

FAQ

FREQUENTLY ASKED QUESTIONS REGARDING PROPOSED RESIDENTIAL CARE FACILITY AT 610 DE SALES STREET

At the October 18, 2011 City Council meeting, more than 100 residents came to express their strong concern over news that a residential care facility was being proposed by Key Community Housing at 610 De Sales Street.

Community Development staff met with 13 residents that night to document and further discuss concerns; and identify next steps to be taken. City staff continues to meet with a designated committee of the residents, owners of the house, and State and other regulatory agencies which have a role in permitting of these facilities.

In order to further inform the community, this article seeks to answer frequently asked questions that we are receiving from our residents. The City continues to work with all parties to provide information and resources to secure an outcome acceptable to all parties.

The proposed residential care facility is not sponsored, funded or endorsed by the City. Except as noted below, the City does not have approval authority over this land use because State law pre-empts the City on this issue. At present the City is acting as a neutral third party working with concerned residents and the owners of the home. The owners of the home, which include families of disabled individuals who formed Key Community Housing, are working with all parties.

Q. *What is being proposed at 610 De Sales Street?*

A. The single family residence at 610 De Sales Street has been purchased by Key Community Housing (Key), a private non-profit, who plans to have a residential care facility, providing a home to four developmentally disabled adults who are not able to live without assistance from health care professionals.

Q. *Has the City approved this project already?*

A. No City approvals have been given for this use, but the City is required to treat the use just as if it were a single-family home. State law (Health and Safety Code 1566.3) mandates that cities allow these uses in single-family neighborhoods and apply only those zoning laws that would apply to a single-family home.

Q. *Why wasn't the community informed?*

A. These facilities are regulated under State, not local law, and no notice is required by the State laws that govern these facilities. Once the residents understood what was proposed, they did address the City Council. The City Council designated the Director of Community Development to work with a small group of neighborhood representatives to make sure their concerns were addressed to the greatest extent possible. City staff has met with the residents group and organized a meeting with the different state and local agencies, Key Community Housing and Elwyn, the selected operator. At this meeting, held on November 16th, 2011, the agencies and non-profits attempted to answer all of the many questions raised by the residents. There will likely be further meetings to discuss issues and arrive at possible solutions for the concerns of the residents.

Q. *When will this care facility be operational?*

A. The facility will need building permits as would any other single family dwelling for renovation work. As of November 28, 2011, the owner has not applied. Once the renovation work is completed, the facility will then apply for a license from the State Department of Developmental Services (www.dds.ca.gov) and the Community Care Facilities, Department of Social Services (<http://cclld.ca.gov>). This license will likely be issued in Spring 2012.

Q. *Who will run this facility and how do we know it will be operated well and in accordance with all rules and regulations?*

A. Key Community Housing has selected Elwyn organization to operate the facility. Elwyn is non-profit, multi-state human services organization serving individuals with a wide range intellectual, physical, behavioral and developmental disabilities. Elwyn started on the east coast in the mid-1800s and has extensive experience in running these types of homes (www.elwyn.org).

Q. *Will a facility like this in the community decrease our property values?*

A. The City has requested an independent economic consultant to conduct research into this question.

Q. *What licensing requirements, if any, does the City have for a Residential or Community Care Facility operating in San Gabriel?*

A. Per Health and Safety Code 1566.3, the City is required to treat such facilities, for six residents or less, as residential uses. The City does not license such facilities. See the Community Care Facilities, Department of Social Services website for further information (<http://cclld.ca.gov>).

Q. *How many facilities are there already in San Gabriel and can we ban them?*

A. The City has no discretionary right to approve or deny these types of facilities. They are permitted expressly by the California Health and Safety Code. There are approximately 12

licensed facilities in the San Gabriel zip code area. They are as follows: 6 licensed Residential Care Facilities for the Elderly (RCFE); 1 licensed Group Home for Children (GHC); and 5 licensed Adult Residential Facilities (ARF).

Q. *Does the City have any special building code requirements for a property developed as a Residential or Community Care Facility?*

A. The City, as required by state law, adopted the 2010 California Residential Code. The Code contains Special Provisions (Section R325) for Licensed 24-hour Care Facilities in Group R-3.1 which may be applicable once the actual license is applied for and the operational plan is known.

Q. *Must a Residential or Community Care Facility operating in San Gabriel have a business license? If so, what license(s)? Does Key Community Housing or Elwyn have such a license?*

A. Residential care facilities are not required to obtain a business license.

Q. *What responsibility, if any, does the City have in making sure that Key and Elwyn operate the facility and are in compliance with any applicable licensing requirements?*

A. The City is not the licensing authority and has no jurisdiction to enforce the terms and conditions of licenses issued by other governmental entities. Of course, if there are observed or reported issues with the licensed activities, the City would refer that information to the responsible entities for their investigation and appropriate action.

Q. *If San Gabriel residents have complaints relating to the construction of the property (e.g., permitting or construction issues) or regarding occupancy of the property (e.g., noise, traffic, parking, etc.) to whom should the complaints be directed to?*

A. Construction, building permit and noise issues are within the jurisdiction of the Community Development Department of the City. Any concerned residents can contact the Community Development Department by calling 626 308 2806. Your call will be directed to the correct person, depending on the nature of the request.

Q. *If Key or Elwyn's initial plan for the residence is to have 4 clients occupy the premises and it then changes the plan to have it occupied by 6 clients, is there anything the City can do to stop the expansion?*

A. No, the allowance is for up to six residents per state law. If state licensing authorities approve an operational plan for 4 residents, then an amended application might be necessary. This particular home cannot accommodate more than 4 residents as each resident will have his or her own bedroom. Again, the City is not the licensing authority.

Q. *If Key or Elwyn change their plan to decide to house 4 clients with other disabilities or problems (e.g., Alzheimer, psychiatric, or drug rehabilitation), can the City do anything to stop this?*

A. No, if the proposed licensed use is allowed per the California Community Care Facilities Act or the State Department of Alcohol and Drug programs, then the City must treat the use as a residential use.

Q. *Where can I obtain more information?*

A. For more information concerning Key Community Housing, contact them at (626) 300-8815. Key Community Housing is located at 1000 S Fremont Ave., Alhambra, CA, 91803.

For more information concerning Elwyn, point your browser to www.elwyn.org.

For more information concerning State regulation of these uses, click on <http://cclld.ca.gov>.

For more information concerning actions taken by the residents, please refer to <http://protectsgv.com/>.

For more information concerning Federal and State fair housing laws that govern these activities, go to <http://www.dfeh.ca.gov/Default.htm>.

For more information concerning the City's efforts to work with all parties, developments will be posted periodically at www.sangabrielcity.org. More information may be obtained from the Community Development Department at (626) 308-2806.