

**TOWN OF  
APPLE VALLEY, CALIFORNIA**

**AGENDA MATTER**

**Subject Item:**

**GROUP HOME/RESIDENTIAL CARE FACILITY DISCUSSION**

**Summary Statement:**

At the February 22<sup>nd</sup> Town Council meeting Mayor Pro Tem Stanton and Council Member Roelle requested additional information regarding the issue of Group Home regulations. The issue of Residential Care Facilities and Group Homes has been a concern in cities across California, including Apple Valley. In the past, concerns have been expressed regarding the impact such facilities can have on a neighborhood's character and related property values. State law restricts what local jurisdictions can regulate for these facilities depending on the number of residents and if a facility is State licensed. Federal law also preempts the local regulation of certain types of group homes.

There are State licensed facilities, which typically require some type of medical assistance or juvenile care, and there are unlicensed facilities. State law preempts local regulations for State licensed facilities that house six (6) or fewer residents. The majority of facilities within the Town limits are State licensed and have six (6) or fewer residents and therefore, not regulated by local authority in accordance with State law. Unlicensed group homes can be locally regulated at any size.

In recent years, the Town of Apple Valley has taken steps to increase the regulations so that it is consistent with the parameters allowed by State Law. However, the regulations regarding this issue have been subject to numerous modifications by the Town since 1996. In May 1996 the Town Council adopted provisions for Residential Care Facilities consistent with State Law.

May 28<sup>th</sup>, 1996 – Ordinance No. 167

*Residential Care Facilities with six (6) or less  
Residents*

*Permitted Use*

*Residential Care Facilities or Group Homes  
With more than six (6) residents*

*Conditional Use Permit*

(Continued on the next page)

**Recommended Action:**

That the Town Council receive and file this staff report.

**Proposed by:** Ken Henderson, Asst Town Mgr Econ & Comm Dev Item Number \_\_\_\_\_

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

In November 1998 the regulations were modified to require the following, which is less restrictive than what State Law allows local jurisdictions to regulate.

November 10, 1998 – Ordinance No. 199

<i>Residential Care Facilities or Group Homes with eight (8) or less residents</i>	<i>Permitted Use</i>
<i>Residential Care Facilities or Group Homes of Nine (9) to fifteen (15) residents</i>	<i>Special Use Permit</i>
<i>Residential Care Facilities or Group Homes Greater than fifteen (15)</i>	<i>Conditional Use Permit</i>

Again, the Code was changed in January 2003, to remove the Special Use Permit authority, which is typically an administrative review, and allow the Planning Commission to review the application through a Conditional Use Permit.

January 28, 2003 – Ordinance No. 263

<i>Residential Care Facilities or Group Homes With eight (8) or less residents</i>	<i>Permitted Use</i>
<i>Residential Care Facilities or Group Homes With nine (9) or more residents</i>	<i>Conditional Use Permit</i>

On September 25, 2006, the Town Council adopted an Urgency Ordinance in response to a proposed group home of eight (8) residents located within the Town. The Urgency Ordinance placed a temporary moratorium, which suspended the processing of development applications for group homes, excluding facilities that are otherwise preempted by State/Federal law. During the moratorium, the Council and Planning Commission held several public workshops to get the input of the community. Also during this time frame, Proposition 83 "The Sexual Predator Punishment and Control Act" better known as "Jessica's Law" was approved by the voters on November 7, 2006. So the discussions of modifying the Town's regulations were broadened to include group homes for sex offenders, parolees and individuals on probation. This proposition allows local government to further restrict the residency requirements of registered sex offenders.

March 20, 2007, the Planning Commission held a public hearing and adopted Planning Commission Resolution No. 2007-007, recommending that the Council approve the draft Ordinance for the Development Code Amendment to modify the Residential Care Facility/Group Home regulations along with the regulations pertaining to residency of registered sex offenders and parolees. The Ordinance included the following changes to the Development Code:

- Definitions for the types of facilities/homes, parolees, probationers and sex offenders. This separated the term of Residential Care Facilities as those licensed by the State and Group Homes as those not licensed by the State.
- Group homes that house two (2) or more probationers or parolees, that are not related, are prohibited.

- All Group Homes of seven (7) or more residents that are not preempted by State or Federal law require a Conditional Use Permit.
- Group Homes of any size, not licensed by the State or Federal Government require a Conditional Use Permit.
- If an existing facility changes the type of residency, this modification must be reviewed and approved as a modification to the Conditional Use Permit.
- Conditional Use Permits have location and operational requirements. The location requirements include separation distances from similar facilities and a requirement that ensures any remodeling/expansion to a residential structure to accommodate a home/facility will be compatible with the size, scale and architecture of homes in surrounding neighborhoods. Operational requirements include a requirement of homes/facilities that are not preempted by State/Federal law to obtain a business license from the Town and have one inspection annually from the Apple Valley Fire Protection District.
- The number of homes/facilities in a multi-family development are restricted.
- On-site managers/owners are required and sufficient parking shall be provided for homes/facilities not preempted by State/Federal law.
- All homes/facilities shall comply with the State Community Care Licensing and County Public Health and Mental Health Department requirements.
- A revocation process for a Conditional Use Permit is provided within the Ordinance.
- Expansion of the requirements of Jessica's Law. The expansion is consistent with Jessica's Law provision permitting cities to increase the restrictions. Jessica's Law has a separation requirement of 2,000 feet, which was expanded to 4,000 feet and the list of sensitive uses was also expanded.

On May 8, 2007, the Town Council adopted Ordinance No. 340, establishing requirements for residential care facilities, group homes, parolee group homes, and regulating residency location for registered sex offenders. Since this date the Planning Commission has approved one Conditional Use Permit for a Residential Care Facility for the Elderly for eight (8) residents. Including this facility, there are a total of five (5) State licensed facilities for the elderly in Apple Valley with more than eight (8) residents. There are currently twenty-four (24) State registered Residential Care Facilities for the elderly allowing six (6) or fewer residents within the Town. There are a total of eight (8) juvenile residential care facilities and two of the eight (8) allows more than six (6) residents, the other six (6) allow a maximum of (6) residents.

In addition to addressing this issue locally with a Development Code Amendment, the Council appointed Ad Hoc Committee and staff, drafted State legislation that the Council approved to be forwarded to our State representatives, involving limiting the number of sexual predators that can live in group homes of six (6) or fewer residents licensed by the State. AB 370, authored by former Assemblyman Adams, passed through the Assembly Committee on Public Safety and Human Services and was forwarded to the Appropriations Committee. The bill was extended into a two (2) year bill and in 2008 was heard by the Appropriations Committee where it failed.

#### Calls for Service (Apple Valley Police Department)

An audit of calls for service at group homes within the Town of Apple Valley, including all of the licensed juvenile homes and a limited number of the adult facilities (4), was conducted for the time period of January 1, 2010 through April 24, 2011. Over the 16 month period, the Apple Valley Police Department responded to 259 calls for service at these group home

locations. The calls varied from emergency responses to 911 calls, reports of runaway juveniles and returned persons, psychological evaluations, and a wide range of disturbance calls. Based on the number of calls for service, deputies are responding to group homes within the Town, on average, every other day. Deputies have taken a total of 44 reports over this same time period. The documented incidents have included assaults, sex crimes, vandalisms, burglaries, terrorist threats, weapons possession, resisting arrest, missing persons, and psychological evaluations. Although 44 reports taken over a 16 month period may not be significant for the number of group homes within the Town of Apple Valley, the personnel and resources dedicated to these issues are substantial. In the case of a psychological evaluation, deputies must dedicate hours of patrol time to resolve matters. In most cases, the subject under evaluation requires transport to Arrowhead Regional Medical Center in Colton for treatment and/or observation.

Based upon the foregoing, staff recommends adoption of the Form Motion.

*Attachment: List of Residential Care Facilities/Group Homes Licensed as of 5/3/11.*

**Residential Care Facilities/Group Homes Licensed by State as of 5/3/11**

	<b>Name</b>	<b>Location</b>	<b># of residents</b>	<b>Type of Residence</b>
	<b>Juvenile</b>			
1	A.C.Y.F.S. - Anoka Ranch	22675 Anoka Drive	10	Juvenile
2	A.C.Y.F.S. - Shoshonee Place	20048 Shoshonee Place	6	Juvenile
3	A.C.Y.F.S. - Nisqually Nest	12915 Chief Joseph	6	Juvenile
4	Alpha Connection Group Home for Children	21398 Pine Ridge	6	Juvenile
5	Clear View Treatment Center -Desert View	14278 Tawya Rd.	6	Juvenile
6	Clear View Treatment Center - Crow House	14371 Crow Rd.	6	Juvenile
7	Clear View Treatment Center - Mondamon House	18014 Mondamon	6	Juvenile
8	Trinity - Apple Valley	10755 Apple Valley Road	44	Juvenile
	<b>Elderly - 6 or fewer</b>			
1	Agape Senior Care Home	14650 Pamilco Road	6	Elderly
2	Caring Hands Elderly Care	16815 Neenach Road	6	Elderly
3	Casa Millagrosa	21272 Morro Road	6	Elderly
4	Joy Residential Care II	21160 Highway 18	6	Elderly
5	Puesta Del Sol	20337 Ottowa Rd.	6	Elderly
6	Standing Rock Manor RCFE	20751 Standing Rock Ave.	6	Elderly
7	Andrew Care Center	13821 Cronese Way	6	Elderly
8	Bridget Barcus ARF	15540 Chole Rd.	4	Elderly
9	Apple Gardens	12994 Rincon Rd.	6	Elderly
10	Crow Valley Home	13986 Crow Rd.	6	Elderly
11	Faustina Care Center	24888 Standing Rock	6	Elderly
12	Fortune Care Center	22328 Broken Lance Rd.	6	Elderly
13	G G's Guest Home	15190 Ramona	6	Elderly
14	G G's Guest Home	14667 Navajo Rd.	6	Elderly
15	Hacienda Care Center	13874 Chocho Rd.	6	Elderly
16	Kaiser Specialized Residential Merlot	21295 Merlot Lane	4	Elderly
17	Mojave Narrows Ranch Home	14599 Riverside Dr.	6	Elderly
18	Nobbs Family Home ARF III	20008 Outer Hwy 18	6	Elderly
19	Pala Care Center	24830 Pala Lane	6	Elderly
20	Pifer Family Home	19956 Tinne Road	6	Elderly

21	Provincial Solutions	15757-27 Tuscola Rd.	3	Elderly
21	Rose Garden Residential Care for Elderly Care Corp	10984 Dandelion Ln.	6	Elderly
22	The Vineyard Residential II	21292 Chardonmay Dr.	6	Elderly
23	The Vineyard Residential	21246 Sauvignon	6	Elderly
24	Dignity Manor	21288 Vidal Ct.	6	Elderly
	<b>Elderly - 8 or more</b>			
25	Rimrock Residential Care Home	20115 Rimrock Rd. East	12	Elderly
26	Skyline Villa	20276 Majestic Drive	8	Elderly
27	Valley Crest Residential Care	18524 Corwin Road	72	Elderly
28	Casa Colina Centers fro Rehab/Padua Villa	22200 Highway 18	42	Elderly
29	Merrill Gardens at Apple Valley	11825 Apple Valley Rd.	115	Elderly