



CITY OF CERRITOSSM

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AGENDA REPORT

TO: Honorable Mayor and Members of the City Council

FROM: Art Gallucci, City Manager *AG*

INITIATED BY: Torrey N. Contreras, Director of Community Development *TC*
Robert A. Lopez, AICP, Current Planning Manager *RAL*

DATE: May 9, 2013

SUBJECT: **AN INFORMATIONAL REPORT TO THE CITY COUNCIL REGARDING A PROPOSED ADULT RESIDENTIAL CARE FACILITY FOR THREE (3) DISABLED PERSONS AT AN EXISTING SINGLE-FAMILY RESIDENCE LOCATED AT 16643 ESTELLA AVENUE. THE SUBJECT PROPERTY IS ZONED SINGLE-FAMILY RESIDENTIAL (RS-6500) (APN 7016-012-038).**

BACKGROUND

The City of Cerritos has received a business license application for an adult residential care facility at 16643 Estella Avenue. The subject property is owned by H.O.P.E., Inc. (Home Ownership for Personal Empowerment), a non-profit agency that purchases single-family properties for conversion to adult residential care facilities. This report has been prepared in an effort to provide information to the neighborhood residents and the community at large regarding the proposed care facility.

Location, Zoning and Surrounding Land Uses

The subject property is zoned Single-Family Residential (RS-6500) and is generally located west of Studebaker Road and south of 166th Street. The property is bordered on the south by the 91-605 freeway interchange, on the west by a residential property zoned RS-6500, on the north by the cul-de-sac of Estella Avenue, on the east by Reservoir Hill Park, which is zoned Open Space (OS) (see Exhibit 1, Land Use and Location Map; Exhibit 2, Aerial Map; and Exhibit 3, Existing Property Conditions).

ANALYSIS

Legal Framework

In accordance with the California Health & Safety Code, Cerritos Municipal Code Section 22.40.230 states that residential care facilities are a permitted (non-discretionary, by-right) use in all single-family residential zones in the City of Cerritos. A "by-right" use is

one that cannot be subject to discretionary review (such as by the Planning Commission and/or City Council) and that is reviewed at the counter solely for compliance with Building Code and Development Code requirements. To be a residential care facility, the facility may only serve six (6) or fewer people and provide full-time, nonmedical residential care to individuals including, but not limited to, the elderly, physically handicapped, mentally impaired, and incompetent persons. California Health & Safety Code Section 1566.3 states that such a facility shall be deemed a residential single-family use for local zoning purposes (see Exhibit 4, California Health & Safety Code Excerpt: Section 1566.3).

Adult residential care facilities are licensed by the State of California Department of Social Services (DSS) Community Care Licensing Division. As described later in this report, the proposed adult residential care facility at 16643 Estella Avenue will house three (3) disabled individuals in need of 24-hour care. While the facility's license application with DSS is for three (3) individuals, an adult residential care facility may have up to six (6) persons provided that adequate amenities are available. Licenses are issued for a specific number of persons with specific care needs to ensure that a given facility has the appropriate amenities and configuration required to meet the number of persons and their particular needs. Subsequent to issuance of an adult residential care facility license, the facility operator may only increase the number of residents upon receipt of further DSS license approval.

In accordance with California Health & Safety Code Section 1520.5, DSS has established a minimum distance requirement of three hundred (300) feet between adult residential care facilities to prevent an over-concentration of such facilities (see Exhibit 5, California Health & Safety Code Excerpt: Section 1520.5).

Prior to processing any building permits for an adult residential care facility, the City of Cerritos requires an approved no-fee home occupation business license. The purpose of the business license requirement is to document the facility for fire and public safety purposes. When the City processes a business license application for a residential care facility, it is City staff's responsibility to ensure that the proposed facility has received or is undergoing licensing by DSS. Accordingly, staff requires that the business license application be accompanied by a written letter from DSS confirming that the facility is indeed under licensing review. City staff received a business license application for the subject Estella Avenue property in November 2012. However, City staff did not receive documentation from DSS until April 2013.

H.O.P.E. is under contract by the Harbor Regional Center, one of twenty-one contracted divisions of the California Department of Developmental Services, to fulfill a mandate by the State of California to transition disabled adults from large care institutions into residential care facilities, with the goal of integrating said adults into society at large. Attached is a news article that provides additional background regarding the closure of large care institutions (see Exhibit 6, News Article). As part of this effort, H.O.P.E. is seeking three (3) additional homes in the area, aside from the homes that H.O.P.E. has already acquired. Upon the fulfillment of said three (3) additional homes, H.O.P.E. representatives have indicated that the organization will no longer be seeking to open new residential care facilities.

Existing Facilities in Cerritos

Currently, according to the DSS and City of Cerritos business license records, there are a total of nine (9) adult residential care facilities in Cerritos neighborhoods. There are, however, no existing adult residential care facilities within a three hundred (300) foot radius of the subject property. Of the adult residential care facilities that are currently in operation, the longest-running facility was first occupied in 1997. Attached is a map showing the location of adult residential care facilities within the City of Cerritos (see Exhibit 7, Map of Facilities in Cerritos).

In addition to adult residential care facilities, the Community Care Licensing Division of DSS licenses several other types of facilities, some types of which are located in Cerritos. These include two (2) adult day care facilities on industrial/commercial properties, sixteen (16) elderly care facilities in residential neighborhoods, thirteen (13) family child care homes in residential neighborhoods, ten (10) child care centers including preschools located on church properties, and two (2) infant care centers fronting on major arterial streets.

H.O.P.E. representatives have reported that homes in Cerritos are desirable for adult residential care facilities because of their comparatively large number of bedrooms and well maintained neighborhoods. They report that each home that H.O.P.E. purchases is renovated in an effort to enhance the appearance of the home as viewed from the neighborhood.

In 2011, the City Council was approached by several Cerritos residents who were concerned about a H.O.P.E.-owned property in Cerritos that was being renovated at the time in preparation for a planned residential care facility. In response, H.O.P.E. representatives met and held an open house with neighboring residents to educate them on their mission and services. In addition to renovating the interior of the home, H.O.P.E. re-painted the exterior and added enhanced landscaping to the front yard in accordance with City requirements. Since the time that said facility has been occupied, City staff has not received any comments or concerns from neighboring residents regarding the facility.

Facilities in Surrounding Cities

Adult residential care facilities are found in several communities throughout California. The table on the following page provides a breakdown of the number of adult residential care facilities in Cerritos and surrounding cities based on State records.

Total Number of Adult Residential Care Facilities by Type in Area Cities

City	Number of Adult Residential Care Facilities	Total Number of Housing Units (2010 U.S. Census)	Number of Adult Residential Care Facilities per 1,000 Housing Units
Cerritos	9	15,859	0.57
Artesia	10	4,697	2.13
Bellflower	20	24,897	0.80
Buena Park	29	24,623	1.18
La Mirada	14	15,092	0.93
La Palma	0	5,224	0.00
Lakewood	17	27,470	0.62
Norwalk	34	28,083	1.21

Data Source: California Department of Social Services, Community Care Licensing Division; U.S. Census Bureau

The total for Cerritos includes the property at 16643 Estella Avenue, which has not yet been issued a State license pending the completion of interior renovations.

Proposed Subject Facility

As proposed, the residence at 16643 Estella Avenue will be renovated to house three (3) individuals who have an intellectual or developmental disability and who require 24-hour support. The support will be provided by two (2) live-in caretaker employees. H.O.P.E. will contract with Health Care and Rehabilitation Services West (HCRS West), a community health service agency, for the caretaker support.

The existing 1,939-square-foot, one-story residence contains 3 bedrooms and a kitchen, family room, and dining room. H.O.P.E. has submitted preliminary plans for an interior remodel of the residence, including the reconfiguration of interior walls and doors to accommodate wheelchair access. As proposed, the residence will still contain 3 bedrooms and a kitchen, family room, and dining room, but in a reconfigured layout.

The original proposal included the addition of two (2) new exterior doors providing direct access from two (2) bedrooms on the east side of the residence to the easterly side yard facing Reservoir Hill Park. Staff expressed concern that said direct-access doors are not consistent with typical residential design and would be out of character with the surrounding neighborhood. Accordingly, as of the writing of this report, H.O.P.E. is in the process of revising its plans to eliminate said exterior bedroom doors and, instead, enhance access to the bedrooms through the interior of the residence. The existing master bedroom at the rear of the residence currently has an exterior door providing direct access to the rear yard; said doorway will remain, but the existing sliding glass door will be replaced with swinging doors for wheelchair accessibility.

The exterior of the home will remain mostly unchanged, except for the addition of a new ramp under the front porch to provide wheelchair accessibility to the front entry landing. Staff will require that the existing front yard landscaping be refurbished with decorative shrub and flower plantings in an effort to enhance the appearance of the property. Additionally, staff will require that the existing Ficus benjamina tree in the front yard, which has been inappropriately topped and subsequently damaged beyond repair, be

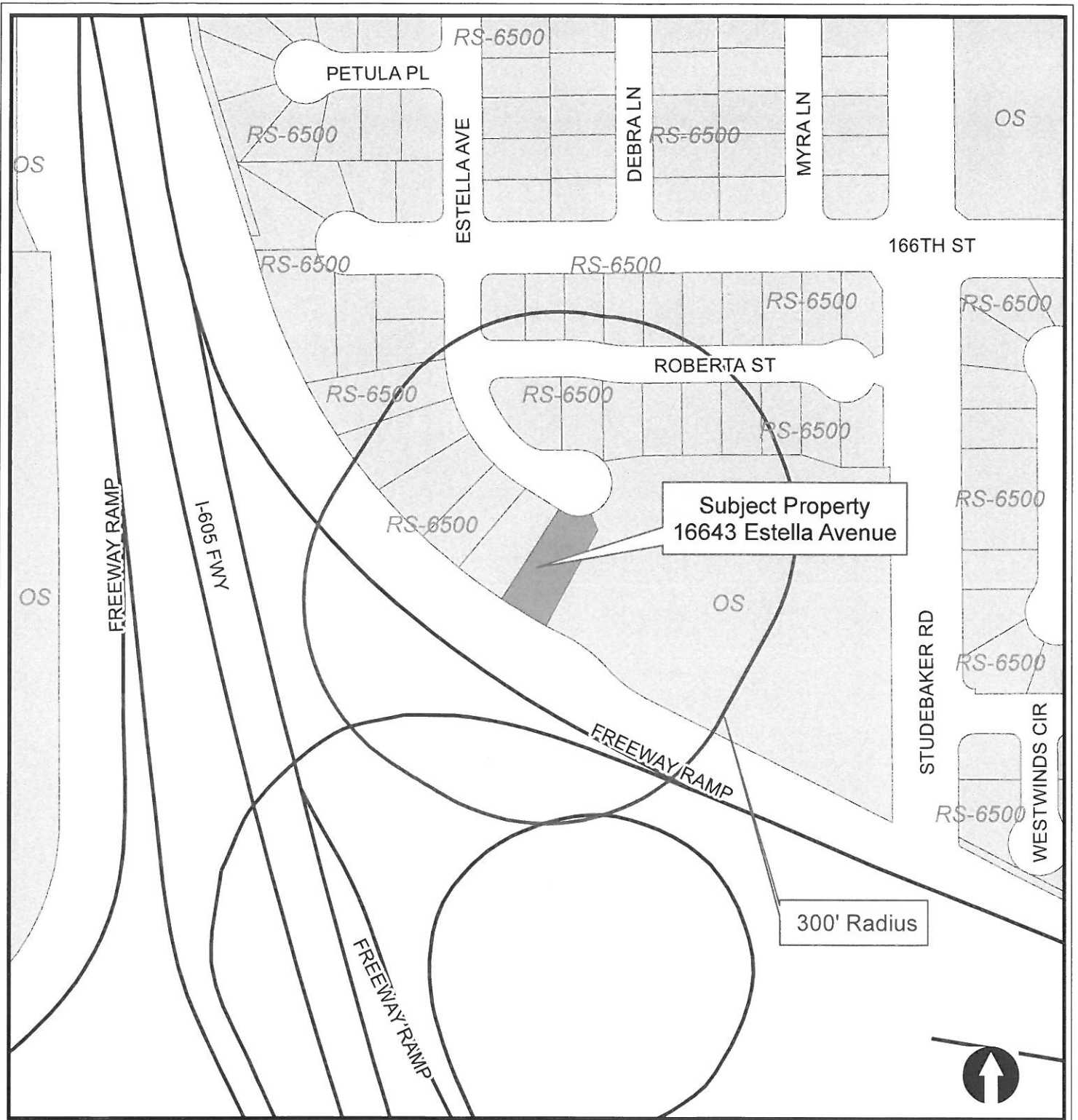
removed and replaced with a more appropriate tree subject to City approval. Lastly, the residence will be required to be re-painted pursuant to the City's approved paint color palette.

PUBLIC NOTICE

As a courtesy, notices of public hearing regarding this informational item were mailed to all owners of property within three hundred (300) feet of the subject property. Notices were also posted at the City's designated posting boards.

RECOMMENDATION

It is recommended that the City Council receive and file this report.



Disclaimer: The City of Cerritos has provided this map to give a visual display of GIS data compiled from numerous sources. To ensure absolute accuracy, please consult with City Staff for updated information.

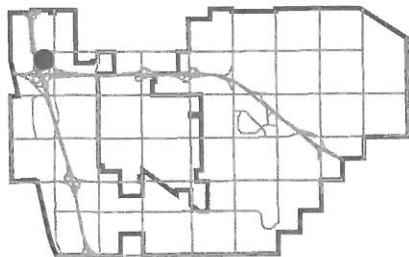
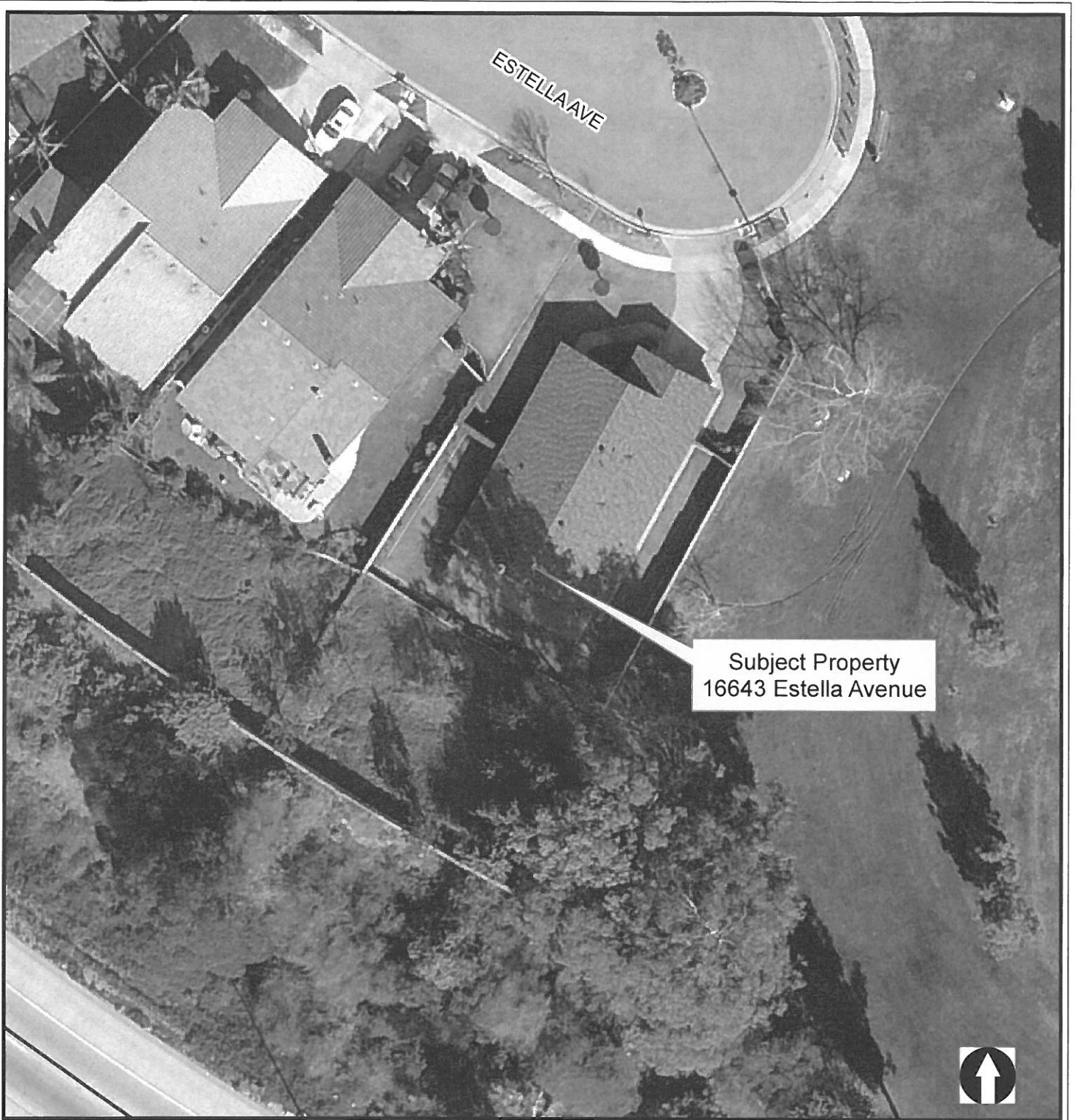


EXHIBIT 1
 Land Use and Location Map
 Adult Residential Care Facility



Subject Property
16643 Estella Avenue



Disclaimer: The City of Cerritos has provided this map to give a visual display of GIS data compiled from numerous sources. To ensure absolute accuracy, please consult with City Staff for updated information.

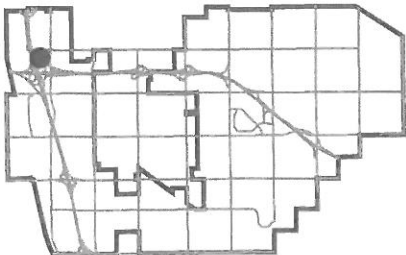


EXHIBIT 2
Aerial Map
Adult Residential Care Facility





1 View facing southwest of side yard and front of residence



2 View facing southeast of landscaping and main entry

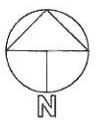
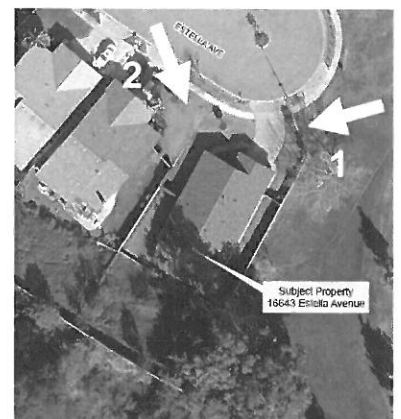


EXHIBIT 3
Existing Property Conditions
Adult Residential Care Facility

**California Health & Safety Code
Section 1566.3**

1566.3.

(a) Whether or not unrelated persons are living together, a residential facility that serves six or fewer persons shall be considered a residential use of property for the purposes of this article. In addition, the residents and operators of such a facility shall be considered a family for the purposes of any law or zoning ordinance which relates to the residential use of property pursuant to this article.

(b) For the purpose of all local ordinances, a residential facility that serves six or fewer persons shall not be included within the definition of a boarding house, rooming house, institution or home for the care of minors, the aged, or the mentally infirm, foster care home, guest home, rest home, sanitarium, mental hygiene home, or other similar term which implies that the residential facility is a business run for profit or differs in any other way from a family dwelling.

(c) This section shall not be construed to prohibit any city, county, or other local public entity from placing restrictions on building heights, setback, lot dimensions, or placement of signs of a residential facility which serves six or fewer persons as long as such restrictions are identical to those applied to other family dwellings of the same type in the same zone.

(d) This section shall not be construed to prohibit the application to a residential care facility of any local ordinance that deals with health and safety, building standards, environmental impact standards, or any other matter within the jurisdiction of a local public entity if the ordinance does not distinguish residential care facilities which serve six or fewer persons from other family dwellings of the same type in the same zone and if the ordinance does not distinguish residents of the residential care facilities from persons who reside in other family dwellings of the same type in the same zone. Nothing in this section shall be construed to limit the ability of a local public entity to fully enforce a local ordinance, including, but not limited to, the imposition of fines and other penalties associated with violations of local ordinances covered by this section.

(e) No conditional use permit, zoning variance, or other zoning clearance shall be required of a residential facility which serves six or fewer persons which is not required of a family dwelling of the same type in the same zone.

(f) Use of a family dwelling for purposes of a residential facility serving six or fewer persons shall not constitute a change of occupancy for purposes of Part 1. 5 (commencing with Section 17910) of Division 13 or local building codes. However, nothing in this section is intended to supersede Section 13143 or 13143.6, to the extent such sections are applicable to residential facilities providing care for six or fewer residents.

(g) For the purposes of this section, "family dwelling," includes, but is not limited to, single-family dwellings, units in multifamily dwellings, including units in duplexes and units in apartment dwellings, mobilehomes, including mobilehomes located in mobilehome parks, units in cooperatives, units in condominiums, units in townhouses, and units in planned unit developments.

EXHIBIT 4

**California Health & Safety Code
Section 1520.5**

1520.5.

(a) The Legislature hereby declares it to be the policy of the state to prevent overconcentrations of residential care facilities that impair the integrity of residential neighborhoods. Therefore, the director shall deny an application for a new residential care facility license if the director determines that the location is in a proximity to an existing residential care facility that would result in overconcentration.

(b) As used in this section, "overconcentration" means that if a new license is issued, there will be residential care facilities that are separated by a distance of 300 feet or less, as measured from any point upon the outside walls of the structures housing those facilities. Based on special local needs and conditions, the director may approve a separation distance of less than 300 feet with the approval of the city or county in which the proposed facility will be located.

(c) At least 45 days prior to approving any application for a new residential care facility, the director, or county licensing agency, shall notify, in writing, the planning agency of the city, if the facility is to be located in the city, or the planning agency of the county, if the facility is to be located in an unincorporated area, of the proposed location of the facility.

(d) Any city or county may request denial of the license applied for on the basis of overconcentration of residential care facilities.

(e) Nothing in this section authorizes the director, on the basis of overconcentration, to refuse to grant a license upon a change of ownership of an existing residential care facility where there is no change in the location of the facility.

(f) Foster family homes and residential care facilities for the elderly shall not be considered in determining overconcentration of residential care facilities, and license applications for those facilities shall not be denied upon the basis of overconcentration.

(g) Any transitional shelter care facility as defined in paragraph (11) of subdivision (a) of Section 1502 shall not be considered in determining overconcentration of residential care facilities, and license applications for those facilities shall not be denied upon the basis of overconcentration.

EXHIBIT 5

Four developmentally disabled women to move in soon

By Lauren Gold, Staff Writer @LaurenKGold on Twitter Pasadena Star-News

Posted:

PasadenaStarNews.com

SAN GABRIEL-- A home for four mentally disabled women that has stirred controversy in a San Gabriel neighborhood has been completed and approved by the city, and residents are scheduled to move in soon.

The house, in the 600 block of De Sales Street, was purchased by nonprofit group Key Community Housing in December 2010 and since then has been remodeled to fit the needs of the four women, who suffer from developmental disabilities, including autism and Down syndrome. But since the house was purchased, a neighborhood group calling itself "Protect the Neighborhood" has held regular protests against what they say is a "business" moving onto their residential street.

At a lively council meeting last January, dozens of community members and disability rights activists argued with concerned neighbors about the house. The city has continued to say that it has no power to prohibit the four women and their caretakers from moving in.

"We are required by law to treat it the same as any other single-family home," City Planner Mark Gallatin said.

Stephen Smith, spokesman for Protect the Neighborhood, said he and his neighbors continue to object to the house, and will continue to picket two or three times a month in front of the home and in front of the residence of the Key Community Housing board member who signed the deed purchasing the house.

Smith emphasized that the group has no objection to the developmentally disabled living in the neighborhood, but opposes the use of tax dollars to create these community homes and the parking and traffic issues associated with the 24-hour care at the facility. The group also supports the family members that would prefer their loved ones be housed at a large institution.

"There's a lot of nuance to it," Smith said, adding that the group also plans to protest similar homes in other areas.

Representatives from Key Community Housing said they think the protests have largely been fueled by misinformation, and said the De Sales home is the only location they've had such an "aggressive," negative reaction.

Michael Kottke, executive director of Elwyn NC, which will provide services for the four residents at De Sales, said the backlash has been troubling, and assured neighbors that the house's residents will receive around the clock care and supervision.

"I don't understand what appears to be the anger that is fueling the picketing and the signs," Kottke said.

The San Gabriel house is one of 85 similar community houses in Southern California developed in the past three years for former residents of Lanterman Developmental Center in Pomona. In 2010, the state announced its plan to close the facility, and since then has been working to reestablish its more than 400 residents in the community.

There are about 200 residents remaining at the facility, and the Department of Developmental Services estimates it will complete the transition by 2014. Lanterman is the fourth of the state's seven mental health institutions to be closed.

The transition relies on 21 state established regional centers, which provide services to the residents and make arrangements for the new housing, as well as service providers like Elwyn NC and non-profit groups like Key Community Housing.

The transfer process has brought to light a host of issues above and beyond the De Sales protest, such as Lanterman residents' safety, quality of care and delays and uncertainty for family members. Many of these issues were addressed at a State Senate hearing and preceding protest Thursday in Sacramento in the issue.

EXHIBIT 6

News Article

Adult Residential Care Facility

http://www.pasadenastarnews.com/news/ci_23024233/house-mentally-disabled-open-san-gabriel

Jerra Letrich-Hardy, of Riverside, said her sister Brenda, 50, has lived at Lanterman for 40 years, suffering from autism that manifests in aggressive and self-harming behavior. She said because her sister is "profoundly disabled," there is still no plan in place to transition her out of the facility.

"It's very difficult to duplicate the services in the community," Letrich-Hardy said. "There has been this philosophy that institutions are horrible things like you see in movies and that to be good people we abolish these awful institutions and we move all these people in the community but the reality is that all the people that are in support of this are not family members of the profoundly disabled."

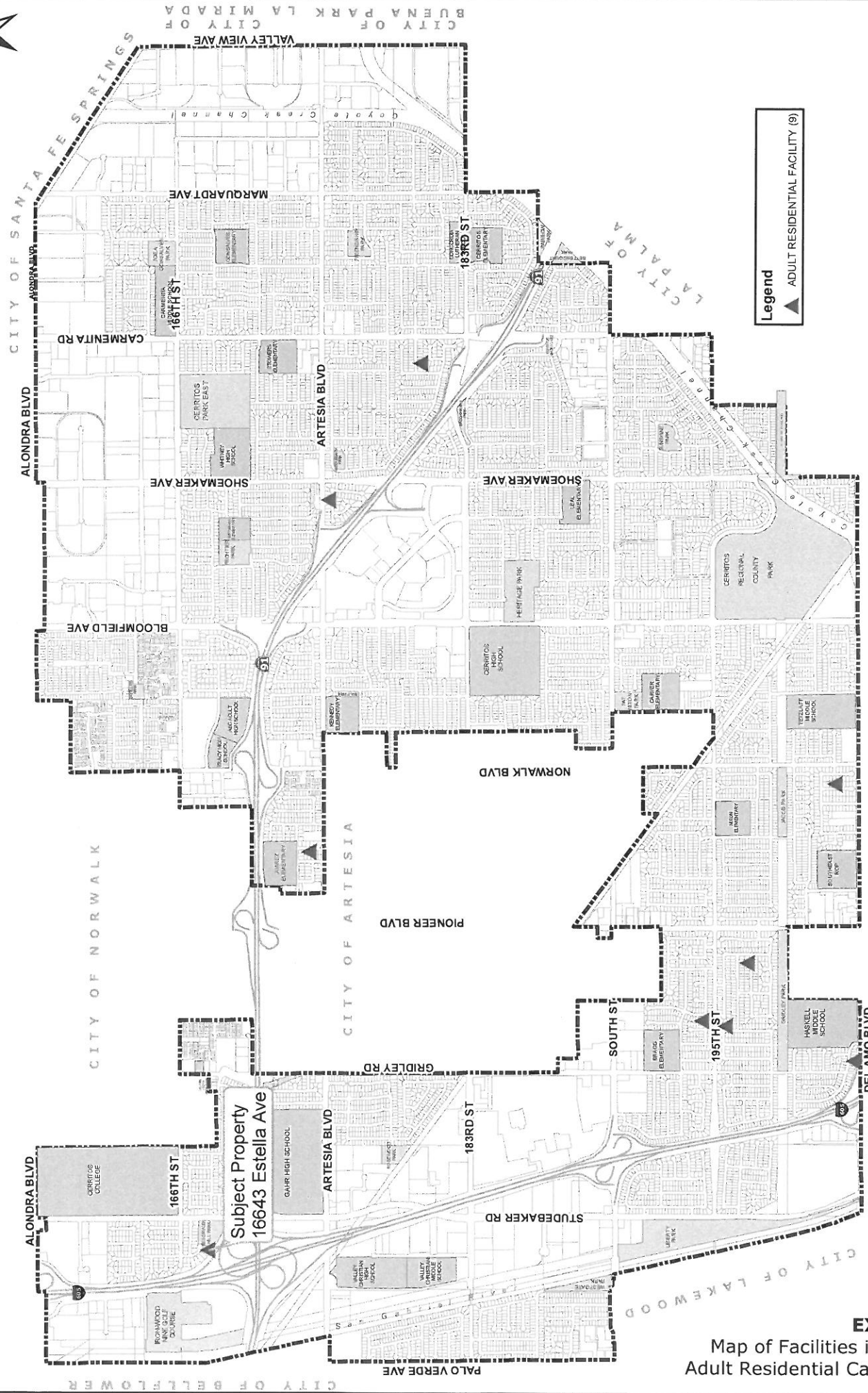
But Kottke said the community house setting has been beneficial for many former Lanterman residents because it allows them to feel included in the community and gives staff an opportunity to provide a greater level of care.

"The smaller, more focused setting really provides a lot of opportunities to make improvements in people's lives that a larger setting doesn't allow for," Kottke said. "We've done some pretty phenomenal things."

Keith Penman, executive director of the San Gabriel/Pomona Regional Center, which has helped transition Lanterman residents along with 11 other regional centers in the area, said he thinks closing the state developmental services institutions has been "a long time coming." He said there were already more than 3,000 of these houses operating in the county before the Lanterman closure.

"Many states have already closed all of their large institutions. ... I think it's a positive step," Penman said. "I always say that people with disabilities are the last people to get civil rights in our country."

Cerritos Adult Residential Care Facilities



Legend
 ▲ ADULT RESIDENTIAL FACILITY (9)

GIS
 CERRITOS
 Data Sources:
 State of California Department of Social Services
 City of Cerritos Business License Records
 Last updated: May 02, 2013

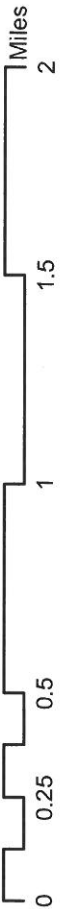


EXHIBIT 7
 Map of Facilities in Cerritos
 Adult Residential Care Facility