking is provided and designated for all residents, approved by the Planning Commission.
8. Residential Care Facilities for the Elderly shall meet all applicable building codes, zoning regulations and the Americans with Disabilities Act, applicable to single-family or similar dwellings; except as modified by the provisions of this Chapter.
9. A Residential Care Facility for the Elderly shall conform to the minimum site development standards as those for a dwelling unit in the zone in which the facility is located. The facility shall be capable of being used as a Residential Care Facility for the Elderly without structural or landscaping alterations that would change the structure's residential character.
10. All County Environmental Health Department regulations and Community Care Licensing regulations shall be met at all times.
11. The Planning Commission, at their discretion, may impose additional operational conditions to ensure the compatibility of the facility with the neighborhood and to ensure the health and safety of a facility and the neighborhood in which the facility is located.

H. Revocation

Pursuant to Section 9.16.130 of this Code the Planning Commission may revoke a Conditional Use Permit. The revocation hearing must be a noticed public hearing as required in Section 9.16.130 of this Code. The Planning Commission must make necessary findings to revoke the Conditional Use Permit as set forth in Section 9.16.130 of this Code.

Approved and Adopted by the Planning Commission of the Town of Apple Valley this 3rd day of June, 2009.

ATTEST:

Mr. Bruce Kallen, Chairman

I, Patty Hevle, Secretary to the Planning Commission of the Town of Apple Valley, California, do hereby certify that the foregoing Planning Commission Resolution

No. 2009-004 was duly and regularly adopted by the Planning Commission at a regular meeting thereof, held on the 3rd day of June, 2009, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Patty Hevle, Planning Commission Secretary

ORDINANCE NO. 399

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY, CALIFORNIA, AMENDING TITLE 9 “DEVELOPMENT CODE” OF THE TOWN OF APPLE VALLEY MUNICIPAL CODE, BY AMENDING TITLE 9 “DEVELOPMENT CODE” OF THE TOWN OF APPLE VALLEY MUNICIPAL CODE, BY AMENDING SECTION 9.29.140 “RESIDENTIAL CARE FACILITIES, GROUP HOMES AND SEXUAL OFFENDER RESIDENCY” TO CHAPTER 9.29 “SPECIFIC USE REGULATIONS FOR RESIDENTIAL DISTRICTS” OF TITLE 9 “DEVELOPMENT CODE” OF THE APPLE VALLEY MUNICIPAL CODE AND ESTABLISH SEPARATE REQUIREMENTS FOR RESIDENTIAL CARE FACILITIES FOR THE ELDERLY.

The Town Council of the Town of Apple Valley, State of California, does ordain as follows:

Section 1. Recitals

(i) Title 9 “Development Code” of the Municipal Code of the Town of Apple Valley was adopted by the Town Council on October 24, 2000; and

(ii) Title 9 “Development Code” of the Municipal Code of the Town of Apple Valley has been previously modified by the Town Council on the recommendation of the Planning Commission; and

(iii) Specific changes to Title 9 “Development Code” of the Town of Apple Valley Municipal Code include amending by amending Section 9.29.140 “Residential Care Facilities, Group Homes and Sexual Offender Residency” to Chapter 9.29 “Specific Use Regulations For Residential Districts” of Title 9 “Development Code” of the Apple Valley Municipal Code and establish separate requirements for Residential Care Facilities for the Elderly; and

(iv) On June 12 , 2009, Development Code Amendment No. 2009-003 was duly noticed in the Apple valley News, a newspaper of general circulation within the Town of Apple Valley; and

(v) The project is not subject to the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the State Guidelines to Implement CEQA, which states that the activity is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question, the proposed Code Amendment, may have a significant effect on the environment, the activity is not subject to CEQA; and

(vi) On June 3, 2009, the Planning Commission of the Town of Apple Valley conducted a duly noticed and advertised public hearing on Development Code Amendment No. 2009-003, receiving testimony from the public and adopted Planning Commission Resolution No. 2009-004 recommending adoption of this Ordinance; and

(viii) Development Code Amendment No. 2009-003 is consistent with Title 9 “Development Code” of the Municipal Code of the Town of Apple Valley and shall promote the health, safety, and general welfare of the citizens of the Town of Apple Valley.

Section 2. Findings

(i) Find that the changes proposed by Development Code Amendment No. 2009-003 are consistent with the Goals and Policies of the Town of Apple Valley adopted General Plan.

(ii) Pursuant to the State Guidelines to Implement the California Environmental Quality Act (CEQA), specifically Section 15061(b)(3), the activity is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment; the activity is exempt from, and not subject to, CEQA.

Section 3. Replace subsection A “Purpose” of Section 9.29.140 “Residential Care Facilities, Group Homes and Sexual Offender Residency” to Chapter 9.29 “Specific Use Regulations For Residential Districts” to read as follows:

A. Purpose

The purpose of this Section is to give the Town the opportunity to regulate, review and monitor the public service needs to provide the best possible service to the residents within the Town limits with some establishment of residential care facilities, residential care facilities for the elderly, and group homes in residential zones.

Section 4. Insert “Elderly Person” and “Residential Care Facility for the Elderly” to subsection B “Definitions” of Section 9.29.140 “Residential Care Facilities, Group Homes and Sexual Offender Residency” to Chapter 9.29 “Specific Use Regulations For Residential Districts” to read as follows:

B. Definitions

Elderly Person - means, for purposes of admission into a residential care facility for the elderly, a person who is sixty (60) years of age or older.

Residential Care Facility for the Elderly (7 or more residents) - means a housing arrangement chosen voluntarily by the resident, the resident's guardian, conservator or other responsible person; where the residents are sixty (60) years of age or older and where varying levels of care and supervision are provided, as agreed to at time of admission or as determined necessary at subsequent times of reappraisal, in accordance with the Community Care Facilities Act.

Section 5. Add paragraph No. 4 to subsection C “Prohibition” of Section 9.29.140 “Residential Care Facilities, Group Homes and Sexual Offender Residency” to Chapter 9.29 “Specific Use Regulations For Residential Districts” to read as follows:

C. Prohibition

4. No Residential Care Facility for the Elderly shall be made available to an individual who has demonstrated, by prior behavior, actions and/or criminal convictions, or as a resident, that he or she:
 - a. May be determined to be or does, constitute a substantial risk or direct threat to the health or safety of other individuals; or
 - b. Has or may engage in conduct resulting in substantial physical damage to the property of others.

Section 6. Replace paragraph Nos. 2 and 3 and add No. 7 to subsection D “Conditional Use Permit” of Section 9.29.140 “Residential Care Facilities, Group Homes and Sexual Offender Residency” to Chapter 9.29 “Specific Use Regulations For Residential Districts” to read as follows:

D. Conditional Use Permit

2. Large Residential Care Facilities and Residential Care Facilities for the Elderly, licensed by the State of California that were unlawfully established prior to the effective date of this Ordinance.
3. Any change in the operating conditions or facility type of existing Group Homes, Large Residential Care Facilities or Residential Care Facility for the Elderly, lawfully established prior to, or after, the effective date of this Ordinance.
7. The use granted and permitted by this section for a Residential Care Facility for the Elderly is non-transferable and terminates if the structure is devoted to any use other than as a residential facility for the elderly or if the structure fails to comply with the applicable health, safety, zoning and building codes.

Section 7. Replace paragraph Nos. 1, 3 and 4 of subsection E “Locational Requirements” of Section 9.29.140 “Residential Care Facilities, Group Homes and Sexual Offender Residency” to Chapter 9.29 “Specific Use Regulations For Residential Districts” to read as follows:

E. Locational Requirements

1. In evaluating requests for a Large Residential Care Facility, Residential Care Facility for the Elderly, or Group Home, particular attention will be directed to the physical relationship and proximity of the proposed use to similar uses within the surrounding neighborhood and ensuring no adverse effects on the character of a residential neighborhood and public health, safety or general welfare will be created by the proposed use.
3. When a Conditional Use Permit for a Large Residential Care Facility, Residential Care Facility for the Elderly or Group Home is requested, other than for renewal, ownership transfer or expansion of an existing facility/home, a minimum separation distance of 2,000 feet is required from another Large Residential Care Facility, Residential Care Facility for the Elderly or Group Home.
4. When a Conditional Use Permit for a Large Residential Care Facility, Residential Care Facility for the Elderly or Group Home is requested and includes the new construction or remodel of an existing residential structure or unit to expand the square footage, attention shall be directed toward the size, scale and architectural compatibility of the residential structure or unit to ensure that it is compatible with the surrounding residential neighborhood and that it maintains the residential character and appearance of the area.

Section 8. Replace paragraph Nos 1, 2, 5, 6, 8 and 9 of subsection F “Operational/Requirements/Conditions” of Section 9.29.140 “Residential Care Facilities, Group Homes and Sexual Offender Residency” to Chapter 9.29 “Specific Use Regulations For Residential Districts” to read as follows:

F. Operational Requirements/Conditions

1. Large Residential Care Facilities, Residential Care Facilities for the Elderly, and Group Homes shall obtain annually a Town of Apple Valley Business License.
2. Only one resident or two (2) residents related by blood, marriage or legal adoption shall be allowed to occupy one bedroom in a Large Residential Care Facility, Residential Care Facility for the Elderly or Group Home.

5. The property owner, or designated on-site manager, that is not on parole/probation or a registered 290 sex offender, must live on the site of the Large Residential Care Facility, Residential Care Facility for the Elderly, and/or Group Home. The name and a copy of legal identification of the property owner/on-site manager shall be provided to the Town of Apple Valley with the business license.
6. All required State and Federal licenses for Large Residential Care Facilities, Residential Care Facility for the Elderly and Group Homes shall be posted within the premises and a copy shall be provided to the Town of Apple Valley Planning Division.
8. Residential Care Facilities for the Elderly shall meet all applicable building codes, zoning regulations and the Americans with Disabilities Act, applicable to single-family or similar dwellings; except as modified by the provisions of this Chapter.
9. A Residential Care Facility for the Elderly shall conform to the minimum site development standards as those for a dwelling unit in the zone in which the facility is located. The facility shall be capable of being used as a Residential Care Facility for the Elderly without structural or landscaping alterations that would change the structure's residential character.

Section 9. Invalidation. The amendment by this Ordinance of Title 9 "Development Code" of the Town of Apple Valley Municipal Code as previously in effect, or of any other prior enactment, shall not be construed to invalidate any entitlement exercised or proceeding taken pursuant to such Title or other enactment while the same was in effect.

Section 10. Notice of Adoption. The Town Clerk of the Town of Apple Valley shall certify to the adoption of this ordinance and cause publication to occur in a newspaper of general circulation and published and circulated in the Town in a manner permitted under Section 36933 of the Government Code of the State of California.

Section 11. Effective Date. The Ordinance shall become effective thirty (30) days after the date of its adoption.

Section 12. Severability. If any provision of this Ordinance, or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications and, to this end, the provision of the Ordinance are declared to be severable.

Adopted by the Town Council and signed by the Mayor and attested by the
Town Clerk this ____ day of _____, 2009.

Honorable Rick Roelle, Mayor

ATTEST:

Ms. La Vonda M-Pearson, Town Clerk

Approved as to form:

Approved as to content:

Mr. John Brown, Town Attorney

Mr. Frank Robinson, Town Manager