

GROUP HOMES/SOBER LIVING INFORMATION AND APPLICATION

The City of Costa Mesa has created this page as a source of information regarding the City's regulation of group homes, including sober living homes, and certain state licensed facilities. The City seeks to ensure a balance between the needs of its residents, who wish to enjoy the peace and quiet of their homes in a traditional residential neighborhood and the needs of those living in residential recovery facilities to enjoy this same quality of life that Costa Mesa has to offer.

Background:

The City has invested considerable resources to achieve this balance, and in 2014 began to enact ordinances to ensure that all residents are able to enjoy Costa Mesa equally. The City's regulations for group homes, including sober living homes and state licensed alcoholism or drug abuse recovery or treatment facilities, are contained in **Chapters XV and XVI of Title 13 (Zoning)** and **Article 23 of Title 9 (Licenses and Business Regulations)** of the Costa Mesa Municipal Code. It should be noted that a sober living home is a home used by people recovering from substance abuse, which serves as an interim environment between rehabilitation and their future lives. These homes are not allowed to provide the same services as a state licensed alcoholism or drug abuse recovery or treatment facility. Please note that under state law, the City does not regulate state-licensed residential care facilities or state-licensed drug and alcohol treatment facilities with 6 or fewer residents.

The purpose of these zoning and business regulations are to ensure that group homes are actually entitled to the accommodations provided under the City's Municipal Code and are not simply skirting the City's boarding house regulations. The regulations are also intended to limit secondary impacts of group homes by reducing noise and traffic, persevering safety and providing adequate off-street parking. The regulations provide an accommodation for the handicapped that is both reasonable and that bears some resemblance to the opportunities afforded non-handicapped individuals to use and enjoy a dwelling unit in a residential neighborhood. Lastly, these regulations serve to provide comfortable living environments that will enhance the opportunity for the handicapped, including recovering addicts to be successful in their programs.

The Zoning code requires a group home or sober living home with six or fewer occupants that may otherwise be considered an unpermitted use may locate in certain residential land use designations with a Special Use Permit (SUP). A Conditional Use Permit (CUP) is required for and may be granted to allow the operation of a group home, state-licensed residential care facility or state-licensed drug and alcohol treatment facility with seven (7) or more occupants in certain residential and planned development zones under conditions of the Zoning code.

In addition to the aforementioned Zoning requirements, all non-state licensed group homes of 7 or more are subject to **Title 9, Chapter II, Article 23** of the Municipal Code that set forth the applica approval of operator's permit for group homes.

For questions related to group home/sober living, please visit the [Questions and Answers](#) page and information regarding the application for a group home and please see the information below:

Application for Group Home:

As noted above, for businesses or individuals interested in establishing a group home in the City of Costa Mesa for 6 or fewer residents are required to first complete and submit for review a "**Special Use Permit Application**" to operate a group home. A **Conditional Use Permit (CUP)** is required for a group home, state licensed residential care facility or state-licensed drug and alcohol treatment facility with seven (7) or more occupants in certain multi-family residential zones. Applicants for either a Special Use Permit or Conditional Use Permit are required to complete a Live Scan application that can be obtained by contacting Katie Angel at katie.angel@costamesaca.gov. To assist applicants in completing the noted applications, the City has developed a "**Group Home Application Document Preparation Guide**" and "**Group Home Special Use Permit Application Checklist.**"

If at any time you have any questions regarding preparing the group home Special Permit Application or need assistance you can contact Katie Angel, Management Analyst in the City's Community Improvement Division at (714) 754-5618 or email katie.angel@costamesaca.gov.

Applicants and the public can also access various information regarding sober living/group homes below or visit [Questions & Answers](#) page:

- [Group home activity summary](#)
- [City approved sober living/group homes](#)
- [State approved facilities \(DHSC\)](#)
- [Application Status](#)
- [Group homes cited](#)
- [Operators that have closed](#)
- [Locations under review](#)

How to Report Concerns:

As noted, the City of Costa Mesa is committed to regulating group homes and sober living facilities pursuant to all applicable laws to ensure these facilities are operated professionally to accommodate individuals seeking assistance while striking a balance to preserve the characteristics of residential neighborhoods for the enjoyment of all residents. In this spirit, if you are a resident or property owner

impacted by a zoning violation or nuisance associated with a group home or sober living facility you can contact the Community Improvement Division at (714) 754-5623 or online using **My Costa Mesa (Report Issues)**. Once a Code Enforcement officer receives a complaint, an investigation will commence to determine whether or not there was or is a municipal code violation.

An investigation requires that the Code Enforcement officer follow strict guidelines in order to obtain evidence that would support the existence of a code violation. In general, when investigating certain types of claims, evidence is easily attainable because it is in plain sight and or tangible. In other situations, evidence is not easily attainable, and in these situations, the City requires help from the complaining party because he/she may be a witness or have evidence. In these cases, the City has developed a nuisance logging procedure to keep track of evidence. The City's **Public Nuisance Information and Submittal Procedure** can be found online.

Additional investigative resources separate and apart from the City of Costa Mesa have been established by the Orange County District Attorney's Office and the California Department of Health Care Services.

In June 2018, the Orange County District Attorney announced the formation of a **Sober Living-home Investigation and Prosecution (SLIP)** task force to investigate reports of criminal and civil violations related to and surrounding sober living homes and addiction and treatment or recovery centers. The SLIP task force maintains a 24-hour telephone hotline at (714) 647-3228 and an online "Sober Living Home Investigation and Prosecution Program Referral Form."

The California Department of Health Care Services ensures the provision of quality treatment through the enforcement of standards for professional and safe treatment. The **Department of Health Care Services investigates complaints** against California's alcohol and other drug recovery and treatment programs. The compliance division also investigates violations of the code of conduct of registered or certified alcohol and other drug counselors. Alcohol or Drug Abuse Recovery or Treatment Facilities licensed or certified by the State are required to report counselor misconduct to the State within 24 hours of the violation.

For additional information regarding sober living/group homes the City of Costa Mesa has developed a **Questions & Answers** page: Lastly, the Costa Mesa Police Department can respond to any non-emergency disturbance complaints after normal business hours at (714) 754-5252.



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Special Use Permit Application Preparation Guide for Group Homes

The documents that you submit as part of your Special Use Permit application to operate must reflect the following requirements found in the City of Costa Mesa Municipal Code:

Group Home House Rules

Residents Must Actively Participate in a Legitimate Recovery Program – House rules shall include the expectation and requirements for regular meeting attendance and documentation of participation in regular daily or weekly meetings, such as AA/NA/CA or another program that has been deemed effective by the sober living home operator. Minimum attendance rates at these meetings shall be established based on a resident's stage of recovery. Refusal to participate or document regular meeting attendance shall be cause for eviction. (CMMC Section 13-311(a)(14)(ii))

Alcohol and Drug Use – House rules must prohibit the use of any alcohol or any non-prescription drugs at the sober living home or by any individual in recovery, including the house manager, on or off site. (CMMC Section 13-311(a)(14)(iii))

Prescription and Over the Counter Medication – House rules must include a written policy regarding the possession, use, and storage of prescription and over the counter medications. The possession or use of prescription medications shall be prohibited except for the person to whom they are prescribed, and in the amount prescribed. Any violation must be cause for eviction under the sober living home's rules for residency and the violator cannot be re-admitted for at least 90 days. Any second violation of this rule shall result in permanent eviction. Alternatively, the sober living home must have provisions in place to remove the violator from contact with the other residents until the violation is resolved. (CMMC Section 13-311(a)(14)(iii))

Visitation Policy – Sober living homes shall have a policy that precludes any visitors who are under the influence of drugs or alcohol. (CMMC Section 13-311(a)(14)(v))

Good Neighbor Policy - The sober living home shall have a good neighbor policy that shall direct occupants to be considerate of neighbors, including refraining from engaging in excessively loud, profane or obnoxious behavior that would unduly interfere with a neighbor's use and enjoyment of their dwelling unit. The good neighbor policy shall establish a written protocol for the house manager/operator to follow when a neighbor complaint is received. (CMMC Section 13-311(a)(2)(14)(vi)).

Relapse Policy

The CMMC Section 13-311(a)(1)(vii) requires that a copy of the group home's Relapse Policy be included in the permit application. The Relapse Policy must include any policies,

programs, procedures or standard practices that are specific to the operation of the individual sober living home and reflect compliance with CMMC 13-311.

Written Intake Procedures

The CMMC Section 13-311(a)(1)(vi) requires that a copy of the group home's written Intake Procedures be included in the permit application. Operators must include blank copies of all intake paperwork and list the steps of the Group Home's intake procedures. Please be detailed and comprehensive.