

# COMMUNITY ZONING

*Solutions for Treatment Expansion Project (STEP)*

*A Guide to Siting  
a Residential  
Alcohol and  
Drug Treatment  
Facility*



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**T**his booklet is one in a series of four guides to establishing an alcohol and drug treatment facility in a community. The publications were developed by the Solutions for Treatment Expansion Project of the Institute for Public Strategies. Funding and support were provided by the County of San Diego Health and Human Services Agency, Alcohol and Drug Services.

To request additional copies of booklets in this series, or for more information, call (619) 474-8844, e-mail [info@publicstrategies.org](mailto:info@publicstrategies.org) or write to IPS at 148 E 30th St., Suite B, National City, CA 91950. The booklets can also be viewed and downloaded at [www.publicstrategies.org](http://www.publicstrategies.org).



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## ***Introduction***

Treatment for alcohol and drug problems is necessary and important in every community. Yet efforts to establish treatment centers often face local opposition and the public outcry of “NIMBY” — “Not in My Back Yard.”

This booklet is part of a series of guides to community change that address the elements in siting an alcohol and drug treatment facility in a community. It’s designed to demystify the process for individuals and groups working toward that goal, outlining the steps to obtain the needed permit or zoning variance in a neighborhood.

The guides are based on the four integrated components of the Environmental Change Model: applied research and data collection, which includes the research, assessment and planning essential in developing an overall strategy (“Community Zoning”); defined policy, which drives the process to create community change (“The Political Process”); community organizing, the effort to build support among community members and organizations (“Gaining Community Allies”); and media advocacy, a tool used to elevate the issue on the public agenda through the use of data, authentic spokespersons and clear, consistent messaging (“Media Access and Advocacy”).

A thorough planning process will help you decide whether to take on a task, how it should be done and when to implement the actions that will lead to your goal. Each of the supporting strategies should be aligned with the goal of siting a residential treatment facility. Therefore, the plan needs to be flexible, timely and woven into the fabric of the overall plan to maximize results.

## ***Treatment Programs As Good Neighbors***

Treatment is a cost-effective way to help persons suffering from the disease of addiction to become productive members of society. An extensive study funded by the California Department of

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Alcohol and Drug Programs showed that each dollar invested in a treatment program saves the community four to seven dollars, mostly due to reductions in crime and emergency medical care.

For the most part, community resistance to new treatment facilities stems from a lack of understanding about the disease model and the treatment process as well as fear of the following: reduction in property values; parking, noise and traffic problems; outsiders entering the community; and possible safety risks.

The benefits of having a residential treatment facility as a neighbor can be promoted to help overcome the fears of community members. Research on existing treatment facilities in San Diego County shows that they are among the best-kept buildings in their neighborhood — and actually stabilize property values. As drug-free islands of sobriety, they also include a strong neighborhood watch component and contribute to neighborhood maintenance.

Licensed treatment facilities are closely regulated, requiring standards for staffing ratios and supervision and abstinence from alcohol and drug use. They're prohibited by regulation from being a neighborhood nuisance, and noncompliant participants are immediately removed. Licensed facilities are also held to a high community standard and are backed by public oversight.

The NIMBY response is usually strongest during the initial siting of a treatment facility and the program start-up. That's why it's important to understand the local planning process and to develop a comprehensive strategy for locating your program. Overlooking steps in the process to obtain a conditional use permit can be costly and can set back your effort.



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## ***Developing a Strategy***

The comprehensive, proactive and collaborative approach advocated in this guide requires a solid strategic plan. Your plan should incorporate all four components of the Environmental Change Model. The initial step — and the focus of this booklet — is to use research, assessment and planning in siting a facility.

First establish a development team made up of key staff, local advocates, community leaders and other stakeholders who will support your goal. This group's initial meeting should assess the applying organization's reputation, opposition, capacity to build community support, experience working with the political process and ability to work with the media. It's also important to know what local government approvals are required, who the gatekeepers and key decision-makers are and what process, criteria and timeline must be followed.

Next assess the neighborhood for the proposed facility, including history, problems, organizations and financial and political assets. Learn the local government's stance on the location of treatment facilities, and its understanding of your issue and your organization. What specific concerns might neighbors have about a treatment center in their community? Have there been prior attempts to obtain a conditional use permit (CUP) at the site? Evaluate the potential for organized opposition to your project.

Based upon those assessments, your group should determine potential supporters and opponents, and anticipate legal issues and media coverage. Timing is also critical and must be determined with people who know local politics and the community. Set a timeline and plan ahead for staffing, funding and site selection needs.

Establish who will do what, when, how and with whom. But build some flexibility in the plan, since you'll probably need to adapt to some changes as you go along. Draw on the collective experience of others to gain insight into building community support.

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Opposition can often be reduced or eliminated by choosing the right location. Among the issues to consider and research in site selection:

- Anticipate potential problems. Look for the area with the least opposition.
- Review the neighborhood for possible sites. Discover who lives there and what businesses, schools or organizations are nearby.
- Consider all your options. What would you be willing to compromise?
- Assess the competition. Are other organizations vying for the same location?
- Avoid a site that will require rezoning.
- Contact your local planning board early in the process.
- Design your facility to blend into the neighborhood.

## ***Act Locally, Think Regionally***

Treatment providers have long been left to face NIMBY-ism alone as a local program issue. It would be more effective to develop a regional strategy among treatment organizations such as the Alcohol and Drug Service Providers Association (ADSPA) and other supporting groups. This would apply pressure on local governments to provide needed services in their communities.

An understanding of the community zoning process is needed upfront. The effort to obtain a single conditional use permit for a facility should contribute to a larger countywide campaign to improve the political climate for alcohol and drug residential treatment facilities and services throughout the region.

One concept gaining popularity in San Diego County calls for specific criteria in the CUP process for residential treatment facilities. Such a system could level the playing field for CUP review by local planning departments. Criteria for issuing CUPs for treatment centers could include: the applicant's demonstrated experience in other locations, including letters of support and a history of complaints (and resolutions); annual review by city; parking needs; and the potential noise and traffic impact on the

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neighborhood. Licensing and certification within one year of operation can also be required.

## *The ABCs of CUPs*

A conditional use permit establishes certain criteria or conditions that must be met for a program to operate in a specific zone. There are several steps in obtaining a CUP:

1. Application for CUP through the local planning department
2. Staff level review
3. Planning Commission hearing
4. Appeal to the City Council or Board of Supervisors

Organizations must file for a CUP through the planning department. The application is then submitted to the Planning Commission with

recommendations from the assigned planner for approval of the CUP. This process usually involves a public hearing. The decision of the Planning Commission can be appealed to the local City Council or Board of Supervisors.



**A conditional use permit establishes certain criteria or conditions that must be met.**

If the location selected for the alcohol and drug facility does not meet the existing zoning criteria, the organization must apply for a zoning variance. This process is similar to obtaining a CUP, but it requires an amendment to the city's General Plan. Zoning variances may take more time and are more expensive than CUPs.



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## *Obtaining a Local Use Permit*

A program administrator or director should follow certain steps to obtain a local use permit. The first step is simply to learn the process involved. This should be done before a site is selected and prior to meeting with the local planning department. Administrators often enter the process with little knowledge about local requirements and procedures. The experience of working with a city planner and all the laws involved can be overwhelming if you are not prepared.

Most cities have downloadable planning forms and information on their websites. The Planning Department can be contacted for more information. It's also helpful for an administrator to sit in on a CUP hearing — ideally for an alcohol and drug treatment facility — to become more familiar with the process.

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**Learn the process involved prior to meeting with the local planning department.**

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If you're working with a realtor, he or she should have the exact zoning requirements. Otherwise, the Planning Department can provide this information. The city's zoning ordinance outlines what the property can be used for and what is allowed with a CUP.

Included in the zoning ordinance is a section describing categories for property use. It's important to identify which category matches your program. Most city planning departments do not list alcohol and drug facilities as a specific category, so you should be familiar with the alternate definitions that closely match your program and know the land use requirements. If you are not prepared to discuss the best category for your program, the decision will be left up to the discretion of the local planner.

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## ***Developing Support for Your Program***

Obtaining a CUP requires political support — support from the planning department and from the community. Program directors and supporters should meet with local policymakers to gain their support by presenting their program and showing how it will benefit the community. (“The Political Process” provides an in-depth guide to developing political support.)

It’s important to work with the local planning department throughout the process. The planner assigned to your permit process will be making a recommendation to the Planning Commission on your permit. In addition, the planner might address the types of conditions required for siting your program. You should convey to the planner the attributes of the services you provide, your successful track record and how your treatment center will make the neighborhood a better place. Remember that achieving a positive recommendation from the planning department can go a long way to receiving the approval of the Planning Commission.

Winning neighbors’ approval for your CUP is imperative. All neighbors within a certain range of your property line (usually 300 to 500 feet) will receive notice of the public hearing on your application. This is a great opportunity to have program staff meet with neighbors adjacent to the proposed site. They should be prepared to discuss your organization’s attributes and explain that residents of treatment programs are supervised and have a history of being good neighbors.

The hearing is a good time to dispel any apprehensions and fears that residents might have. Building support early through community outreach can minimize opposition to the placement of an alcohol and drug treatment facility in their neighborhood. (Additional information on building local support for the siting of your program can be found in the booklet titled “Gaining Community Allies.”)

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## ***The Role of the Media***

Building political and community support for your organization's quest to place a residential treatment facility can be enhanced through strategic newsmaking. The strategic planning process should address when to best seek media coverage for your issue. The positive aspects of citing your program in the community can be demonstrated through opinion editorials, letters to the editor, feature stories, radio talk programs and television coverage.

You should first research the issue of establishing a residential treatment facility in a community and develop responses to common NIMBY complaints. Also document your organization's successes working in other communities. This information can be compiled in a journalistic news release and be made available to the media when the timing is right.

Establishing a diverse group of authentic spokespersons from the community and providing them with clear and concise talking points to respond to the media will insure an accurate message reaches the intended audience. To learn more about how to make news, read the booklet on "Accessing the Media".

## ***The Application Process***

The CUP application asks for information on your organization, the zoning of the location, the plans for the property and the proposed use of the property. In most cases the local planner will complete the application with the information you provide, but it might also be your responsibility.

All documentation and personal contact with the planner reflects on your agency and your application and should be presented in a high degree of professionalism. This is your chance to present your organization and its services in a positive way. Marketing your agency to the public is your responsibility, and it can influence the permit process. Remember that the planner will be making a recommendation to the Planning Commission on whether to approve your CUP.

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The complexity of the permit application varies from city to city. In the City of San Diego, a general application is used for all permits. Even though the information is available on the city's website, completing the application can be challenging. The City of El Cajon has a specific application for a conditional use permit that is five pages long and provides a checklist for additional information and requirements.

A CUP application can cost between \$1,000 and \$5,000, depending on the local jurisdiction and additional permit requirements for the specific property. (If the permit is granted, some local governments return the application fee to nonprofit organizations.) Some organizations hire a consultant specializing in land use and planning issues: a consultant can file the permit application and be available to answer technical questions at the public hearing.

## ***Reviewing (and Learning from) Your Progress***

The implementation of your overall strategic plan should be reviewed constantly. Every step of the process should be evaluated and the plan adjusted based on new circumstances and information. Debriefing at various stages of the process allows you to learn from miscalculations and mistakes — and then to adjust your plan accordingly to get back on track.

Documenting all the steps of your planning and implementation process of obtaining a conditional use permit provides a useful history of what worked and what missed the mark. Such a reference can serve as a field laboratory from which to learn and show others what contributed to your failure or success.

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