



City of Costa Mesa Inter Office Memorandum

ATTACHMENT 5

YH-1

Received
City of Costa Mesa
Development Services Department

JUN 08 2015

TO: CITY COUNCIL AND PLANNING COMMISSION
CC: TOM HATCH, GARY ARMSTRONG, AND CLAIRE FLYNN
FROM: WILLA BOUWENS-KILLEEN, ZONING ADMINISTRATOR
DATE: APRIL 23, 2015
SUBJECT: ZONING ADMINISTRATOR DECISION(S)

This is to advise you of the following decision(s) made by the Zoning Administrator within the last week. The decision(s) will become final unless a member of the Planning Commission or City Council requests a review of the decision(s) or an interested party files an appeal by 5:00 p.m. on April 30, 2015. Project descriptions have been kept brief for this notice. As a result, there may be details to the project or conditions of approval that would be of interest to you in deciding whether to request a review of a decision. Please feel free to contact me by e-mail at willa.bouwens-killeen@costamesaca.gov if you have any questions or would like further details.

ZA-15-01

657 WEST 19TH STREET

Minor conditional use permit to deviate from parking requirements for a group counseling use (Solid Landings) in a 6,710 square foot building (67 on-site spaces required; 29 on-site spaces provided) based on unique operating characteristics.

Approved, subject to conditions of approval.

Comments received: Two against.

ZA-15-04

1630 AND 1640 SUPERIOR AVENUE

Planned Signing Program for a freestanding sign across a private street (Commercial Way) with the support structures on two private properties on either side of the street. The sign is proposed at a height of 29 feet (7 feet maximum height allowed) and area of approximately 48 square feet

Withdrawn.

Comments received: Ten in support.
Seven against.

-49-
BOTH MOREHART PROPERTIES
WHY APPROVED ???

City of Costa Mesa
(714) 754-5182

From: Susan James-Iwamoto [mailto: [REDACTED]]
Sent: Tuesday, April 14, 2015 11:54 AM
To: ARMSTRONG, GARY
Subject: Re: Mesa Arts District - Planning Commission

Hi Gary,

The issue we would like to discuss with the Planning Commission is much bigger than #ZA-15-04. Why did Righermer suggest we not burden staff with this, and take it directly to the Planning Commission? We are trying to act upon his advise and need your guidance on the best way to do this.

It is about the "Mesa Arts" District and about the City wanting "Service Based" industries in the Industrial Zoned Westside, as per John Morehart. (Did you get a copy of the April 7th letter to Council with John Morehart's Craigslist Ads?) Clearly he has some insight with the City that we don't - and we are confused since none of this is consistent with the general plan or the vision statement prepared between the council and planning commission.

There has been no zoning or code enforcement actions against any of the uses he has implemented or intends to implement based upon his Ads, leaving us to believe that his current and proposed uses are approved by the City, just as he claims in his Ads.

The impact on Parking in the Westside Triangle is the greatest concern and increased pedestrian activity without any crosswalks is also concerning. Maybe if you could come out and meet with us, and walk the area with us so that your staff will have some insight about what is happening in the Westside Triangle - is that possible?

Thank you,
Susan Iwamoto

From: "ARMSTRONG, GARY" <GARY.ARMSTRONG@costamesaca.gov>
To: Susan James-Iwamoto [mailto: [REDACTED]]
Cc: "FLYNN, CLAIRE" <CLAIRE.FLYNN@costamesaca.gov>; "BOUWENS-KILLEEN, WILLA" <WILLA.BOUWENS-KILLEEN@costamesaca.gov>

Sent: Tuesday, April 14, 2015 10:06 AM
Subject: RE: Mesa Arts District - Planning Commission

Ms. Iwamoto,

As I indicated the pathway to get this on the Planning Commission Agenda is to appeal the Zoning Administrator's decision following April 23. You have one week to file an appeal with the City Clerk's Office following the Zoning Administrator's review.

This issue was not on the City Council's Agenda and thus there was no formal discussion or action by the City Council. Although a Council Member may have given his opinion on the issue, that does not automatically elevate the issue to the Planning Commission Agenda.

Gary

Gary Armstrong, AICP
Economic and Development Services
Director / Deputy CEO
City of Costa Mesa
(714) 754-5182

From: Susan James-Iwamoto [mailto: [REDACTED]]
Sent: Tuesday, April 14, 2015 8:52 AM
To: ARMSTRONG, GARY
Cc: FLYNN, CLAIRE; BOUWENS-KILLEEN, WILLA
Subject: Re: Mesa Arts District - Planning Commission

How does our group get on the Planning Commission Agenda?

Last council meeting Jim recommended we take this "controversial" matter to the Planning Commission rather than deal with this through staff. Please advise.

Thank you,
Susan Iwamoto

From: "ARMSTRONG, GARY" <GARY.ARMSTRONG@costamesaca.gov>
To: Susan James-Iwamoto [REDACTED]
Cc: "FLYNN, CLAIRE" <CLAIRE.FLYNN@costamesaca.gov>; "BOUWENS-KILLEEN, WILLA" <WILLA.BOUWENS-KILLEEN@costamesaca.gov>
Sent: Tuesday, April 14, 2015 8:16 AM
Subject: RE: Mesa Arts District - Planning Commission
Ms. Iwamoto,

The Zoning Administrator's review was continued until April 23. Following that there is a one week appeal period, wherein the Zoning Administrator's decision may be appealed to the Planning Commission.

Gary
Gary Armstrong, AICP
Economic and Development Services
Director / Deputy CEO
City of Costa Mesa
(714) 754-5182

From: Susan James-Iwamoto [mailto:[REDACTED]]
Sent: Monday, April 13, 2015 7:35 PM
To: ARMSTRONG, GARY
Subject: Mesa Arts District - Planning Commission

Dear Mr. Armstrong,

Last week on the 9th the Zoning Administrator was to make a decision on the "Mesa Arts" District Sign to cross Commercial Way.

* Many of the neighbors did not receive public notices on this matter, and we understand from City Council that this matter is deemed "controversial" and should be taken up with the Planning Commission.

Would you please advise me on how to get on the Planning Commission Agenda, and what the current status is for Application #ZA-15-04?

Thank you,
Susan Iwamoto
[REDACTED]

----- Forwarded Message -----

From: City of Costa Mesa Administrator <webmaster@costamesaca.gov>
To: [REDACTED]
Sent: Wednesday, April 8, 2015 12:41 PM
Subject: City of Costa Mesa: April 13 Planning Commission meeting agenda now available
Visit the link below to read this on our website.

<http://www.costamesaca.gov/index.aspx?page=40&recordid=1990>

April 13 Planning Commission meeting agenda now available

Posted Date: 4/8/2015

The agenda and staff reports for April 13 Planning Commission meeting are now available [here](#).

To change your eSubscriptions preferences, click the following link:

<http://38.106.5.76/index.aspx?page=27&subscriberguid=190bc2f6-c2b8-4f9f-a257-aa54cedecf10>

To unsubscribe from all City of Costa Mesa eSubscriptions, please click the following link:

<http://38.106.5.76/index.aspx?page=27&subscriberguid=190bc2f6-c2b8-4f9f-a257-aa54cedecf10&unsubscribe=1>



Costa Mesa
PUBLIC RECORDS REQUEST

FOR OFFICE USE ONLY
RECEIVED
CITY CLERK
15 APR 29 PM 12:19

CITY OF COSTA MESA
City Clerk's Office

The City of Costa Mesa is committed to open and transparent government. The City Clerk's Office is responsible for the care and custody of all official records for the City of Costa Mesa, and strives to provide prompt and efficient access to public records to the citizens it serves.

In accordance with the California Public Records Act (California Government Code § 6250 et seq.), the City has **ten (10) calendar days** to respond, once your request is received. Some records may not be subject to disclosure under the Public Records Act, however you will be notified either way.

If the City determines that the documents you have requested are subject to disclosure, you will be notified of any cost associated with production and a date they will be ready for viewing.

PLEASE NOTE: Generally, costs for black and white 8 1/2" x 11" are ten (10) cents per page, as well as electronic documents if the record must be scanned. Fees vary for Police and Fire Incident reports, as well as other types of documents.

PLEASE COMPLETE THE FOLLOWING:

Name: Ann Parker Daytime Phone Number: (949) 642-6908
 Mailing Address: 2021 Alise
 City: Costa Mesa, State: Ca Zip Code: 92627
 Email Address: _____

PLEASE E-MAIL WILL PICKUP PLEASE MAIL

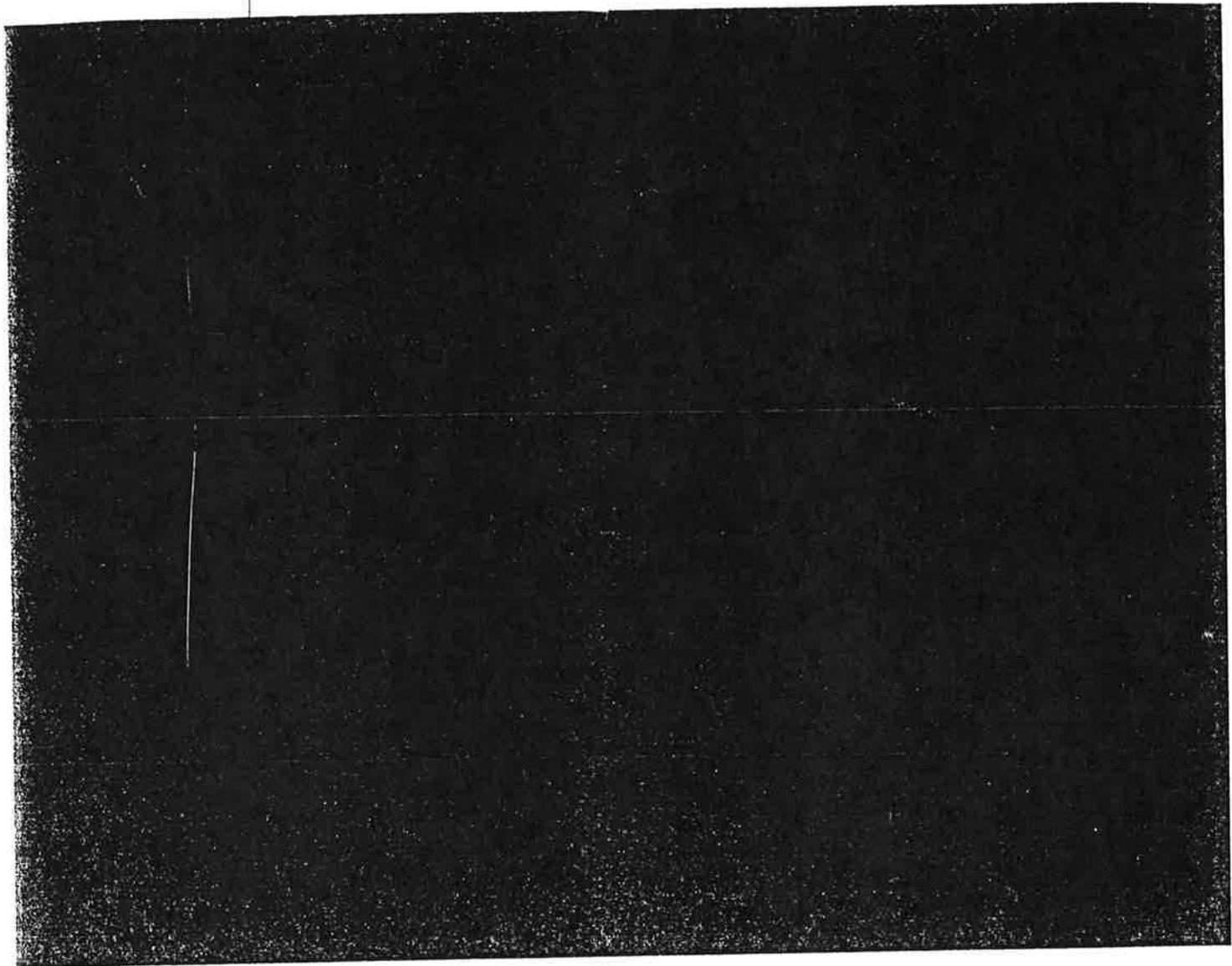
PLEASE DESCRIBE THE NATURE OF THE DOCUMENTS YOU ARE REQUESTING AND PLEASE BE AS SPECIFIC AS POSSIBLE:

RUSH All correspondence among
Dept Heads (Fire Inspector * Etc
Hatch, Camino, Murrey, Tucker
and Emails to Planning Commission
and City Council
why able to operate 6 months w/o permits.

Norman
AP-15

Ann Parker
Signature

April 28 2015
Date



From: LEE, MEL
Sent: Wednesday, November 19, 2014 10:24 AM
To: GUARRACINO, JERRY
Subject: FW: Zoning Verification Letter to Solid Landings at 657 West 19th

Jerry –

Rene opened the case in late September 2014 (see below). I visited the site and confirmed they were operating there on 10/30/14, the day Claire and I met with them to discuss their CUP application.

Mel

From: LEE, MEL
Sent: Thursday, October 30, 2014 3:41 PM
To: FLYNN, CLAIRE
Subject: RE: Zoning Verification Letter to Solid Landings at 657 West 19th

FYI –

Willa already opened a CE case on this.

Mel

From: GUARRACINO, JERRY
Sent: Tuesday, September 23, 2014 2:19 PM
To: ASHABI, MINOO; LEE, MEL; GARDEA, ANTONIO; CRAGER, CHELSEA; MONTEMAYOR, JOSHUA
Cc: ARMSTRONG, GARY; FLYNN, CLAIRE; BOUWENS-KILLEEN, WILLA
Subject: FW: Zoning Verification Letter to Solid Landings at 657 West 19th



Planners: Please be aware that there is a Drug and Alcohol Counseling Center trying to get permits and business license to operate at 657 West 19th Street, see email train below. They are grossly under-parked for this use and would need a Minor CUP to operate in this location. Just want to remind staff to be aware of this situation in case they go planner shopping at the Counter. If you have any questions please feel free to contact me for more information.

Thanks,

Jerry Guarracino, AICP
 Assistant Director
 Community Improvement Division
 77 Fair Drive
 City of Costa Mesa, CA 92626
 Office (714) 754-5631 | Cell (951) 544-5379
jerry.guarracino@costamesaca.gov

From: MACIAS, RENE
Sent: Tuesday, September 23, 2014 1:45 PM
To: BOUWENS-KILLEEN, WILLA
Cc: GUARRACINO, JERRY
Subject: RE: Zoning Verification Letter to Solid Landings

I spoke with Solid Landings accounting who said they submitted a business license Friday. I told her that they needed to see planning. See case CD-14-0466 on permits plus. Nov was issued.

Rene Macias
 Code Enforcement Officer
 77 Fair Drive
 Costa Mesa CA, 92626
 Ph (714)754-5168 Fax (714)-754-4856

From: BOUWENS-KILLEEN, WILLA
Sent: Friday, September 19, 2014 10:28 AM
To: MACIAS, RENE
Cc: GUARRACINO, JERRY
Subject: FW: Zoning Verification Letter to Solid Landings

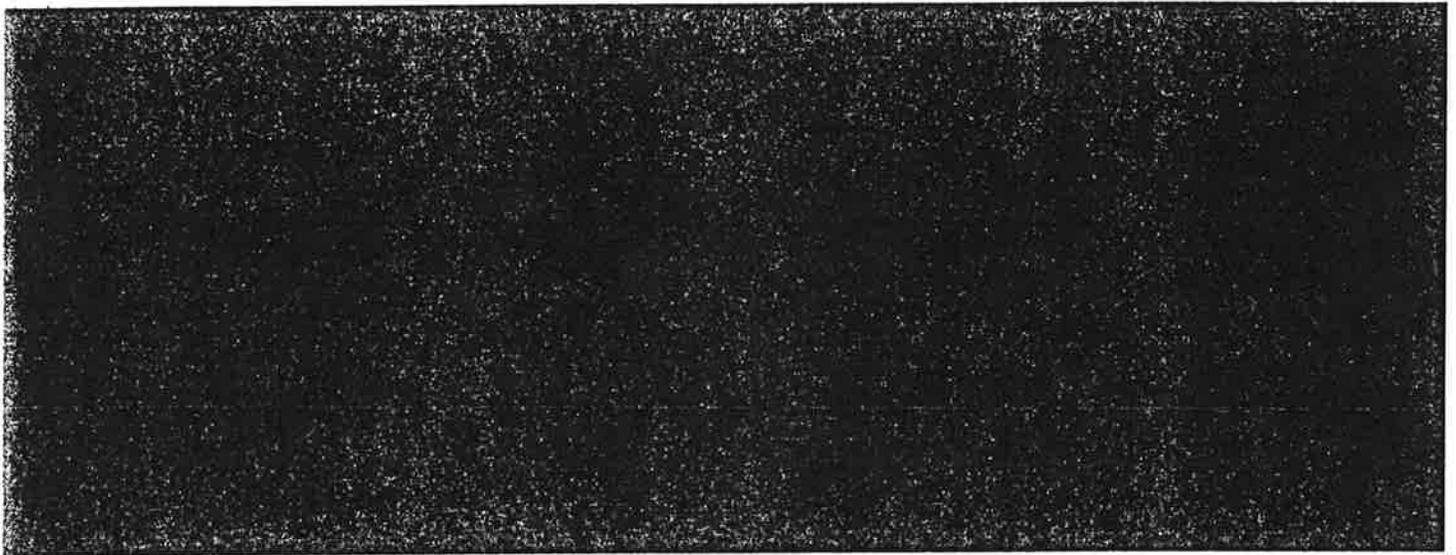
Rene,

Please see below and open a case.

Thanks!! Willa

From: GUARRACINO, JERRY
Sent: Friday, September 19, 2014 10:11 AM
To: MONTEMAYOR, JOSHUA; BOUWENS-KILLEEN, WILLA
Cc: FLYNN, CLAIRE; ARMSTRONG, GARY
Subject: FW: Zoning Verification Letter to Solid Landings

★ Willa – Please open a Code Enforcement case for this counseling center, it opened without adequate parking (see attached letter). They need to relocate or apply for a Minor CUP. Before they decide to file the Minor CUP Application they may want to meet with planning to discuss why they think a Minor CUP should be supported. On the surface I don't see the application being supported, as we have told two other recent applicants for similar uses. I would be happy to participate in that meeting.



Thanks,

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Assistant Director
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City of Costa Mesa, CA 92626
Office (714) 754-5631 | Cell (951) 544-5379
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From: MONTEMAYOR, JOSHUA
Sent: Thursday, September 18, 2014 4:06 PM
To: GUARRACINO, JERRY
Subject: Zoning Verification Letter to Solid Landings

Hi Jerry,

We spoke last week about 657 West 19th and the possibility of Group Counseling already being held on the premises. Solid Landings requested a Zoning Verification Letter for the property and I wanted to forward it to you to take a look at it before I sent it out.

Some background that I have gathered about the site:

Building is 6,792 square feet, zone R-1, currently 13 total parking spaces—a minor CUP will be needed.

Solid Landings claim they already have a business license to operate, but I double checked with Finance and there is none.

They hold group sessions with 6-8 members who are either taken to the site via carpool, or walk from the neighborhood where their rehab house is located.

Please let me know if you have any questions! Thanks!!—Josh

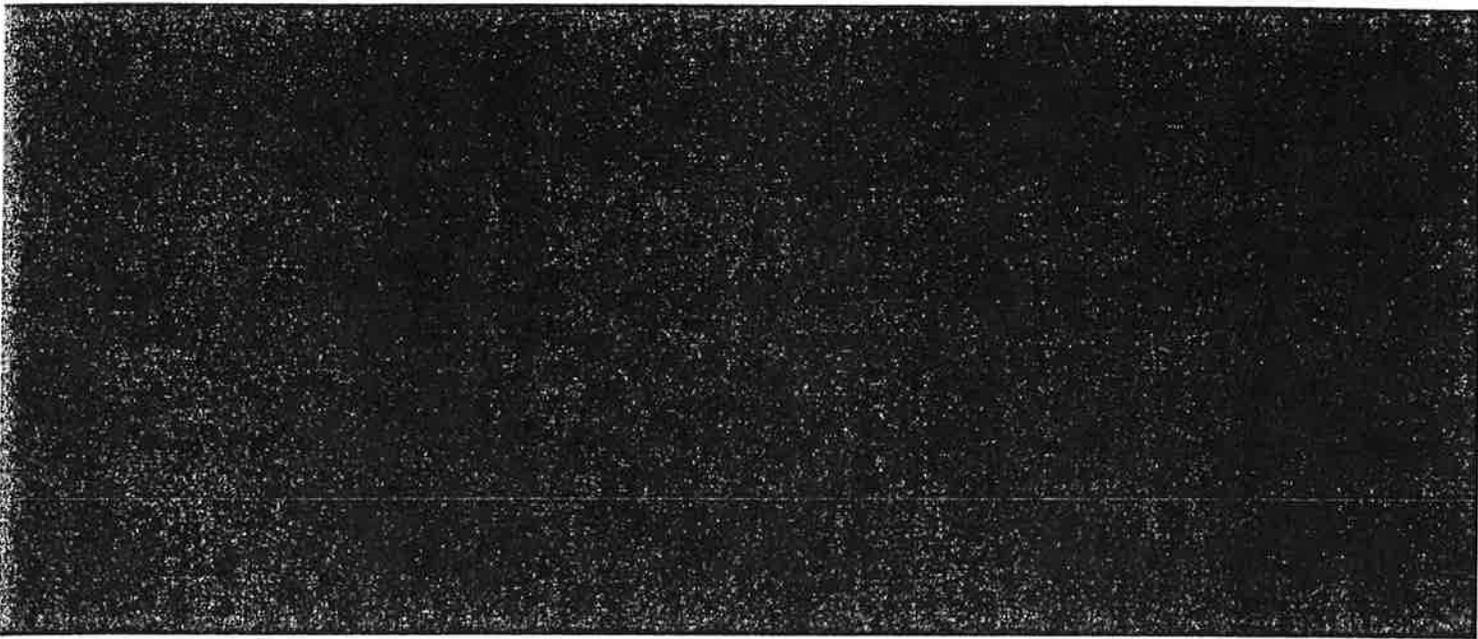
Joshua Montemayor

Planning Technician

City of Costa Mesa

T: 714-754-5608

Joshua.Montemayor@costamesaca.gov



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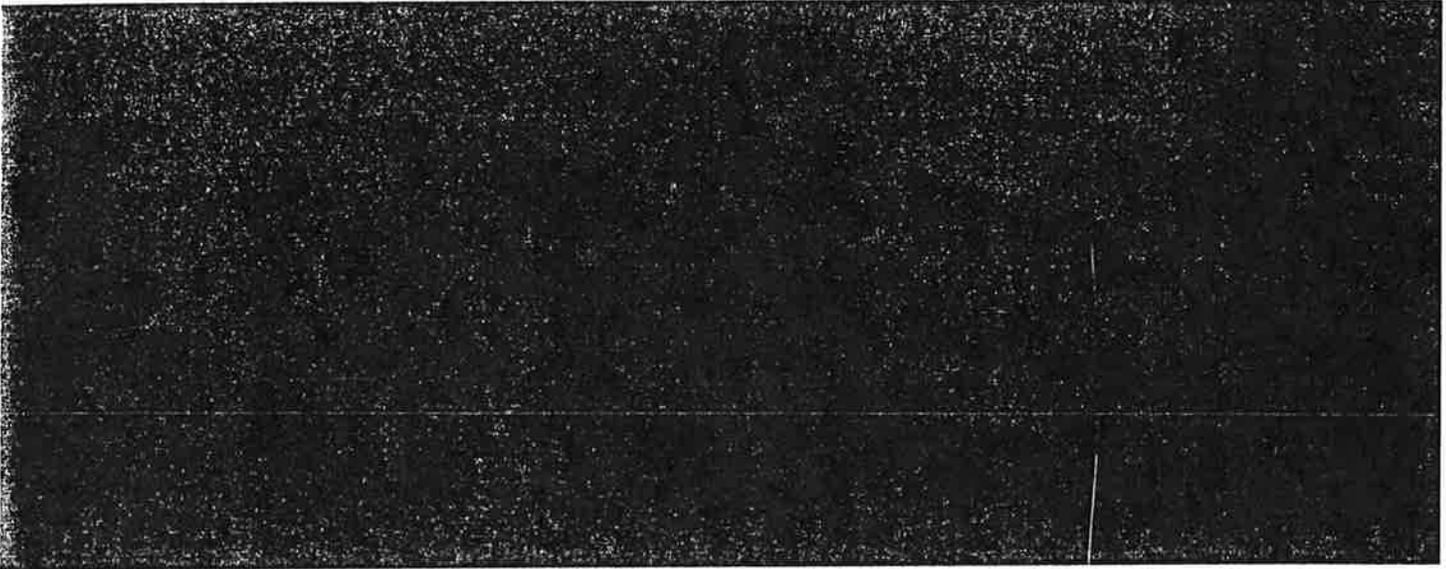
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jerry.guarracino@costamesaca.gov

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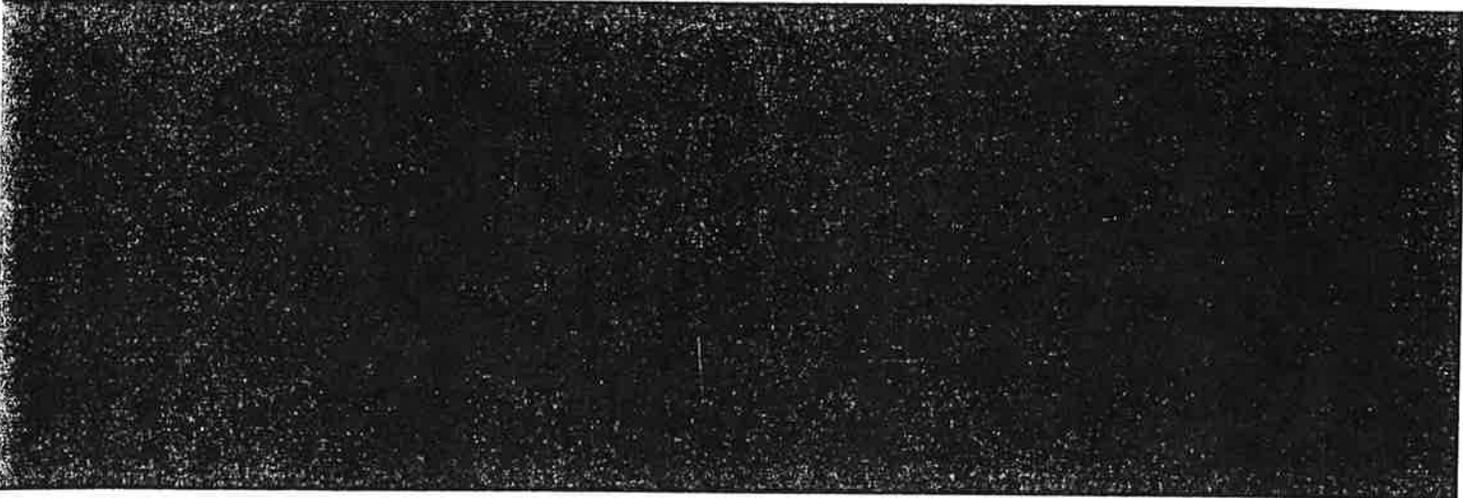
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Joshua Montemayor

Planning Technician
City of Costa Mesa
T: 714-754-5608
Joshua.Montemayor@costamesaca.gov

5

4



From: GUARRACINO, JERRY
Sent: Thursday, December 04, 2014 11:20 AM
To: LEE, MEL; Elena Q. Gerli [mailto:EQG@jones-mayer.com]
Cc: FLYNN, CLAIRE; BOUWENS-KILLEEN, WILLA; ARMSTRONG, GARY; TUCKER, MIKE; NEAL, JON
Subject: RE: LETTER INCOMPLETE SOLID LANDINGS.doc

Thanks Mel, but what they are looking for is materials that justify the City's establishment of the 10 spaces per 1,000 Sq. Ft. standard. I included you because I thought you may have pulled some of that together, since Solid Landings has been objecting to the standard from the start.

Jerry Guarracino, AICP
Assistant Director
Community Improvement Division
77 Fair Drive
City of Costa Mesa, CA 92626
Office (714) 754-5631 | Cell (951) 544-5379
jerry.guarracino@costamesaca.gov

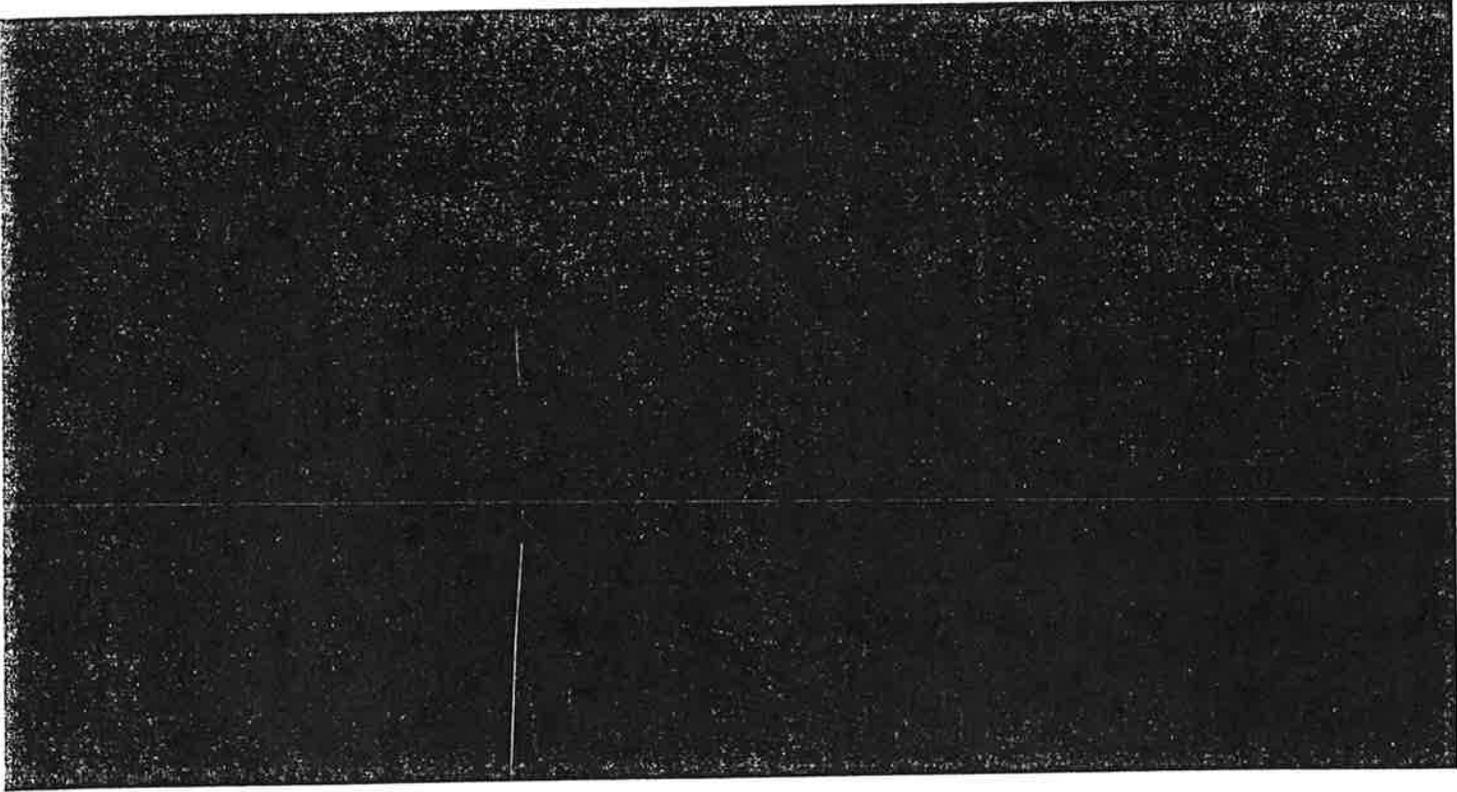
From: LEE, MEL
Sent: Thursday, December 04, 2014 11:06 AM
To: GUARRACINO, JERRY; Elena Q. Gerli [mailto:EQG@jones-mayer.com]
Cc: FLYNN, CLAIRE; BOUWENS-KILLEEN, WILLA; ARMSTRONG, GARY; TUCKER, MIKE; NEAL, JON
Subject: RE: LETTER INCOMPLETE SOLID LANDINGS.doc

I have the materials they submitted in October if you need to copy them for the PRR.

Thanks,

Mel





From: GUARRACINO, JERRY
 Sent: Thursday, December 04, 2014 10:44 AM
 To: LEE, MEL; BOUWENS-KILLEEN, WILLA; FLYNN, CLAIRE; MACIAS, RENE
 Cc: ARMSTRONG, GARY; COOKE, ED; TUCKER, MIKE; NEAL, JON; GUARRACINO, JERRY
 Subject: RE: LETTER INCOMPLETE SOLID LANDINGS.doc

Hi Mel,
 Thanks for the letter. I wanted to make you aware of a conversation I had recently with Ed Cook regarding this site. Although Ed did not have the records with him at that time his recollection was that the site may have open permits for Tenant Improvements. Without a final inspection on these Permits it is possible that Solid Landings should not be operating even the administrative portion of their operation out of this location. Please check back with Ed to confirm the status of their TI's, if it turns out that Ed's recollections are correct the letter should be modified accordingly. Please let me know what you determine.

A

I was out at the site last week and noticed what looks to be recently installed electrical conduit sleeves running the full length of the east side of the building. It's hard to tell exactly how long they have been there but it was very shiny and clearly installed more recently than other conduit runs along that side of the building.

A

I'm not familiar with the history of that building, but two features caught my attention and we should determine if these modifications were done with the benefit of permits or planning approval. The first is a PVC fence/gate the has closed off the driveway from 19th Street to the back parking lot. The parking lot striping is done in a manner that suggests the drive way to 19th should still be in use. Also, the maintenance of an existing curb cut on 19th St. (at the west end of the property), suggest this driveway was never officially abandoned.

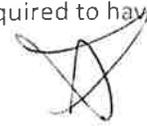
A

The other question I had, when I looked at the site was weather the metal fence and gate which close off the rear parking area from Plumer St. was approved. The gate is right behind the sidewalk which looks strange particularly now that the access to 19th is no longer open. At some point we should determine if either of these modification have been approved. I could see them potentially getting approval for the gate (without any stacking) if their main access point

A

was from 19th Street. But as the only access point I'm surprised they were not required to have some stacking before the gate on Plumer St.

Hope these comments are helpful. Let me know if you have any questions.



Jerry Guarracino, AICP
Assistant Director
Community Improvement Division
77 Fair Drive
City of Costa Mesa, CA 92626
Office (714) 754-5631 | Cell (951) 544-5379
jerry.guarracino@costamesaca.gov

From: LEE, MEL
Sent: Thursday, December 04, 2014 8:53 AM
To: BOUWENS-KILLEEN, WILLA; FLYNN, CLAIRE; MACIAS, RENE; GUARRACINO, JERRY
Subject: LETTER INCOMPLETE SOLID LANDINGS.doc

Please review and provide any comments/corrections.

Thanks,

Mel

Elena Q. Gerli

From: LEE, MEL <MEL.LEE@costamesaca.gov>
Sent: Monday, March 02, 2015 12:27 PM
To: GUARRACINO, JERRY; TUCKER, MIKE
Subject: FW: LETTER INCOMPLETE SOLID LANDINGS.doc
Attachments: MX-3116N_20150302_122350.pdf

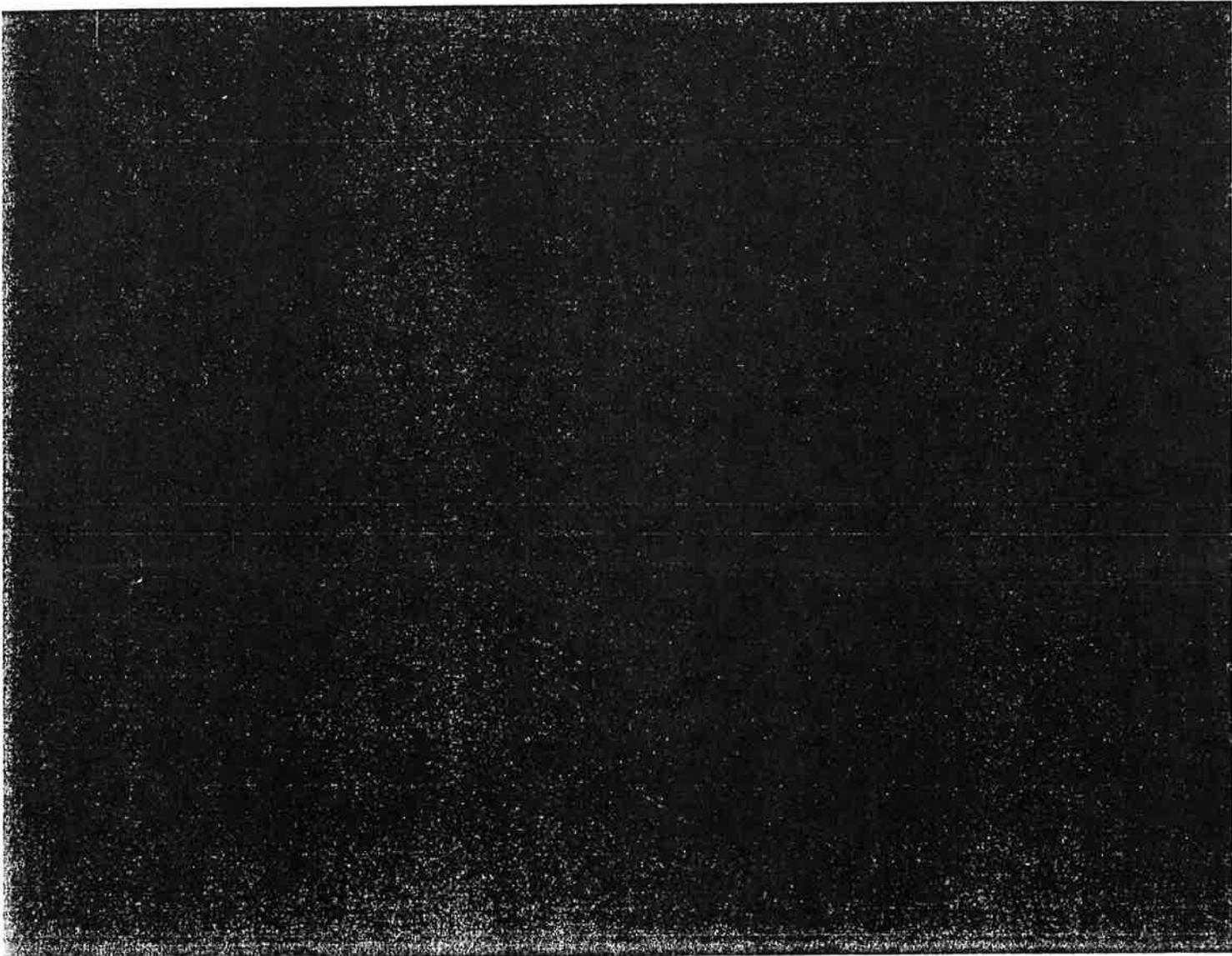
Just an FYI for you and Mike.

Thanks,

Mel Lee, AICP
Senior Planner
City of Costa Mesa
77 Fair Drive, Costa Mesa, 92628
Ph. (714) 754-5611 Fax. (714) 754-4856
mel.lee@costamesaca.gov



-6A-



Thank you for your help on this request.
--Jerry

Jerry Guarracino, AICP
Contract Assistant Director
Community Improvement Division
77 Fair Drive
City of Costa Mesa, CA 92626
Office (714) 754-5631 | Cell (951) 544-5379
jerry.guarracino@costamesaca.gov

To ensure the most efficient customer service, when visiting the Community Improvement Staff at City Hall, please check-in at the Development Services Counter on the 2nd floor.

From: CHAMOUN, CHARLES
Sent: Monday, March 02, 2015 11:44 AM
To: LEE, MEL; BUCK, RANDALL; COOKE, ED
Cc: Elena Q. Gerli; JOSEPH, JOHN; METZ, ALLAN; GUARRACINO, JERRY
Subject: RE: LETTER INCOMPLETE SOLID LANDINGS.doc

The persons to talk to are Randy Buck and Allan Metz. I will forward copies to jerry for all the permits that were issued and that are still in plan review.

From: LEE, MEL
Sent: Monday, March 02, 2015 8:24 AM
To: BUCK, RANDALL; COOKE, ED
Cc: Elena Q. Gerli; CHAMOUN, CHARLES; JOSEPH, JOHN
Subject: RE: LETTER INCOMPLETE SOLID LANDINGS.doc

Sorry, forgot to add the address (657 W. 19th Street).

Thanks,

Mei Lee, AICP
Senior Planner
City of Costa Mesa
77 Fair Drive, Costa Mesa, 92628
Ph. (714) 754-5611 Fax. (714) 754-4856
mei.lee@costamesaca.gov

From: GUARRACINO, JERRY

Sent: Thursday, December 04, 2014 10:44 AM

To: LEE, MEL; BOUWENS-KILLEEN, WILLA; FLYNN, CLAIRE; MACIAS, RENE

Cc: ARMSTRONG, GARY; COOKE, ED; TUCKER, MIKE; NEAL, JON; GUARRACINO, JERRY

Subject: RE: LETTER INCOMPLETE SOLID LANDINGS.doc

14

Hi Mel,

Thanks for the letter. I wanted to make you aware of a conversation I had recently with Ed Cook regarding this site. Although Ed did not have the records with him at that time his recollection was that the site may have open permits for Tenant Improvements. Without a final inspection on these Permits it is possible that Solid Landings should not be operating even the administrative portion of their operation out of this location. Please check back with Ed to confirm the status of their TI's, if it turns out that Ed's recollections are correct the letter should be modified accordingly. Please let me know what you determine.

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- lolo -

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Hope these comments are helpful. Let me know if you have any questions.

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**ZONING ADMINISTRATOR DETERMINATION
No. 08-5**

SUBJECT: COUNSELING (INCLUDING GROUP COUNSELING)

CMMC SEC: TABLES 13-30 AND 13-89

DATE: MAY 19, 2008

BACKGROUND

This determination supercedes the Zoning Administrator Determination issued on October 8, 2004.

There is a need to clarify the treatment of counseling offices under the Land Use Matrix (Table 13-30) and parking requirements (Table 13-89) of the zoning code. Uses in question include career and vocational counseling; marriage, family, and child counseling (MFCC); psychologists; psychiatrists; substance abuse counseling; and similar services. Counseling may be provided on an individual, family, or group basis.

DETERMINATION

★ Individual and family counseling services will be classified as "general office" uses, and not as "medical offices." This is because many, if not most, counseling services are provided by professionals without medical credentials – thus, technically not "medical" uses – and because of differences in operational characteristics (number of clients/patients being served simultaneously, number of clients/patients in waiting rooms, number of exam or treatment rooms, number of support personnel, etc.).

★ Thus, individual and family counseling will be a permitted use where general offices are permitted and a conditional use where general offices are conditional uses.

★ Parking requirements for individual and family counseling services will be the same as for "general office" uses – currently 4 spaces per 1,000 sq. ft. of gross floor area.

Group counseling services will (except in I&R and I&R-S zones) be classified in the same way as "trade and vocational schools," which is a listed use (currently #37) in Table 13-30. This determination is in accordance with Section 13-30(d) which allows a use that is not listed (group counseling) to be treated in the same way as a substantially similar use. Operational characteristics common to both group

counseling and trade/vocational schools include groups of people arriving and departing at the same times, assembling for approximately hour-long sessions, and having similar staffing levels. Thus, group counseling would be a permitted use in most commercial zones, and a minor conditional use in industrial zones. However, unlike trade and vocational schools, group counseling, would not be permitted in I&R and I&R-S zones, unless it's part of the approved institutional use (e.g., hospital, school, church).

Parking requirements for group counseling services will be the same as for "trade schools, business colleges, dancing and music academies" - currently 10 spaces per 1,000 sq. ft. of gross floor area. Where hours of operation or other unique operating characteristics indicate that a lower parking requirement would be sufficient, a minor conditional use permit may be processed, in accordance with Section 13-89.5.

Planners should use their discretion in cases where an office which primarily provides individual or family counseling may hold occasional group sessions.

Kimberly Brandt

KIMBERLY BRANDT, AICP
Zoning Administrator

*9-9 Daily
I don't think so*

GREEN, BRENDA

From: Robert Dickson <rdickson@mp.com>
Sent: Thursday, April 30, 2015 11:59 AM
To: BOUWENS-KILLEEN, WILLA; GREEN, BRENDA
Subject: Fwd: Question re parking variance 657 W 19th

FYI.

Sent from my iPhone

Begin forwarded message:

From: Barrie Fisher <barrie.fisher@mp.com>
Date: April 30, 2015 at 6:15:46 AM PDT
To: Robert Dickson <rdickson@mp.com>
Subject: Re: Question re parking variance 657 W 19th

Rob,

Thanks for the information, you answered all my questions.

I'll let my neighbors on Senate St know. They're aware the facility has applied for a state license at this location and were very concerned about the reduction in required parking spaces considering how many visits per day this type of business could generate. They dealt with the parking issues when the Serenity Shores house was operating on their street and know first hand about parking problems. I doubt they'll have a problem once they know the parking restrictions the city has in place for the location.

Thanks again for your help,

Barrie

GREEN, BRENDA

From: Robert Dickson [REDACTED]
Sent: Thursday, April 30, 2015 12:00 PM
To: BOUWENS-KILLEEN, WILLA; GREEN, BRENDA; FLYNN, CLAIRE
Subject: Fwd: Question re parking variance 657 W 19th

Sent from my iPhone

Begin forwarded message:

From: Robert Dickson [REDACTED]
Date: April 29, 2015 at 8:54:59 PM PDT
To: Barrie Fisher [REDACTED]
Subject: Re: Question re parking variance 657 W 19th

Barrie,

I am familiar with this issue, it is a zoning administrator approval based on the specific and unique characteristics of the business. *I.E. Sober Living*

The applicant, or a member of the public, or a planning commissioner may appeal the zoning administrator decision.

My understanding is that this type of use, group counseling where the individuals being counseled are brought to the facility via bus or van, has been approved in the past. I also understand that this approval has been heavily conditioned to ensure that only employees park at the facility, and that the only "clients" that are brought there are brought via bus or van.

I am not sure about the handicap parking issue, can only imagine that those requirements must be met if a certain amount of spaces are provided.

Please let me know if you have any questions, or would like to discuss this further. My phone number is 714-878-2610. Thank you.

Rob

Sent from my iPhone

On Apr 29, 2015, at 6:02 PM, Barrie Fisher [REDACTED] wrote:

Good afternoon,

Are you familiar with the parking variance that was approved for 657 W 19th St? It's the building between Taco Mesa and Mouse Graphics on 19th.

I was told the parking for the location should be at 67 spaces but a variance was approved for only 29 actual spaces. And none of them are handicapped spots. I'm not absolutely positive this info is accurate but I've heard it from two different people today who said they saw it posted at City Hall which is why I'm asking.

If this is accurate, shouldn't something with such a large reduction in parking spaces have come before either the Planning Commission or City Council for discussion first?

Thanks for any information you can provide,

Barrie Fisher

[Redacted]

Costa Mesa, CA

[Redacted]

GREEN, BRENDA

From: LEE, MEL <MEL.LEE@costamesaca.gov>
Sent: Tuesday, October 21, 2014 4:44 PM
To: PLANNING
Subject: FW: [BULK]
Attachments: ZV - 657 W 19TH.doc
Importance: Low

FYI if you are at the counter when this application comes in –

Where?

We have already rejected and refunded the filing fees for two similar group counseling/rehab MCUP's with similar parking deficiencies (this one would be 55 spaces short) – if they insist on filing the MCUP, take the application in but do not process the fee until we review further.

Thanks,

Mel

From: MONTEMAYOR, JOSHUA
Sent: Tuesday, October 21, 2014 3:40 PM
To: LEE, MEL
Subject: FW: [BULK]
Importance: Low

Hi Mel,

Solid Landings will be coming in sometime this week to apply for a MCUP to deviate from parking requirements. Because this is for group counseling, I was wondering if there is anything I should be concerned of before I process the application payment? I talked to Kirsten Ford (Solid Landing's Attorney) and she was adamant about getting an MCUP.

Thank you!!—Josh

Joshua Montemayor

Planning Technician

City of Costa Mesa

T: 714-754-5608

Joshua.Montemayor@costamesaca.gov<mailto:Joshua.Montemayor@costamesaca.gov>

From: Kristen Ford [mailto:kristen.ford@solidlandings.com]

Sent: October 21, 2014 3:23 PM

To: MONTEMAYOR, JOSHUA

Cc: MACIAS, RENE

Subject: [BULK]

Importance: Low

Dear Josh,

Hope you are having a nice day. I understand you are handling the 657 19th Street matter. I would like to schedule a time to come down with our paperwork on Thursday. Please let me know what time works best for you.

--

Regards,

Kristen B. Ford, Esq.
Vice President and Corporate Counsel

Solid Landings Behavioral Health
The Waters at Creekside
2900 Bristol Street Suite B-300
Costa Mesa, CA 92626
Office: 949.467.9213 x182

Direct: 949.877.6718

Fax: 888.588.4998

kristen.ford@solidlandings.com<mailto:kristen.ford@solidlandings.com>

23

Admissions: 800.852.4465

Solid Landings Behavioral Health<<http://www.solidlandings.com/>> | Sure Haven<<http://www.surehavensober.com/>> | Rock Solid Recovery<<http://www.rocksolidtreatment.com/>>

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September 22, 2014

Solid Landings Behavioral Health
Michael Warden
2900 Bristol St. Suite B-300
Costa Mesa, CA 92626

RE: **ZONING VERIFICATION LETTER**
657 W. 19th STREET, COSTA MESA, CALIFORNIA 92627

Dear Mr. Warden:

In response to your request concerning the zoning of the property, please be advised as follows:

1. The current zoning of the subject property is C1 (Local Business District) with a General Plan designation of General Commercial. Group counseling uses are permitted in this zone subject to parking per Zoning Administrator Determination 08-5.
2. The properties to the north and west are zoned C1. The properties to the east are bounded by C1 and R2-HD zones. The properties to the south are zoned R2-HD.
3. The property is located in the 19 West Urban Plan, adopted April 4, 2006.
4. According to Zoning Administrator Determination 08-5, group counseling requires off-street parking at a rate of 10 spaces per 1,000 square feet of gross floor area. The subject property is developed with a 6,792 square foot building and requires 68 parking spaces for a group counseling use. With 13 parking spaces on site, the property has insufficient parking for this use and will require approval of a Minor Conditional Use Permit for a deviation from parking requirements. A Minor Conditional Use Permit application is attached.
5. In the event that a group counseling is operating at the subject property prior to approval of a Minor Conditional Use Permit and issuance of a business license at this address, code enforcement action will be taken.
6. Please contact the Building and Safety Division at (714) 754-5245 if you wish to obtain copies of any building plans.

Not yet

Should you have further questions regarding the foregoing, please contact me at (714) 754-5608 or joshua.montemayor@costamesaca.gov.

Sincerely,

JOSHUA MONTEMAYOR
Planning Technician

Attachment: Minor Conditional Use Permit

PERMIT NUMBER: BX14-00231

PERMIT TYPE B_MISC
APN: 42421103
Zoning: ,

STATUS: PC
DATE ISSUED:
ISSUED BY:

JOB ADDRESS: 657 W 19TH ST CM
Vicinity: STAIRS
SQ. FT: 0

Primary Occ:
Valuation: \$18,000.00
Suite/Unit:
Const Type: ??

SCOPE OF WORK:

LEGALIZE THE REMOVAL AND REPLACEMENT OF RUSTED STAIR GUARDRAIL, SECOND STORY GUARDRAIL ASSEMBLIES, AND DAMAGED STEEL POSTS SUPPORTING STAIRS AND BALCONY.

NOTE: FINAL APPROVAL OF PERMIT SHALL NOT BE GRANTED UNTIL ACCESS TO DWELLING UNIT(S) IS PROVIDED FOR VERIFICATION OF SMOKE AND CARBON MONOXIDE ALARMS BY THE CITY INSPECTOR. SEE ATTACHMENT W/INSPECTION CARD.

OWNER: MOREHART, JOHN M AND LISA
City/State: COSTA MESA, CA Zip Code: 92627
Phone:

Address: [REDACTED]

Address: P.O. BOX

APPLICANT: BARRY WALKER
11658 Unit:
City/State: NEWPORT BEACH, CA Zip Code: 92658
Phone: [REDACTED]

CONTRACTOR:
Address: Unit:
City/State: Zip Code:
Phone: Phone:

Licer *plan check expired 12/10/14*

Cell:
License I

ARCHITECT:
Phone
ENGINEER:
Phone

License I

FEE SUMMARY	
Building Plan Check:	\$190.61
Building Permit:	\$293.25
Electrical Permit:	\$0.00
SMIP Residential	\$0.00
SMIP Commercial	\$3.78
Bldg Std Admin Fund	\$1.00

TOTAL FEES \$488.64

HOURS FOR CONSTRUCTION ACTIVITY: EFFECTIVE 3/18/2010 - PER CIVILIC SEC. 15-215
Monday thru Friday - 7:00 am thru 7:00 pm. Saturdays - 9:00 am thru 6:00 pm. Prohibited all hours - Sundays and the following Federal Holidays: New Years Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day

From: LOOMIS, RYAN
Sent: Tuesday, March 10, 2015 4:03 PM
To: LEE, MEL
Subject: Solid Landing- 657 W 19th Street Parking Survey

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Hi Mel,

Please see attached parking survey photos for Solid Landings.

If you have any questions or concerns, please contact me.

Thank you,

Ryan Loomis | Associate Planner
City of Costa Mesa

1

A

GREEN, BRENDA

From: sandranian <sandranian@yahoo.com>
Sent: Tuesday, May 26, 2015 4:45 PM
To: ROSALES, MARTHA; ARMSTRONG, GARY; FLYNN, CLAIRE;
GUARRACINO, JERRY; LEE, MEL; GREEN, BRENDA
Cc: COLGAN, JULIE; rdickson.cmpc@gmail.com
Subject: ZA-15-01 (Appeal/Review For Solid Landings - 657 W. 19th St)

All:

I am withdrawing my appeal of the above-referenced Zoning Administrator Decision ZA-15-01.

My withdrawal is based upon the increase in staffing for code enforcement as proposed in the 2015-2016 budget and assurances by City Staff that the conditions of approval will be enforced. I am concerned about the precedent that has already been set for commercial uses in the city, and would urge staff to begin development on a parking standard that may better apply to the type of use contemplated by this applicant, instead of attempting to apply other types of uses to it.

My appeal was intended to provide me time to investigate the parking issues raised in the application and by the decision. I found upon investigation that the applicant was, during the pendency of this application, in violation of its stated uses and parking requirements. For example, I found that Solid Landings' staff were indeed parking on Plumer Street, instead of in the parking lot assigned, and that vans associated with the business were blocking traffic on Plumer Street and using the Senior Center parking located on the street. I have been assured that once the permit is in place, these unpermitted uses and practices will cease, or Solid Landings will be cited.

I am confident that our city's staff will be able to properly enforce the conditions of approval, and feel that this will be necessary in order to minimize the impact on the city residents on Plumer Street.

Stephan Andranian
Planning Commissioner

This E-mail is covered by the Electronic Communications Privacy Act, 18 U.S.C. §§ 2510-2521 and is legally privileged. This information is confidential information and is intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited.

September 22, 2014

Solid Landings Behavioral Health
Michael Warden
2900 Bristol St. Suite B-300
Costa Mesa, CA 92626

RE: **ZONING VERIFICATION LETTER**
657 W. 19th STREET, COSTA MESA, CALIFORNIA 92627

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5. In the event that a group counseling is operating at the subject property prior to approval of a Minor Conditional Use Permit and issuance of a business license at this address, code enforcement action will be taken.
6. Please contact the Building and Safety Division at (714) 754-5245 if you wish to obtain copies of any building plans.

NOT SET

Should you have further questions regarding the foregoing, please contact me at (714) 754-5608 or joshua.montemayor@costamesaca.gov.

Sincerely,

JOSHUA MONTEMAYOR
Planning Technician

Attachment: Minor Conditional Use Permit



VIOLATION NOTICE

CODE ENFORCEMENT DIVISION
P.O. BOX 1200, 77 FAIR DRIVE (2ND FLOOR)
CALIFORNIA 92628-1200

Sept

To: SOLID LANDING BEHAVIORAL HEALTH
2900 BRISTOL ST SUITE B-202
COSTA MESA CA, 92626

Date: 9-23-14
Case #: CD-14-~~177~~0466

Location: 657 W. 19TH STREET COSTA MESA CA
92627

As part of our continuing program to preserve and improve our residential and business community, I observed the following violation(s) of the Costa Mesa Municipal Code (CMMC):

- Conducting business not consistent with terms of Planning approval or C.U.P. (CMMC 20-12(ii))
- Conducting business without a city license and Zoning approval (CMMC 20-12(hh))
- Illegal storage in public view (CMMC 20-12(e))
- Storage of inoperative vehicle or parts thereof (CMMC 20-8(a))
- Living in garages or commercial/industrial unit (CMMC 20-12(n))
- Outdoor work, storage or display without a permit (CMMC 13-44)
- Outdoor work/industrial (CMMC 13-53)
- Violation of home occupation standards (CMMC 13-168)
- Use of residential yard areas for parking/storage of vehicles (CMMC 20-8(c)(6))
- Portable signs on private or public property (CMMC 13-112(g))
- Flags, banners and pennants not in compliance with code (CMMC 13-112(d))
- Living in trailer or RV (CMMC 20-12(m))
- Deteriorated or peeling paint (CMMC 20-6(d))
- Use of tarps or temporary canopies in public view (CMMC 20-6(c))
- Deteriorated building exterior or roof (CMMC 20-6(b))
- Broken windows and glass doors (CMMC 20-6(g))
- Deteriorated walls, fences, trash enclosures (CMMC 20-6(j))
- Deteriorated parking areas and sidewalks (CMMC 20-6(k))
- Dead or dying landscape, weeds, overgrown vegetation in R1 zone (CMMC 20-6(n))
- Dead or dying landscape, weeds, overgrown vegetation in parkway (CMMC 20-6(o))
- Dead or dying landscape, weeds, overgrown vegetation (all zones except R1) (CMMC 13-108[a])
- Street numerals displayed in prominent location (CMMC 20-6(t))
- CBC 105.1 Building permits required
- Pushcart/sidewalk vendors (CMMC 9-191(a))
- Garage sale permit (CMMC 13-30(9))
- Other: CMMC § _____

Description of violation(s): NO PLANNING APPROVAL OR CITY BUSINESS LICENSE
FOR ABOVE LOCATION CENTER BEHAVIORAL HEALTH CLINIC.

You are hereby requested to: SEE PLANNING DEPARTMENT FOR ZONING APPROVALS AND BUSINESS LICENSE

Failure to correct the above violation(s) by 10/3/14 may result in the next progressive step in enforcement, in which you may be issued an Administrative Citation. If you have any questions regarding this notice, please feel free to contact me at (714) 754-5168 or RENE.MACIAS @COSTAMESACA.GOV. The City appreciates your cooperation and staff looks forward to working with you to resolve this matter.

R. MACIAS. 19
Code Enforcement Officer I.D. #

X
Violator's Signature

X
Print First and Last Name

-81-

PERMIT NUMBER: BX14-00231

PERMIT TYPE B_MISC
APN: 42421103
Zoning:

STATUS: PC
DATE ISSUED:
ISSUED BY:

JOB ADDRESS: 657 W 19TH ST CM
Vicinity: STAIRS
SQ. FT: 0

Primary Occ:
Valuation: \$18,000.00
Suite/Unit:
Const Type: ??

SCOPE OF WORK:
LEGALIZE THE REMOVAL AND REPLACEMENT OF RUSTED STAIR GUARDRAIL, SECOND STORY GUARDRAIL ASSEMBLIES,
AND
DAMAGED STEEL POSTS SUPPORTING STAIRS AND BALCONY.
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OWNER: MOREHART, JOHN M AND LISA
City/State: COSTA MESA, CA Zip Code: 92627
Phone:

Address: [REDACTED]

Address: P.O. BOX

APPLICANT: BARRY WALKER
11658 Unit:
City/State: NEWPORT BEACH, CA Zip Code: 92658
Phone: [REDACTED]

Licer *plan check approved 12/18/14*

CONTRACTOR:
Address:
City/State: Unit:
Zip Code:
Phone:

Cell:
License I
License I

ARCHITECT:
Phone
ENGINEER:
Phone

FEE SUMMARY	
Building Plan Check:	\$190.61
Building Permit:	\$293.25
Electrical Permit:	\$0.00
SMIP Residential	\$0.00
SMIP Commercial	\$3.78
Bldg Std Admin Fund	\$1.00
TOTAL FEES	\$488.64

HOURS FOR CONSTRUCTION ACTIVITY: EFFECTIVE 3/18/2010 - PER CIVILIC SEC. 10-219
Monday thru Friday - 7:00 am thru 7:00 pm. Saturdays - 9:00 am thru 6:00 pm. Prohibited all hours - Sundays and the following
Federal Holidays: New Years Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day

CDBG HOUSING COMPLAINT INVESTIGATION

City of Costa Mesa, Development Services Department

Assigned to: RM
Case No.: CD-14-0466

COMPLAINT LOCATION

Complaint Address: 126 E 16TH ST CM
Property Owner: MOREHART JOHN M & LISA CERVANTES Phone: _____
Address: 126 E 16TH ST, COSTA MESA, CA, 92627

COMPLAINANT

Name: _____ Phone: _____
Address: _____
Complaint Received By: MACIA_R Hotline Date: 09/19/2014 Time: _____

Describe Complaint:

SOBER LIVING FACILITY OPERATING CONCELING WITHOUT

1. Building Exterior Inspection: Violation Observed Yes No If Yes, Detail Action Below
2. Building Interior Inspection: Yes No If Yes, Detail Action Below
3. Referred to HCD: Yes No If Yes, Date: _____

Numbers 1 and 2 must be completed – no exceptions!

Action:

Item: 00592 CODE INVESTIGATION

09/19/2014 By: RM Action: CONT Comments: OPEN

CASE PER JERRY FOR UNLICENSED SOBER LIVING CONCELING CENTER. CALLED CENTER AND SPOKE WITH KATY JONES. SHE SAID THAT DID HAVE A BUSINESS LICENSE. I TOLD HER THEY DID NAND THEY NEE TO COME IN AND SPEAK WITH PLANNING DEPT.

09/23/2014 By: rm Action: CO Comments: send

out nov with 10/3/14 to contact planning dept. emailed nov to accounting personnel guylr hu.

10/07/2014 By: rm Action: CONT Comments:

Emailed quynh Ho from solid landings that there has been no reply from the notice that was sent out 9--23-14.

11/14/2014 By: rm Action: CONT Comments:

Recied email communication from Kristen Ford that aplication was set back to Mel Lee 3 weeks ago.

11/21/2014 By: rm Action: CONT Comments:

recieved email communication from Kristen Ford regarding my visit to the facility. They were informe that the aplication was not complete due to the parking variance.

01/23/2015 By: RM Action: CONT Comments: MCUP

FOR INTERNAL USE ONLY

LEE, MEL

From: Ryder, Kenneth A. <kryder@gdsrlaw.com>
Sent: Wednesday, March 04, 2015 1:50 PM
To: LEE, MEL
Subject: Application No. ZA-15-01 (657 W. 19th St.)

Dear Mr. Lee--The number of on-site parking spaces for this proposed use is greatly below the required number of spaces for this use at this site. Can you please advise where vehicles will be parking when the on-site spaces are full? If this overflow is to be accommodated by street parking, please advise how you will mitigate this impact (potentially approx. 40 vehicles) on street parking use by existing residents and businesses in this area. I am available by telephone if you would like to discuss. Thank you. Regards, Ken

Kenneth A. Ryder | Partner
Garrett DeFrenza Stiepel Ryder LLP
3200 Bristol Street, Suite 850, Costa Mesa, CA 92626-1808
Tel: 714.384.4300 | Direct: 714.384.4311 | Fax: 714.384.4320
Email: kryder@gdsrlaw.com | Web: www.gdsrlaw.com

GDSR. Sophisticated. Practical. Creative. Efficient.

To whom it may concern ^{REC'D 3-3-15-LLB}

I don't approve of App
ZA-15-01.

I live behind the D.M.V.
and most of the time i
can't even park in front
of my own home, due too
the inadequate parking
there.

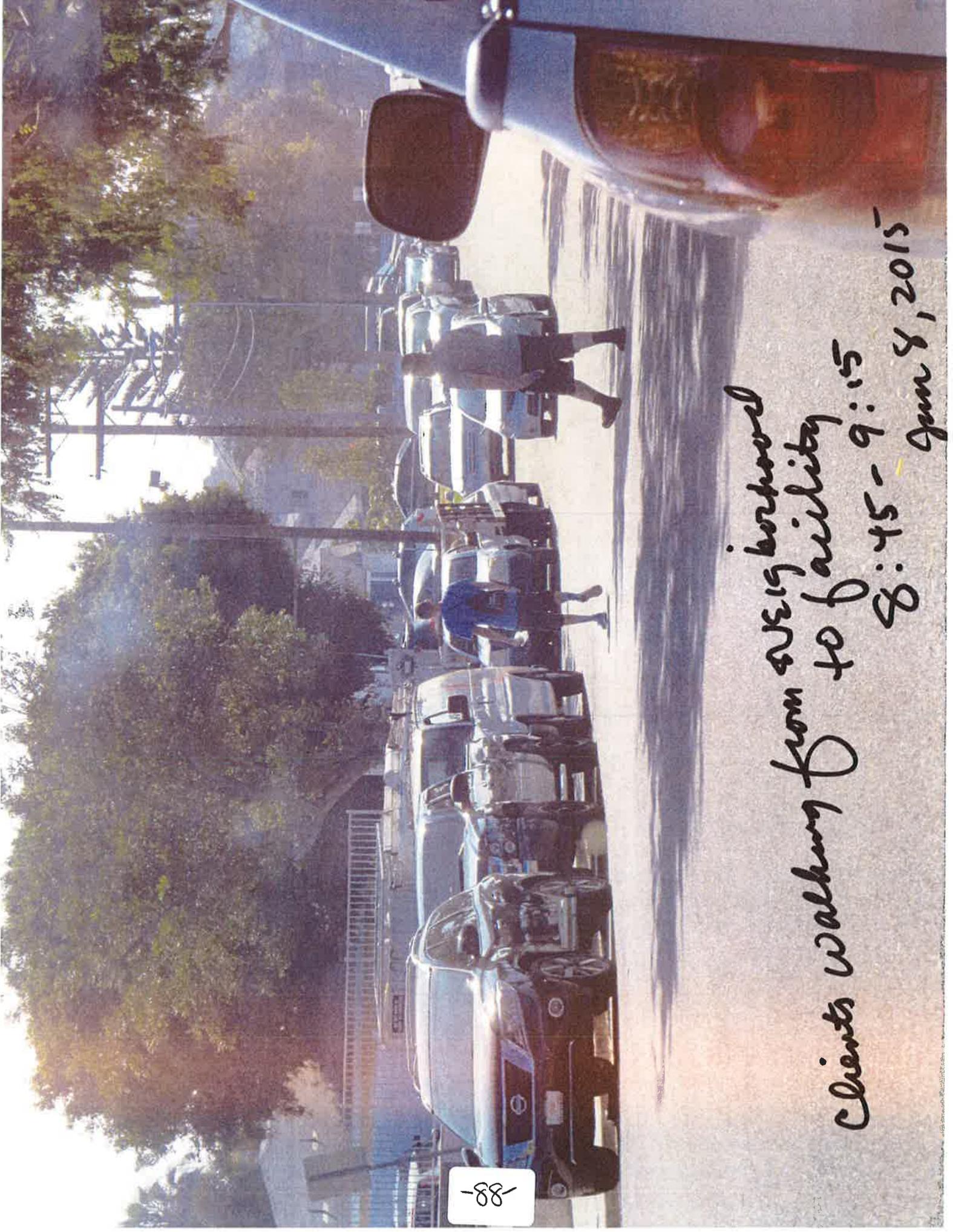
Allowing 38 more
parking spaces than
required is ridiculous.

I suggest they do like
the rest of us, make do
with what you have or
make other arrangements

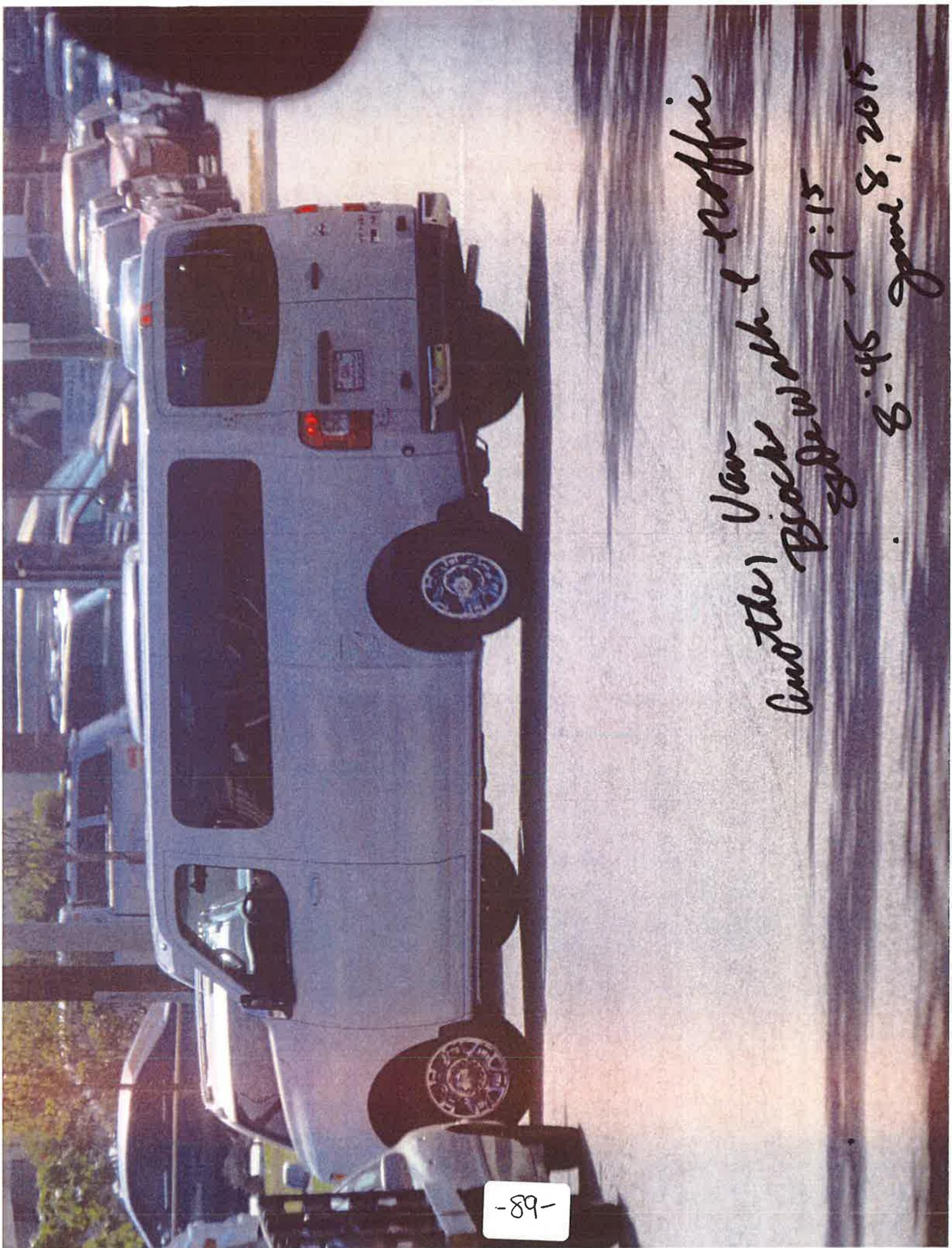
Sincerely,
Merwin Greive
Merwin Greive
649 Beach st



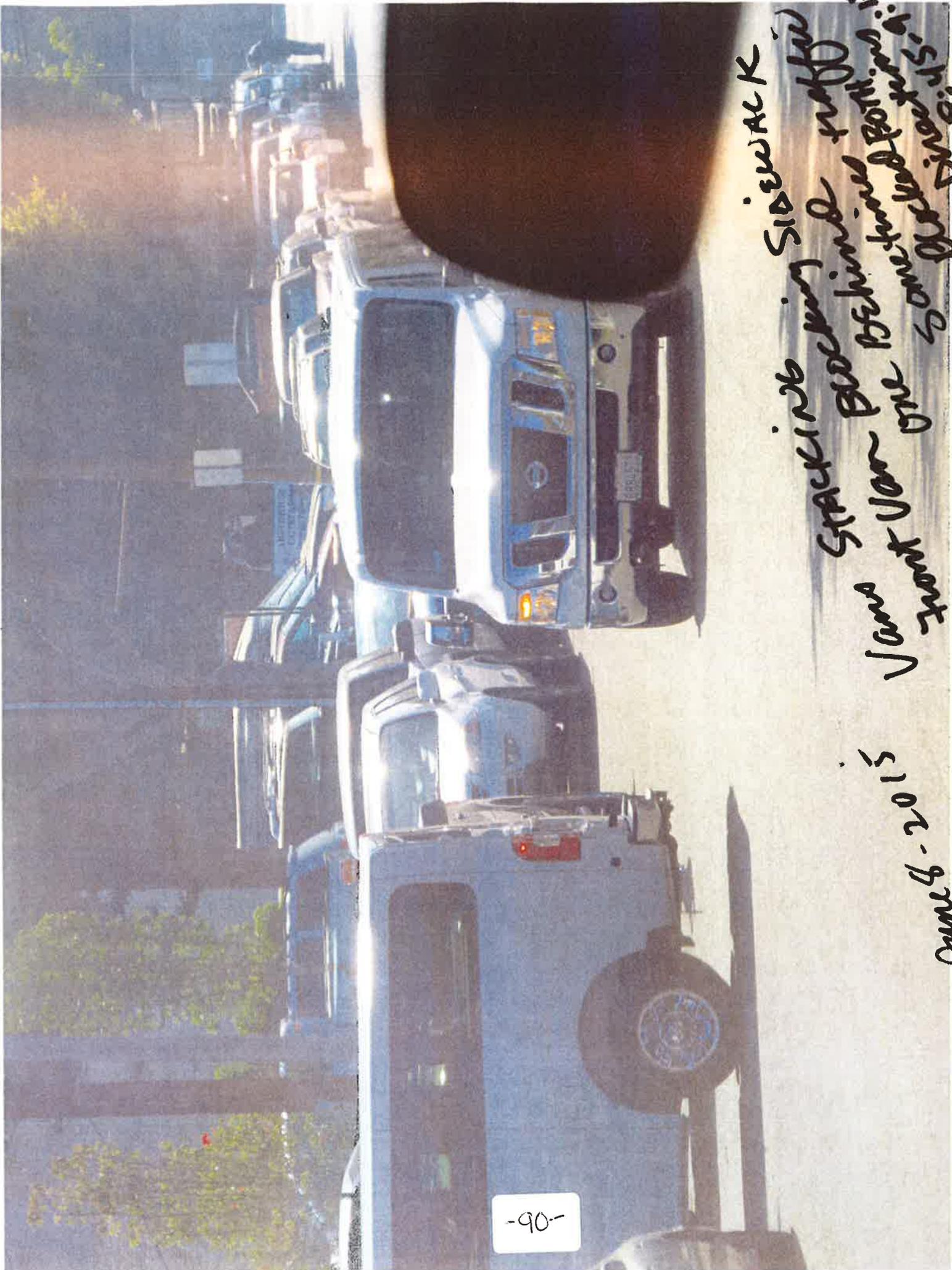
Driver exits out gate to #0 Open
Ken Jones 8, 2015



clients walking from Weigborhood
8:45 - 9:15
Jun 8, 2015



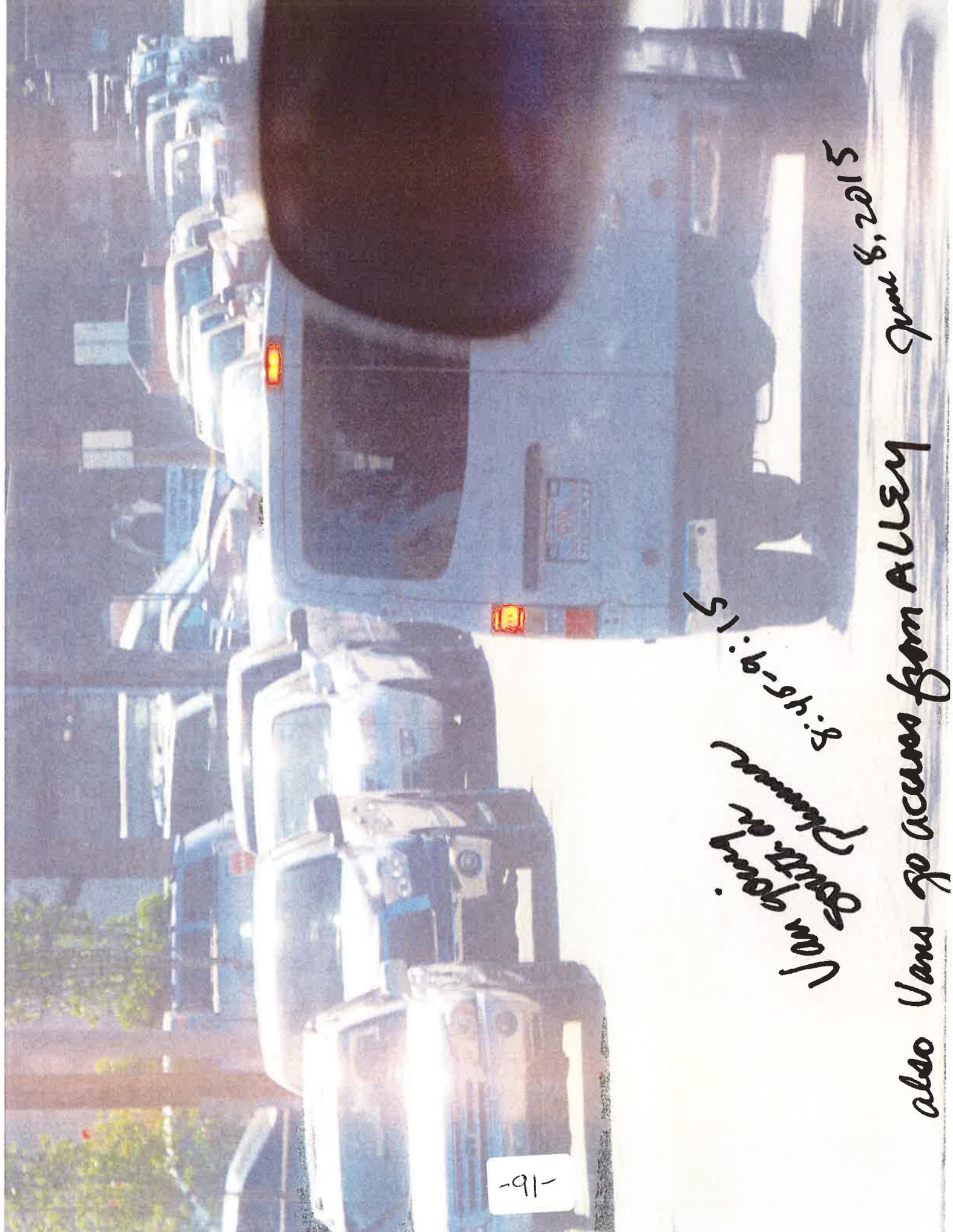
Another Van Back with 1 coffee
8:45 - 9:15
Jan 8, 2015



-90-

Stacking Siewack
Van Behind traffic
Front Van one
Some kind of
Saw
Saw
Saw

June 4 - 2015



-91-

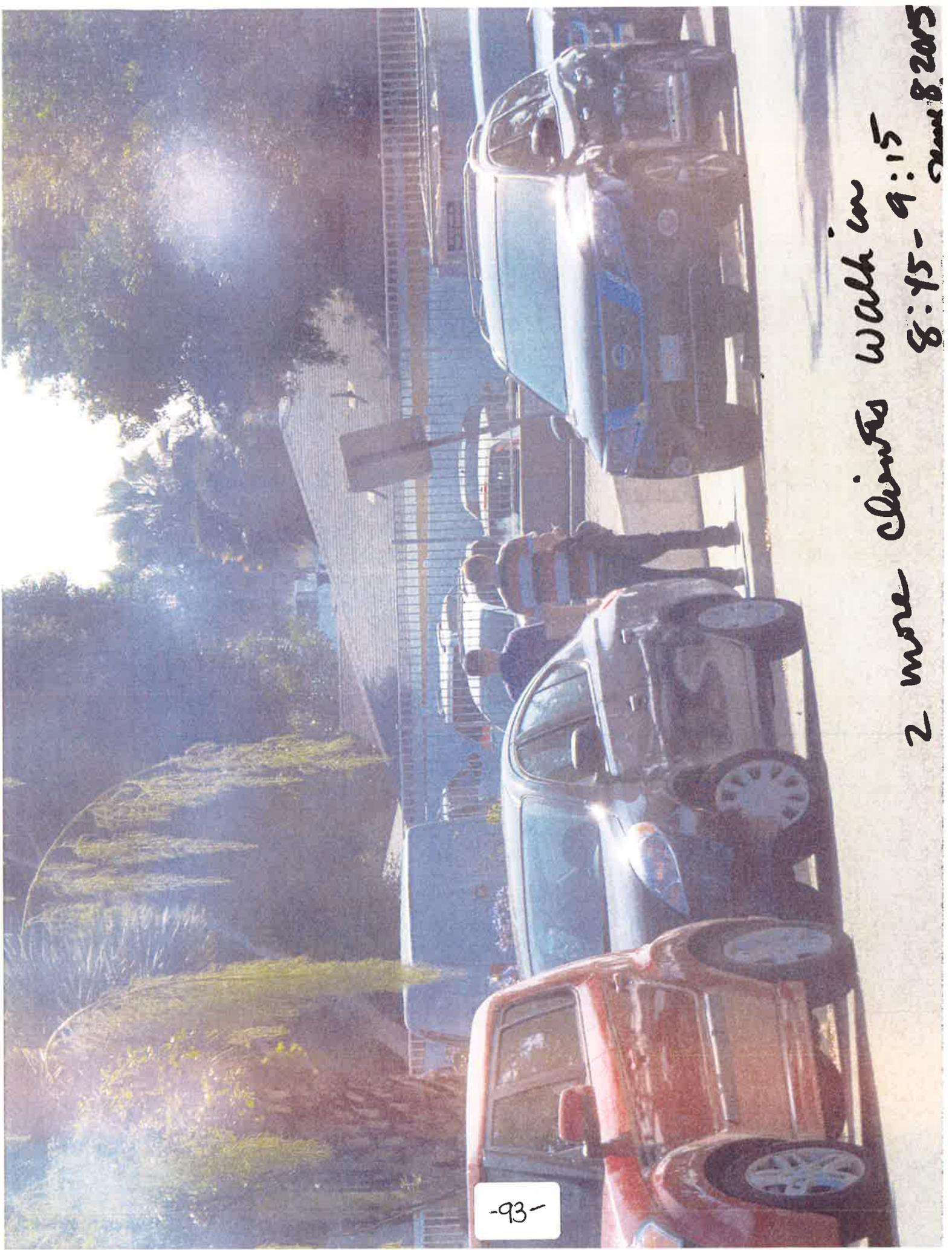
Van going
South on
Pleasant

8:45-9:15

June 8, 2015

also Vans go across from ALLEY

Vans starting leaving
9:45 - 9:15
April 8, 2015



2 more clients walk in
8:45-9:15
June 8 2015

-93-

PH-1

ARMSTRONG, GARY

From: Gonzalez, Daniel <Daniel.Gonzalez3@firstdata.com>
Sent: Monday, June 08, 2015 4:02 PM
To: rdickson.cmpc@gmail.com; sandranian@yahoo.com; colinmccarthy@yahoo.com; aventrue@ca.rr.com; twsesler@gmail.com; ARMSTRONG, GARY
Subject: ZA-15-01

Hello,

Objections to ZA-15-01
Regarding a request for a parking variance for Solid Landings

I am a current resident at 647 Plumer St, Costa Mesa CA 92627. My family and I have lived at this residence for the past year and it is unfortunate that our stay here has not been which some issues.

I have noticed since Solid Landings (detox sober living business) opened up for business there has been additional traffic in the area. The additional traffic (White Passenger Vans) that come and go throughout the day and evening to Solid Landing has caused a none stop operation on a residential street. These passenger vans on many occasions have used the back alley (between Center & Plumer St) to drive through (used as a short cut) and to cut across and go straight onto the gates of Solid Landing.

Other issues that pertain to Solid Landing, are the staff members/visitors who park on Plumer Street throughout the day/evening hours. With the addition of Solid Landing detox facility, parking has become scarce on Plumer St and quite annoying to see faculty/visitors park their vehicles with no regards to the community.

It is important that the City of Costa Mesa recognize that we are currently dealing with rampant homelessness in our area in particular on Plumer Street. With the Lighthouse Outreach Ministry on Plumer Street, this has cause homelessness spilling over onto the residential area and drug use in the area is continued affair.

I believe Solid Landings is entitled to conduct business however Solid Landing has a social responsibility to be a good neighbor and be transparent with it's business.

I recommend that the City of Costa Mesa deny the request for parking variance to Solid Landing and I recommend that they cover up the gates so that both Solid Landing and Residents have privacy as well.

Thank you,

Daniel Gonzalez
Business Consultant
Citi Merchant Services provided by First Data
M (949) 514-1435
F (402) 916-7185



<http://citi.merchantservicesbyfirstdata.com/>

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-GA-

ARMSTRONG, GARY

PH-1

From: Mr. Moreh <talentassociate@gmail.com>
Sent: Monday, June 08, 2015 3:41 PM
To: rdickson.cmpc@gmail.com; sandranian@yahoo.com; colinkmccarthy@yahoo.com; aventrue@gmail.ca.rr.com; twsesler@gmail.com; ARMSTRONG, GARY
Subject: plumer concerned about za-15-01

pls stop catering to the money. you work for US.
I AM BRYANT GILMORE

653 plumer st apt a
costa mesa 3102793593

we the residents of plumer street do not want gentrification. we dont want commercialization of plumer. 20 years ago we did not even have sweeper signs, no tickets.
we actually need speed bumps on this street to SLOW DOWN cars that are avoiding 19th street.
WE DO NOT WANT sober living homes at all.. and especially no treatment centers with many white vans or cars.

you work for US. not for the money.

do not give parking variance to ANY SOBER LIVING business, on plumer or ANY STREET.. that way the sober living will go to different city.

solid landing does NOT HAVE operating permit-- is nt that ILLEGAL??
pls enforce the law and evict this company solid landings.

there is not enough parking but more serious is... the crime is increasing

police are too busy to come more often.. but this area still gets more calls than most in CM.

the light house church and soup kitchen and SOS and lion's park already provide enough homeless drugged out people in the area... i support their ministry actually... but i live on the homeless highway trifecta quadfecta... WE DONT NEED MORE PEOPLE WALKING TO SOBER LIVING AND OR BEING DRIVEN IN WHITE VANS.. the white vans alone cause too much traffic.

we need speed bumps on this street.. we do not want sober treatment center or even the sober living houses.

In re: APPEAL OF THE ZONING ADMINISTRATOR'S APPROVAL OF ZONING APPLICATION ZA-15-01 FOR A DEVIATION FROM PARKING REQUIREMENTS FOR A GROUP COUNSELING USE AT 657 W. 19TH STREET

DECLARATION OF YESENIA UMANA

I, YESENIA UMANA, declare as follows:

1. I am the Community Relations and Real Estate Liaison for Solid Landings Behavioral Health ("Solid Landings"), which is located in Costa Mesa, California. I submit this Declaration in connection with the scheduled June 8, 2015 meeting concerning the above-referenced matter. I have personal knowledge of the following facts and can testify truthfully and competently to the following:

2. On April 23, 2015, the Zoning Administrator approved Solid Landings' application for a minor conditional use permit to deviate from parking requirements for the building located at 657 West 19th Street in Costa Mesa, which Solid Landings uses for group counseling services.

3. The approval was subject to various conditions, some of which were given deadlines for completion. I am responsible for overseeing the implementation of the conditions according to the proscribed schedule.

Condition #16 – Approval of Existing Gate Locations

4. Condition #16 requires Solid Landings to submit the existing vehicle gate locations to the Transportation Services Division for review and approval no later than May 29, 2015.

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5. On May 26, 2015, I spoke with Elizabeth Palacio, an Engineering Technician with the City of Costa Mesa, and submitted site plans to her for approval. The site plans showed the existing vehicle gate locations.

6. Between May 26, 2015 and June 3, 2015 I followed up with Ms. Palacio via e-mail and phone on multiple occasions but did not receive a response. I also visited the Transportation Services Division in person to follow up. I also requested updates from Pritam Deshmukh, an Associate Engineer with the City.

7. On June 4, 2015, Ms. Palacio returned the submitted site plans to me with handwritten comments and requests for additional information.

8. I am presently in the process of obtaining the requested information and will submit the supplemented plans to the Transportation Services Division for further review promptly.

Condition #17 – Obtain Knox Systems for Gate Access

9. Condition #17 requires Solid Landings to obtain a Knox system for emergency gate access from the Costa Mesa Fire Department within 30 days from the date of approval for the existing gate on Plumer Street and concurrently with the approval of the gate on West 19th Street.

10. I have obtained the Authorization from the Costa Mesa Fire Department for the purchasing and installation of the required Knox systems.

Condition #14 and #15 – Obtain Approval for Commercial Driveway

11. Conditions #14 and #15 require Solid Landings to obtain Planning approval for the construction of a commercial driveway on West 19th Street and to revise the parking

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area and access gates pursuant to certain conditions, including the elimination of parking spaces that interfere with the West 19th Street driveway access to the parking area.

12. To date, the five parking spaces along the West 19th Street driveway access to the parking area have been eliminated, and I am working with Planning towards plans for the construction of a commercial driveway, as required.

13. Per the Conditions for Approval, we have until June 12, 2015 to obtain such approval.

Various Other Conditions and Code Requirements

14. I am continuing to diligently work towards fulfilling the various other Conditions for Approval, including a landscape plan for the setback areas along the West 19th Street frontage (Condition #12, to be completed before July 29, 2015), posting of a visible street address (Code Requirement #4), screening of mechanical equipment (Code Requirement #5), and the submission of various other plans to the Planning Commission for final approval.

I declare under penalty of perjury pursuant to the laws of the United States of America that the foregoing is true and correct. Executed this 5 day of June, 2015 at Costa Mesa, California.

By: Yesenia Umana
YESENIA UMANA

June 1, 2015

I live at 649 Beach st. I have lived in Costa Mesa for over 70 years.

We live directly behind the D.M.V. There aren't many days that we can park in front of our own home, because of the D.M.V.'s inadequate parking.

The applicant is directly across the street from the D.M.V.

It is only common sense that this will add to the problem that we already have.

Sincerely,

Mervin Greiwe
Mervin Greiwe

No on application ZA-15-01

Received
City of Costa Mesa
Development Services Department

JUN 02 2015

PH-1

O'NEIL LLP

ATTORNEYS AT LAW

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JOHN D. HUDSON
DENNIS D. O'NEIL
JAY F. PALCHIKOFF
PAUL A. ROWE
WILLIAM L. TWOMEY
JOHN P. YEAGER

May 29, 2015

VIA E-MAIL AND U.S. MAIL

Received
City of Costa Mesa
Development Services Department

Robert Dickson
Chairman
Costa Mesa Planning Commission
77 Fair Drive
PO Box 1200
Costa Mesa, CA 92628-1200

MAY 29 2015

Re: Zoning Application ZA-15-01

Dear Chairman Dickson and Members of the Costa Mesa Planning Commission:

By letter dated April 23, 2015, notice of approval and the decision of Zoning of Application ZA-15-01 Minor Conditional Use Permit for Parking Reduction for Group Counseling Use (Solid Landings Behavioral Health, dba Rock Solid Recovery) 657 West 19th Street, Costa Mesa ("MCUP Building") was sent by Willa Bouwens-Killeen, Zoning Administrator to the applicant. The decision of the Zoning Administrator became final at 5:00 p.m. on April 30, 2015. A copy of the Zoning Administrator's decision in Zoning Application ZA-15-01 is attached under **TAB A**.

Application for Appeal or Review

On April 30, 2015, Stephan H. Andranian, in his capacity as a Member of the Costa Mesa Planning Commission, filed an Application for Review of the Zoning Administrator's decision in Zoning Application ZA-15-01. No fee was charged to Planning Commissioner Andranian for filing this Application for Review. Planning Commissioner Andranian withdrew his Application for Review of the Zoning Administrator's decision in this case on May 26, 2015. But for his position as a member of the Planning Commission scheduled to conduct a hearing on ZA-15-01, Planning Commissioner Andranian is now no longer a party initiating the review of ZA-15-01, but this situation could, however, create a conflict of interest or pre-hearing bias requiring Planning Commissioner Andranian to recuse himself from the hearing. The conflict would be based on the principles of a need for providing due process and a fair hearing discussed in the recent decision of the California Fourth District Court of Appeal in the case of *Woody's Group v. City of Newport Beach* which held that a council member could not sit as a judge on a case called up from a lower decision-making body.

-100-

On April 30, 2015, Ann H. Parker representing herself, Residents and TBON filed an Application for Review of the Zoning Administrator's decision in Zoning Application ZA-15-01. Ann Parker paid an Application for Review fee of \$690.00 ("Parker Request for Review"). The Residents, I assume, are all the residents of Costa Mesa which are obviously a group not certified as a class qualified to join in this Application. I have learned that TBON stands for "Take Back Our Neighborhood" although I do not know if this is a legally formed entity or if Ann Parker is authorized to represent TBON.

The Application for Appeal or Review requires an applicant to mark the box for "Appeal" or the box for "Review." The application expressly states on its face the "Review" may be requested only by Planning Commission, Planning Commission Member, City Council or City Council Member. Nevertheless, Ann Parker marked the wrong box requesting a "Review" of the Zoning Administrator's decision in case ZA-15-01.

The form of the Application for Appeal or Review filed by Ann Parker is attached under **TAB B**.

The Parker Request for Review has been calendared for consideration at the regular meeting of the Planning Commission to be held on Monday, June 8, 2015.

This law firm has been retained by Solid Landings Behavioral Health, dba Rock Solid Recovery to represent their position and present their arguments for support of upholding the decision of the Zoning Administrator in case ZA-15-01 and requesting dismissal of this case.

Procedure for Appeal

The procedures relating to the method of appeal and review of decisions of the staff, committees, commissions and City Council are set forth in Ordinance No. 13-08 amending Chapter IX of Title 2 of the Costa Mesa Municipal Code (Sections 2-300 through 2-314). Ordinance No. 13-08 was adopted by the Costa Mesa City Council on December 3, 2013 (copy attached under **TAB C**). Section 2-311 of Ordinance No. 13-08 states that the procedures set forth in this chapter are the exclusive methods by which appeals and reviews may be pursued and none of the steps set forth herein may be waived or omitted. Ann Parker failed to follow these procedures by marking the wrong box requesting a "Review" which cannot be waived and interpreted to mean she meant to check the "Appeal" box.

Section 2-303 of Ordinance No. 13-08 states that any affected person may, within the time limit set forth in Section 2-305, file an application for appeal with the City Clerk. Said application shall contain sufficient information to identify the party, its interest in the matter, and the reasons for requesting an appeal. Section 2-301 of Ordinance No. 13-08 defines "Affected Person" to mean "any person, including the applicant, any city staff member, committee, or commission who has an interest in the matter at issue or whose health, safety, or welfare may be affected by the decision." Section 2-301 defines "Review" to mean reconsideration of the decision of any city employee, committee, or commission requested by the City Council, on its own motion, or upon request of any City Council member, in order to consider the decision and any broad legislative and policy factors involved. This could mean the only body having jurisdiction to review a decision of the Zoning Administrator is the City Council. If this is the

case, the Planning Commission would be preempted from reviewing a decision of the Zoning Administrator in case ZA-15-01 according to Section 2-301.

The Parker Request for Review fails to provide any justification or sufficient information to identify herself, the Residents or TBON as having such an interest in the matter at issue to be qualified as an “affected person” or “affected persons” or having any interest affecting their health, safety or welfare. The reasons set forth in the Parker Request for Review states that the conditions imposed by the Zoning Administrator’s decision have been ignored. This allegation is just not true, has no merit and would not give rise to Ann Parker being an “Affected Person.” In any event the conditions are in the process of being implemented during the period time as authorized by the MCUP. Regardless, Ann Parker, the Residents and TBON lack standing to request review which can only be made by the Planning Commission, a Planning Commission member, the City Council or a City Council Member.

A search of the City’s records disclose that Ann Parker on a number of occasions has appeared before the Costa Mesa Planning Commission and City Council to voice her objection to the City’s ordinances and regulations allowing group homes to exist in the City. Ann Parker has expressed strong feelings against providing these services for recovering addicts in Costa Mesa. The City, however, as a public entity must conduct itself in compliance with federal and state law. The City is bound by the provisions of the Americans With Disabilities Act and other state and federal constitutional guarantees to prevent discrimination against persons disabled by addiction. Nevertheless, Ann Parker has shown in her prior testimony before the Planning Commission and City Council her ill-will against these facilities and this ill-will is likely to be the true motivation behind the Parker Request for Review of the Zoning Administrator’s decision in case ZA-15-01. Ann Parker is not an “Affected Person” in this case but is attempting to use this process to promote her established position in opposition to group homes in Costa Mesa. This is not relevant to case ZA-15-01 and constitutes an abuse of process.

Zoning Administrator’s Decision

The Zoning Administrator’s decision contains a comprehensive report in granting the Minor Conditional Use Permit (“MCUP”) to allow a parking reduction for the group counseling use conducted by my client in the MCUP Building, a two-story, 6,710 square foot commercial building located at 657 West 19th Street. The Zoning Administrator considered in detail: the land uses surrounding the MCUP Building; a description of the MCUP Building uses; the justifications for approving the MCUP; and the consistency with the goals and objectives of the General Plan and permitted uses in the C-1 zoning district. The Zoning Administrator not only had the evidence to consider submitted by my client but had input and could rely on the professional recommendations from the City Transportation Services, Economic and Development Services, and the Fire and Police Departments to assist in reaching this decision granting the MCUP.

The Zoning Administrator in support of her decision adopted findings stating: (i) the proposed use of the MCUP Building is compatible with other developments in the same general area and that an adequate number of on-site parking spaces can be provided for the use; (ii) granting the MCUP will not be materially detrimental to the health, safety and general welfare of the public or neighborhood; (iii) granting the MCUP is consistent with the goals and

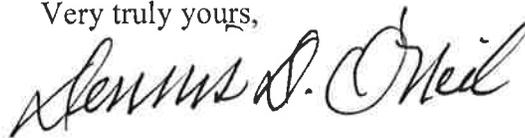
objectives of the General Plan; and (iv) the existing neighborhoods will be protected from incompatible land uses and by reducing or eliminating intrusion of commuters through traffic on local streets.

Most importantly, the Zoning Administrator attached 27 conditions of approval to the MCUP for ZA-15-01. The most significant conditions are: (i) limitation on the hours of operation of the MCUP Building; (ii) no employees, clients or visitors shall be allowed to park on City streets; (iii) the Planning Commission retains the power to modify or revoke the MCUP for noncompliance with the conditions of approval; (iv) if parking-related problems arise, the applicant shall institute appropriate operational measures necessary to eliminate the problem; and (v) provide that the main access to the parking for the MCUP Building be taken off of 19th Street and Plumer Street access shall only be used for vehicle egress. My client has agreed to abide by all conditions imposed by the Zoning Administrator and is in the process of implementing those conditions requiring any follow-up action.

The outpatient counseling services conducted at the MCUP Building are provided for disabled men recovering from alcoholism and substance abuse. This is a permitted use in the City's General Plan and the MCUP Building zoning district. The American's with Disabilities Act prohibits state and local governments from discriminating against individuals with disabilities in virtually all governance activities and decision-making, including planning and land use. The overwhelming preponderance of the evidence presented to the Zoning Administrator clearly establishes the basis for issuance of Zoning Application ZA-15-01. Further, the findings and conditions of approval address the adequacy of onsite parking for the MCUP Building and serve to protect the health, safety and general welfare of the City and its residents and businesses. Any attempt to overrule the decision of the Zoning Administrator in Zoning Application ZA-15-01 would be without justification and considered arbitrary and capricious. Overruling the decision of the Zoning Administrator would further cause significant harm to members of a protected class under state and federal anti-discrimination laws.

On behalf of Solid Landings Behavioral Health, dba Rock Solid Recovery, for the reasons set forth in this letter, I respectfully urge the Planning Commission to summarily dismiss the Parker Request for Review of Zoning Application ZA-15-01 and declare it to be void and of no force and effect.

Very truly yours,



Dennis D. O'Neil

DDO/clt

copy: Colin McCarthy (colinkmccarthy@yahoo.com)
Tim Sesler (twsesler@gmail.com)
Jeff Mathews (aventue@ca.rr.com)
Stephan Andranian (sandranian@yahoo.com)
Claire L. Flynn (claire.flynn@costamesaca.gov)
Mel Lee (mel.lee@costamesa.gov)
Yolanda M. Summerhill (yms@jones-mayer.com)
Kristen Ford (kristen.ford@solidlandings.com)



CITY OF COSTA MESA

P.O. BOX 1200 • 77 FAIR DRIVE • CALIFORNIA 92628-1200

DEVELOPMENT SERVICES DEPARTMENT

April 23, 2015

Solid Landings Behavioral Health
Attn: Kristen B. Ford, Esq.
2900 Bristol Street, Suite B-300
Costa Mesa, CA 92628

**RE: ZONING APPLICATION ZA-15-01 MINOR CONDITIONAL USE PERMIT FOR
PARKING REDUCTION FOR GROUP COUNSELING USE (SOLID
LANDINGS BEHAVIORAL HEALTH, DBA ROCK SOLID RECOVERY)
657 WEST 19TH STREET, COSTA MESA**

Dear Ms. Ford:

City staff's review of your zoning application for the above-referenced project has been completed. The application, as described in the attached project description, has been approved, based on the findings attached and subject to the conditions listed. The decision will become final at 5:00 p.m. on April 30, 2015, unless appealed by an affected party, including filing of the necessary application and payment of the appropriate fee, or called up for review by a member of the Planning Commission or City Council.

If you have any questions regarding this letter, please feel free to contact the project planner, Mel Lee, at (714) 754-5811, or at mel.lee@costamesaca.gov.

Sincerely,

A handwritten signature in cursive script, appearing to read "Willa Bouwens-Killeen".

WILLA BOUWENS-KILLEEN, AICP
Zoning Administrator

Attachments: Project Description
Findings
Applicant's Project Description and Plans

cc: Engineering
Fire Protection Analyst
Building Safety Division
Transportation Services Division

ZA-15-01
April 23, 2015
Page 2 of 13

Rock Solid Recovery
657 West 19th Street
Costa Mesa, CA 92627

John Morehart
126 East 16th Street
Costa Mesa, CA 92627

BACKGROUND

Project Site/Envlrons

The project site is located on the south side of West 19th Street, mid-block between Pomona Avenue and Anaheim Avenue. The site is .36 acres (15,681 square feet) in size. The property is zoned C1 (Local Business District) and has a General Plan Land Use Designation of General Commercial. The site contains a two-story, 6,710 square foot commercial building originally constructed in 1961, a surface parking lot, and site fencing. The site is bounded by commercial uses to the West and north (across West 19th Street), a commercial use (restaurant) and a residential use to the east, and residential uses (across Plumer Street) to the south. The site currently provides 29 on-site parking spaces, which are accessed via a gated driveway on Plumer Street. There is also an existing driveway approach on the West 19th Street frontage of the property, but it is not used because the paved driveway leading from the approach has been removed and is gated and blocked by 5 parallel van parking spaces provided adjacent to the building.

Prior land use actions on the property include a conditional use permit for a fraternal lodge on the second floor, approved in 1965 approved under Conditional Use Permit C-49-65, and a proposed conditional use permit for a manufacturing use under PA-87-07, which was denied by the Planning Commission on January 26, 1987.

The building is currently occupied by Solid Landings, DBA Rock Solid Recovery, which provides outpatient treatment programs and other services, including group counseling, for men with drug and alcohol addiction. The use is currently operating without an approved business license or minor conditional use permit to allow a reduction in the required on-site parking spaces required to support the group counseling use, which is described in the next section.

PROJECT DESCRIPTION

The applicant utilizes the building for the following services:

- State certified outpatient treatment programs for Rock Solid Recovery clients (men) residing in sober living group homes or state certified outpatient residential programs. The programs for women are a separate operation not conducted from this site.
- Individual and group counseling sessions, as well as educational sessions.
- Administrative offices.

According to the applicant's description of the use, a copy of which is attached to this letter, the various programs and services offered at the site run from 6:00 am to 9:00 pm, Monday through Friday. Weekend operation is limited to one-on-one therapy appointments on an as-needed basis between 8:00 am and 5:00 pm. The maximum number of staff on site at any one time during the weekday is 17 and the maximum

number of clients on the site at any one time during the weekday is 30. The clients come to the site by vans at various times of the day. The applicant claims that at no time will the required on-site parking for the use exceed 20 spaces; 3 spaces for the vans and 17 spaces for the staff that drive their cars to the site.

Minor Conditional Use Permit for Reduction in Required On-Site Parking for Group Counseling Use

The City's Zoning Code does not specify a parking requirement for group counseling uses. Zoning Code Section 13-90 (Parking For Uses Not Specified) allows the number of required parking spaces for uses not specified in the Zoning Code to be determined by the Zoning Administrator based upon the parking required for similar types of uses.

Zoning Administrator Determination No. 08-5, dated May 19, 2008, determined that the parking requirement for group counseling uses was to be classified the same as for trade and vocational schools, which is 10 parking spaces per 1,000 square feet of gross floor area. In the case of the subject property, this equates to a requirement of 67 on-site parking spaces based on the existing 6,710 square foot building area. The 10 spaces per 1,000 square foot parking requirement for group counseling uses is needed for the entire building because the other uses (i.e., administrative offices and therapy rooms) support the primary group counseling use.

Because the subject property currently provides 29 on-site parking spaces, a shortfall of 38 spaces required for the use, the applicant is requesting approval of a minor conditional use permit to allow for the reduction in the required parking amount based on their specific operation as discussed in the prior section of this letter and per Zoning Code Section 13-89.5 (Reduction in Parking Requirements).

ANALYSIS

Justifications for Approval

Staff has reviewed the applicant's request and supports the request based on the following:

- Based on the applicant's description of the use, an adequate number of on-site parking spaces is provided. As noted earlier, applicant states that currently 29 on-site parking spaces are provided of the 67 spaces required for the use, a shortfall of 38 spaces. However, based on the information provided by the applicant, an adequate number of on-site parking spaces can be provided for the use. The building square footages and summary of on-site activities are provided in the tables below:

PROPOSED USE OF ROOMS AND SQUARE FEET (SF)

FIRST FLOOR	
Therapy Offices (8)	1,434 SF
Meeting Rooms (4)	1,218 SF
Client Lounge/Dining Area	624 SF
Reception/Sign In	99 SF

SECOND FLOOR	
Offices (4)	693 SF
Conference Room/Kitchen/Storage Room	682 SF
Meeting Rooms (1)	1,218 SF
Computer Lab/Library (1)	682 SF

SUMMARY OF ON-SITE ACTIVITIES (MON-FRI)	
6:00 AM	The first Rock Solid employee arrives in a company vehicle and parks in the gated lot.
7:30-9:30 AM	16 additional Rock Solid employees and/or therapists arrive in personal or company vehicles.
8:45-9:15 AM	Clients from 4 different sober living homes arrive via 3 12-seat passenger vans. The vans drop clients off within the gated parking lot and do not remain onsite. The total number of clients that arrive via the 3 passenger vans range from 21-30. The vans arrive at 15 minute intervals so as not to overlap.
9:15 AM-3:00 PM	Clients rotate through one-on-one therapy, group counseling, computer lab/library time, lunch, and free time.
3:00-3:30 PM	Three passenger vans arrive to transport clients to the gym. Clients not wishing to go to the gym are transported home. Clients do not return until the following day. The vans arrive at 15 minute intervals so as not to overlap.
3:00-5:00 PM	Staff remains until 5:00 PM
5:00-6:00 PM	A cleaning crew of 3-6 people arrive in 1 or 2 cars and stays for 1 hour.
6:00 PM-6:30 PM	Evening staff arrives to run group sessions attended by Rock Solid Clients. 10 employees are present representing 10 vehicles. Clients arrive via 3 vans at 15-minute intervals. The approximate number of clients is 30. The total vehicles on site is 13.
6:30-8:30 PM	Group sessions held during this time period.
8:30-9:00 PM	Passenger vans arrive to transport clients to their homes at 15-minute intervals. The employees leave at 9:00 PM once the last passenger van leaves the site.

SUMMARY OF ON-SITE ACTIVITIES (SAT-SUN)	
8:00 AM-5:00 PM	Therapist may schedule an appointment with a client on an as needed basis. If an appointment occurs the number of vehicles is 2 -one for the therapist and one for the client who is transported to the premises via a Rock Solid vehicle.

Source: Applicant Letter Dated December 11, 2014

- The operational measures proposed by the applicant to mitigate the parking reduction is sufficient to mitigate long-term potential parking impacts. Staff acknowledges that the measures described in the applicant's letter may address parking shortages. However, staff is recommending, as a condition of approval, that if parking shortages or other parking-related problems arise, the business operator shall institute appropriate operational measures necessary to eliminate the problem. Additionally, based on the large parking shortfall, staff is recommending a number of conditions to ensure that the use is conducted entirely on the property so as to avoid parking shortfalls in the surrounding neighborhood as a result of the applicant's use.
- The current configuration of the parking area limits vehicle ingress and egress to the site from Plumer Street, creating additional commercial traffic on a local street adjacent to a residential neighborhood; therefore, vehicular access from W. 19th Street will be required to be provided. Unlike the other commercially-zoned properties on this block, which provides vehicular access from West 19th Street as well as Plumer Street, the subject property's sole vehicular ingress and egress is from Plumer Street. The current gate design lacks an adequate throat for vehicles accessing the parking lot, no kiosk for drivers to access the key pad, and no turnaround area for vehicles that do not gain access into the facility. As a result approaching vehicles are routinely blocking the public sidewalk and extending into through-lanes of traffic while the drivers exits the vehicle to access the key pad placed at the sidewalk adjacent to the gate. The Transportation Services Division has reviewed the applicant's proposal and has determined that to reduce the number of vehicles using Plumer Street to access the site, the driveway on West 19th Street should be restored, the gate and van parking spaces blocking the access from West 19th Street should be removed, and West 19th Street used as the main access to the site, with Plumer Street being designated for egress of vehicles only. This has been incorporated as a condition of approval. The reopening of the 19th Street gate will result in the loss of 5 additional parking spaces, putting the applicant at a scant 24 available spaces, with a 43-space shortfall. The applicant has stated it will only need 20 spaces, 17 for employees and 3 for client vans.

GENERAL PLAN CONFORMITY

Future development of all land within the City of Costa Mesa is guided by the General Plan adopted in 2002. The General Plan sets forth land use goals, policies, and objectives that guide new development and uses.

Based on the issues discussed in the previous sections, the request, as conditioned, is consistent with the following goals and objectives of the General Plan.

- **Objective LU-1F.1:** *Protect existing stabilized residential neighborhoods from the encroachment of incompatible or potentially disruptive land uses and/or activities.*
- **Objective CIR-1A.14:** *Reduce or eliminate intrusion of commuter through traffic on local streets in residential neighborhoods.*

ENVIRONMENTAL DETERMINATION

The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City environmental procedures, and has been found to be exempt under Section 15301, Existing Facilities, of the CEQA Guidelines.

FINDINGS

- A. The information presented complies with Costa Mesa Municipal Code Section 13-29(g)(2) in that:

Finding: The proposed use is compatible with developments in the same general area and would not be materially detrimental to other properties within the area.

Facts in Support of Findings:

Based on the applicant's description of the use, an adequate number of on-site parking spaces is provided. As noted earlier, 67 parking spaces is required for the use, 24 on-site parking spaces is provided, a shortfall of 43 spaces required for the use. However, based on the information provided by the applicant, an adequate number of on-site parking spaces can be provided for the use.

Finding: Granting the minor conditional use permit will not be materially detrimental to the health, safety, and general welfare of the public or otherwise injurious to property or improvements within the immediate neighborhood.

Facts in Support of Findings:

The current configuration of the parking area limits vehicle ingress and egress to the site from Plumer Street, creating additional commercial traffic on a local street adjacent to a residential neighborhood; therefore, vehicular access from W. 19th Street will be required to be provided. Unlike the other commercially-zoned properties on this block, which provides vehicular access from West 19th Street as well as Plumer Street, the subject property's sole vehicular ingress and egress is from Plumer Street. The Transportation Services Division has reviewed the applicant's proposal and has determined that to reduce the number of vehicles using Plumer Street to access the site, the driveway on West 19th Street should be restored, the

gate and five van parking spaces blocking the access from West 19th Street should be removed, and West 19th Street used as the main access to the site, with Plumer Street being designated for egress of vehicles only. This has been incorporated as a condition of approval.

Finding: Granting the minor conditional use permit will not allow a use, density, or intensity which is not in accordance with the General plan designation.

Facts In Support of Findings:

The request is consistent with the following goals and objectives of the General Plan:

- **Objective LU-1F.1:** *Protect existing stabilized residential neighborhoods from the encroachment of incompatible or potentially disruptive land uses and/or activities.*

Consistency: The measures described in the applicant's letter may address parking shortages. However, staff is recommending, as a condition of approval, that if parking shortages or other parking-related problems arise, the business operator shall institute appropriate operational measures necessary to minimize or eliminate the problem. Therefore, the request is consistent with this General Plan goal.

- **Objective CIR-1A.14:** *Reduce or eliminate intrusion of commuter through traffic on local streets in residential neighborhoods.*

Consistency: Unlike the other commercially-zoned properties on this block, which provides vehicular access from West 19th Street as well as Plumer Street, the subject property's sole vehicular ingress and egress is from Plumer Street. The Transportation Services Division has reviewed the applicant's proposal and has determined that to reduce the number of vehicles using Plumer Street to access the site, the driveway on West 19th Street should be restored, the gate and van parking spaces blocking the access from West 19th Street should be removed, and West 19th Street used as the main access to the site, with Plumer Street being designated for egress of vehicles only. This has been incorporated as a condition of approval. Therefore, the use is consistent with this General Plan goal.

- B. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City environmental procedures, and has been found to be exempt under Section 15301, Existing Facilities, of the CEQA Guidelines

C. The project is exempt from Chapter XII, Article 3, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

CONDITIONS OF APPROVAL

Plng. 1. The conditions of approval, code requirements, and special district requirements of ZA-15-01 shall be blueprinted on the face of the site plan as part of the plan check submittal package (if plan check is required).

2. The onsite activities shall be as follows:

SUMMARY OF ON-SITE ACTIVITIES (MON-FRI)	
6:00 AM	The first Rock Solid employee arrives in a company vehicle and parks in the gated lot.
7:30-9:30 AM	16 additional Rock Solid employees and/or therapists arrive in personal or company vehicles.
8:45-9:15 AM	Clients from 4 different sober living homes arrive via 3 12-seat passenger vans. The vans drop clients off within the gated parking lot and do not remain onsite. The total number of clients that arrive via the 3 passenger vans range from 21-30. The vans arrive at 15 minute intervals so as not to overlap.
9:15 AM-3:00 PM	Clients rotate through one-on-one therapy, group counseling, computer lab/library time, lunch, and free time.
3:00-3:30 PM	Three passenger vans arrive to transport clients to the gym. Clients not wishing to go to the gym are transported home. Clients do not return until the following day. The vans arrive at 15 minute intervals so as not to overlap.
3:00-5:00 PM	Staff remains until 5:00 PM
5:00-6:00 PM	A cleaning crew of 3-6 people arrive in 1 or 2 cars and stays for 1 hour.
6:00 PM-6:30 PM	Evening staff arrives to run group sessions attended by Rock Solid Clients. 10 employees are present representing 10 vehicles. Clients arrive via 3 vans at 15-minute intervals. The approximate number of clients is 30. The total vehicles on site is 13.
6:30-8:30 PM	Group sessions held during this time period.
8:30-9:00 PM	Passenger vans arrive to transport clients to their homes at 15-minute intervals. The employees leave at 9:00 PM once the last passenger van leaves the site.
SUMMARY OF ON-SITE ACTIVITIES (SAT-SUN)	

8:00 AM-5:00 PM	Therapist may schedule an appointment with a client on an as needed basis. If an appointment occurs the number of vehicles is 2 —one for the therapist and one for the client who is transported to the premises via a Rock Solid vehicle.
-----------------	--

3. No employees, clients or visitors to the property shall park on City streets. All parking for the use shall take place on the property in designated parking spaces.
4. All clients shall be dropped off and picked up in the parking area. No pick-up or drop-off will occur in the driveways or public right-of-ways.
5. The use shall be limited to the type of operation as described herein. Any change in the operational characteristics shall require review by the Planning Division and may require an amendment to the conditional use permit, subject to either Zoning Administrator or Planning Commission approval, depending on the nature of the proposed change. The applicant is reminded that the Municipal Code allows the Planning Commission to modify or revoke any planning application based on findings related to public nuisance and/or noncompliance with conditions of approval [Title 13, Section 13-29(o)].
6. The zoning application herein approved shall be valid until revoked. The Director of Economic & Development/Deputy CEO or his designee may refer the zoning application to the Planning Commission for modification or revocation at any time if, in his opinion, any of the following circumstances exist: 1) the use is being operated in violation of the conditions of approval; 2) the use is being operated in violation of applicable laws or ordinances or 3) one or more of the findings upon which the approval was based are no longer applicable.
7. If any section, division, sentence, clause, phrase or portion of this approval is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions.
8. If parking shortages or other parking-related problems arise, the business operator shall institute appropriate operational measures necessary to minimize or eliminate the problem.
9. The use shall be conducted, at all times, in a manner that will allow the quiet enjoyment of the surrounding neighborhood. The applicant and/or operator shall institute whatever security and operational measures are necessary to comply with this requirement.
10. A copy of the conditions of approval for the conditional use permit must be kept on premises and presented to any authorized City official upon request. New

business/property owners shall be notified of conditions of approval upon transfer of business or ownership of land.

11. The applicant shall contact the Planning Division to arrange a Planning inspection of the site. This inspection is to confirm that the Planning Division conditions of approval and code requirements have been satisfied.
 12. No later than 90 days from the date of approval, the landscape setback areas along the W. 19th Street frontage shall be landscaped with trees and vegetation. The landscape plan shall contain 24-inch box trees to the satisfaction of the Development Services Director.
 13. Applicant shall defend, indemnify, and hold harmless the City, its elected and appointed officials, agents, officers and employees from any claim, action, or proceeding (collectively referred to as "proceeding") brought against the City, its elected and appointed officials, agents, officers or employees arising out of City's approval of the project, including but not limited to any proceeding under the California Environmental Quality Act. The indemnification shall include, but not be limited to, damages, fees and/or costs awarded against the City, if any, and cost of suit, attorney's fees, and other costs, liabilities and expenses incurred in connection with such proceeding whether incurred by the applicant, the City and/or the parties initiating or bringing such proceeding. This indemnity provision shall include the applicant's obligation to indemnify the City for all the City's costs, fees, and damages that the City incurs in enforcing the indemnification provisions set forth in this section. City shall have the right to select the attorney defending it, if it elects to do so.
 14. Applicant shall obtain Planning approval for the construction of the commercial driveway on W. 9th Street, pursuant to condition 15, below.
- Trans. 15. No later than 45 days from the date of approval, revise the parking area and access gates as follows:
- a) Construct commercial driveway at the existing approach on W. 19th Street leading to the parking area at the rear of the site, which shall be used for vehicle ingress, unless otherwise directed by the Transportation Services Division.
 - b) Eliminate any parking spaces which interfere with the driveway access to the parking area at the rear of the site to comply with the standard drive aisle dimensions per the City's Parking Design Standards.
 - c) Onsite vehicular circulation shall comply with the City's Parking Design Standards.
 - d) Existing Plumer Street access shall only be used as vehicle egress,

unless otherwise directed by the Transportation Services Division.

16. No later than 30 days from the date of approval, existing vehicle gate locations shall be submitted to the Transportation Services Division for review and approval. If the existing gate locations cannot be approved, the applicant shall relocate and/or remove the vehicle gates as necessary.

Fire 17. All vehicular access gates shall comply with the requirements of Sections 506.1 and 506.2 of the 2013 California Fire Code (or any successor provisions), so as to provide access to emergency crews. A Knox system for gate access must be obtained through the Costa Mesa Fire Department within 30 days from the date of approval for the existing gate on Plumer Street, and concurrently with the approval of the gate on W. 19th Street.

CODE REQUIREMENTS

The following list of federal, state and local laws applicable to the project has been compiled by staff for the applicant's reference. Any reference to "City" pertains to the City of Costa Mesa.

- Plng.
1. This use, as well as all contractors and subcontractors doing construction-related activity on the site, shall have valid business licenses to do business in the City of Costa Mesa. Final inspections, final occupancy and utility releases will not be granted until all such licenses have been obtained.
 2. Approval of the zoning application is valid for one (1) year from the effective date of this approval and will expire at the end of that period unless applicant establishes the use by one of the following actions: 1) obtains building permit(s) for the authorized construction and initiates construction; and/or 2) obtains a business license and/or legally establishes the business. If the applicant is unable to establish the use/obtain building permits within the one-year time period, the applicant may request an extension of time. The Planning Division must receive a written request for the time extension prior to the expiration of the zoning application.
 3. The project is subject to compliance with all applicable Federal, State, and local laws. A copy of the applicable Costa Mesa Municipal Code requirements has been forwarded to the Applicant and, where applicable, the Authorized Agent, for reference.
 4. Street address shall be visible from the fascia adjacent to the main entrance or on another prominent location. Numerals shall be a minimum twelve (12) inches in height with not less than three-fourth-inch stroke and shall contrast sharply with the background. Identification

of individual units shall be provided adjacent to the unit entrances. Letters or numerals shall be four (4) inches in height with not less than one-fourth-inch stroke and shall contrast sharply with the background.

5. Any mechanical equipment such as air-conditioning equipment and duct work shall be screened from view in a manner approved by the Planning Division.
6. Two (2) sets of detailed landscape and irrigation plans, which meet the requirements set forth in Costa Mesa Municipal Code Sections 13-101 through 13-108, shall be required as part of the project plan check review and approval process. Plans shall be forwarded to the Planning Division for final approval prior to issuance of building permits.
7. Landscaping and irrigation shall be installed in accordance with the approved plans prior to final inspection or occupancy clearance.
8. Two (2) sets of landscape and irrigation plans, approved by the Planning Division, shall be attached to two of the final building plan sets.
- Bldg. 9. Comply with the requirements of the following adopted codes: 2013 California Building Code, 2013 California Electrical Code, 2013 California Mechanical Code, 2013 California Plumbing Code, 2013 California Green Building Standards Code, and 2013 California Energy Code (or the applicable adopted California Building Code, California Electrical Code, California Mechanical Code, California Plumbing Code, and California Green Building Standards and California Energy Code at the time of plan submittal or permit issuance) and California Code of Regulations, also known as the California Building Standards Code, as amended by the City of Costa Mesa.
10. Requirements for accessibility to sites, facilities, buildings and elements by individuals with disabilities shall comply with chapter 11B of the 2013 California Building Code.

Solid Landings

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Behavioral Health

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December 11, 2014

VIA HAND DELIVERY TO: CITY OF COSTA MESA

City of Costa Mesa
Development Services Department
77 Fair Drive
Costa Mesa, California 92628-1200

Re: Amended Application for Minor Conditional Use Permit for Parking Deviation for 657 West 19th Street, Costa Mesa, California - Project Description & Justification

City of Costa Mesa Development Services Department:

A. Introduction

Sure Haven, Inc. d/b/a Rock Solid Recovery (hereinafter "Rock Solid") submits the following detailed project description and justification for a parking deviation for the 657 West 19th Street property as a location for a state certified outpatient treatment program attended by Rock Solid clients residing in a sober living home or state certified outpatient residential program. This parking deviation request includes this justification followed by a list of [proposed] conditions on the minor conditional use permit (MCUP.)

Use is permitted: 657 West 19th Street is located in a C1 local business district. A C1 business district includes, but is not limited to, facilities such as city halls, courthouses, police/fire stations, schools, art studios, antique malls, banks, beauty shops, hardware stores, department stores, grocery stores, movie theaters, automobile sale and repair, administrative offices, medical and dental offices, and dance studios. Therefore, use of the premises as a outpatient treatment facility, which is most similar to a medical office (as explained *ante*), administrative offices, and medical (therapy) offices is permitted under the City's Code. No use authorization for the use is required.

Parking deviation: The 19th street property is 6710 square feet. The entrance is on Plumer Street and includes 29 on site parking spaces that are accessed via a confidential gate code known to Rock Solid employees. Members of the general public cannot freely enter and park. Rock Solid seeks a parking deviation that permits this facility to function with the allocated 29 gated spaces instead of the 54 required per the Code. This request is based upon Rock Solid's detailed use of the facility as described herein.



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B. Detailed Project Description

Solid Landings Behavioral Health, Inc. is the parent company of Rock Solid Recovery. It provides effective residential and outpatient treatment services for those suffering from the disease of drug and alcohol addiction. We have operated our homes and treatment facilities within the City of Costa Mesa since approximately 2010. In doing so, we have contributed to the fiscal health of the City in many ways, including but not limited to, employing individuals in various capacities, including staff in our corporate offices, the warehouse, landscaping and maintenance, alumni services, family programming, therapy, and community outreach. We are good neighbors in the community. We operate and maintain our properties in a manner that is compatible with each neighborhood, we upgrade our homes to increase their value, and respect the surrounding communities.

Solid Landings Behavioral Health operates gender specific programs. Rock Solid is the program for men and Sure Haven is the program for women. This MCUP only concerns the Rock Solid program which proposes to locate its administrative offices, state certified outpatient treatment program, and individual counseling services at 657 West 19th Street.

Rock Solid's outpatient treatment program is under the jurisdiction of the State Department of Health Care Services which certifies nonresidential alcohol and drug treatment programs through a procedural framework that requires a detailed provider application followed by a thorough review process to confirm regulatory compliance.¹ In order to obtain this certification, Rock Solid provided the State with a plan of operations detailing a continuous quality management program, its structured recovery program for clients, and a description of education and vocational classes with professional staffing. Following certification, the State provides ongoing oversight and evaluation through quality assurance standards for continuing regulatory compliance.

C. Detailed Program Description

Clients of the Rock Solid program include:

- Adults who voluntarily agree to attend group sessions, individual counseling, and educational sessions to address their substance abuse problems;
- Adults that are currently living in a sober living home or state licensed residential program;
- Private paying individuals either through insurance or out-of-pocket; and
- Voluntary admits, not referred from the criminal justice system.

¹ California Health & Safety Code §§11830, et seq.; California Code of Regulations, Title 9, Section 10501, et seq.



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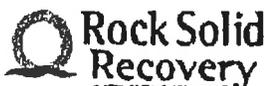
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The following is a detailed outline of the activities related to 657 19th Street (hereinafter "19th Street"). This program runs Monday through Friday followed by limited weekend use. The weekday schedule is as follows:

- 6:00 a.m. The first Rock Solid employee arrives at 19th Street in a company vehicle and parks in the gated lot.
- 7:30-9:30 a.m. 16 additional Rock Solid employees and/or therapists arrive in personal or company vehicles. These staff members include 8 therapists to hold 1:1 counseling sessions, 4 therapists who run group sessions; 5 additional staff members who perform administrative tasks and manage the computer lab/library. The maximum number of vehicles on-site throughout the remainder of the day, not including transportation vans (discussed *ante*), is 17 - one for each employee.
- 8:45 - 9:15 a.m. Clients from four different sober living homes arrive at 19th Street via three 12-seat passenger vans. The vans drop clients off within the gated parking lot and do not remain on-site. The total number of clients that arrive via the three passenger vans will range from approximately 21-30. The vans will arrive at 8:45, 9:00 and 9:15 so as not to overlap.
- 9:15 - 3:00 p.m. Clients will generally rotate through 1:1 therapy, group counseling, computer lab/library time, lunch, and self-reflection/homework, and free time.
- 3:00 - 3:30 p.m. Three passenger vans arrive in the gated parking area and transport clients to the gym. Clients not wishing to go to the gym are transported home. Clients do not return to the campus until the following weekday. The vans will stagger their pickups at 3:00, 3:15 and 3:30.
- 3:00 - 5:00 p.m. Staff may remain on campus until 5:00 when they leave for the day.
- 5:00 - 6:00 p.m. A cleaning crew of 3 to 6 individuals arrives in one or two cars, park in the gated lot and stays for approximately 60 minutes.
- 6:00 p.m. Evening staff arrives to run group sessions attended by Rock Solid clients. 10 employees are present representing 10 vehicles. The clients arrive via three passenger vans with staggered arrivals at 6:00, 6:15 and 6:30 p.m. The approximate number of clients onsite will be 30. The total vehicles, including vans, is 13.



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- 6:30 - 8:30 p.m. Group sessions are held during this time period.
- 8:30 - 9:00 p.m. Passenger vans arrive to transport clients to their respective homes at 8:30, 8:45 and 9:00 p.m. The employees leave at 9:00 p.m. once the final client departs via passenger van.

During the weekend, a therapist may schedule an appointment with a client at 19th Street. These appointments are rare; however, they occur between 8:00 a.m. and 5:00 p.m. when the need arises. If an appointment occurs, then the maximum number of vehicles would be two, one for the therapist and one for the client who is transported to the premises in a Rock Solid vehicle.

D. Parking Justification

Rock Solid Intends to use the 19th street building as part of its outpatient treatment program. Specifically, the building has three uses: administrative, medical (therapist) office space and group counseling. As mentioned above, these are all approved uses within the C1 zone. The only issue relates to sufficient parking. Rock Solid requests a parking variance from 48 to 29 parking spaces. This request is nearly identical to the variance requested and granted for the Group Counseling Center at 1901 Newport Boulevard, Suite 149, Costa Mesa (ZA-09-34). (This document is attached hereto as Exhibit "A.")

The parking lot attached to 19th Street contains 29 gated parking spaces. The maximum number of vehicles onsite at any given time of the day is 17, plus at most, 3 passenger vans. The total number of spaces necessary for Rock Solid's use is 20, which leaves nearly a third of the lot empty. (See parking map attached as Exhibit "B.") The required parking for 19th Street far exceeds the demand of the actual use, permitting the City to reduce the requirement. (Costa Mesa Municipal Code § 13-89.5.)

The City generally requires group counseling to have 10 parking spaces for every 1000 square feet of floor space (10:1); however, due to Rock Solid's actual use as described above, this is an excessive parking requirement and an improper classification for its use. Other establishments that require 10:1 parking are open to the general public and include large restaurants, gyms, trade schools, business colleges, dancing and music academies, and skating rinks. (Costa Mesa Zoning Code, Chapter IV Off Street Parking.) These are extremely different from Rock Solid's use, which is private in nature and both the parking and building entrance are only accessed via a locked gate on a side street. The other 10:1 establishments are not only public, but they encourage large members of the public to attend, they require parking of vehicles owned by unknown members of the public, and the owners of the establishment have very limited control over who parks in the lots.

Rock Solid has absolute control of all vehicles that enter and park in the lot. Only employees have the gate access code and Rock Solid has complete control over the number



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of employees present at 19th Street at any given moment. Further, only part of the first floor will be used as a group counseling center. The remainder of the building will be split between administrative and therapist offices. The below chart describes the breakdown of our uses:

Use	Square Feet	Parking Required
Group Counseling	3840	39
Medical Office	1434	9
Administrative	1435	6
TOTAL	6710	54

Due to Rock Solid's use, the total number of parking spaces per the code is 54. However, should the City consider the entire building group counseling (which it is not) then, the total parking would be 67 spaces. Either way, the parking requirement under the Code does not coincide with Rock Solid's actual use and therefore this MCUP is respectfully requested.

E. American's with Disabilities Act

The American's with Disabilities Act (ADA), Title II, prohibits state and local governments from discriminating against individuals with disabilities in virtually all governance activities and decision-making, including planning and land use. (ADA Title II: State and Local Government Activities; 28 C.F.R. §§35.130, *et seq.*) Public entities must make reasonable modifications in rules, policies and practices that are necessary to avoid discrimination on the basis of a disability "unless the public entity can demonstrate that making the modification would fundamentally alter the nature of the service, program or activity." (28 C.F.R. §§35.130(b)(7), the ADA term "reasonable modification" has the same meaning as "reasonable accommodation" under the federal and state fair housing laws; Costa Mesa Municipal Code §13-200.60, *et seq.*, reasonable accommodations.)

The ADA's reasonable modification mandate provides an additional basis for Rock Solid's request for a parking deviation. The City of Costa Mesa's classification of Group Counseling as a trade or vocation school leads to the very high parking requirement of 10:1. The requirement is based on the questionable assertion that the demand for parking at group counseling sessions is the same as that of vocational or trade schools. The more appropriate classification of an outpatient treatment program, such as Rock Solid's, is as a medical office space. This suggested approach is in line with the State's efforts to create parity between physical and mental health treatment access. Classification of Rock Solid's treatment program as one which requires 10:1 parking places an enormous barrier to treating disabled individuals suffering from drug and alcohol addiction.



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F. Decisions must not be Arbitrary or Capricious

Decisions of a zoning board are ultimately appealable to the court. When a court reviews decisions of a zoning board and/or its officers, the court may inquire into the conduct of the board or officers which relates to the decision making process in order to determine whether the decision was arbitrary or capricious. (*Ruppert v. Washington* (1973) 366 F. Supp 686.) These decisions are reviewable, not only for the purpose of determining whether there has been an erroneous interpretation of the law, but also to determine whether they impair personal or property rights by reason of an arbitrary or unlawful exercise of discretion. (*Ruppert v. Washington* (1973) 366 F. Supp 686.)

Sober Living By the Sea previously requested a similar parking variance for 1901 Newport Boulevard in Costa Mesa, CA wherein the City agreed that a total of 6 parking spaces were required for a 3800 square foot group counseling center because all clients arrived by passenger vans and only 4 employees would be present at the sessions. (ZA-09-34 attached as "A.") Rock Solid requests that the City come to the same, reasonable conclusion, and grant the requested parking deviation. A decision otherwise would essentially prohibit the use of the property by the disabled and be arbitrary.

G. Proposed Conditions on the MCUP

Rock Solid has prepared and agrees to abide by the following list of proposed conditions that could be placed upon the Minor Conditional Use Permit requested herein.

Conditions of Approval

1. Operation of the business shall be limited as described in the project description and the applicant's December 8, 2014 submittal. Any expansion or modification of the use or hours of operation may require approval of an amendment to the minor conditional use permit.

2. If parking shortages or other parking-related problems arise, the applicant shall institute whatever operational measures are necessary to eliminate the problem in a timely fashion.

3. Hours of operation shall be from 6:00 a.m. to 9:00 p.m., Monday through Friday. Weekend operation is limited to one-on-one therapy appointments that, if necessary, would occur between 8:00 a.m. and 5:00 p.m.



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4. A copy of the conditions of approval for the minor conditional use permit shall be kept on the premises and presented to any authorized City Official upon request. New business/property owners shall be notified of the conditions of approval upon transfer of the business or ownership of land.

H. Conclusion

Rock Solid respectfully requests the City grant its request for a minor conditional use permit to allow a reduction in the parking requirement for the outpatient treatment center, therapy offices and administrative offices located at 19th Street. This reduction will not be detrimental to the health, safety or general welfare of the public or other properties or improvements within the immediately vicinity. Specifically, the required parking exceeds the actual anticipated demand for the use since the attendees are transported to and from the site via passenger vans. Granting the minor conditional use permit will not allow a use, density or intensity, which is not in accordance with the general plan. Therefore, the parking deviation should be granted as requested.

Sincerely,



Kristen B. Ford
Vice President and Corporate Counsel
Rock Solid Recovery, Inc.



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Exhibit A



CITY OF COSTA MESA

P.O. BOX 1200 • 77 FAIR DRIVE • CALIFORNIA 92620-1200

DEVELOPMENT SERVICES DEPARTMENT

November 5, 2009

Brian Burke
2811 Villa Way
Newport Beach, CA 92663

**RE: ZONING APPLICATION ZA-09-34
REDUCED PARKING REQUIREMENT FOR GROUP COUNSELING CENTER
1901 NEWPORT BOULEVARD, SUITE 149, COSTA MESA**

Dear Mr. Burke:

Review of the minor conditional use permit for the above-referenced project has been completed. The application, as described in the attached project description, has been approved, based on the findings and subject to the conditions of approval (attached). The decision will become final at 5 p.m. on November 12, 2009, unless appealed by an affected party (including filing of the necessary application and payment of the appropriate fee) or by a member of the Planning Commission or City Council.

If you have any questions regarding this letter, please feel free to contact the project planner, Wendy Shih, at 714-754-5136 between 1 p.m. and 5 p.m. or via email at wshih@ci.costa-mesa.ca.us

Sincerely,

WILLA BOUWENS-KILLEEN, AICP
Zoning Administrator

Attachments: Project description
 Findings
 Conditions of approval
 Approved conceptual plans

cc: Engineering
 Fire Protection Analyst
 Building Division

1901 Newport LLC
3424 Wilshire Blvd., Ste. 1200
Los Angeles, CA 90010

PROJECT DESCRIPTION***Background:***

- Sober Living by the Sea provides group counseling and education for drug and alcohol abuse at 1040 West 17th Street, in an approximately 8,273 square-foot suite.
- The applicant proposes to relocate the business to a smaller suite (approximately 3,800 square feet) at the subject location.
- The property is zoned PDC (Planned Development Commercial) and has a General Plan designation of Commercial Center. The property contains a three-story commercial building and a single-story office building, totaling 127,512 square feet.
- According to the City's Land Use Matrix, group-counseling and education center (categorized under trade and vocational schools) is a use permitted within the PDC zone. However, a minor conditional use permit is required to allow a reduction in shared parking requirements due to unique operating characteristics.

Analysis:

- The applicant states that the hours of operation will be from 8 a.m. to 9 p.m., Monday through Friday, with a maximum of four employees/administration staff on-site during those hours. Lectures and educational groups will occur between 9 a.m. and 4:30 p.m. and between 6:30 p.m. and 8:30 p.m.
- The facility will provide individual and group counseling for up to 12 people. All attendees will be transported to and from the facility by two passenger vans.
- The Code requires 10 spaces per 1,000 square feet of gross floor area or 38 parking spaces for the counseling/education center; 11 parking spaces are allocated to this suite based on general office parking requirement (3 spaces per 1,000 square feet for office buildings exceeding two stories in height and 100,000 square feet in area).
- Based on the applicant's description of the proposed use, the actual parking demand is six spaces (four spaces for the employees plus two passenger vans).
- Since all counseling attendees will arrive and leave by passenger vans only and the total actual parking demand is comparable to a general office use, parking impacts are not anticipated.

FINDINGS

1. The information presented substantially complies with Section 13-29(e) of the Costa Mesa Municipal Code in that:
 - a. The proposed use is compatible and harmonious with uses on-site as well as those on the surrounding properties.

- b. Safety and compatibility of the design of the buildings, parking areas, landscaping, luminaries, and other site features including functional aspects of the site development such as automobile and pedestrian circulation have been considered.
 - c. The proposed use is consistent with the General Plan because it is a permitted use in the PDC zone and no parking impacts are anticipated due to the unique operating characteristics.
 - d. The planning application is for a project-specific case and does not establish a precedent for future development.
2. The minor conditional use permit to allow a reduction in shared parking requirements for a counseling/education center substantially complies with Costa Mesa Municipal Code Section 13-29(g)(2) in that the proposed use is substantially compatible with developments in the same general area. Granting the minor conditional use permit will not be detrimental to the health, safety and general welfare of the public or other properties or improvements within the immediate vicinity. Specifically, the required parking exceeds the actual anticipated demand for the use since the attendees are transported to and from the site via passenger vans. Granting the minor conditional use permits will not allow a use, density or intensity, which is not in accordance with the general plan designation for the property.
 3. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City environmental procedures, and has been found to be exempt from CEQA under Section 15301 for Existing Facilities.
 4. The project is exempt from Chapter XII, Article 3 Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

CONDITIONS OF APPROVAL

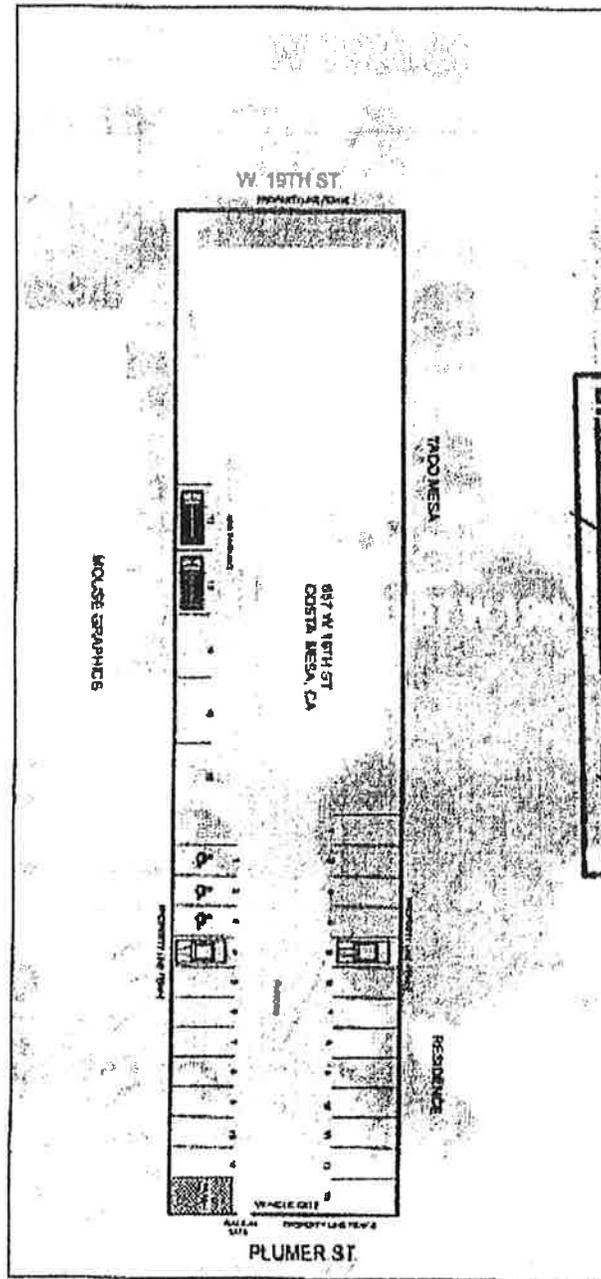
- Plng.
1. Operation of the business shall be limited as described in the project description and in the applicant's letter dated September 21, 2009. Any expansion or modification of the use or hours of operation may require approval of an amendment to the minor conditional use permit.
 2. If parking shortages or other parking-related problems arise, the applicant shall institute whatever operational measures are necessary to minimize or eliminate the problem.
 3. Hours of operation shall be from 8 a.m. to 9 p.m., Monday through Friday.
 4. All attendees shall wait for transportation service inside the building only.
 5. A copy of the conditions of approval for the minor conditional use permits must be kept on premises and presented to any authorized City official upon request. New business/property owners shall be notified of conditions of approval upon transfer of business or ownership of land.

CODE REQUIREMENTS

The following list of federal, state and local laws applicable to the project has been compiled by staff for the applicant's reference. Any reference to "City" pertains to the City of Costa Mesa.

- | | | |
|--------------|----|---|
| Plng. | 1. | Approval of the zoning application is valid for one (1) year from the effective date of this approval and will expire at the end of that period unless applicant establishes the use by one of the following actions: 1) obtains building permits for the authorized construction and initiates construction; and/or 2) obtains a business license and/or legally establishes the business. If the applicant is unable to establish the use/obtain building permits or business license within the one-year time period, the applicant may request an extension of time. The Planning Division must receive a written request for the time extension prior to the expiration of the zoning application. |
| | 2. | Once the use is legally established, the zoning application herein approved shall be valid until revoked. The Development Services Director or his designee may refer the zoning application to the Planning Commission for modification or revocation at any time if, in his opinion, any of the following circumstances exist: 1) the use is being operated in violation of the conditions of approval; 2) the use is being operated in violation of applicable laws or ordinances or 3) one or more of the findings upon which the approval was based are no longer applicable. |
| Bus.
Lic. | 2. | A business license shall be obtained prior to the initiation of the business approved under this application. |
| Bldg. | 3. | Comply with the requirements of the California Code of Regulations, Title 24, also known as the 2007 California Building Standards Code, as amended by the City of Costa Mesa. |

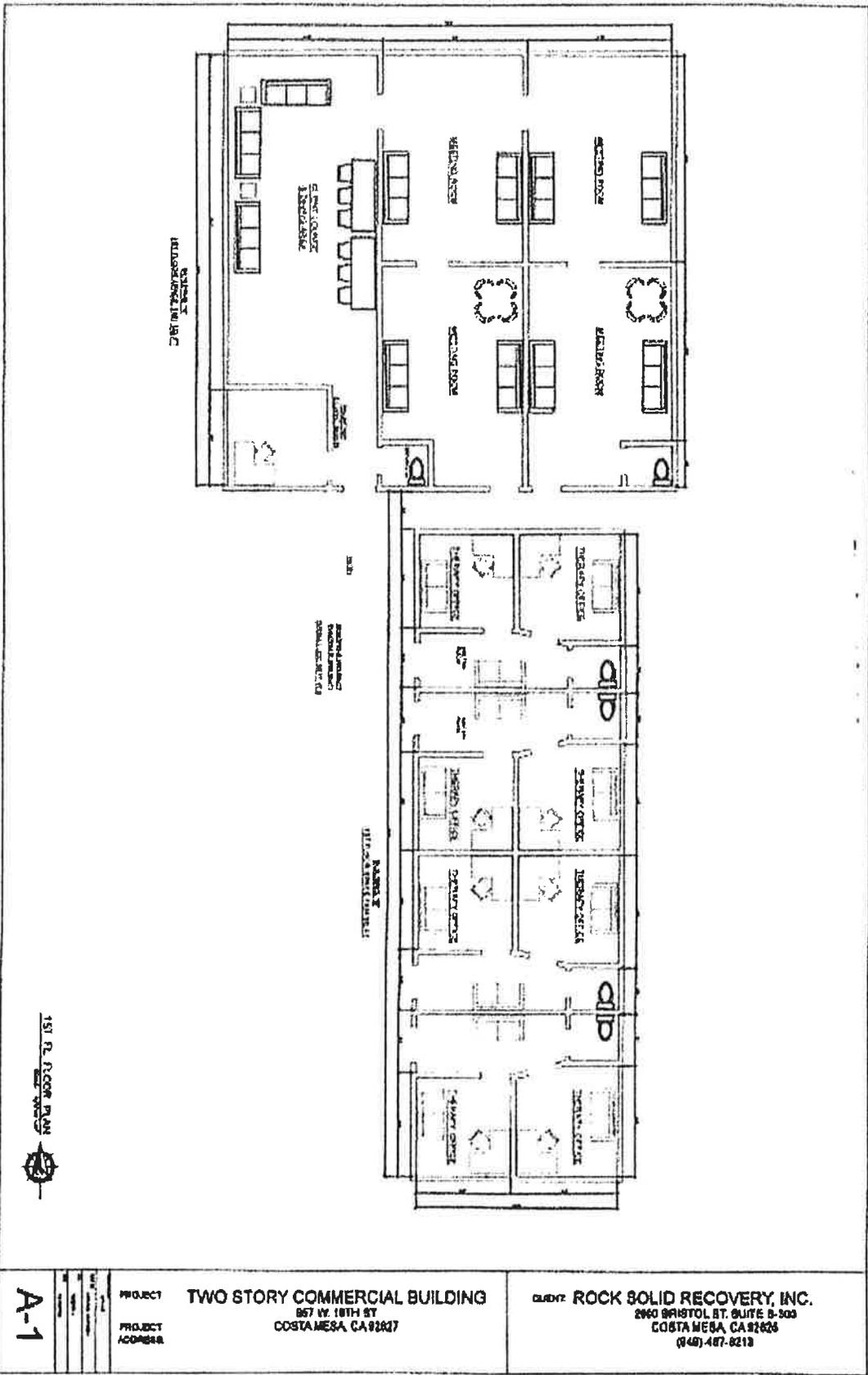
Exhibit B



MINOR CONDITIONS USE PERMIT
 ADMINISTRATIVE ADJUSTMENT NO. 15-01
Approval in Concept
 SUBJECT TO CONDITIONS
 CITY OF COSTA MESA
 PLANNING DEPT.
 BY *Heather* DATE *4/23/15*

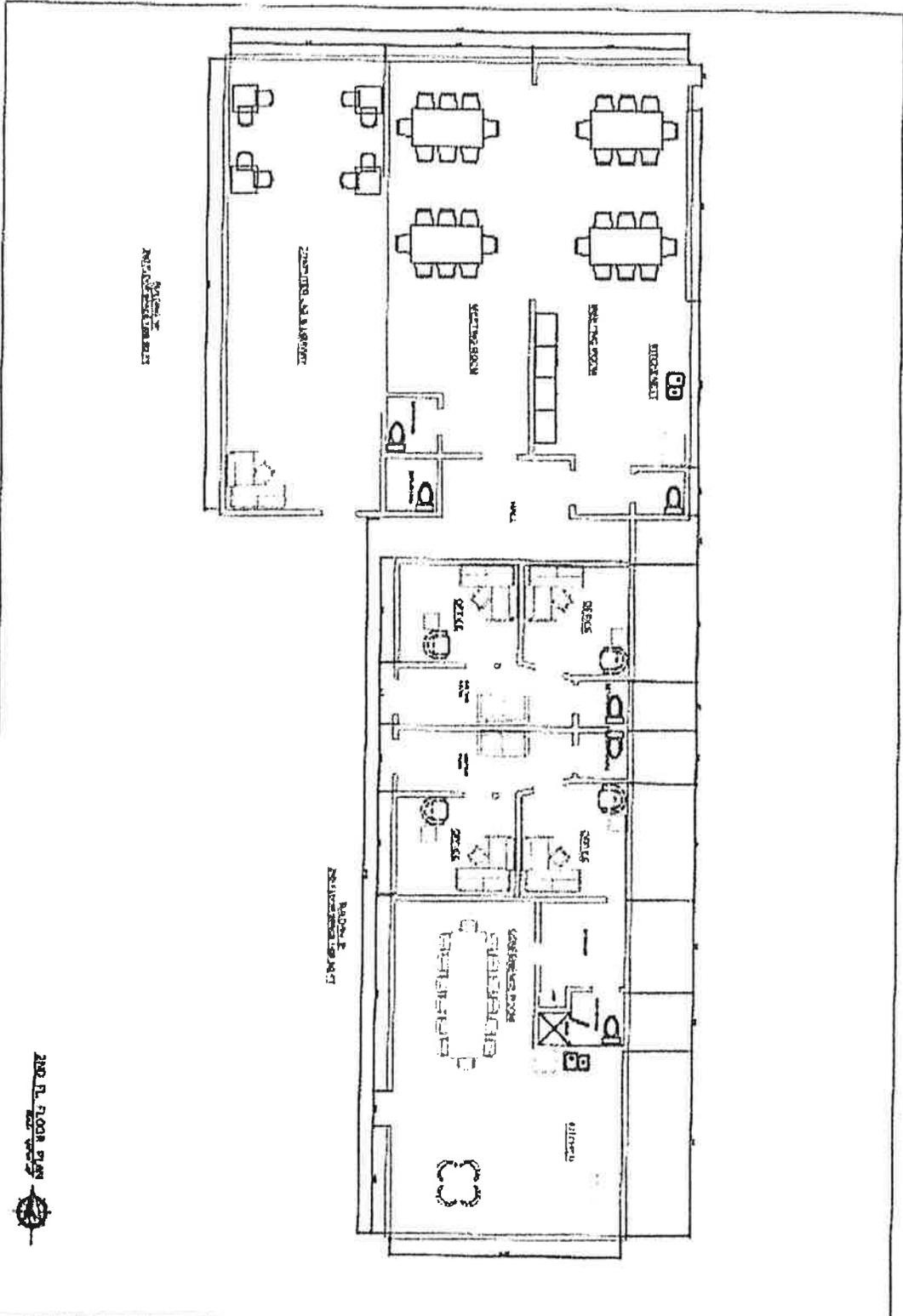


S	PROJECT	TWO STORY COMMERCIAL BUILDING	CLIENT	ROCK SOLID RECOVERY, INC.
	PROJECT ADDRESS	857 W. 19TH ST COSTA MESA, CA 92627		2000 BRISTOL ST. SUITE B-300 COSTA MESA, CA 92626 (949) 447-8213



1ST FL. FLOOR PLAN

A-1	PROJECT	TWO STORY COMMERCIAL BUILDING	CLIENT	ROCK SOLID RECOVERY, INC.
	PROJECT ADDRESS	857 W. 18TH ST COSTA MESA, CA 92627		2960 BRISTOL ST. SUITE B-300 COSTA MESA, CA 92626 (949) 487-8213



2ND FL. FLOOR PLAN

A-2	PROJECT	TWO STORY COMMERCIAL BUILDING	CLIENT	ROCK SOLID RECOVERY, INC.
	PROJECT ADDRESS	1037 W. 19TH ST COSTA MESA, CA 92627		2900 BRISTOL ST. SUITE B-300 COSTA MESA, CA 92626 (415) 487-8213



City of Costa Mesa

RECEIVED
CITY CLERK

15 APR 30 PM 1:12

- Appeal of Planning Commission Decision - \$1,220.00
- Appeal of Zoning Administrator/Staff Decision - \$690.00

CITY OF COSTA MESA
BY B.G.

APPLICATION FOR APPEAL OR REVIEW

Applicant Name* ANN H. PARKER
 Address 2021 ALISO COSTA MESA Calif 92627
 Phone (949) 442-6808 Representing SELF & residents + TABU

REQUEST FOR: APPEAL REVIEW**

Decision of which appeal or review is requested: (give application number, if applicable, and the date of the decision, if known.)

ZA-15-01 April 23, 2015 (?)
Request for Review of this Decision

Decision by: Gary Armstrong (?) Willa Bowwens-Killean
 Reasons for requesting appeal or review: zoning administrator

As of 8:30 this Am April 30, 2015 almost every single condition of approval had been ignored. Vans did not drop off clients but parked in lot. SUV's pulled up & parked on planer & also a red truck & clients got out but a time & roamed down planer from Senior Center to Facility, Employees - including lab techs in scrubs etc. parked all over planer. Please pay attention to #3 and #4 and 5 & #6 is being operated in violation of applicable laws. Guy in scrubs from Cab in lot parked on

Date: April 30, 2015 Signature: Ann H. Parker

*If you are serving as the agent for another person, please identify the person you represent and provide proof of authorization.
 **Review may be requested only by Planning Commission, Planning Commission Member, City Council, or City Council Member

For office use only - do not write below this line

SCHEDULED FOR THE CITY COUNCIL/PLANNING COMMISSION MEETING OF:
 If appeal or review is for a person or body other than City Council/Planning Commission, date of hearing of appeal or review:
I thought no medical on this license

ORDINANCE NO. 13-08

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, AMENDING CHAPTER IX OF TITLE 2 OF THE COSTA MESA MUNICIPAL CODE RELATING TO APPEAL, REHEARING, AND REVIEW PROCEDURE

WHEREAS, Chapter IX of Title 2 of the Costa Mesa Municipal Code provides for the review, appeal, and rehearing of decisions; and

WHEREAS, the City Council desires to amend Chapter IX to preserve the appeal and review procedures and remove the rehearing procedure.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COSTA MESA DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Chapter IX of Title 2 of the Costa Mesa Municipal Code is hereby amended as follows:

CHAPTER IX. APPEAL AND REVIEW PROCEDURE

- Sec. 2-300. Purpose.
- Sec. 2-301. Definitions.
- Sec. 2-302. City council review requests.
- Sec. 2-303. Procedure for appeal.
- Sec. 2-304. Reserved.
- Sec. 2-305. Time limitations for appeals and reviews.
- Sec. 2-306. Time limitation for issuance of permits.
- Sec. 2-307. Fees.
- Sec. 2-308. Notice of appeal or review.
- Sec. 2-309. Person or body to hear an appeal or review a decision.
- Sec. 2-310. Exhaustion of administrative remedies.
- Sec. 2-311. Exclusive procedures.
- Sec. 2-312. Accrual of certain claims.
- Sec. 2-313. Limitations on judicial review.
- Sec. 2-314. Severability.
- Secs. 2-315—2-400. Reserved.

Sec. 2-300. Purpose.

The purpose of this chapter is to provide an orderly and fair method of appeal and review of decisions of the staff, committees, commissions and council of the city.

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Sec. 2-301. Definitions.

As used in this chapter, the following terms shall have the meanings set forth herein below:

- (1) *Affected person* means any person, including the applicant, any city staff member, committee, or commission who has an interest in the matter at issue or whose health, safety, or welfare may be affected by the decision.
- (2) *Appeal* means reconsideration, by a higher authority, of the specific facts and circumstances of any final decision made by the city, any of its employees, committees or commissions or by the redevelopment agency.
- (3) *Applicant* means the person who applied for or requested the decision or action which is the subject of the appeal or review.
- (4) *Council* means the Costa Mesa City Council.
- (5) *Decision* means any final decision, finding, ruling, order or action.
- (6) *Permit*, as used in section 2-306, means anything referred to elsewhere in this Code as being a "permit" or "license."
- (7) *Person* shall have the meaning attributed in section 1-21 of this Code.
- (8) *Review* means reconsideration of the decision of any city employee, committee, or commission requested by the city council, on its own motion, or upon request of any council member, in order to consider the decision and any broad legislative and policy factors involved.

Sec. 2-302. City council review requests.

Within the time limits set forth in section 2-305, the city council or any council member may request that a decision of any city employee, committee, or commission be reviewed by filing an application with the city clerk stating the reasons for the requested review. Said review will be conducted according to the procedures specified in section 2-303 and 2-309. The person or body to hear the review will be designated in the application by the person or body seeking such review and shall be as specified in section 2-309, unless the council as a whole specifies a higher level of review in the first instance.

Sec. 2-303. Procedure for appeal.

- (1) Any affected person may, within the time limits set forth in section 2-305, file an application for appeal with the city clerk. Said application shall contain sufficient information to identify the party, its interest in the matter, and the reasons for requesting an appeal.

- (2) If the appeal is to be heard by a person or body which conducts regularly scheduled meetings, the appeal shall be considered at the first regular meeting which follows receipt of the application by ten (10) or more days, and which allows sufficient time for the giving of notice as required by section 2-308
- (3) If the appeal is to be heard by an individual or body which does not conduct regularly scheduled meetings, the appeal shall be considered not more than ten (10) days following receipt of the application; provided that the time period may be extended if necessary to allow the giving of notice as required by section 2-308
- (4) An appeal hearing shall consist of a new (i.e., de novo) hearing on the matter by the person or body specified in section 2-309. The appeal hearing shall be based on the following evidence:
 - (a) Any relevant evidence, including staff reports, etc., submitted at the time of the prior decision and at the appeal hearing, and
 - (b) Findings, if any, and decision of the person or body whose decision is being appealed.
- (5) Notwithstanding the provisions of this chapter, there shall be no right of appeal to the city council from a decision by a public officer designated by City Council Policy No. 100-7 on an application for a waiver of fees for use of a city owned public facility or show wagon. A decision pursuant to City Council Policy No. 100-7 shall be subject to California Code of Civil Procedure section 1094.6.
- (6) If the original decision being appealed involved issuance of any permit, license, or other entitlement or approval or requested some action by the city, the applicant for the original decision shall have the burden of proof to support the granting of the requested issuance, approval, or action at the appeal.

Sec. 2-304. Reserved.

Sec. 2-305. Time limitations for appeals and reviews.

All applications for appeals and reviews must be filed, in writing, during regular business hours of 8:00 a.m. to 5:00 p.m., Monday through Friday, except holidays, and within the time limits hereinafter set forth:

- (1) For all matters relating to the approval, disapproval or extension of tentative and parcel maps, within ten (10) days from the date of the final decision subject to appeal or review.

- (2) For all other items, within seven (7) days from the date of the final decision subject to appeal or review.
- (3) For all matters requiring approval by the city, its employees, committees, or commissions, and by the redevelopment agency, the time limits for all applications shall begin on the date of the later of the following:
 - (a) Final decision by the city, its employees, committees, or commissions;
or
 - (b) Final decision by the redevelopment agency.

If the final day for filing an application for appeal or review falls on a holiday or weekend day when city hall is closed, the application shall be filed no later than the next business day.

Sec. 2-306. Time limitation for issuance of permits.

Where a permit is sought and its issuance is contingent upon obtaining a prerequisite permit, the permit sought shall not be issued until the expiration of the time limit for seeking an appeal or review specified in section 2-305 applied to the prerequisite permit. Provided, however, that if an application for appeal or review of the prerequisite permit is filed within the specified time limits, the permit sought shall not be issued until seven (7) days following the final decision on the appeal or review. Any permit issued in violation of the provisions of this section shall be void.

Sec. 2-307. Fees.

Each application for appeal shall be accompanied by a processing fee in an amount determined by resolution of the city council.

Sec. 2-308. Notice of appeal or review.

Notice of the hearing for the appeal or review shall be given in the same manner as any required notice for the hearing at which the decision subject to the appeal or review was made. In all cases for the hearing for an appeal or review, written notice of the date, time, and place shall be given to the original applicant, if any, any prior applicant for appeal regarding the same matter, and for appeals the person requesting the current appeal.

Sec. 2-309. Person or body to hear an appeal or review a decision.

The person or body to hear an appeal or review a decision shall be the following:

- (1) From a decision of the city staff to the department head; except that an appeal from a decision of the transportation services engineer regarding traffic matters pursuant to Title 10 of this Code, shall be made to the planning commission;

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- (2) From a decision of the department head to the city manager; except that (a) an appeal from a decision of the development services director on planning matters pursuant to Title 13 of this Code shall be made to the planning commission, and (b) an appeal from a decision of the building official on building matters pursuant to Title 5 of this Code shall be to the access, building, fire and housing board of appeals as required by section 5-3 of this Code;
- (3) From a decision of the city manager to the city council;
- (4) From a decision of any city committee or commission to the city council.

Sec. 2-310. Exhaustion of administrative remedies.

Unless appealed or reviewed as provided herein, any decision becomes final for all purposes when made.

Sec. 2-311. Exclusive procedures.

The procedures set forth in this chapter are the exclusive methods by which appeals and reviews may be pursued and none of the steps set forth herein may be waived or omitted.

Sec. 2-312. Accrual of certain claims.

No claim for violation of constitutional rights for deprivation of economic use of property shall arise until and unless a claimant has secured a final decision on a permit application for a plan of development and on a request for a variance or similar relief from the zone or other development standard for a plan of development as specified in Title 13 of this Code.

Sec. 2-313. Limitations on judicial review.

Notwithstanding any provision in this Code to the contrary, no court action or proceeding to attack, review, set aside, void or annul any decision or procedure of the City of Costa Mesa, its council, commissions, boards or officers, which has become administratively final shall be maintained by any aggrieved person unless duly commenced in a court of competent jurisdiction within ninety (90) days, as provided in California Code of Civil Procedure, Section 1094.6, incorporated herein by reference, and/or as provided in California Government Code section 65009, or any shorter statute of limitations provided by law.

Sec. 2-314. Severability.

If any provision of this chapter is found to be invalid or unconstitutional by interpretation or application to any person or circumstances, such invalidity or

unconstitutionality shall not affect the other provisions or applications thereof which can be given valid effect.

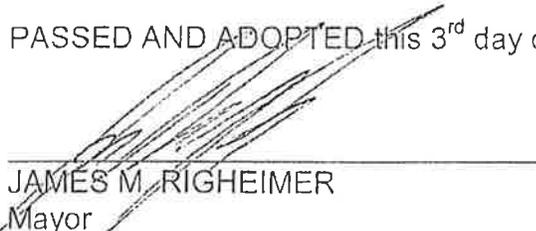
Secs. 2-315—2-400. Reserved.

Section 2. Any provision of the Costa Mesa Municipal Code or appendices thereto inconsistent with the provisions of this Ordinance, to the extent of such inconsistencies and no further, is hereby repealed or modified to that extent necessary to effect the provisions of this Ordinance.

Section 3. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Costa Mesa hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

Section 4. The Mayor shall sign and the City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published and posted pursuant to the provisions of law in that regard and this Ordinance shall take effect 30 days after its final passage.

PASSED AND ADOPTED this 3rd day of December, 2013.



JAMES M. RIGHEIMER
Mayor

ATTEST:



BRENDA GREEN
City Clerk

APPROVED AS TO FORM:



THOMAS DUARTE
City Attorney

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss
CITY OF COSTA MESA)

I, BRENDA GREEN, City Clerk and ex-officio clerk of the City Council of the City of Costa Mesa, hereby certify that the above and foregoing Ordinance No. 13-08 was introduced at a regular meeting of said City Council held on the 5th day of November, 2013, and thereafter passed and adopted as a whole at a regular meeting of said City Council held on the 3rd day of December, 2013, by the following roll call vote:

AYES: COUNCIL MEMBERS: Mensinger, Monahan, Righeimer

NOES: COUNCIL MEMBERS: Genis, Leece

ABSENT: COUNCIL MEMBERS: None

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of the City of Costa Mesa this 4th day of December, 2013.

Brenda Green

BRENDA GREEN
City Clerk