



Attachment 2- Planning Commission Documents

**PLANNING COMMISSION
RESOLUTION NO. 2025-09**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF
MURRIETA, RECOMMENDING THAT THE CITY COUNCIL APPROVE THE
PROPOSED DEVELOPMENT CODE AMENDMENT TO REVISE TITLE 16 OF
THE MURRIETA MUNICIPAL CODE BY ADDING SECTION 16. 44.045 AND
AMENDING SECTIONS 16.08.010, 16.44.150, AND 16.110.020 RELATED TO
GROUP HOMES, SOBER LIVING HOMES, AND RESIDENTIAL CARE
FACILITIES**

WHEREAS, the City of Murrieta ("City") proposes an amendment to the City's Development Code for the purpose of revising and updating Sections 16.08.010 and 16.44.150 ("Development Code Amendment"); and

WHEREAS, the Development Code Amendment makes modifications that address sober living homes group homes and residential care facilities; and

WHEREAS, on August 13, 2025, the City of Murrieta Planning Commission held a duly noticed public hearing on the proposed Development Code Amendment, at which a staff report was presented, and evidence in the record was provided to support the findings required by the Development Code Section 16.58.080; and

WHEREAS, the Planning Commission considered and discussed the public comments and written information provided at the public hearing and has determined that the proposed Development Code Amendment is appropriate; and

WHEREAS, the Planning Commission, after notice duly given as required by law, held a public hearing on August 13, 2025, at 6:00 p.m., in the City Hall council chamber to consider this proposed Ordinance No. ____-25, and heard all arguments for and against this proposal.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Murrieta does resolve as follows:

Findings and Recommended Approval for Development Code Amendments:

1. The proposed amendment ensures and maintains internal consistency with all of the objectives, policies, general plan land uses, programs and actions of all elements of the general plan;

FACTS: The Development Code is the primary tool for implementing the General Plan, providing regulating standards, identification of permitted uses, and other regulations that support the proper implementation of the General Plan Land Use Element. This Development Code Amendment updates and amends Chapters 16.08, and 16.44 in order to address group homes, sober living homes, and residential care facilities due to the resolution of certain legal issues by the Ninth Circuit Federal Court of Appeals.

2. The proposed amendment would not be detrimental to the public convenience, health, safety or general welfare of the City;

FACTS: The General Plan promotes the health, safety, and welfare of the City through the listed goals and policies included within each element, the proposed project includes reasonable regulations to ensure that the public convenience, health, safety, and general welfare are protected. The proposed changes would ensure that disabled residents have the same opportunity to enjoy housing as non-disabled residents of the City.

3. The proposed amendment is internally consistent with other applicable provisions of the Development Code.

FACTS: The proposed amendment creates new sections and revises existing new sections within the Development Code related to the topic of group homes, sober living homes, and residential care facilities to ensure there are no inconsistencies.

4. The proposed amendment is in compliance with the provisions of the California Environmental Quality Act (CEQA);

FACTS: The proposed ordinance has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA guidelines, and the City's environmental procedures, and has been found to be exempt pursuant to Section 15061(b)(3) (General Rule) of the CEQA Guidelines, in that the City Council hereby finds that it can be seen with certainty that there is no possibility that the passage of this Ordinance will have a significant effect on the environment.

BE IT FURTHER RESOLVED that based on the written information provided, the public comments received, and findings stated above, the Planning Commission recommends that the City Council adopt the environmental determination and approve the Development Code Amendment amending Chapters 16.08 and 16.44 as shown in the proposed ordinance.

PASSED, APPROVED AND ADOPTED THIS 13th DAY OF August, 2025 by the following call vote:

Dennis Vrooman

Planning Commission Chairperson

ATTEST:

Carl Stiehl

Carl Stiehl, City Planner

I, Carl Stiehl, City Planner, City of Murrieta, California do hereby certify under penalty of perjury that the foregoing Resolution was duly adopted at a regular meeting of the Planning Commission on the 13th day of August, 2025 by the following roll call vote:

AYES: Vrooman, Wojcik, Rose
NOES: None
ABSENT: LaPaglia
ABSTAINED: None
RECUSED: DeSena

Carl Stiehl

Carl Stiehl, City Planner

ORDINANCE NO. 25-__

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
MURRIETA, CALIFORNIA, TO REVISE TITLE 16 OF THE MURRIETA
MUNICIPAL CODE BY ADDING SECTION 16. 44.045 AND AMENDING
SECTIONS 16.08.010, 16.44.150, AND 16.110.020 RELATED TO GROUP
HOMES, SOBER LIVING HOMES, AND RESIDENTIAL CARE
FACILITIES**

WHEREAS, under Article XI, Section 7 of the California Constitution, the City has been granted broad police powers to preserve the character and integrity of its residential neighborhoods, which powers have been recognized by both the California Supreme Court and the United States Supreme Court, the latter of which has stated that “it is within the power of the legislature to determine that the community should be beautiful as well as healthy, spacious as well as clean, well-balanced as well as carefully patrolled”; and

WHEREAS, the Federal Fair Housing Act Amendments (“FHAA”) and the California Fair Employment Housing Act (“FEHA”) prohibit enforcement of zoning ordinances which would on their face or have the effect of discriminating against equal housing opportunities for persons with disabilities; and

WHEREAS, a core purpose of the FHAA, FEHA and California’s Lanterman Act is to provide a broader range of housing opportunities for persons with disabilities; to free persons with disabilities, to the extent possible, from institutional style living; and to ensure that persons with disabilities have the opportunity to live in normal residential surroundings and use and enjoy a dwelling in a manner similar to the way a dwelling is enjoyed by the non-disabled; and

WHEREAS, to fulfill this purpose the FHAA and FEHA also require that the City provide reasonable accommodations to its zoning ordinances if such accommodation is necessary to afford persons with disabilities an equal opportunity to use and enjoy a dwelling; and

WHEREAS, the Lanterman Act fulfills this purpose in part by requiring cities to treat state licensed residential care facilities serving six or fewer as a residential use; and

WHEREAS, in enacting this Ordinance the City Council of the City of Murrieta is attempting to strike a balance between the City’s and its residents’ interests of preserving the characteristics of residential neighborhoods and to provide opportunities for persons with disabilities to reside in such neighborhoods that are enjoyed by the non-disabled; and

WHEREAS, over the past several years the City, County and State have seen a significant increase in the number of single- and multi-family homes being utilized as alcohol and drug recovery facilities (hereafter, “sober living homes”); and

WHEREAS, the Substance Abuse and Crime Prevention Act of 2000 (hereafter, “the Act”) adopted by California voters provides that specified first-time drug and alcohol offenders

are to be afforded the opportunity to receive substance abuse treatment rather than incarceration thereby increasing the demand for sober living homes; and

WHEREAS, the Affordable Care Act has significantly expanded the availability of health care coverage for substance abuse treatment; and

WHEREAS, the City of Murrieta has seen an increase in the number of sober living homes, which has generated secondary impacts including, but not limited to neighborhood parking shortfalls, overcrowded housing conditions, inordinate amounts of second-hand smoke, and noise; and the clustering of sober living facilities in close proximity to each other creating near neighborhoods of sober living homes; and

WHEREAS, the purpose of sober living homes is to provide a comfortable living environment for persons with drug or alcohol addictions in which they remain clean and sober and can participate in a recovery program in a residential, community environment, and so that they have the opportunity to reside in the residential neighborhood of their choice; and

WHEREAS, recovering alcoholics and drug addicts, who are not currently using alcohol or drugs, are considered to be disabled under both the FHAA and FEHA; and

WHEREAS, the City has found that at least some operators of sober living homes are driven more by a motivation to profit rather than to provide a comfortable living environment in which recovering addicts have a realistic potential of recovery, or to provide a living environment which remotely resembles the manner in which the non-disabled use and enjoy a dwelling; and

WHEREAS, establishing distance requirements for sober living homes is reasonable and non-discriminatory, helping to preserve the residential character of neighborhoods while also furthering the interest of ensuring that individuals with disabilities are not living in overcrowded environments that are counterproductive to their well-being and recovery; and

WHEREAS, sober living homes do not function as a single housekeeping unit for the following reasons: (1) they house extremely transient populations; (2) the residents generally have no established ties to each other when they move in and typically do not mingle with other neighbors; (3) neighbors generally do not know who or who does not reside in the home; (4) the residents have little to no say about who lives or doesn't live in the home; (5) the residents do not generally share expenses; (6) the residents are often responsible for their own food, laundry and phone; (7) when residents disobey house rules they are involuntarily removed from the house; (8) the residents generally do not share the same acquaintances; and (9) residents often pay rents that are significantly higher than market rate; and

WHEREAS, the size and makeup of sober living homes is dissimilar and larger than the City's average household size of approximately 3 persons per dwelling (3.09 persons per household according to the 2025 Department of Finance "E-5 Population and Housing Estimates for Cities, Counties, and the State") published May 1, 2025), creating impacts on water, sewer, roads, parking and other City services that are far greater than the average household. A sober

living home would typically house six individuals or more, a number at least double the average household size of 3.17 persons in Riverside County according to the most recent U.S. federal census data and thus represents approximately the top 10% of household sizes in the County; and

WHEREAS, all the individuals residing in a sober living home are generally over the age of 18, while the average household has just 1.76 individuals over the age of 18 according to the most recent federal census data; and

WHEREAS, the City and public utility providers utilize federal census data and other information relating to the characteristics of residential neighborhoods to, among other things: (1) determine the design of residential homes, residential neighborhoods, park systems, library systems, transportation systems; (2) determine parking and garage requirements of various (bedroom) sizes and density of units; (3) develop its General Plan and zoning ordinances; (4) determine police and fire staffing; (5) determine impacts to water, sewer and other services; and (5) establish impacts fees that fairly and proportionally fund facilities for traffic, parks, libraries, police and fire; and

WHEREAS, due to their highly transient populations, above-average numbers of unrelated adults residing in a single dwelling, and limited regulatory oversight, sober living homes present challenges not typically associated with traditional residential uses, including but not limited to: housing large groups of unrelated adults who may or may not be supervised; disproportionately high numbers of vehicles associated with a single residence, resulting in increased traffic and on-street parking congestion; excessive noise and outdoor smoking that interfere with neighbors' enjoyment of their property; neighbors often unaware of who resides in the home; minimal participation in community activities that foster neighborhood cohesion; a history of opening facilities in violation of the Murrieta Municipal Code with little regard for neighborhood impacts; disproportionate demands on public services such as sewer, water, parks, libraries, transportation infrastructure, fire, and police; tendencies for facilities to cluster in certain areas; and the potential influx of individuals with criminal records; and

WHEREAS, a variable separation requirement will still allow for a reasonable market for the purchase and operation of sober living homes within the City and still result in preferential treatment for sober living homes in that non-disabled individuals in a similar living situation (i.e., in boardinghouse-style residences) have fewer housing opportunities than disabled persons; and

WHEREAS, housing inordinately large numbers of unrelated adults in a single dwelling or congregating sober living homes in close proximity to each other does not provide persons with disabilities with an opportunity to "live in normal residential surroundings," but rather places them into living environments bearing more in common with the types of institutional/campus/dormitory living that the FEHA and FHAA were designed to provide relief from for persons with disabilities, and which no reasonable person could contend provides a life in a normal residential surrounding; and

WHEREAS, notwithstanding the above, the City Council recognizes that while not in character with residential neighborhoods, when operated responsibly, group homes, including sober living homes, provide a societal benefit by providing persons with disabilities the

opportunity to live in residential neighborhoods, as well as providing recovery programs for individuals attempting to overcome their drug and alcohol addictions, and that therefore providing greater access to residential zones to group homes, including sober living homes, than to boardinghouses or any other type of group living provides a benefit to the City and its residents; and

WHEREAS, without some regulation there is no way of ensuring that the individuals entering into a group home are disabled individuals and entitled to reasonable accommodation under local and state law; that a group home is operated professionally to minimize impacts to the surrounding neighborhood; and that the secondary impacts from over concentration of both group homes in a neighborhood and large numbers of unrelated adults residing in a single facility in an individual home are lessened; and

WHEREAS, in addition to group homes locating in residential neighborhoods, other state-licensed residential care facilities are also taking up residence in these neighborhoods; and

WHEREAS, the purpose of group homes for persons with disabilities is to provide the disabled an equal opportunity to comfortably reside in the residential neighborhood of their choice; and

WHEREAS, this Ordinance has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA guidelines, and the City's environmental procedures, and has been found to be exempt pursuant to Section 15061(b)(3) (General Rule) of the CEQA Guidelines, in that the City Council hereby finds that it can be seen with certainty that there is no possibility that the passage of this Ordinance will have a significant effect on the environment.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MURRIETA, CALIFORNIA DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Section 16.44.045 is hereby added to Chapter 44 of Title 16 of the Murrieta Municipal Code to read as follows:

“16.44.045 Group Homes

Purpose. This Section is intended to preserve the residential character of single-family residential neighborhoods and to further the purposes of the FEHA, the FHAA and the Lanterman Act by, among other things: (1) ensuring that group homes are actually entitled to the special accommodation and/or additional accommodation provided under the Murrieta Municipal Code and not simply skirting the city's boarding house regulations; (2) limiting the secondary impacts of group homes by reducing noise and traffic, preserving safety and providing adequate on street parking; (3) providing an accommodation for the disabled that is reasonable and actually bears some resemblance to the opportunities afforded non-disabled individuals to use and enjoy a dwelling unit in a single-family neighborhood; and (4) to provide comfortable living environments that will enhance the opportunity for the disabled and for recovering addicts to be successful in their programs.

A. A group home that may otherwise be considered an unpermitted use may locate in any single-family zone with a special use permit provided:

(1) An application for a group home is submitted to the Director by the owner/operator of the group home. The application shall provide the following:

(a) The name, address, phone number and driver's license number of the owner/operator;

(b) If the applicant and/or operator is a partnership, corporation, firm or association, then the applicant/operator shall provide the additional names and addresses as follows and such persons shall also sign the application:

(i) Every general partner of the partnership,

(ii) Every owner with a controlling interest in the corporation,

(iii) The person designated by the officers of a corporation as set forth in a resolution of the corporation that is to be designated as the permit holder;

(c) The license and permit history of the applicant(s), including whether such applicant(s), in previously operating a similar use in this or another city, county or state under license and/or permit, has had such license and/or permit revoked or suspended, and the reason therefor;

(d) The name, address, phone number and driver's license number of the house manager;

(e) A copy of the group home rules and regulations;

(f) Written intake procedures;

(g) The relapse policy;

(h) An affirmation by the owner/operator that only residents (other than the house manager) who are disabled as defined by state and federal law shall reside at the group home;

(i) Blank copies of all forms that all residents and potential residents are required to complete; and

(j) A fee for the cost of processing of the application as set by resolution of the City Council.

No person shall open a group home or begin employment with a group home until this information has been provided and such persons shall be responsible for updating any of this information to keep it current.

(2) The group home has six or fewer occupants, not counting a house manager, but in no event shall have more than seven occupants. If the dwelling unit has a secondary accessory unit, occupants of both units will be combined to determine whether or not the limit of six occupants has been exceeded.

(3) The group home shall not be located in an accessory secondary unit unless the primary dwelling unit is used for the same purpose.

(4) The group home has a house manager who resides at the group home or any multiple of persons acting as a house manager who are present at the group home on a 24 hour basis and who are responsible for the day-to-day operation of the group home.

(5) All garage and driveway spaces associated with the dwelling unit shall, at all times, be available for the parking of vehicles.

(6) Occupants must not require and operators must not provide "care and supervision" as those terms are defined by Health and Safety Code section 1503.5 and section 80001(c)(3) of Title 22, California Code of Regulations.

(7) Integral group home facilities are not permitted. Applicants shall declare, under penalty of perjury, that the group home does not operate as an integral use/facility. Integral facilities include any combination of two (2) or more group homes which may or may not be located on the same or contiguous parcels of land, that are under the control and management of the same owner, operator, management company or licensee or any affiliate of any of them, and are integrated components of one (1) operation. Integral uses include any two (2) or more residential care programs commonly administered by the same owner, operator, management company or licensee, or any affiliate of any of them, in a manner in which participants in two (2) or more care programs participate simultaneously in any care or recovery activity or activities so commonly administered.

(8) If the group home operator is not the property owner, written approval from the property owner to operate a group home at the property.

(9) The property must be fully in compliance with all building codes, municipal codes and zoning regulations.

(10) At least 48 hours prior to an occupant's eviction from or involuntary termination of residency in a group home, the operator thereof shall:

(a) Notify the person designated as the occupant's emergency contact or contact of record that the occupant will no longer be a resident at the home;

(b) Contact the Riverside County Department of Social Services and/or another entity designated by the City to determine the services available to the occupant, including, but not limited to, alcohol and drug inpatient and outpatient treatment;

(c) Notify the city's Community Services Department that an occupant is no longer a resident at the home, and determine the services available therefrom;

(d) Provide the information obtained from paragraphs b and c of this subsection and any other treatment provider or service to the occupant prior to his or her release on a form provided by the City and obtain the occupant's signed acknowledgement thereon;

(e) Provided, however, that if the occupant's behavior results in immediate termination of residency pursuant to rules approved by the City as part of the special use permit for that facility, the operator shall comply with paragraphs a through d of this subsection as soon as possible.

(11) Prior to an occupant's eviction from or involuntary termination of residency in a group home, the operator thereof shall also:

(a) Make available to the occupant transportation to the address listed on the occupant's driver license, state-issued identification card, or the permanent address identified in the occupant's application or referral to the group home;

(b) Provided, however, that should the occupant decline transportation to his or her permanent address or otherwise has no permanent address, then the operator shall make available to the occupant transportation to another group home or residential care facility that has agreed to accept the occupant.

(12) The group home operator shall maintain records for a period of one year following eviction from or involuntary termination of residency of an occupant that document compliance with subsections (A)(10) and (A)(11) of this section; provided, however, that nothing herein shall require an operator of a group home to violate any provision of state or federal law regarding confidentiality of health care information. The group home operator may not satisfy the obligations set forth in subsection (A)(11) of this section by providing remuneration to the occupant for the cost of transportation.

(13) All drivers of vehicles picking up or dropping off persons at a group home shall comply with all applicable provisions of this Code and the Vehicle Code, including, but not limited to, those provisions regulating licensure and parking, standing and stopping.

(14) In addition to the regulations outlined above, the following shall also apply to sober living homes:

(a) The sober living home is not located within 500 feet, as measured from the closest property lines, of any other sober living home or a state licensed alcoholism or drug abuse recovery or treatment facility in single-family zones other than the Rural Residential (RR) zone. In the RR zone a sober living home shall not be located within 1,000 feet, as measured from the closest property lines, of any other sober living home or a state licensed alcoholism or drug abuse recovery or treatment facility.

(b) All occupants, other than the house manager, must be actively participating in legitimate recovery programs, including, but not limited to, Alcoholics Anonymous or Narcotics Anonymous and the sober living home must maintain current records of meeting attendance. Under the sober living home's rules and regulations, refusal to actively participate in such a program shall be cause for eviction.

(c) The sober living home's rules and regulations must prohibit the use of any alcohol or any non-prescription drugs at the sober living home or by any recovering addict either on or off site. The sober living home must also have a written policy regarding the possession, use and storage of prescription medications. The facility cannot dispense medications but must make them available to the residents. The possession or use of prescription medications is prohibited except for the person to whom they are prescribed, and in the amounts/dosages prescribed. These rules and regulations shall be posted on site in a common area inside the dwelling unit. Any violation of this rule 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.

(d) The number of occupants subject to the sex offender registration requirements of Penal Code section 290 does not exceed the limit set forth in Penal Code section 3003.5 and does not violate the distance provisions set forth in Penal Code section 3003.

(e) The sober living home shall have a written visitation policy that shall preclude any visitors who are under the influence of any drug or alcohol.

(f) 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.

(g) The sober living home shall not provide any of the following services as they are defined by section 10501(a)(6) of Title 9, California Code of Regulations: detoxification; educational counseling; individual or group counseling sessions; and treatment or recovery planning.

(h) An applicant may seek relief from the strict application of this section by submitting an application to the Director setting forth specific reasons as to why

accommodation over and above this section is necessary under state and federal laws, pursuant to Chapter 16.73 of tis Code.

(B) The special use permit shall be issued by the Director as a ministerial matter if the applicant is in compliance or has agreed to comply with subsections (A)(1) through (A)(14) of this section. At least 10 days prior to issuing a special use permit, the Director shall cause written notice to be mailed to the owner of record and occupants of all properties within 500 feet of the location of the group home. Prior to issuance of the special use permit, the Director shall hold a public hearing for the purpose of receiving information regarding compliance with the applicable provisions of subsections (A) and (B) of this section. The issuance of the special use permit shall be denied upon a determination, and if already issued shall be denied or revoked upon a hearing, by the Director that any of the following circumstances exist:

(1) Any owner/operator or staff person has provided materially false or misleading information on the application or omitted any pertinent information;

(2) Any owner/operator or staff person has an employment history in which he or she was terminated during the past two years because of physical assault, sexual harassment, embezzlement or theft; falsifying a drug test; and selling or furnishing illegal drugs or alcohol.

(3) Any owner/operator or staff person has been convicted of or pleaded nolo contendere, within the last seven to 10 years, to any of the following offenses:

(a) Any sex offense for which the person is required to register as a sex offender under California Penal Code section 290 (last 10 years);

(b) Arson offenses—Violations of Penal Code Sections 451—455 (last seven years); or

(c) Violent felonies, as defined in Penal Code section 667.5, which involve doing bodily harm to another person (last 10 years).

(d) The unlawful sale or furnishing of any controlled substances (last seven years).

(4) Any owner/operator or staff person is on parole or formal probation supervision on the date of the submittal of the application or at any time thereafter.

(5) The owner/operator accepts residents, other than a house manager, who are not disabled as defined by the FHAA and FEHA.

(6) A special use permit for a sober living home shall also be denied upon a determination, and if already issued, any transfer shall be denied or revoked, upon a hearing, by the Director that any of the following additional circumstances exist:

(a) Any owner/operator or staff person of a sober living home is a recovering drug or alcohol abuser and upon the date of application or employment has had less than one full year of sobriety.

(b) The owner/operator of a sober living home fails to immediately take measures to remove any resident who uses alcohol or illegally uses prescription or non-prescription drugs, or who is not actively participating in a legitimate recovery program from contact with all other sober residents.

(c) The sober living home, as measured by the closest property lines, is located within 500 feet, or 1000 feet if in an RR zone, of any other sober living home or state licensed alcoholism or drug abuse recovery or treatment facility. If a state-licensed alcoholism or drug abuse recovery or treatment facility moves within 500 feet, or 1000 feet in an RR zone, of an existing sober living home this shall not cause the revocation of the sober living home's permit or be grounds for denying a transfer of such permit.

(7) For any other significant and/or repeated violations of this section and/or any other applicable laws and/or regulations, including, but not limited to, failure to comply with the provisions of subsections (A)(10) through (13).

(8) Revocation shall not apply to any group home, which otherwise would cause it to be in violation of this section, that has obtained a reasonable accommodation pursuant to Chapter 16.73 of this Code.

C. Compliance

(1) Existing group homes must apply for a special use permit within 90 days of the effective date of this section.

(2) Group homes that are in existence upon the effective date of this section shall have one year from the effective date of this chapter to comply with its provisions, provided that any existing group home, which is serving more than six residents, must first comply with the six-resident maximum.

(3) Existing group homes obligated by a written lease exceeding one year from the effective date of the ordinance, or whose activity involves investment of money in leasehold or improvements such that a longer period is necessary to prevent undue financial hardship, are eligible for up to one additional year's grace period pursuant to Director approval."

SECTION 2. Paragraph I of Section 16.44.150 of the Murrieta Municipal Code is replaced, in its entirety, to read as follows:

"I. Rooming and Boarding House. A rooming and boarding house as defined in Chapter 16.110 of this title, may be established only upon approval of a conditional use permit for six (6) or fewer occupants, and shall be prohibited for more than six (6) occupants subject to the following standards (Short-Term Vacation Rentals that are regulated separately fall outside of this criteria. See, Chapter 5.27 (Short-Term Vacation Rentals) of the Murrieta Municipal Code for further criteria on these uses):

1. Filing Requirements. In addition to the regular application information, the application for a conditional use permit for a rooming and boarding house shall include the following information:

- a. Any proposed restrictions or limitations on the resident profile, such as men only, women only, families with children, elderly or special needs;
- b. The number of rooms to be used for sleeping purposes, and the maximum number of residents including on-site management staff, if any; and
- c. Any proposed limitations on the maximum stay for each resident.

2. Site Location Criteria. In evaluating a proposed rooming and boarding house the following criteria shall be considered:

- a. Compatibility of the proposed use with neighboring uses;
- b. Whether the use will result in harm to the health, safety or general welfare of the surrounding neighborhood, and substantial adverse impacts on adjoining properties or land uses will not result;
- c. The proximity of the use to shopping and services, and access to public transportation; and
- d. To avoid an over-concentration of rooming and boarding houses there shall be a minimum separation requirement of five hundred (500) feet, measured from the nearest outside

building walls, between the subject use and any other rooming and boarding home or other group housing as defined in this title or in state law.

3. Development Standards. Any rooming and boarding house shall comply with the following:

- a. Structures and landscaping shall be compatible with the character of the surrounding neighborhood;
- b. Sufficient on-site parking shall be provided (the precise number of parking spaces required will be determined by the approving authority based on the operating characteristics of the specific proposal);
- c. Both indoor and outdoor open areas shall be provided on site;
- d. All setback standards of the underlying zone shall be met; and
- e. Signs as permitted in Chapter 16.38.

4. Notification. Notification of the conditional use permit public hearing shall be done in accordance with Chapter 16.52 of this title.

5. Existing Facilities. Upon the expiration of any conditional use permit, an existing rooming and boarding house or sober living home must comply with the requirements of this Section 16.44.150.

6. Changes to Operation. Any change in operating conditions from what was originally approved and imposed by the city, including, but not limited to, the number of occupants or residents, or any modifications to the conditions of approval pursuant to the required conditional use permit, shall require the immediate submittal of a request for revision of the required conditional use permit.

J. Parolee-Probationer Home. A parolee-probationer home, as defined in Chapter 16.110 of this title, may be established only upon approval of a conditional use permit for six (6) or fewer occupants, and shall be prohibited for more than six (6) occupants subject to the following standards.

1. Filing Requirements. In addition to the regular application information, the application for a conditional use permit for a parolee-probationer home shall include the following information:

- a. Client profile (the subgroup of the population the facility is intended to serve);
- b. Maximum number of occupants, including support staff;
- c. Proposed maximum stay for each parolee-probationer;
- d. A description of support services to be provided on-site and projected staffing level, if any;
- e. Site plan and floor plans; and
- f. Rules of conduct and business management plan.

2. Site Location Criteria. In evaluating a proposed parolee-probationer home, the following criteria shall be considered:

- a. Compatibility of the proposed use with neighboring uses;
- b. Whether establishment of the facility will not result in harm to the health, safety or general welfare of the surrounding neighborhood, and substantial adverse impacts on adjoining properties or land uses will not result;
- c. Facility shall be located along or near a collector or arterial street with reasonable access to public transportation;
- d. Facility shall be accessible to necessary support services;

e. To avoid an over-concentration of parolee-probationer homes, there shall be a one thousand (1,000) foot separation requirement as measured from the nearest outside building walls between the subject use and any other parolee-probationer home or other group housing as defined in this title or in state law;

f. To avoid an over-concentration of group housing facilities, there shall be a one thousand (1,000) foot separation requirement as measured from the nearest outside building walls between the subject use and any other group housing set forth in this subsection; and

g. That parolee-probationer homes shall not be located within one thousand (1,000) feet of a public or private school (pre-school through twelfth (12th) grade), student housing, senior housing, child care facilities, public parks and trails, or businesses licensed for on- or off-site sales of alcoholic beverages, as measured from any point on the outside walls of the parolee-probationer home to the nearest property line of the noted use.

3. Development Standards. Any parolee-probationer home shall comply with the following:

a. Facility shall be compatible with the character of the surrounding neighborhood;
b. Sufficient on-site parking shall be provided (the precise number of parking spaces required will be determined by the approving authority based on the operating characteristics of the specific proposal);

c. Both indoor and outdoor open areas shall be provided on site;

d. All setback standards of the underlying zone shall be met;

e. Signs as permitted in Chapter 16.38;

f. On-site staff supervision shall be required for parolee-probationer homes during all hours of operation;

g. Individual client stays at parolee-probationer homes shall not exceed one hundred eighty (180) days; and

h. The facility's management shall participate in any formal residential crime prevention program (i.e., Crime Free Multi-Housing Program) provided by the city and as required under the conditional use permit and, if the program offers certification, then that certification shall be obtained and maintained in current status.

4. Notification. Notification of the conditional use permit public hearing shall be done in accordance with Chapter 16.52 of this title.

5. Existing Facilities.

a. Upon the expiration of any conditional use permit, an existing parolee-probationer home must comply with the requirements of this Section 16.44.150.J.

b. An existing parolee-probationer home established pursuant to any conditional use permit discontinued for any period of time, excluding a maximum thirty- (30-) day closure required to perform necessary repair or restoration which does not increase the square footage of the residence, is deemed abandoned and any subsequent establishment of a parolee-probationer home on the premises shall be required to first obtain a new conditional use permit.

6. Changes to Operation. Any change in operating conditions from what was originally approved and imposed by the city, including, but not limited to, the number of occupants, residents or parolees-probationers, or modifications to the conditions of approval pursuant to the required conditional use permit shall require the immediate submittal of a request for revision of the required conditional use permit.

SECTION 3. Table 16.08-2 of Section 16.08.010 of the Murrieta Municipal Code is replaced, in its entirety, to read as follows:

TABLE 16.08-1 USE TABLE FOR RESIDENTIAL (SINGLE-FAMILY) ZONING DISTRICTS Permit Requirement by District							
Symbol	Applicable Process						See Chapter
P	Permitted Land Use - Compliance with development standards and zoning clearance required						16.74
C	Conditional Use - Conditional use permit required						16.52
"Blank"	Land use not permitted						
Land Use ^{(1) (2)}	RR	ER-1	ER-2	ER-3	SF-1	SF-2	See Standards in Section
Agriculture, Open Space and Resources							
Animal Keeping	P	P	P	P	P	P	16.44.040
Crop Production, Commercial	P	P	P				
Group Homes	p ⁽¹¹⁾	p ⁽¹¹⁾	p ⁽¹¹⁾	p ⁽¹¹⁾	p ⁽¹¹⁾	p ⁽¹¹⁾	16.44.045
Electric Vehicle Charging Stations ⁽⁷⁾	P	P	P	P	P	P	15.63 , 16.34 , 16.44.115
Equestrian Facilities, Commercial	P	P	P	P	P	P	
Kennels Residential/Commercial	p ⁽³⁾						16.44.040 .E. 2.
Nature Preserves	P	P	P				
Plant Nurseries, Commercial	C	C	C				
Open Space	P	P	P	P	P	P	

Wind Conversion Energy Systems (non-commercial)	C						
Communication Facilities							
Satellite Dishes/Antennas	P	P	P	P	P	P	16.44.170A
Wireless Communication Facilities	C	C	C	C	C	C	16.44.170B
Education, Public Assembly and Recreation							
Bingo	C	C	C	C	C	C	16.44.210
Cannabis Cultivation, Processing, Delivery, and Dispensary (Commercial)							
Cannabis Testing Laboratory							
Cannabis Dispensary (Recreational Retail Storefront)							
Medicinal Cannabis Delivery Service (Mobile Activities for Patients and Caregivers)	P	P	P	P	P	P	16.44.250
Medicinal Cannabis Delivery Service (Physical Delivery Logistics Location)							
Churches, places of worship	C	C	C	C	C	C	
Cemeteries, Mortuaries, Crematoriums, Mausoleums	C	C	C				
Golf Courses, Country Clubs, Driving Ranges	C	C	C	C	C		

Private Residential Recreational Facilities	P	P	P	P	P	P	See definition
Schools	C	C	C	C	C	C	
Residential							
Accessory Dwelling Units	P	P	P	P	P	P	16.44.160
Assisted Living/Skilled Nursing	C	C	C	C	C	C	
Bed and Breakfast Inns	C	C	C				
Child Day Care Centers	C	C	C	C	C	C	16.44.050
Home Occupations	P	P	P	P	P	P	16.60.030
Junior Accessory Dwelling Unit	P	P	P	P	P	P	16.44.160
Large Family Day-Care Homes - 9 to 14 children(5)	P	P	P	P	P	P	16.44.050
Manufactured Home (including mobile homes) ⁽⁶⁾	P	P	P	P	P	P	16.44.050
Marijuana Cultivation, Processing, Delivery, and Dispensary							
Medical Marijuana Dispensary							
Medical Marijuana Dispensary, Mobile							
Mobile Home Parks	C	C	C	C	C	C	
Model Homes/Sales Office	P	P	P	P	P	P	
Multi-family Housing						P	

Personal Services (Limited)	P ⁽⁹⁾⁽¹⁰⁾	P ⁽⁹⁾⁽¹⁰⁾	P ⁽⁹⁾⁽¹⁰⁾	P ⁽⁹⁾⁽¹⁰⁾	P ⁽⁹⁾⁽¹⁰⁾	P ⁽⁹⁾⁽¹⁰⁾	See Definition 5.18 , 16.44.270
Residential Accessory Uses and Structures	P	P	P	P	P	P	16.44.150
Residential Care Homes - up to 6 Clients	P	P	P	P	P	P	
Residential Care Homes - 7+ Clients	C	C	C	C	C	C	
Residential Wedding/Event Facilities ⁽⁴⁾	C	C	C				16.44.230
Rooming/Boarding Houses	C	C	C	C	C	C	16.44.150I
Short-Term Vacation Rentals (STVRs) - Hosted ⁽⁸⁾	P	P	P	P	P	P	5.27 and 16.44.260
Short-Term Vacation Rentals (STVRs) - Non- Hosted ⁽⁸⁾	P	P	P				5.27 and 16.44.260
Single-family Homes	P	P	P	P	P	P	
Small Family Day-Care Homes - Up to 8 children ⁽⁵⁾	P	P	P	P	P	P	16.44.050
Supportive Housing	P	P	P	P	P	P	16.44.200
Transitional Housing (including SRO/Efficiency units)	P	P	P	P	P	P	16.44.200

Notes:

(1) See Section [16.04.020](#) regarding uses not listed.

(2) See Article VI for definitions of the land uses listed.

(3) Kennels existing as of January 1, 2014 within the RR zone are a legal-conforming land use and are permitted to continue in operation subject to no changes in the existing operation and/or compliance with the development standards contained in Section [16.44.040](#).E.2.

(4) Minimum five (5) acre property.

(5) Zoning clearance not required.

- (6) Any development standards imposed shall be limited to those specified in state law. See California Code of Regulations, Title 25 (Housing and Community Development), Division 1 for additional details and requirements.
- (7) For EVCS - Subject to the Minor Conditional Use Permit appeal provisions for identified Public Health and Safety issues as described in [Chapter 15.63](#).
- (8) For STVRs - Subject to the Citywide maximum, locational, and operational criteria, as described in [Chapter 5.27](#) and Section [16.44.260](#) of this Municipal Code.
- (9) Limited to a massage accessory use in conjunction with establishment of the following primary uses: assisted living/skilled nursing. No other personal service are permitted. Refer to Section 16.44.270.B.3 (Massage Accessory Use) and [Chapter 5.18](#) (Massage Businesses and Massage Therapists) for additional details.
- (10) Refer to Section [5.18.150](#) (Exemptions) for the types of “Professions and Services” which shall not be classified as a massage establishment.
- (11) Subject to a Special Permit issued pursuant to Section 16.44.045.

SECTION 4. Section 16.110.020 of Chapter 110 of Title 16 of the Murrieta Municipal Code is hereby amended to revise the following definition to read as follows:

“Rooming and Boarding Houses. A residence or dwelling, other than a hotel, wherein three (3) or more rooms, with or without individual or group cooking facilities, are rented to individuals under separate rental agreements or leases, either written or oral, whether or not an owner, agent or rental manager is in residence. Included within the definition of "rooming and boarding house" are parolee-probationer homes as defined herein. Does not include short-term vacation rentals, which are defined under this section and regulated under Chapter 5.27 (Short-Term Vacation Rentals) and Title 16.

SECTION 5. Section 16.110.020 of Chapter 110 of Title 16 of the Murrieta Municipal Code is hereby amended by adding the following definition:

“Group Home. A facility that is being used as a supportive living environment for persons who are considered disabled under state or federal law. A group home operated by a single operator or service provider (whether licensed or unlicensed) constitutes a single facility, whether the facility occupies one or more dwelling units. Group homes include sober living homes but shall not include the following as defined in this code: Assisted Living/Skilled Nursing, Bed and Breakfast Inn, Short-Term Vacation Rental (STVR), Hotel or Motel, Live/Work Facility, Residential Care Homes, Rooming and Boarding Houses, Senior Citizen Congregate Care Housing, Single Room Occupancy (SRO) (also known as an Efficiency Unit), Skilled Nursing-Short Term, Supportive Housing, Transitional Housing and Transitional Housing Development.”

SECTION 6 Section 16.110.020 of Chapter 110 of Title 16 of the Murrieta Municipal Code is hereby amended by revising the following definition to read as follows:

“Residential Care Homes. Facilities providing residential social and personal care for children, the elderly, and people with limited ability for self-care, but where medical care is not a major element. Includes: children’s homes; transitional houses; orphanages; rehabilitation centers; and self-help

group homes. Convalescent homes, nursing homes, and similar facilities providing medical care are included under the definition of “Assisted Living/Skilled Nursing.” This use definition does not include sober living homes or any other facility that meets the definition of a Group Home, whether licensed or unlicensed.”

SECTION 7. This ordinance is exempt from the California Environmental Quality Act (“CEQA”) under Section 15061(b)(3) of the CEQA Guidelines, which provides that CEQA only applies to projects that have the potential for causing a significant effect on the environment. Where, as here, it can be seen with certainty that there is no possibility that the activity in question would have a significant effect on the environment, the activity is not subject to CEQA.

SECTION 8. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of any competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each and every section, subsection, sentence, clause and phrase thereof not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

SECTION 9. This Ordinance shall become effective on the thirty-first (31st) day after its passage and adoption, and within fifteen (15) days after its final passage and the City Clerk shall cause it to be posted and published in a newspaper of general circulation, printed, published and circulated in the City in the manner required by law and shall cause a copy of this Ordinance and its certification, to be entered in the Book of Ordinances of the City.

PASSED AND ADOPTED this ____ day of _____, 2025.

Cindy Warren, Mayor

ATTEST:

Cristal McDonald, City Clerk

APPROVED AS TO FORM:

Tiffany J. Israel, City Attorney

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE)§
CITY OF MURRIETA)

I, Cristal McDonald, City Clerk of the City of Murrieta, California, do hereby certify that the foregoing Ordinance No. 25-_____ was duly passed and adopted by the City Council of the City of Murrieta at the regular meeting thereof, held on the ____th day of _____, 2025, and was signed by the Mayor of the said City, and that the same was passed and adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Cristal McDonald, City Clerk

I, Cristal McDonald, City Clerk of the City of Murrieta, California further certify that Ordinance No. 25-_____ was duly published according to law and the order of the City Council of said City and the same was so published in *Press Enterprise*, a newspaper of general circulation on the following date(s):

Adopted Ordinance: _____, 2025.

In witness whereof, I have hereunto subscribed my name this __ day of _____, 2025.

Cristal McDonald, City Clerk

ORDINANCE NO. 25-__

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
MURRIETA, CALIFORNIA, TO REVISE TITLE 16 OF THE MURRIETA
MUNICIPAL CODE BY ADDING SECTION 16. 44.045 AND AMENDING
SECTIONS 16.08.010, 16.44.150, AND 16.110.020 RELATED TO GROUP
HOMES, SOBER LIVING HOMES, AND RESIDENTIAL CARE
FACILITIES**

WHEREAS, under Article XI, Section 7 of the California Constitution, the City has been granted broad police powers to preserve the character and integrity of its residential neighborhoods, which powers have been recognized by both the California Supreme Court and the United States Supreme Court, the latter of which has stated that “it is within the power of the legislature to determine that the community should be beautiful as well as healthy, spacious as well as clean, well-balanced as well as carefully patrolled”; and

WHEREAS, the Federal Fair Housing Act Amendments (“FHAA”) and the California Fair Employment Housing Act (“FEHA”) prohibit enforcement of zoning ordinances which would on their face or have the effect of discriminating against equal housing opportunities for persons with disabilities; and

WHEREAS, a core purpose of the FHAA, FEHA and California’s Lanterman Act is to provide a broader range of housing opportunities for persons with disabilities; to free persons with disabilities, to the extent possible, from institutional style living; and to ensure that persons with disabilities have the opportunity to live in normal residential surroundings and use and enjoy a dwelling in a manner similar to the way a dwelling is enjoyed by the non-disabled; and

WHEREAS, to fulfill this purpose the FHAA and FEHA also require that the City provide reasonable accommodations to its zoning ordinances if such accommodation is necessary to afford persons with disabilities an equal opportunity to use and enjoy a dwelling; and

WHEREAS, the Lanterman Act fulfills this purpose in part by requiring cities to treat state licensed residential care facilities serving six or fewer as a residential use; and

WHEREAS, in enacting this Ordinance the City Council of the City of Murrieta is attempting to strike a balance between the City’s and its residents’ interests of preserving the characteristics of residential neighborhoods and to provide opportunities for persons with disabilities to reside in such neighborhoods that are enjoyed by the non-disabled; and

WHEREAS, over the past several years the City, County and State have seen a significant increase in the number of single- and multi-family homes being utilized as alcohol and drug recovery facilities (hereafter, “sober living homes”); and

WHEREAS, the Substance Abuse and Crime Prevention Act of 2000 (hereafter, “the Act”) adopted by California voters provides that specified first-time drug and alcohol offenders

are to be afforded the opportunity to receive substance abuse treatment rather than incarceration thereby increasing the demand for sober living homes; and

WHEREAS, the Affordable Care Act has significantly expanded the availability of health care coverage for substance abuse treatment; and

WHEREAS, the City of Murrieta has seen an increase in the number of sober living homes, which has generated secondary impacts including, but not limited to neighborhood parking shortfalls, overcrowded housing conditions, inordinate amounts of second-hand smoke, and noise; and the clustering of sober living facilities in close proximity to each other creating near neighborhoods of sober living homes; and

WHEREAS, the purpose of sober living homes is to provide a comfortable living environment for persons with drug or alcohol addictions in which they remain clean and sober and can participate in a recovery program in a residential, community environment, and so that they have the opportunity to reside in the residential neighborhood of their choice; and

WHEREAS, recovering alcoholics and drug addicts, who are not currently using alcohol or drugs, are considered to be disabled under both the FHAA and FEHA; and

WHEREAS, the City has found that at least some operators of sober living homes are driven more by a motivation to profit rather than to provide a comfortable living environment in which recovering addicts have a realistic potential of recovery, or to provide a living environment which remotely resembles the manner in which the non-disabled use and enjoy a dwelling; and

WHEREAS, establishing distance requirements for sober living homes is reasonable and non-discriminatory, helping to preserve the residential character of neighborhoods while also furthering the interest of ensuring that individuals with disabilities are not living in overcrowded environments that are counterproductive to their well-being and recovery; and

WHEREAS, sober living homes do not function as a single housekeeping unit for the following reasons: (1) they house extremely transient populations; (2) the residents generally have no established ties to each other when they move in and typically do not mingle with other neighbors; (3) neighbors generally do not know who or who does not reside in the home; (4) the residents have little to no say about who lives or doesn't live in the home; (5) the residents do not generally share expenses; (6) the residents are often responsible for their own food, laundry and phone; (7) when residents disobey house rules they are involuntarily removed from the house; (8) the residents generally do not share the same acquaintances; and (9) residents often pay rents that are significantly higher than market rate; and

WHEREAS, the size and makeup of sober living homes is dissimilar and larger than the City's average household size of approximately 3 persons per dwelling (3.09 persons per household according to the 2025 Department of Finance "E-5 Population and Housing Estimates for Cities, Counties, and the State") published May 1, 2025), creating impacts on water, sewer, roads, parking and other City services that are far greater than the average household. A sober

living home would typically house six individuals or more, a number at least double the average household size of 3.17 persons in Riverside County according to the most recent U.S. federal census data and thus represents approximately the top 10% of household sizes in the County; and

WHEREAS, all the individuals residing in a sober living home are generally over the age of 18, while the average household has just 1.76 individuals over the age of 18 according to the most recent federal census data; and

WHEREAS, the City and public utility providers utilize federal census data and other information relating to the characteristics of residential neighborhoods to, among other things: (1) determine the design of residential homes, residential neighborhoods, park systems, library systems, transportation systems; (2) determine parking and garage requirements of various (bedroom) sizes and density of units; (3) develop its General Plan and zoning ordinances; (4) determine police and fire staffing; (5) determine impacts to water, sewer and other services; and (5) establish impacts fees that fairly and proportionally fund facilities for traffic, parks, libraries, police and fire; and

WHEREAS, due to their highly transient populations, above-average numbers of unrelated adults residing in a single dwelling, and limited regulatory oversight, sober living homes present challenges not typically associated with traditional residential uses, including but not limited to: housing large groups of unrelated adults who may or may not be supervised; disproportionately high numbers of vehicles associated with a single residence, resulting in increased traffic and on-street parking congestion; excessive noise and outdoor smoking that interfere with neighbors' enjoyment of their property; neighbors often unaware of who resides in the home; minimal participation in community activities that foster neighborhood cohesion; a history of opening facilities in violation of the Murrieta Municipal Code with little regard for neighborhood impacts; disproportionate demands on public services such as sewer, water, parks, libraries, transportation infrastructure, fire, and police; tendencies for facilities to cluster in certain areas; and the potential influx of individuals with criminal records; and

WHEREAS, a variable separation requirement will still allow for a reasonable market for the purchase and operation of sober living homes within the City and still result in preferential treatment for sober living homes in that non-disabled individuals in a similar living situation (i.e., in boardinghouse-style residences) have fewer housing opportunities than disabled persons; and

WHEREAS, housing inordinately large numbers of unrelated adults in a single dwelling or congregating sober living homes in close proximity to each other does not provide persons with disabilities with an opportunity to "live in normal residential surroundings," but rather places them into living environments bearing more in common with the types of institutional/campus/dormitory living that the FEHA and FHAA were designed to provide relief from for persons with disabilities, and which no reasonable person could contend provides a life in a normal residential surrounding; and

WHEREAS, notwithstanding the above, the City Council recognizes that while not in character with residential neighborhoods, when operated responsibly, group homes, including sober living homes, provide a societal benefit by providing persons with disabilities the

opportunity to live in residential neighborhoods, as well as providing recovery programs for individuals attempting to overcome their drug and alcohol addictions, and that therefore providing greater access to residential zones to group homes, including sober living homes, than to boardinghouses or any other type of group living provides a benefit to the City and its residents; and

WHEREAS, without some regulation there is no way of ensuring that the individuals entering into a group home are disabled individuals and entitled to reasonable accommodation under local and state law; that a group home is operated professionally to minimize impacts to the surrounding neighborhood; and that the secondary impacts from over concentration of both group homes in a neighborhood and large numbers of unrelated adults residing in a single facility in an individual home are lessened; and

WHEREAS, in addition to group homes locating in residential neighborhoods, other state-licensed residential care facilities are also taking up residence in these neighborhoods; and

WHEREAS, the purpose of group homes for persons with disabilities is to provide the disabled an equal opportunity to comfortably reside in the residential neighborhood of their choice; and

WHEREAS, this Ordinance has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA guidelines, and the City's environmental procedures, and has been found to be exempt pursuant to Section 15061(b)(3) (General Rule) of the CEQA Guidelines, in that the City Council hereby finds that it can be seen with certainty that there is no possibility that the passage of this Ordinance will have a significant effect on the environment.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MURRIETA, CALIFORNIA DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Section 16.44.045 is hereby added to Chapter 44 of Title 16 of the Murrieta Municipal Code to read as follows:

“16.44.045 Group Homes

Purpose. This Section is intended to preserve the residential character of single-family residential neighborhoods and to further the purposes of the FEHA, the FHAA and the Lanterman Act by, among other things: (1) ensuring that group homes are actually entitled to the special accommodation and/or additional accommodation provided under the Murrieta Municipal Code and not simply skirting the city's boarding house regulations; (2) limiting the secondary impacts of group homes by reducing noise and traffic, preserving safety and providing adequate on street parking; (3) providing an accommodation for the disabled that is reasonable and actually bears some resemblance to the opportunities afforded non-disabled individuals to use and enjoy a dwelling unit in a single-family neighborhood; and (4) to provide comfortable living environments that will enhance the opportunity for the disabled and for recovering addicts to be successful in their programs.

A. A group home that may otherwise be considered an unpermitted use may locate in any single-family zone with a special use permit provided:

(1) An application for a group home is submitted to the Director by the owner/operator of the group home. The application shall provide the following:

(a) The name, address, phone number and driver's license number of the owner/operator;

(b) If the applicant and/or operator is a partnership, corporation, firm or association, then the applicant/operator shall provide the additional names and addresses as follows and such persons shall also sign the application:

(i) Every general partner of the partnership,

(ii) Every owner with a controlling interest in the corporation,

(iii) The person designated by the officers of a corporation as set forth in a resolution of the corporation that is to be designated as the permit holder;

(c) The license and permit history of the applicant(s), including whether such applicant(s), in previously operating a similar use in this or another city, county or state under license and/or permit, has had such license and/or permit revoked or suspended, and the reason therefor;

(d) The name, address, phone number and driver's license number of the house manager;

(e) A copy of the group home rules and regulations;

(f) Written intake procedures;

(g) The relapse policy;

(h) An affirmation by the owner/operator that only residents (other than the house manager) who are disabled as defined by state and federal law shall reside at the group home;

(i) Blank copies of all forms that all residents and potential residents are required to complete; and

(j) A fee for the cost of processing of the application as set by resolution of the City Council.

No person shall open a group home or begin employment with a group home until this information has been provided and such persons shall be responsible for updating any of this information to keep it current.

(2) The group home has six or fewer occupants, not counting a house manager, but in no event shall have more than seven occupants. If the dwelling unit has a secondary accessory unit, occupants of both units will be combined to determine whether or not the limit of six occupants has been exceeded.

(3) The group home shall not be located in an accessory secondary unit unless the primary dwelling unit is used for the same purpose.

(4) The group home has a house manager who resides at the group home or any multiple of persons acting as a house manager who are present at the group home on a 24 hour basis and who are responsible for the day-to-day operation of the group home.

(5) All garage and driveway spaces associated with the dwelling unit shall, at all times, be available for the parking of vehicles.

(6) Occupants must not require and operators must not provide "care and supervision" as those terms are defined by Health and Safety Code section 1503.5 and section 80001(c)(3) of Title 22, California Code of Regulations.

(7) Integral group home facilities are not permitted. Applicants shall declare, under penalty of perjury, that the group home does not operate as an integral use/facility. Integral facilities include any combination of two (2) or more group homes which may or may not be located on the same or contiguous parcels of land, that are under the control and management of the same owner, operator, management company or licensee or any affiliate of any of them, and are integrated components of one (1) operation. Integral uses include any two (2) or more residential care programs commonly administered by the same owner, operator, management company or licensee, or any affiliate of any of them, in a manner in which participants in two (2) or more care programs participate simultaneously in any care or recovery activity or activities so commonly administered.

(8) If the group home operator is not the property owner, written approval from the property owner to operate a group home at the property.

(9) The property must be fully in compliance with all building codes, municipal codes and zoning regulations.

(10) At least 48 hours prior to an occupant's eviction from or involuntary termination of residency in a group home, the operator thereof shall:

(a) Notify the person designated as the occupant's emergency contact or contact of record that the occupant will no longer be a resident at the home;

(b) Contact the Riverside County Department of Social Services and/or another entity designated by the City to determine the services available to the occupant, including, but not limited to, alcohol and drug inpatient and outpatient treatment;

(c) Notify the city's Community Services Department that an occupant is no longer a resident at the home, and determine the services available therefrom;

(d) Provide the information obtained from paragraphs b and c of this subsection and any other treatment provider or service to the occupant prior to his or her release on a form provided by the City and obtain the occupant's signed acknowledgement thereon;

(e) Provided, however, that if the occupant's behavior results in immediate termination of residency pursuant to rules approved by the City as part of the special use permit for that facility, the operator shall comply with paragraphs a through d of this subsection as soon as possible.

(11) Prior to an occupant's eviction from or involuntary termination of residency in a group home, the operator thereof shall also:

(a) Make available to the occupant transportation to the address listed on the occupant's driver license, state-issued identification card, or the permanent address identified in the occupant's application or referral to the group home;

(b) Provided, however, that should the occupant decline transportation to his or her permanent address or otherwise has no permanent address, then the operator shall make available to the occupant transportation to another group home or residential care facility that has agreed to accept the occupant.

(12) The group home operator shall maintain records for a period of one year following eviction from or involuntary termination of residency of an occupant that document compliance with subsections (A)(10) and (A)(11) of this section; provided, however, that nothing herein shall require an operator of a group home to violate any provision of state or federal law regarding confidentiality of health care information. The group home operator may not satisfy the obligations set forth in subsection (A)(11) of this section by providing remuneration to the occupant for the cost of transportation.

(13) All drivers of vehicles picking up or dropping off persons at a group home shall comply with all applicable provisions of this Code and the Vehicle Code, including, but not limited to, those provisions regulating licensure and parking, standing and stopping.

(14) In addition to the regulations outlined above, the following shall also apply to sober living homes:

(a) The sober living home is not located within 500 feet, as measured from the closest property lines, of any other sober living home or a state licensed alcoholism or drug abuse recovery or treatment facility in single-family zones other than the Rural Residential (RR) zone. In the RR zone a sober living home shall not be located within 1,000 feet, as measured from the closest property lines, of any other sober living home or a state licensed alcoholism or drug abuse recovery or treatment facility.

(b) All occupants, other than the house manager, must be actively participating in legitimate recovery programs, including, but not limited to, Alcoholics Anonymous or Narcotics Anonymous and the sober living home must maintain current records of meeting attendance. Under the sober living home's rules and regulations, refusal to actively participate in such a program shall be cause for eviction.

(c) The sober living home's rules and regulations must prohibit the use of any alcohol or any non-prescription drugs at the sober living home or by any recovering addict either on or off site. The sober living home must also have a written policy regarding the possession, use and storage of prescription medications. The facility cannot dispense medications but must make them available to the residents. The possession or use of prescription medications is prohibited except for the person to whom they are prescribed, and in the amounts/dosages prescribed. These rules and regulations shall be posted on site in a common area inside the dwelling unit. Any violation of this rule 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.

(d) The number of occupants subject to the sex offender registration requirements of Penal Code section 290 does not exceed the limit set forth in Penal Code section 3003.5 and does not violate the distance provisions set forth in Penal Code section 3003.

(e) The sober living home shall have a written visitation policy that shall preclude any visitors who are under the influence of any drug or alcohol.

(f) 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.

(g) The sober living home shall not provide any of the following services as they are defined by section 10501(a)(6) of Title 9, California Code of Regulations: detoxification; educational counseling; individual or group counseling sessions; and treatment or recovery planning.

(h) An applicant may seek relief from the strict application of this section by submitting an application to the Director setting forth specific reasons as to why

accommodation over and above this section is necessary under state and federal laws, pursuant to Chapter 16.73 of this Code.

(B) The special use permit shall be issued by the Director as a ministerial matter if the applicant is in compliance or has agreed to comply with subsections (A)(1) through (A)(14) of this section. At least 10 days prior to issuing a special use permit, the Director shall cause written notice to be mailed to the owner of record and occupants of all properties within 500 feet of the location of the group home. Prior to issuance of the special use permit, the Director shall hold a public hearing for the purpose of receiving information regarding compliance with the applicable provisions of subsections (A) and (B) of this section. The issuance of the special use permit shall be denied upon a determination, and if already issued shall be denied or revoked upon a hearing, by the Director that any of the following circumstances exist:

(1) Any owner/operator or staff person has provided materially false or misleading information on the application or omitted any pertinent information;

(2) Any owner/operator or staff person has an employment history in which he or she was terminated during the past two years because of physical assault, sexual harassment, embezzlement or theft; falsifying a drug test; and selling or furnishing illegal drugs or alcohol.

(3) Any owner/operator or staff person has been convicted of or pleaded nolo contendere, within the last seven to 10 years, to any of the following offenses:

(a) Any sex offense for which the person is required to register as a sex offender under California Penal Code section 290 (last 10 years);

(b) Arson offenses—Violations of Penal Code Sections 451—455 (last seven years); or

(c) Violent felonies, as defined in Penal Code section 667.5, which involve doing bodily harm to another person (last 10 years).

(d) The unlawful sale or furnishing of any controlled substances (last seven years).

(4) Any owner/operator or staff person is on parole or formal probation supervision on the date of the submittal of the application or at any time thereafter.

(5) The owner/operator accepts residents, other than a house manager, who are not disabled as defined by the FHAA and FEHA.

(6) A special use permit for a sober living home shall also be denied upon a determination, and if already issued, any transfer shall be denied or revoked, upon a hearing, by the Director that any of the following additional circumstances exist:

(a) Any owner/operator or staff person of a sober living home is a recovering drug or alcohol abuser and upon the date of application or employment has had less than one full year of sobriety.

(b) The owner/operator of a sober living home fails to immediately take measures to remove any resident who uses alcohol or illegally uses prescription or non-prescription drugs, or who is not actively participating in a legitimate recovery program from contact with all other sober residents.

(c) The sober living home, as measured by the closest property lines, is located within 500 feet, or 1000 feet if in an RR zone, of any other sober living home or state licensed alcoholism or drug abuse recovery or treatment facility. If a state-licensed alcoholism or drug abuse recovery or treatment facility moves within 500 feet, or 1000 feet in an RR zone, of an existing sober living home this shall not cause the revocation of the sober living home's permit or be grounds for denying a transfer of such permit.

(7) For any other significant and/or repeated violations of this section and/or any other applicable laws and/or regulations, including, but not limited to, failure to comply with the provisions of subsections (A)(10) through (13).

(8) Revocation shall not apply to any group home, which otherwise would cause it to be in violation of this section, that has obtained a reasonable accommodation pursuant to Chapter 16.73 of this Code.

C. Compliance

(1) Existing group homes must apply for a special use permit within 90 days of the effective date of this section.

(2) Group homes that are in existence upon the effective date of this section shall have one year from the effective date of this chapter to comply with its provisions, provided that any existing group home, which is serving more than six residents, must first comply with the six-resident maximum.

(3) Existing group homes obligated by a written lease exceeding one year from the effective date of the ordinance, or whose activity involves investment of money in leasehold or improvements such that a longer period is necessary to prevent undue financial hardship, are eligible for up to one additional year's grace period pursuant to Director approval."

SECTION 2. Paragraph I of Section 16.44.150 of the Murrieta Municipal Code is replaced, in its entirety, to read as follows:

"I. Rooming and Boarding House. A rooming and boarding house as defined in Chapter 16.110 of this title, may be established only upon approval of a conditional use permit for six (6) or fewer occupants, and shall be prohibited for more than six (6) occupants subject to the following standards (Short-Term Vacation Rentals that are regulated separately fall outside of this criteria. See, Chapter 5.27 (Short-Term Vacation Rentals) of the Murrieta Municipal Code for further criteria on these uses):

1. Filing Requirements. In addition to the regular application information, the application for a conditional use permit for a rooming and boarding house shall include the following information:

- a. Any proposed restrictions or limitations on the resident profile, such as men only, women only, families with children, elderly or special needs;
- b. The number of rooms to be used for sleeping purposes, and the maximum number of residents including on-site management staff, if any; and
- c. Any proposed limitations on the maximum stay for each resident.

2. Site Location Criteria. In evaluating a proposed rooming and boarding house the following criteria shall be considered:

- a. Compatibility of the proposed use with neighboring uses;
- b. Whether the use will result in harm to the health, safety or general welfare of the surrounding neighborhood, and substantial adverse impacts on adjoining properties or land uses will not result;
- c. The proximity of the use to shopping and services, and access to public transportation; and
- d. To avoid an over-concentration of rooming and boarding houses there shall be a minimum separation requirement of five hundred (500) feet, measured from the nearest outside

building walls, between the subject use and any other rooming and boarding home or other group housing as defined in this title or in state law.

3. Development Standards. Any rooming and boarding house shall comply with the following:

a. Structures and landscaping shall be compatible with the character of the surrounding neighborhood;

b. Sufficient on-site parking shall be provided (the precise number of parking spaces required will be determined by the approving authority based on the operating characteristics of the specific proposal);

c. Both indoor and outdoor open areas shall be provided on site;

d. All setback standards of the underlying zone shall be met; and

e. Signs as permitted in Chapter 16.38.

4. Notification. Notification of the conditional use permit public hearing shall be done in accordance with Chapter 16.52 of this title.

5. Existing Facilities. Upon the expiration of any conditional use permit, an existing rooming and boarding house or sober living home must comply with the requirements of this Section 16.44.150.

6. Changes to Operation. Any change in operating conditions from what was originally approved and imposed by the city, including, but not limited to, the number of occupants or residents, or any modifications to the conditions of approval pursuant to the required conditional use permit, shall require the immediate submittal of a request for revision of the required conditional use permit.

J. Parolee-Probationer Home. A parolee-probationer home, as defined in Chapter 16.110 of this title, may be established only upon approval of a conditional use permit for six (6) or fewer occupants, and shall be prohibited for more than six (6) occupants subject to the following standards.

1. Filing Requirements. In addition to the regular application information, the application for a conditional use permit for a parolee-probationer home shall include the following information:

a. Client profile (the subgroup of the population the facility is intended to serve);

b. Maximum number of occupants, including support staff;

c. Proposed maximum stay for each parolee-probationer;

d. A description of support services to be provided on-site and projected staffing level, if any;

e. Site plan and floor plans; and

f. Rules of conduct and business management plan.

2. Site Location Criteria. In evaluating a proposed parolee-probationer home, the following criteria shall be considered:

a. Compatibility of the proposed use with neighboring uses;

b. Whether establishment of the facility will not result in harm to the health, safety or general welfare of the surrounding neighborhood, and substantial adverse impacts on adjoining properties or land uses will not result;

c. Facility shall be located along or near a collector or arterial street with reasonable access to public transportation;

d. Facility shall be accessible to necessary support services;

e. To avoid an over-concentration of parolee-probationer homes, there shall be a one thousand (1,000) foot separation requirement as measured from the nearest outside building walls between the subject use and any other parolee-probationer home or other group housing as defined in this title or in state law;

f. To avoid an over-concentration of group housing facilities, there shall be a one thousand (1,000) foot separation requirement as measured from the nearest outside building walls between the subject use and any other group housing set forth in this subsection; and

g. That parolee-probationer homes shall not be located within one thousand (1,000) feet of a public or private school (pre-school through twelfth (12th) grade), student housing, senior housing, child care facilities, public parks and trails, or businesses licensed for on- or off-site sales of alcoholic beverages, as measured from any point on the outside walls of the parolee-probationer home to the nearest property line of the noted use.

3. Development Standards. Any parolee-probationer home shall comply with the following:

a. Facility shall be compatible with the character of the surrounding neighborhood;
b. Sufficient on-site parking shall be provided (the precise number of parking spaces required will be determined by the approving authority based on the operating characteristics of the specific proposal);

c. Both indoor and outdoor open areas shall be provided on site;

d. All setback standards of the underlying zone shall be met;

e. Signs as permitted in Chapter 16.38;

f. On-site staff supervision shall be required for parolee-probationer homes during all hours of operation;

g. Individual client stays at parolee-probationer homes shall not exceed one hundred eighty (180) days; and

h. The facility's management shall participate in any formal residential crime prevention program (i.e., Crime Free Multi-Housing Program) provided by the city and as required under the conditional use permit and, if the program offers certification, then that certification shall be obtained and maintained in current status.

4. Notification. Notification of the conditional use permit public hearing shall be done in accordance with Chapter 16.52 of this title.

5. Existing Facilities.

a. Upon the expiration of any conditional use permit, an existing parolee-probationer home must comply with the requirements of this Section 16.44.150.J.

b. An existing parolee-probationer home established pursuant to any conditional use permit discontinued for any period of time, excluding a maximum thirty- (30-) day closure required to perform necessary repair or restoration which does not increase the square footage of the residence, is deemed abandoned and any subsequent establishment of a parolee-probationer home on the premises shall be required to first obtain a new conditional use permit.

6. Changes to Operation. Any change in operating conditions from what was originally approved and imposed by the city, including, but not limited to, the number of occupants, residents or parolees-probationers, or modifications to the conditions of approval pursuant to the required conditional use permit shall require the immediate submittal of a request for revision of the required conditional use permit.

SECTION 3. Table 16.08-2 of Section 16.08.010 of the Murrieta Municipal Code is replaced, in its entirety, to read as follows:

TABLE 16.08-1 USE TABLE FOR RESIDENTIAL (SINGLE-FAMILY) ZONING DISTRICTS Permit Requirement by District							
Symbol	Applicable Process						See Chapter
P	Permitted Land Use - Compliance with development standards and zoning clearance required						16.74
C	Conditional Use - Conditional use permit required						16.52
"Blank"	Land use not permitted						
Land Use ^{(1) (2)}	RR	ER-1	ER-2	ER-3	SF-1	SF-2	See Standards in Section
Agriculture, Open Space and Resources							
Animal Keeping	P	P	P	P	P	P	16.44.040
Crop Production, Commercial	P	P	P				
Group Homes	P ⁽¹¹⁾	P ⁽¹¹⁾	P ⁽¹¹⁾	P ⁽¹¹⁾	P ⁽¹¹⁾	P ⁽¹¹⁾	16.44.045
Electric Vehicle Charging Stations ⁽⁷⁾	P	P	P	P	P	P	15.63 , 16.34 , 16.44.115
Equestrian Facilities, Commercial	P	P	P	P	P	P	
Kennels Residential/Commercial	P ⁽³⁾						16.44.040 .E. 2.
Nature Preserves	P	P	P				
Plant Nurseries, Commercial	C	C	C				
Open Space	P	P	P	P	P	P	

Wind Conversion Energy Systems (non-commercial)	C						
Communication Facilities							
Satellite Dishes/Antennas	P	P	P	P	P	P	16.44.170A
Wireless Communication Facilities	C	C	C	C	C	C	16.44.170B
Education, Public Assembly and Recreation							
Bingo	C	C	C	C	C	C	16.44.210
Cannabis Cultivation, Processing, Delivery, and Dispensary (Commercial)							
Cannabis Testing Laboratory							
Cannabis Dispensary (Recreational Retail Storefront)							
Medicinal Cannabis Delivery Service (Mobile Activities for Patients and Caregivers)	P	P	P	P	P	P	16.44.250
Medicinal Cannabis Delivery Service (Physical Delivery Logistics Location)							
Churches, places of worship	C	C	C	C	C	C	
Cemeteries, Mortuaries, Crematoriums, Mausoleums	C	C	C				
Golf Courses, Country Clubs, Driving Ranges	C	C	C	C	C		

Private Residential Recreational Facilities	P	P	P	P	P	P	See definition
Schools	C	C	C	C	C	C	
Residential							
Accessory Dwelling Units	P	P	P	P	P	P	16.44.160
Assisted Living/Skilled Nursing	C	C	C	C	C	C	
Bed and Breakfast Inns	C	C	C				
Child Day Care Centers	C	C	C	C	C	C	16.44.050
Home Occupations	P	P	P	P	P	P	16.60.030
Junior Accessory Dwelling Unit	P	P	P	P	P	P	16.44.160
Large Family Day-Care Homes - 9 to 14 children(5)	P	P	P	P	P	P	16.44.050
Manufactured Home (including mobile homes) ⁽⁶⁾	P	P	P	P	P	P	16.44.050
Marijuana Cultivation, Processing, Delivery, and Dispensary							
Medical Marijuana Dispensary							
Medical Marijuana Dispensary, Mobile							
Mobile Home Parks	C	C	C	C	C	C	
Model Homes/Sales Office	P	P	P	P	P	P	
Multi-family Housing						P	

Personal Services (Limited)	P ⁽⁹⁾⁽¹⁰⁾	P ⁽⁹⁾⁽¹⁰⁾	P ⁽⁹⁾⁽¹⁰⁾	P ⁽⁹⁾⁽¹⁰⁾	P ⁽⁹⁾⁽¹⁰⁾	P ⁽⁹⁾⁽¹⁰⁾	See Definition 5.18 , 16.44.270
Residential Accessory Uses and Structures	P	P	P	P	P	P	16.44.150
Residential Care Homes - up to 6 Clients	P	P	P	P	P	P	
Residential Care Homes - 7+ Clients	C	C	C	C	C	C	
Residential Wedding/Event Facilities ⁽⁴⁾	C	C	C				16.44.230
Rooming/Boarding Houses	C	C	C	C	C	C	16.44.150I
Short-Term Vacation Rentals (STVRs) - Hosted ⁽⁸⁾	P	P	P	P	P	P	5.27 and 16.44.260
Short-Term Vacation Rentals (STVRs) - Non- Hosted ⁽⁸⁾	P	P	P				5.27 and 16.44.260
Single-family Homes	P	P	P	P	P	P	
Small Family Day-Care Homes - Up to 8 children ⁽⁵⁾	P	P	P	P	P	P	16.44.050
Supportive Housing	P	P	P	P	P	P	16.44.200
Transitional Housing (including SRO/Efficiency units)	P	P	P	P	P	P	16.44.200

Notes:

(1) See Section [16.04.020](#) regarding uses not listed.

(2) See Article VI for definitions of the land uses listed.

(3) Kennels existing as of January 1, 2014 within the RR zone are a legal-conforming land use and are permitted to continue in operation subject to no changes in the existing operation and/or compliance with the development standards contained in Section [16.44.040](#).E.2.

(4) Minimum five (5) acre property.

(5) Zoning clearance not required.

- (6) Any development standards imposed shall be limited to those specified in state law. See California Code of Regulations, Title 25 (Housing and Community Development), Division 1 for additional details and requirements.
- (7) For EVCS - Subject to the Minor Conditional Use Permit appeal provisions for identified Public Health and Safety issues as described in [Chapter 15.63](#).
- (8) For STVRs - Subject to the Citywide maximum, locational, and operational criteria, as described in [Chapter 5.27](#) and Section [16.44.260](#) of this Municipal Code.
- (9) Limited to a massage accessory use in conjunction with establishment of the following primary uses: assisted living/skilled nursing. No other personal service are permitted. Refer to Section 16.44.270.B.3 (Massage Accessory Use) and [Chapter 5.18](#) (Massage Businesses and Massage Therapists) for additional details.
- (10) Refer to Section [5.18.150](#) (Exemptions) for the types of “Professions and Services” which shall not be classified as a massage establishment.
- (11) Subject to a Special Permit issued pursuant to Section 16.44.045.

SECTION 4. Section 16.110.020 of Chapter 110 of Title 16 of the Murrieta Municipal Code is hereby amended to revise the following definition to read as follows:

“Rooming and Boarding Houses. A residence or dwelling, other than a hotel, wherein three (3) or more rooms, with or without individual or group cooking facilities, are rented to individuals under separate rental agreements or leases, either written or oral, whether or not an owner, agent or rental manager is in residence. Included within the definition of "rooming and boarding house" are parolee-probationer homes as defined herein. Does not include short-term vacation rentals, which are defined under this section and regulated under Chapter 5.27 (Short-Term Vacation Rentals) and Title 16.

SECTION 5. Section 16.110.020 of Chapter 110 of Title 16 of the Murrieta Municipal Code is hereby amended by adding the following definition:

“Group Home. A facility that is being used as a supportive living environment for persons who are considered disabled under state or federal law. A group home operated by a single operator or service provider (whether licensed or unlicensed) constitutes a single facility, whether the facility occupies one or more dwelling units. Group homes include sober living homes but shall not include the following as defined in this code: Assisted Living/Skilled Nursing, Bed and Breakfast Inn, Short-Term Vacation Rental (STVR), Hotel or Motel, Live/Work Facility, Residential Care Homes, Rooming and Boarding Houses, Senior Citizen Congregate Care Housing, Single Room Occupancy (SRO) (also known as an Efficiency Unit), Skilled Nursing-Short Term, Supportive Housing, Transitional Housing and Transitional Housing Development.”

SECTION 6 Section 16.110.020 of Chapter 110 of Title 16 of the Murrieta Municipal Code is hereby amended by revising the following definition to read as follows:

“Residential Care Homes. Facilities providing residential social and personal care for children, the elderly, and people with limited ability for self-care, but where medical care is not a major element. Includes: children’s homes; transitional houses; orphanages; rehabilitation centers; and self-help

group homes. Convalescent homes, nursing homes, and similar facilities providing medical care are included under the definition of “Assisted Living/Skilled Nursing.” This use definition does not include sober living homes or any other facility that meets the definition of a Group Home, whether licensed or unlicensed.”

SECTION 7. This ordinance is exempt from the California Environmental Quality Act (“CEQA”) under Section 15061(b)(3) of the CEQA Guidelines, which provides that CEQA only applies to projects that have the potential for causing a significant effect on the environment. Where, as here, it can be seen with certainty that there is no possibility that the activity in question would have a significant effect on the environment, the activity is not subject to CEQA.

SECTION 8. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of any competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each and every section, subsection, sentence, clause and phrase thereof not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

SECTION 9. This Ordinance shall become effective on the thirty-first (31st) day after its passage and adoption, and within fifteen (15) days after its final passage and the City Clerk shall cause it to be posted and published in a newspaper of general circulation, printed, published and circulated in the City in the manner required by law and shall cause a copy of this Ordinance and its certification, to be entered in the Book of Ordinances of the City.

PASSED AND ADOPTED this ____ day of _____, 2025.

Cindy Warren, Mayor

ATTEST:

Cristal McDonald, City Clerk

APPROVED AS TO FORM:

Tiffany J. Israel, City Attorney

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE)§
CITY OF MURRIETA)

I, Cristal McDonald, City Clerk of the City of Murrieta, California, do hereby certify that the foregoing Ordinance No. 25-_____ was duly passed and adopted by the City Council of the City of Murrieta at the regular meeting thereof, held on the ____th day of _____, 2025, and was signed by the Mayor of the said City, and that the same was passed and adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Cristal McDonald, City Clerk

I, Cristal McDonald, City Clerk of the City of Murrieta, California further certify that Ordinance No. 25-_____ was duly published according to law and the order of the City Council of said City and the same was so published in *Press Enterprise*, a newspaper of general circulation on the following date(s):

Adopted Ordinance: _____, 2025.

In witness whereof, I have hereunto subscribed my name this __ day of _____, 2025.

Cristal McDonald, City Clerk