How Ordinance 2008-05 is Intended to Work (Part 1)

City of Newport Beach – February 20, 2008

What is “Treatment” according to ADP?
- Detoxification
- 1-on-1 Counseling
- Group Counseling
- Development of a Treatment Plan
- Educational Sessions

START: Is the facility a stand-alone ADP-licensed treatment facility serving 6 or fewer people?

NO

YES

PERMITTED
City must treat the home as the city treats any other single family home. CA H&S Code, §11834.23

Is the facility Existing or is it Proposed?

EXISTING

PROPOSED

What is the zoning for the property?

R-1, R-1.5, or R-2

USE PROHIBITED
New group residential uses other than stand-alone licensed “6 and Unders” are prohibited in R-1, R-1.5, and R-2

USE MUST BE ABATED
Abatement of use required within 1 year of Ordinance’s effective date, or:
- Expiration of residential lease;
- Expiration of ADP license
... whichever is earlier.

BUT

If the residents are a protected (disabled) class under FHHA, they are entitled to ask for Reasonable Accommodation.
Persons in recovery are a protected class: www.usdoj.gov/crt/ada/t3hilght.htm

DOESN’T APPLY

Must apply for a Use Permit by May 20, 2008

APPLIES for UP

Must apply for a Use Permit

BUT

ASKS FOR TIME EXTENSION

Applicant can ask for a Time Extension or Reasonable Accommodation from Abatement

DOESN’T ASK

END: Use must cease within Abatement period.

USE MUST BE ABATED

City reviews application, sets Public Hearing, notifies surrounding residences within 300'. Hearing Officer convenes public hearing and can approve, conditionally approve, or deny a Use Permit (see §20.91A.040). City Council serves as appellate body (not de novo), also during a public hearing.

PUBLIC HEARING on
USE PERMIT

As long as applicant applies for a Time Extension 90 days or more before the abatement period expires, a Hearing Officer, at noticed Public Hearing, can extend abatement period under certain circumstances (see §20.62.090.C.4). City Council serves as appellate body (not de novo), also during a public hearing.

PUBLIC HEARING on
ABATEMENT TIME EXTENSION

City reviews application, sets Public Hearing, notifies surrounding residences within 300’. Hearing Officer convenes Public Hearing and can approve, conditionally approve, or deny a request for reasonable accommodation (see §20.98.025). City Council serves as appellate body (not de novo), also as a part of a Public Hearing.

GRANTED

Can be subject to findings and conditions similar to Use Permit Conditions.

PUBLIC HEARING on
REASONABLE ACCOMMODATION

City must treat the home as the city treats any other single family home. CA H&S Code, §11834.23

ASKS FOR REASONABLE ACCOMMODATION

DENIED

Doesn’t Apply

City reviews application, sets Public Hearing, notifies surrounding residences within 300’. Hearing Officer convenes Public Hearing and can approve, conditionally approve, or deny a request for reasonable accommodation (see §20.98.025). City Council serves as appellate body (not de novo), also as a part of a Public Hearing.