

Article 2. – Definitions

10.08.320 - Family.

“Family” shall mean one or more persons occupying a single dwelling unit not operated for profit, as distinguished from two or more persons occupying a boarding or lodging house, hotel, club, or similar structure used for residential purposes. A family shall not include a fraternal, religious, social, or business organization. A family shall be deemed to include the clients and operators of a residential facility licensed by the State that serves six or fewer clients.

...

10.08.772 – Residential care facility.

“Residential care facility” shall mean any family home, group care facility, or similar facility for 24-hour nonmedical care of persons in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual.

...

Chapter 10.10 – HOUSING REGULATIONS

Article 3. – Community Care Facilities

10.10.100 – Day care home.

A small family day care home, as defined by Health and Safety Code section 1596.78, or a large family day care home, as defined by Health and Safety Code section 1596.78, is permitted on any residentially zoned property: RE, LDR, MDC, MDR, HDR, or PUD.

10.10.110 Residential Care Facilities.

- (a) *Purpose.* The purpose of this Section is to establish permit procedures for residential care facilities serving six or fewer persons in compliance with California Health and Safety Code Section 1566.3. This Section establishes a use by right permit process for residential care facilities serving six or fewer persons in all residential zones.
- (b) *Definitions.* See Section 10.08.320 for the definition of Family and Section 10.08.772 for the definition of Residential care facility.
- (c) *Residential care facilities serving six or fewer persons.*
 - (1) *Considered a residential use.* A residential care facility licensed by the State that serves six or fewer persons shall be considered a residential use of property, and the residents and operators of the facility shall be considered a family. A family dwelling includes single-family dwellings, units in multifamily

- dwellings, inclusive of units in duplexes and apartments, mobile homes, inclusive of mobile homes in mobile home parks, units in cooperatives, units in condominiums, units in townhouses, and units in planned unit developments.
- (2) *Considered a dwelling.* A residential care facility serving six or fewer persons does not differ in any other way from a family dwelling. Such facilities shall not be included with the definition of a boarding house, rooming house, institution or home for the care of minors, the aged, or persons with mental health disorders, foster care home, guest home, rest home, community residence, or other similar term that implies the residential care facility is a business run for profit.
- (3) *Allowable Restrictions.*
- i. Restrictions on structure height, setbacks, lot dimensions, or placement of signs of a residential care facility serving six or fewer persons shall be identical to those applied to other family dwellings of the same type in the same zone.
 - ii. A residential care facility serving six or fewer persons shall comply with City ordinance that deal with health and safety, building standards, environmental impact standards, or any other matter within the jurisdiction of the City, including the imposition of fines and other penalties associated with violations of local ordinances.
- (4) *Fees.* Such facilities shall be subject to the fees to which other dwellings of the same type in the same zone are subject to. Such facilities shall not be subject to any business taxes, local registration fees, use permit fees, or other fees to which other dwellings of the same type in the same zone are not subject to.
- (5) *Not a change in occupancy.* Use of a family dwelling for purposes of a residential care facility serving six or fewer persons shall not constitute a change of occupancy for purposes of local building codes.
- (6) *Application Processing.* No conditional use permit shall be required of a residential care facility serving six or fewer persons that is not required of a family dwelling of the same type in the same zone.
- (d) *Reasonable Accommodation.* The requirements of this Section may be modified in compliance with Section 10.08.3199 (Reasonable accommodation) if necessary to comply with the Federal Fair Housing Act and the California Fair Employment and Housing Act relating to accommodations necessary for disabled residents.