



**CITY OF HUNTINGTON BEACH
SUPPLEMENTAL COMMUNICATION
Robin Estanislau, City Clerk
Office of the City Clerk**

TO: Honorable Mayor and City Councilmembers
FROM: Robin Estanislau, City Clerk *RE*
DATE: 8/1/2016
SUBJECT: SUPPLEMENTAL COMMUNICATIONS FOR THE AUGUST 1, 2016, REGULAR CITY COUNCIL/PFA MEETING

Attached are the Supplemental Communications to the City Council (received after distribution of the Agenda Packet):

NOTICE OF ABSENCE

Notice of Absence received from Councilmember Erik Peterson requesting permission to be absent pursuant to Resolution No. 2001-54.

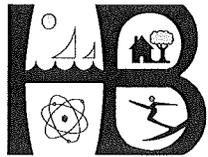
Study Session

SS#1 PowerPoint communication dated August 1, 2016, entitled *Water and Sewer Funds Status*.

SS#1 PowerPoint communication dated August 1, 2016, entitled *FY 2016/2017 Capital Improvement Program*.

SS#2 PowerPoint communication dated August 1, 2016, entitled *Group Homes and Care Facilities in Residential Districts*.

SS#2 1 email communication regarding Sober Living Houses.



CITY OF HUNTINGTON BEACH
City Council Interoffice Communication

To: Honorable Mayor and City Council Members
Attention: Robin Estanislau, City Clerk
From: Erik Peterson, City Council Member
Date: July 28, 2016
Subject: ***NOTICE OF ABSENCE***

I will be absent from the regular City Council Meeting scheduled for August 1, 2016.

Pursuant to City Council Resolution Number 2001-54, and there being no objection, the City Council's permission for this absence shall be expressed in the official minutes of this meeting.

Erik Peterson, City Council Member

xc: Fred Wilson, City Manager
Ken Domer, Assistant City Manager

Water and Sewer Funds Status

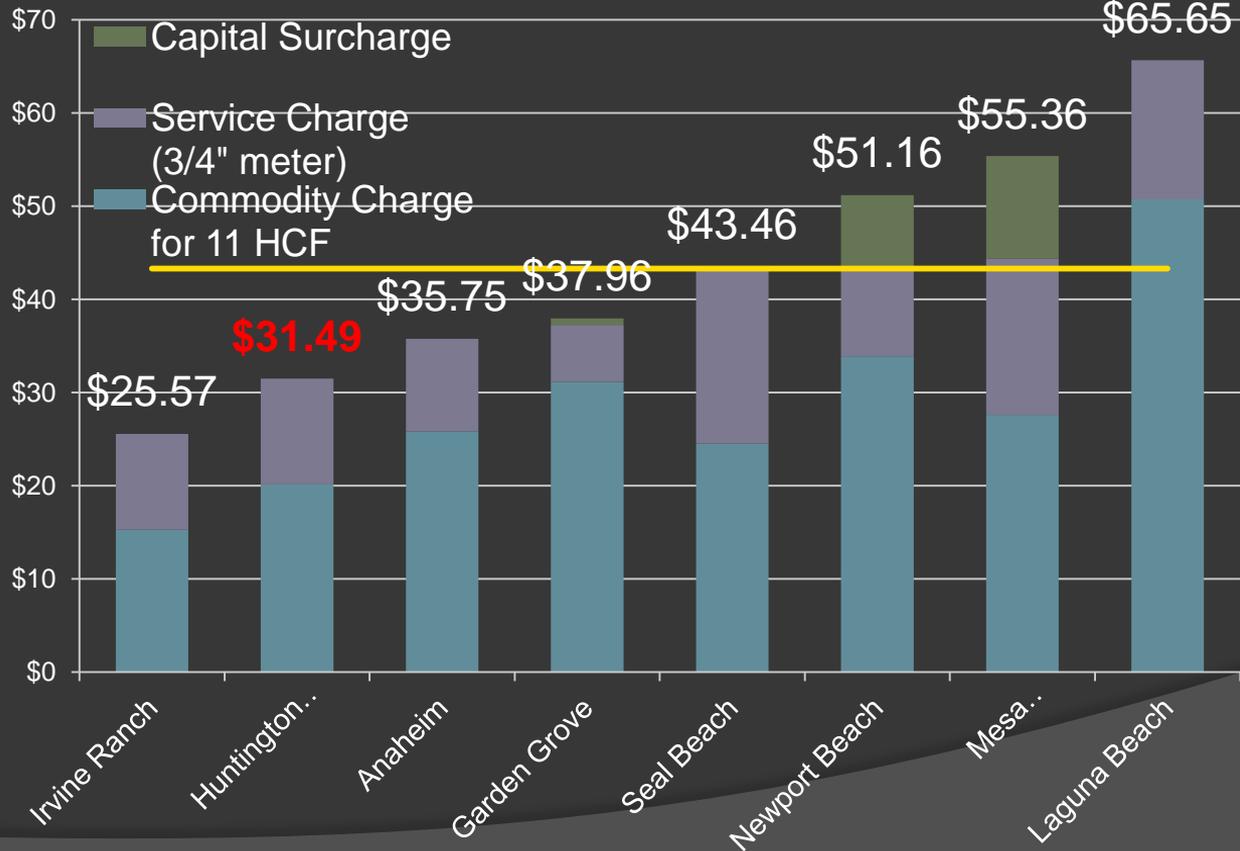
Reserve Policy – Water Fund

- First adopted in FY 14-15
- Operations and Maintenance – 33% of adopted annual budget
- CIP -150% of average annual CIP over 5 years
- Emergency – an amount equal to the estimated cost to replace a groundwater well plus the additional cost of 30 months of imported water

Reserve Policy-Water Fund

- Current reserve requirement is \$25.6M
- Estimated balance for 9/30/16 is \$26.2M
- Estimated balance for 9/30/17 is \$24.3
- The balance has been trending down –
9/30/14 - \$31.8M, 9/30/15 \$29.9M

Regional Bill Comparison (3/4" Meter) - 11 HCF (AVERAGE MONTH)



Water Master Plan Fund

- Used to fund capital projects
- Originally adopted in 1995 – surcharge “sunsetting” in 2006
- The water system is in need of capital improvements
- New Master Plan is under development to address capital needs

Capital Improvement Needs

- ① Water Well Replacements
- ① Water Main Replacements
- ① Water Quality Treatment Systems
- ① Cathodic Protection of Imported Transmission Main Water Lines

Reserve Policy-Sewer Service Fund

- Current reserve requirement is \$9.7M
- Estimated balance for 9/30/16 is \$19.9M
- Estimated balance for 9/30/17 is \$21.4
- 1 sewer lift station replacement per year for the next 10 years and annual sewer lining

Summary

- Review of Water Rate Structure to address reserves
- New Water Master Plan to address infrastructure replacement needs

Questions?

CITY OF HUNTINGTON BEACH PUBLIC WORKS DEPARTMENT



FY 2016/2017

CAPITAL IMPROVEMENT PROGRAM (CIP)



15/16 MAJOR ACCOMPLISHMENTS

◎ FACILITIES

- Senior Center in the Park - \$18M
- ON TIME AND UNDER BUDGET





15/16 MAJOR ACCOMPLISHMENTS

◎ FACILITIES

- Acquired Navy ROW for future water facilities and multi use trail
- Reroofed 1st floor of City Hall
- Reinsulated duct work at City Hall
- Renovated Heil Fire Station
- Renovated portions of main promenade parking structure downtown
- Dredged Huntington Harbour near Yacht Club

15/16 MAJOR ACCOMPLISHMENTS

- Heil Fire Station



- Downtown Parking Structure Rehabilitation



15/16 MAJOR ACCOMPLISHMENTS



● Harbour Dredging





15/16 MAJOR ACCOMPLISHMENTS

◎ STREETS

- Rehab 4 miles of arterials
 - Main/Lake/Indianapolis/Nichols/Gothard/Center
- Overlay 8 miles of residential streets in Zone 12
- Slurry 7 miles of residential streets in Zone 12
- New ADA ramps in Zone 12
- Traffic signal modifications for intersections throughout the City

15/16 MAJOR ACCOMPLISHMENTS

◎ SEWER

- Completed Trinidad Lift Station





15/16 MAJOR ACCOMPLISHMENTS

◎ WATER

- Completed Urban Water Management Plan
- Constructed Security improvements to Well 5
- Completed design to drill 2 new wells
 - Well 1 replacement and new Well 14
- Constructed Huntington Harbour waterline across main channel to Trinidad Island

15/16 MAJOR ACCOMPLISHMENTS

Well 5 Security Improvements

Before



After





FY 16-17 CIP Budget

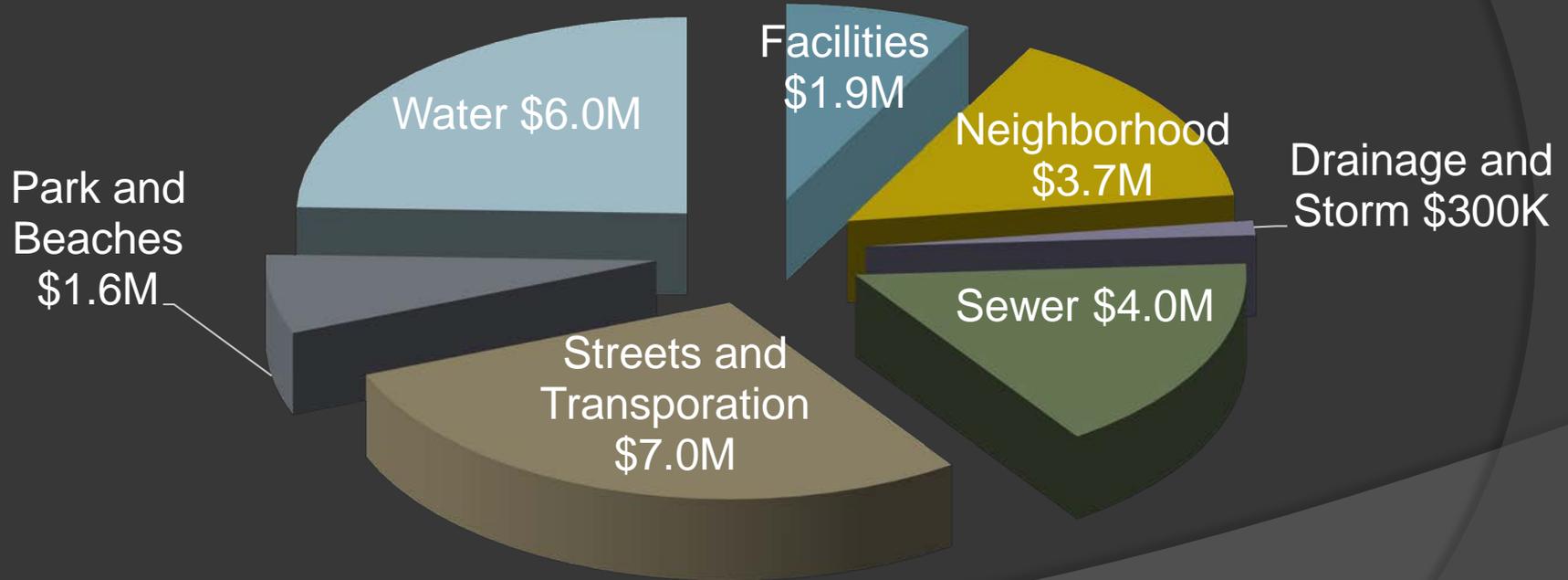
➤ Budget

➤ New Appropriations:	\$24.4M
➤ Continuing Appropriations:	<u>\$ 6.0M</u>
Total	\$30.4M

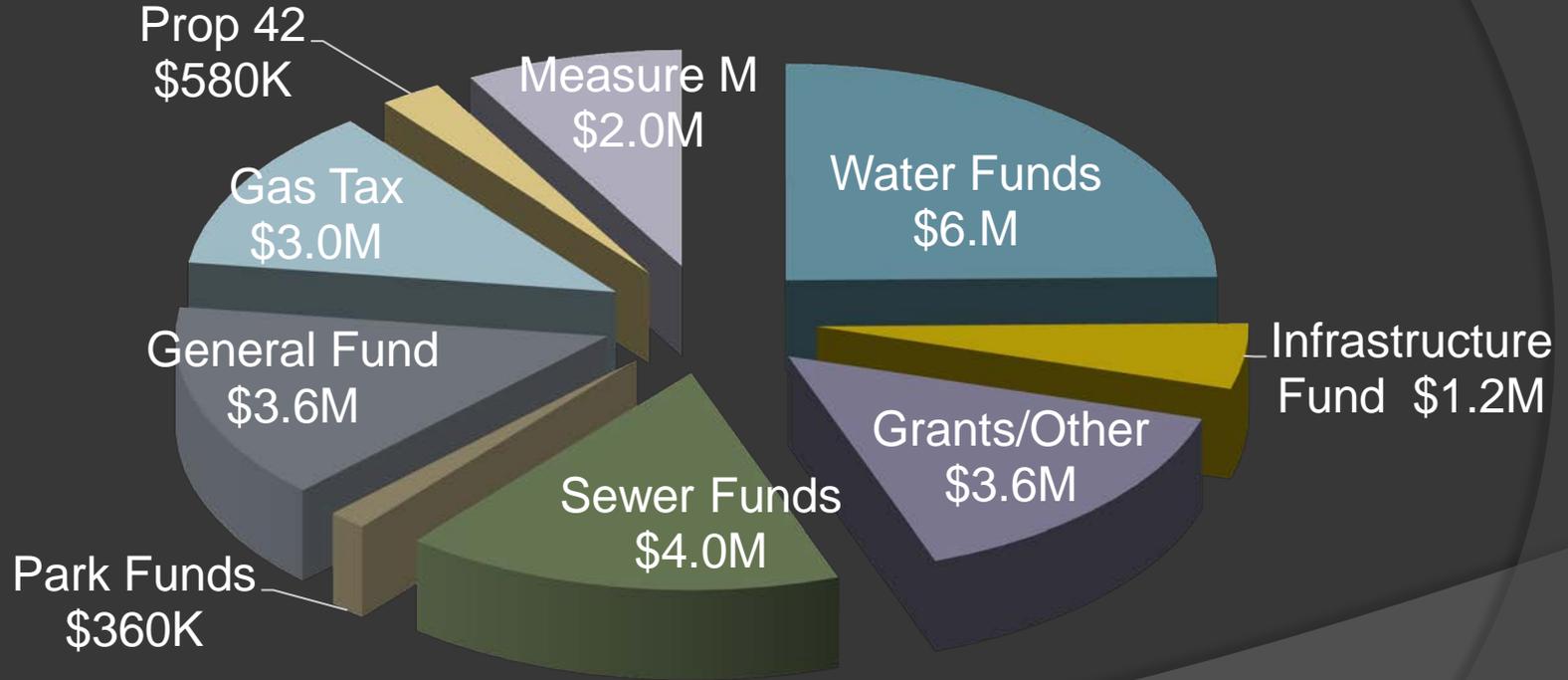
➤ Funding sources include:

- General Fund
- Enterprise Funds (*Water and Sewer*)
- Special Revenue Funds (*Measure M, Gas Tax, Prop 42, AQMD, Park*)
- Grants (*Federal, State, & OCTA*)

CIP Funding by Category (new appropriations)



CIP Funding Sources (new appropriations)

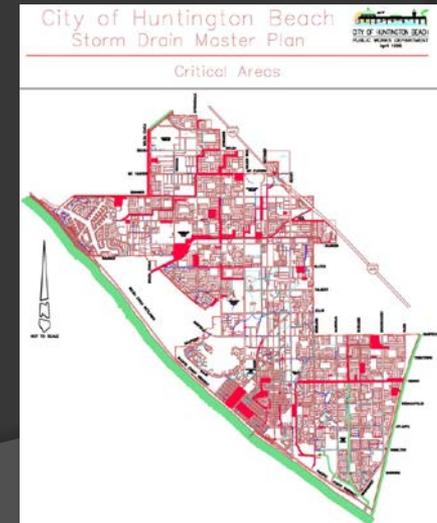


Drainage & Storm Water \$300k



Fact-PW maintains over 130 miles of storm drain lines and 15 pumps stations

- ❖ Drainage Master Plan
- ❖ Last update in 2005.



Facilities \$2.0M

Fact-PW maintains over 2.5 million square feet of facilities such as City Hall, libraries, fire stations, community centers, senior centers, etc.

- ❖ Beach Emergency Alerting System (Design) \$75k
- ❖ E.O.C. Renovation \$60k
- ❖ Council Chambers A/V and Remodel \$180k
- ❖ Main Promenade Parking Structure \$300k

Facilities (Cont.)

❖ Police Lobby Security Improvements	\$100k
❖ Police Lower Level Renovation (Design)	\$200k
❖ New Police Gun Range (Design)	\$300k
❖ Police Dept. HVAC	\$270k
❖ Various Roof Replacements	\$435k

Neighborhood \$3.6M

Fact– PW maintain over 320 miles of residential streets

- ❖ Residential Curb Ramp Zone 10 \$450k
- ❖ Residential Overlay Zone 10 \$2.28M
- ❖ Residential Tree Petition Operetta Dr. \$600k
- ❖ Concrete Replacement \$250k

Before



After



Parks and Beaches \$1.4M



Fact– PW maintains over 70 parks and 760 acres

❖ 1 st & Atlanta Parking Lot	\$500k
❖ Beach Service Rd. Rehabilitation	\$150k
❖ Bartlett Park	\$100k
❖ Edison Park Playground	\$110k
❖ Murdy Park Sports Field (Design)	\$50k
❖ Central Park Tot Lot	\$85k

Parks and Beaches (Cont.)



- ❖ Ex-Navy Rail to Bike/Pedestrian Trail \$35k
- ❖ Harbour Trash Skimmers \$97k
- ❖ Central Park East Rehabilitation \$200k
- ❖ H.H. Beaches -Sand Replenishment \$200k

Sewer Improvements \$4.0M

Fact– PW maintains 360 miles of sewer lines and 28 lift stations

- ❖ Sewer Lift Station Improvements \$3.5M
 - ❖ Edgewater LS Construction
 - ❖ Slater LS Design
- ❖ Sewer Lining – Various Locations \$450k



Sewer Lining



Sewer Lift Station

Streets & Transportation \$8.1M

Fact - PW maintains over 100 miles of arterial streets and over 150 signalized intersections and 3,700 street lights

- ❖ Arterial Rehabilitation \$4.4M
- ❖ Bridge Rehabilitation \$1.1M
- ❖ Utica Bicycle Boulevard \$684k

Arterial Rehab – Before

Arterial Rehab – After



Streets & Transportation

(Continued)

❖ How are we doing?

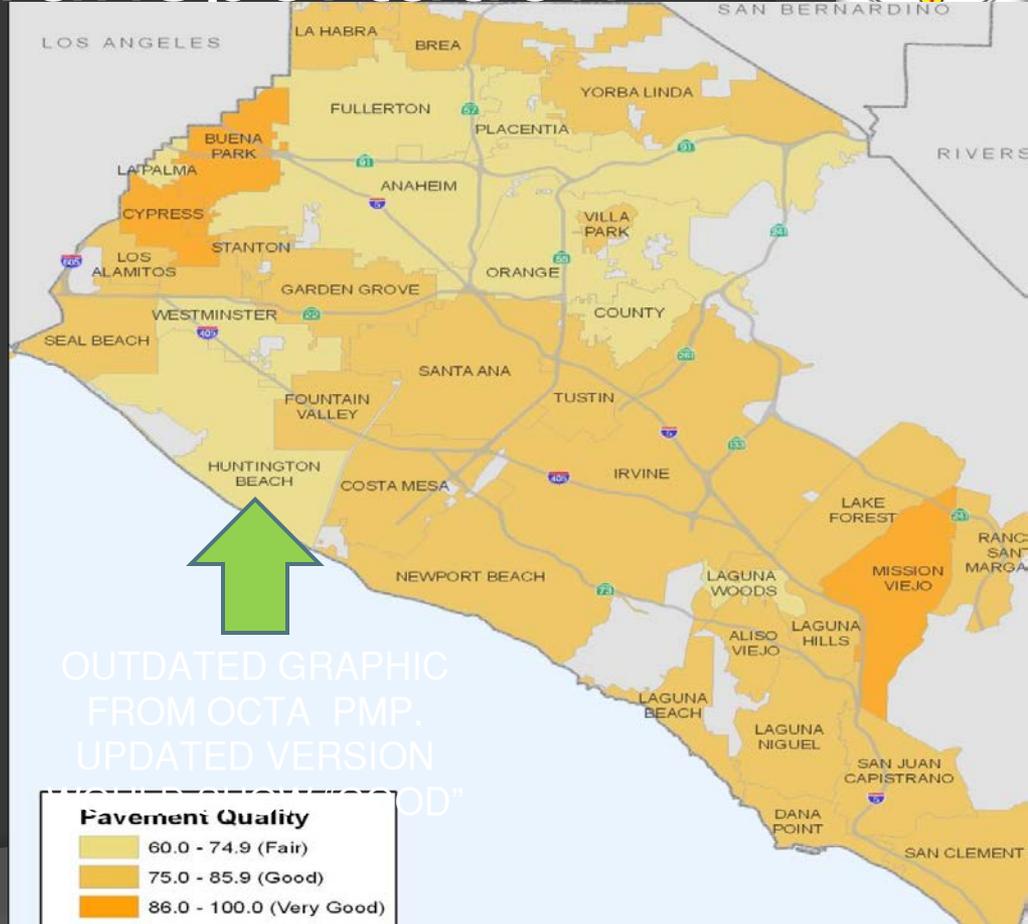
Condition	PCI Range	MPAH	Locals	Total Mi.	% of Network
Very Good	(86-100)	45.7	135.8	181.5	38%
Good	(75-85)	49.7	59.7	109.4	23%
Fair	(60-74)	42.7	52.2	94.9	20%
Poor	(41-59)	17.9	43.9	61.8	13%
Very Poor	(0-40)	11.7	26.9	38.6	8%
		167.7	318.5	486.2	

Rank	Fiscal Year						
	2003	2006	2008	2010	2012	2014	2016
MPAH	54.1	64.2	69.7	73.4	76.4	76.5	74.7
Local	68.1	64.0	62.6	71.6	72.1	78.7	77.6
Citywide	63.1	64.1	65.1	72.3	73.5	77.9	76.7

Streets & transportation

How does our PCI compare to the rest of the County?

Overall County = 77.8
 City = 76.7



OUTDATED GRAPHIC FROM OCTA PMP. UPDATED VERSION "OD"

Pavement Quality	
Light Yellow	60.0 - 74.9 (Fair)
Orange	75.0 - 85.9 (Good)
Dark Orange	86.0 - 100.0 (Very Good)

Streets & Transportation (Cont.)

❖	Traffic Signal Projects	\$330k
	▪ Brookhurst/Indianapolis	\$60k
	▪ Main/Florida	\$265k
	▪ Nichols/Warner (Design)	\$5k
❖	Traffic Signal Synchronization	\$1.56M
	▪ Brookhurst	\$833k
	▪ Magnolia	\$724k
❖	Central Park Light Poles (Design)	\$10k
❖	Downtown Street Lighting (Design)	\$50k



Water Improvements \$6.0M

Fact – PW delivers over 9.5 billion gallons of water/year (72% from our 10 wells) and maintain 650 miles of pipeline, 4 reservoirs and booster stations

- | | |
|-----------------------------|--------|
| ❖ Corrosion Control | \$55k |
| ❖ Water Distribution Imp. | \$810k |
| ❖ Water Production Imp. | \$110k |
| ❖ Water Facilities Security | \$25k |



Water Improvements (continued)

❖ Water Main Replacement	\$1.4M
❖ Peck Reservoir Dual Drive	\$1.3M
❖ Well No. 9 Treatment	\$600k
❖ New Well No. 14	\$400k
❖ Well No. 1 Replacement	\$1.3M

Unfunded/Deferred Project List

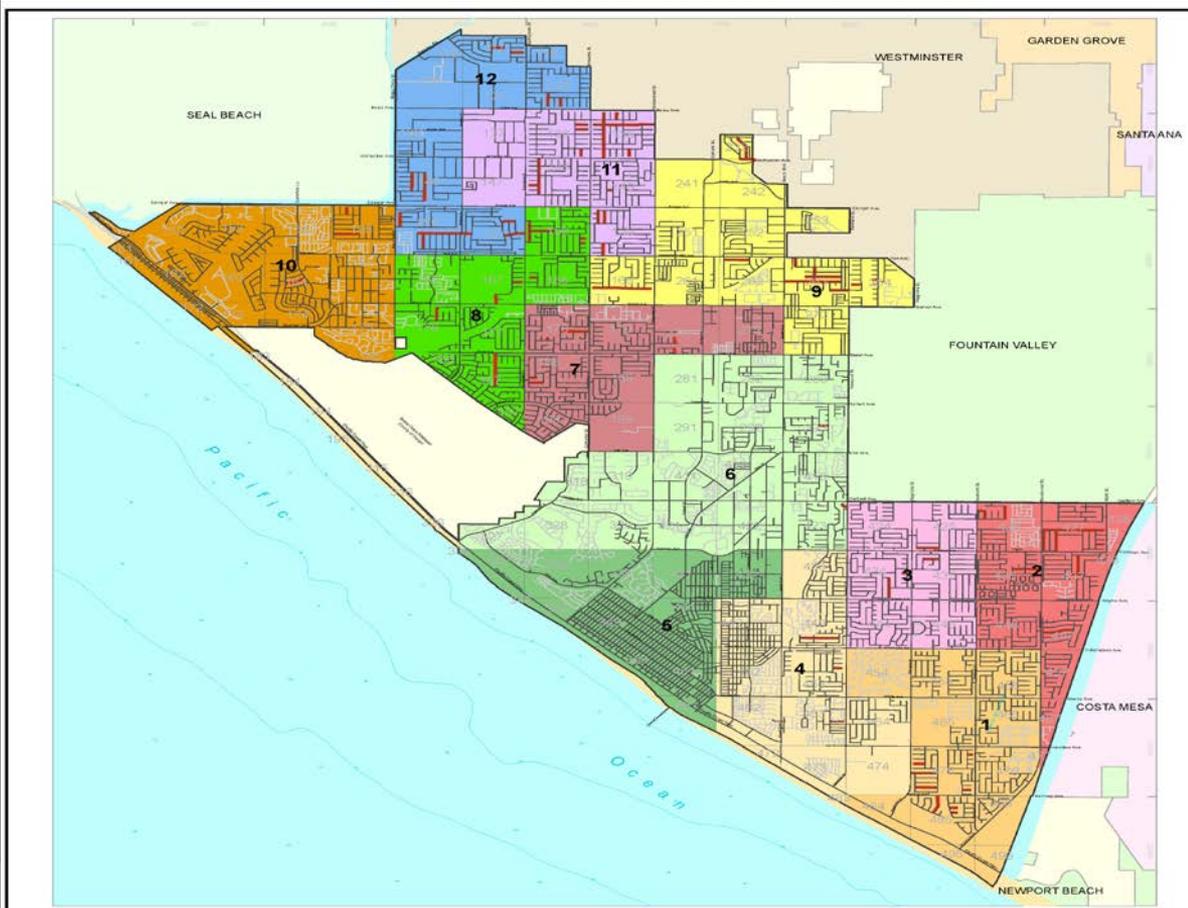
- ❖ Total of \$55 million in project needs
 - ❖ Drainage/Stormwater \$9M
 - ❖ Facilities \$8M
 - ❖ Neighborhood \$8M
 - ❖ Parks and Beaches \$18M
 - ❖ Streets and Transportation \$12M

Budget-CIP Timeline/Next Steps

- ❖ Public Works Commission recommended CIP to Council June
- ❖ GPC finding by Planning Commission July
- ❖ City Council Study Session Tonight
- ❖ Budget Study Session September
- ❖ Budget Public Hearing September
- ❖ Budget approved September

THANK YOU
QUESTIONS?

Maintenance zones



Public Works Maintenance Zones *City of Huntington Beach*



Maintenance Zone / Year

- Zone 1 / TBD
- Zone 2 / TBD
- Zone 3 / TBD
- Zone 4 / 2011-12
- Zone 5 / TBD
- Zone 6 / TBD
- Zone 7 / 2012-13
- Zone 8 / 2014-15
- Zone 9 / TBD
- Zone 10 / TBD
- Zone 11 / 2013-14
- Zone 12 / 2015-16

- Public Streets
- Other Streets
- Tree Policies

- City Boundary
- Harbor/Channel/River
- Streets
- Reporting District Boundaries
- Facilities
- Water Street Project
- Water Cycle Benefits
- Maintenance Zone Numbers



GROUP HOMES AND CARE FACILITIES IN RESIDENTIAL DISTRICTS

City Council Study Session
August 1, 2016

Council Request – H Item #1

- Staff was asked to review current statutes and other regulations relative to the operation of community-based alcohol and drug recovery facilities and sober living homes.

Legislation & Litigation

- The regulation of residential use with regard to group homes and care facilities is an active area of local legislation, attempt to regulate
- There are a number of surrounding cities with regulatory schemes that are currently under challenge (by lawsuit) and judicial scrutiny
- Many judicial outcomes/determinations still unknown

Legislative History

- Substance Abuse and Crime Prevention Act – Proposition 36
- Community Care Facilities Act



Definitions

- ⦿ Community Care Facility – a facility where non-medical care and supervision are provided for children or adults in need of personal services.
- ⦿ Group Home – The licensed group home is defined as a facility of any capacity which provide 24-hour nonmedical care and supervision to children in a structured environment.

Definitions

- Drug & Alcohol Recovery or Treatment Facility – any premises, place, or building that provides 24-hour residential nonmedical services to adults who are recovering from problems related to drug, alcohol, and drug misuse or abuse, and who need alcohol, drug, or alcohol and drug recovery treatment or detoxification services.

Definitions

- Sober Living Home – provides a substance free, mutually supportive living environment for adults recovering alcoholics and drug addicts.

Definitions

- Integral Facilities – 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.

Types of Facilities



Community Care Facilities

- These facilities are licensed by the Community Care Licensing Division of the State Department of Social Services
- Provide 24-hour non-medical residential care to children and adults with developmental disabilities who are in need of personal services, supervision, and/or assistance essential for self-protection or sustaining the activities of daily living.

Group Homes

- Group homes provide the most restrictive out-of-home placement option for children in foster care.
- Provide 24-hour nonmedical care and supervision to children in a structured environment, with such services provided at least in part by staff employed by the licensee.

Residential Drug & Alcohol Rehabilitation Facility

- Licensed by the State of California
Department of Health Care Services
- Facilities that serve six or fewer persons
that provide residential non-medical
services to adults who are recovering
from problems related to alcohol or
drugs.

The Law, Regulations – Some Known Legal Limits

- Residential, not Commercial
- Zoning regulations must be non-discriminatory under FHA, ADA, and FEHA

Applicable Law on Homes with 6 and under

- Sober Living Homes and Drug Rehab Facilities are considered “residential” and not “commercial”
- Health and Safety Code, Section 11834.23.
 - (a) Whether or not unrelated persons are living together, ***an alcoholism or drug abuse recovery or treatment facility that serves six or fewer persons shall be considered a residential use of property*** for the purposes of this article. In addition, ***the residents and operators of the facility shall be considered a family*** for the purposes of any law or zoning ordinance that relates to the residential use of property pursuant to this article.

Homes with 7 or more

- While the State licenses residential facilities of seven members or more, cities have some discretion to impose use conditions and require permits on the larger ADP-licensed facilities. (ADP refers to the California Department of Alcohol and Drug Programs)

Case Law: No Discrimination

- The Federal Fair Housing (“FHA”) and Americans with Disabilities Acts (“ADA”), and the California Fair Employment Housing Act (“FEHA”) **prohibit enforcement of zoning ordinances which discriminate against equal housing opportunities for the disabled.**
- **Individuals in recovery from drug and alcohol addiction are defined as disabled under the FHA.** (See, *Pacific Shores Properties, LLC v. City of Newport Beach* (9th Cir. 2013) 730 F.3d 1142, 1156-57, and *U.S. v. Southern Management Corp.* (4th Cir. 1992) 955 F.2d 914, 921.)

Case Law: No Discrimination Cont.

- Consequently, ***cities may not enforce zoning regulations that treat sober living facilities differently than other similar uses in single-family residential zones.***
- Further, when requested in individual cases, cities must grant “reasonable accommodations” to their zoning so that the disabled will have an equal opportunity to enjoy the housing of their choice. (*wi v. Town of Carefree* (9th Cir. 2008) 518 F.3d 1109, 1119; *City of Edmonds v. Oxford House, Inc.* (1995) 514 U.S. 725, 729.)

Sober Living Homes of 6 and Under

- ⦿ Do not require a license.
- ⦿ In order to be classified as a sober living home, no treatment can be given onsite. If treatment is given onsite, the home is a recovery or treatment facility operating without a license.
- ⦿ Services are not provided on-site but residents may engage in self-help individually or with others.
- ⦿ Sober living homes are classified as “households” or “single housekeeping units”

Police Department Response

Enforces the following sections of the Municipal Code:

- Section 8.40 Noise Control
- Section 10.40 General Parking Regulations
- Section 17.10.050 – Nuisance Designated

Code Enforcement Response

Enforces the following sections of the Municipal and Zoning Code:

- Section 8.40 Noise Control
- Section 10.40 General Parking Regulations
- Section 17.10.050 – Nuisance Designated
- Section 17.040.020 – Construction Without Permit
- Section 210.04 – Land Use Controls
- Section 17920.3 Health & Safety Code

Fire Department Response

- Health and Safety Code Section 13235*
 - the local fire enforcing agency shall conduct a pre-inspection of the facility prior to the final approval.

*Does not apply to Sober Living Homes

How are Other Cities Regulating (Over Six Occupants)?

- Costa Mesa
- Newport Beach
- San Juan Capistrano
- San Clemente



Council Request – H Item #2

- Conduct the necessary research to explore options available to the City to require residential properties providing recovery, health, and/or medical services (for rent(s) and/or fee(s)) to comply with all applicable State and Federal laws (including ADA requirements for the disabled).

State/Building Codes vs. ADA

- ⦿ The City does not have the authority to enforce the ADA on behalf of the federal government.
- ⦿ However, the City has adopted numerous uniform codes, such as the Uniform Building Code. Often times these uniform codes contain design and construction standards that provide accessibility for disabled persons. Design and construction under State and local codes complies with the ADA only when the codes provide accessibility that equals or exceeds the ADA requirements.

State/Building Codes vs. ADA Cont.

- These codes are found in Title 17 of the Huntington Beach Municipal Code and include the Uniform Building Code, Housing Code, Mechanical Code, Plumbing Code, the International Fire Code, and many others.
- The enforcement of these uniform codes is the responsibility of the City - usually through plan reviews and building inspections. Effective enforcement of local uniform codes that include accessibility standards can mitigate the need for federal enforcement by ensuring that new or altered buildings are accessible to the disabled.

Questions?

Esparza, Patty

From: Surf City Pipeline [noreply@user.govoutreach.com]
Sent: Monday, August 01, 2016 11:20 AM
To: CITY COUNCIL; Agenda Alerts
Subject: Surf City Pipeline: Comment on an Agenda Item (notification)

Request # 27010 from the Government Outreach System has been assigned to Agenda Alerts.

Request type: Comment

Request area: City Council - Agenda & Public Hearing Comments

Citizen name: John Grace

Description: I am writing in support of Sober Living Houses within residential zoned areas. I believe that they are a great community resource and part of a larger effort to treat the substance abuse and homelessness that are affecting our communities.

While I do agree that there needs to be a mechanism to force compliance with community standards on noise, parking and resident's behavior it seems to me that we do this with the CUP on commercial businesses elsewhere and that this is a good way to regulate these businesses as well. I encourage you to not proceed the way Costa Mesa did and eliminate SLH's but to proactively address citizen concerns with the owners and residents through the permit process.

Thank you.

John Grace
6232 Larchwood Dr
92647-2306

714-903-9282

Expected Close Date: August 2, 2016

[Click here to access the request](#)

Note: This message is for notification purposes only. Please do not reply to this email. Email replies are not monitored and will be ignored.

**SUPPLEMENTAL
COMMUNICATION**

Meeting Date: 8/1/16

Agenda Item No. OS#2