



# San Clemente

CELEBRATING 90 YEARS OF INCORPORATION

## OFFICE OF THE MAYOR AND CITY COUNCIL

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## CITY MANAGER

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August 16, 2023

The Honorable Maria Hernandez,  
Presiding Judge of the Superior Court  
Orange County Grand Jury  
700 Civic Center Drive West  
Santa Ana, CA 92701

Subject: Report of the Orange County Grand Jury - "Welcome to the Neighborhood" Are cities responsible managing the integration of group homes?"

Dear Presiding Judge Hernandez,

The City of San Clemente (City) appreciates the time and effort the Grand Jury spent on the development of their report, "Welcome to the Neighborhood" Are cities responsible managing the integration of group homes?

The City Council has reviewed the report and authorized the attached response to the findings and recommendations noted in the report. The City values the opportunity to respond to the report, share our perspective, and provide firsthand knowledge to each of the issues requested by the Grand Jury.

If the City of San Clemente can provide additional information or clarification of our response, please do not hesitate to contact City Manager Andy Hall at [Halla@san-clemente.org](mailto:Halla@san-clemente.org).

Sincerely,

Chris Duncan, Mayor  
City of San Clemente

Enclosure: City of San Clemente's Response to Findings and Recommendations

cc: City of San Clemente Council Members  
Andy Hall, City Manager

City of San Clemente Responses to Finding & Recommendations: 2022-2023 Orange County Grand Jury report, "Welcome to the Neighborhood: Are cities responsibly managing the integration of group homes?"

### **Findings and Responses**

**F1** Group homes too close to one another contribute to the problems associated with overconcentration.

Response - Agree

**F2** Common nuisances are more likely and disruptive when sober living homes are concentrated in a small geographic area of a neighborhood.

Response - Agree

**F3** Some cities have successfully addressed and informed community members about the challenges faced in regulating group homes.

Response - Agree

**F4** Community satisfaction was minimal when cities took the traditional public comment approach towards addressing community complaints.

Response - Agree

**F5** Cities are not utilizing police, fire, and code enforcement complaints as a means of locating and tracking Group Homes.

Response – Disagree wholly with this Findings that implies that the only way to locate and track group home is via complaints, rather than other pro-active methods such as business licensing, which San Clemente requires.

**F6** Cities are inhibited from enacting and enforcing ordinances due to fears over the potential cost of litigation.

Response - Agree

**F7** Several cities have created an ordinance that requires a ministerial permit or registration to operate a group home, however many of these cities do not enforce their ordinances.

Response – Disagree in part with the Finding, in that lack of enforcement does not apply to San Clemente. San Clemente enforces its ordinances.

**F8** City and County officials are deterred from regulating group homes by California Housing and Community Development's housing element approval process.

Response - Agree

**F9** Cities have historically strategized and acted independently in addressing group home challenges and solutions.

Response – Disagree in part with the Finding, as this statement does not apply to San Clemente. San Clemente has consulted and coordinated with other cities to discuss solutions to the challenges faced by the overconcentration of group homes and unlicensed facilities, including exploring best practices and lessons learned, and using that information to develop a successful ordinance.

**F10** Well-operated group homes can integrate smoothly into neighborhoods.

Response - Agree

**F11** There is a lack of regulatory oversight for the health and safety of residents of unlicensed group homes.

Response - Agree

### **Recommendations and Response**

**R1** Orange County cities and the County of Orange should address citizen concerns regarding group homes by providing an opportunity for an open dialog where an interdisciplinary panel of subject matter experts can share with attendees the challenges cities are facing in the management of group homes. To be implemented by July 1, 2024. (F3, F4)

#### **City's Response:**

The Recommendation will not be implemented because it is not warranted at this time. The City of San Clemente does not regulate how group homes are managed. While unlicensed group homes have resulted in a great deal of citizen concerns in the past, through pro-active dialogue with the community, development of ordinances and enforcement of regulations, the City of San Clemente has been able to effectively address the challenges over time. As citizen concerns arise, the City will hold public meetings and forums to educate all members of the community on the topic of group homes.

**R2** By December 31, 2024, Orange County cities and the County of Orange should collaborate in their efforts to create ordinances for the regulation of group homes, including the development of model ordinances. (F6, F7, F9)

#### **City's Response:**

The Recommendation will not be implemented because it is not warranted at this time. San Clemente has already established successful ordinances for the regulation of transitory lodging uses and unlicensed group homes, and does not see the need to expend additional resources for the creation of another ordinance.

**R3** Orange County cities and the County of Orange should pool resources for defense of lawsuits challenging group home ordinances. To be implemented by July 1, 2024. (F6, F8, F9)

**City's Response:**

The Recommendation will not be implemented because it is not warranted at this time. If San Clemente were sued in the same case as the County of Orange and other cities in the County, San Clemente would consider joining in the defense of a lawsuit challenging its group home ordinances.

**R4** The County of Orange and Orange County cities should create a Task Force that includes representatives from OC cities, unincorporated areas, and other entities as appropriate and charge it with the responsibility of developing a plan to generate awareness among State legislators and regulators of the need for improved regulations and management standards to ensure health and safety for Group Home residents. To be implemented by July 1, 2024. (F2, F10, F11)

**City's Response:**

The Recommendation has not been fully implemented, but will be implemented in the future by July 1, 2024. San Clemente intends to in the South Orange County Sober Living and Recovery Task Force.

**R5** Orange County cities and the County of Orange should modify code enforcement report data collection forms to include a searchable field that enables the identification of a residence operating as a group home. To be implemented by July 1, 2024. (F5, F7, F11)

**City's Response:**

The Recommendation will not be implemented because it is not warranted at this time. The City of San Clemente does not need to utilize code enforcement data as a means to track group homes. Licensed group homes of six or fewer are already in the State of California data base. Unlicensed group homes of six or fewer are required to obtain a residential care facility permit from the City. Unlicensed group homes of six or more are required to obtain a boarding house permit from the City.