



PLANNING COMMISSION AGENDA REPORT

MEETING DATE: JUNE 8, 2015

ITEM NUMBER: PH-1

SUBJECT: 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

DATE: MAY 28, 2015

FROM: PLANNING DIVISION/DEVELOPMENT SERVICES DEPARTMENT

PRESENTATION BY: MEL LEE, SENIOR PLANNER

FOR FURTHER INFORMATION CONTACT: MEL LEE, AICP (714) 754-5611
mel.lee@costamesaca.gov

DESCRIPTION

An appeal of the Zoning Administrator's approval of a minor conditional use permit to deviate from parking requirements for a group counseling use (Solid Landings) in a 6,710 square foot building (67 parking spaces is required for the use, 24 on-site parking spaces will be provided (29 existing minus 5 that will be lost when the West 19th Street gate is reopened per the conditions of approval) based on unique operating characteristics.

APPLICANT/APPELLANT

The applicant is Kristen Ford, representing John Morehart, the property owner. The appellant is Ann Parker, a City resident.

RECOMMENDATION

Staff recommends that the Planning Commission uphold the Zoning Administrator's approval of ZA-15-01 by adoption of a Planning Commission resolution.

BACKGROUND

Project Site/Environs

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 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 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 began operating at the site without an approved business license or minor conditional use permit.

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 states that the building will only be partially utilized for group counseling; the building will also house

administrative offices and one-on-one therapy rooms. 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 Zoning Administrator's Approval

The Zoning Administrator approved the request based on the following reasons and with the following suggested conditions:

- Based on the applicant's description of the use, an adequate number of on-site parking spaces is provided. The 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, 24 on-site parking spaces will actually be provided (29 existing minus 5 that will be lost when the West 19th Street gate is reopened as recommended in the conditions of approval). 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 on the following page:

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 provide 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 driver 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 West 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. However, because the applicant has stated they only need 20 spaces, 17 for employees and 3 for client vans, this condition will not affect their ability to operate as planned.

- Conditions of approval to ensure timely compliance with applicable City requirements have been incorporated. The applicant will be required to comply with the below conditions in the timeframes specified below. Failure to do so could result in the issuance of citations and/or the potential revocation of the minor conditional use permit.
 - No later than 90 days from the date of approval, the landscape setback areas along the West 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.

- No later than 45 days from the date of approval, the applicant is required to revise the parking area and access gates as follows:
 - Construct a commercial driveway at the existing approach on West 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.
 - 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.
 - Onsite vehicular circulation shall comply with the City's Parking Design Standards.
- No later than 30 days from the date of approval, existing vehicle gate locations are required to 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.
- All vehicular access gates are required to 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 West 19th Street.

Additional Analysis in Response to Appeal

The following additional analysis is provided in response to the issues raised in the appeal as it pertains to the on-site parking provided for the use.

- Staff has not observed, to date, any parking shortages or other off-site issues related to the current operation of the use. Staff conducted a parking survey of the site at various times of the day on March 9 and 10, 2015, corresponding to the pick-up and drop-off times indicated in the applicant's project description, a copy of which is attached to this report (Attachment 7). No overflow parking or loading or unloading of passenger vans in the street were observed. In addition, the applicant confirmed via email that all activities were occurring on site. (Attachment 8).

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

If the Zoning Administrator's approval of the request is upheld, it is exempt from the provisions of the California Environmental Quality Act (CEQA) under Section 15301 for Existing Facilities. This project site contains an existing building with no increase in total floor area for the building proposed, beyond a negligible expansion for an outside patio area. The project is consistent with the applicable General Plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.

If the Planning Commission denies the request, the denial is exempt from the provisions of the California Environmental Quality Act (CEQA) Section 15270(a) for projects which are disapproved.

LEGAL REVIEW

The City Attorney has reviewed the draft resolutions and they have been approved as to form by the City Attorney's Office.

ALTERNATIVES

The Planning Commission has the following alternative:

Deny the project. If the Planning Commission believes that there are insufficient facts to support the findings for approval, Planning Commission must deny the application and provide facts in support of denial to be included in a resolution. If the project were denied, the applicant could not submit substantially the same type of application for six months.

CONCLUSION

The Zoning Administrator approved the request based on the applicant's compliance with the recommended conditions of approval, several of which have specific deadlines for compliance, and based on the determination that the proposed use does not create any offsite parking conflicts with adjacent properties or public streets. As such, the project is consistent with the City's Zoning Code and General Plan.



MEL LEE, AICP
Senior Planner



WILLA BOUWENS-KILLEEN, AICP
Zoning Administrator

- Attachments:
1. Draft Planning Commission Resolutions and Exhibits
 2. Location and Zoning Map
 3. Conceptual Plans
 4. Appeal
 5. Zoning Administrator Approval Letter and Attachments
 6. Correspondence From Public
 7. Parking Survey
 8. Correspondence from Applicant
 9. Site Photos

Distribution:

- Director of Economic & Development Services/Deputy CEO
- Assistant Development Services Director
- Senior Deputy City Attorney
- Public Services Director
- City Engineer
- Transportation Services Manager
- Fire Protection Analyst
- Staff (6)
- File (2)

Solid Landings Behavioral Health
Attn: Kristen Ford
2900 Bristol Street, Suite B-300
Costa Mesa, CA 92626

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

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

**ATTACHMENT 4
APPEAL**



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 [Signature]

APPLICATION FOR APPEAL OR REVIEW

Applicant Name* ANN H. PARKER
Address [Redacted]
Phone [Redacted] Representing SELF & residents - TBO

REQUEST FOR: [X] APPEAL [X] 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 Burrows-Kileen
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 plumer & also a red truck & clients got out but a time & roamed down plumer from Senior Center to Facility, Employees - including lab techs in scrubs etc. parked all over plumer. Please pay attention to #3 and #4 and 5 & #6 is being operated in violation of applicable laws. Guy in scrubs for

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

*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:

pleasure
I thought it
medical
within
license

**ATTACHMENT 5
ZA APPROVAL LETTER AND
ATTACHMENTS**



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 92626

**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) 754-5611, or at mel.lee@costamesaca.gov.

Sincerely,

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

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ZA-15-01
April 23, 2015
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Rock Solid Recovery
657 West 19th Street
Costa Mesa, CA 92627

John Morehart
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BACKGROUND

Project Site/Environs

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.
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- Administrative offices.

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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

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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:

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Offices (4)	693 SF
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SUMMARY OF ON-SITE ACTIVITIES (MON-FRI)	
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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.

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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Solid Landings

Behavioral Health

Recovery... Individualized.

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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Behavioral Health

Recovery... Individualized.

- 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 92628-1200

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

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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

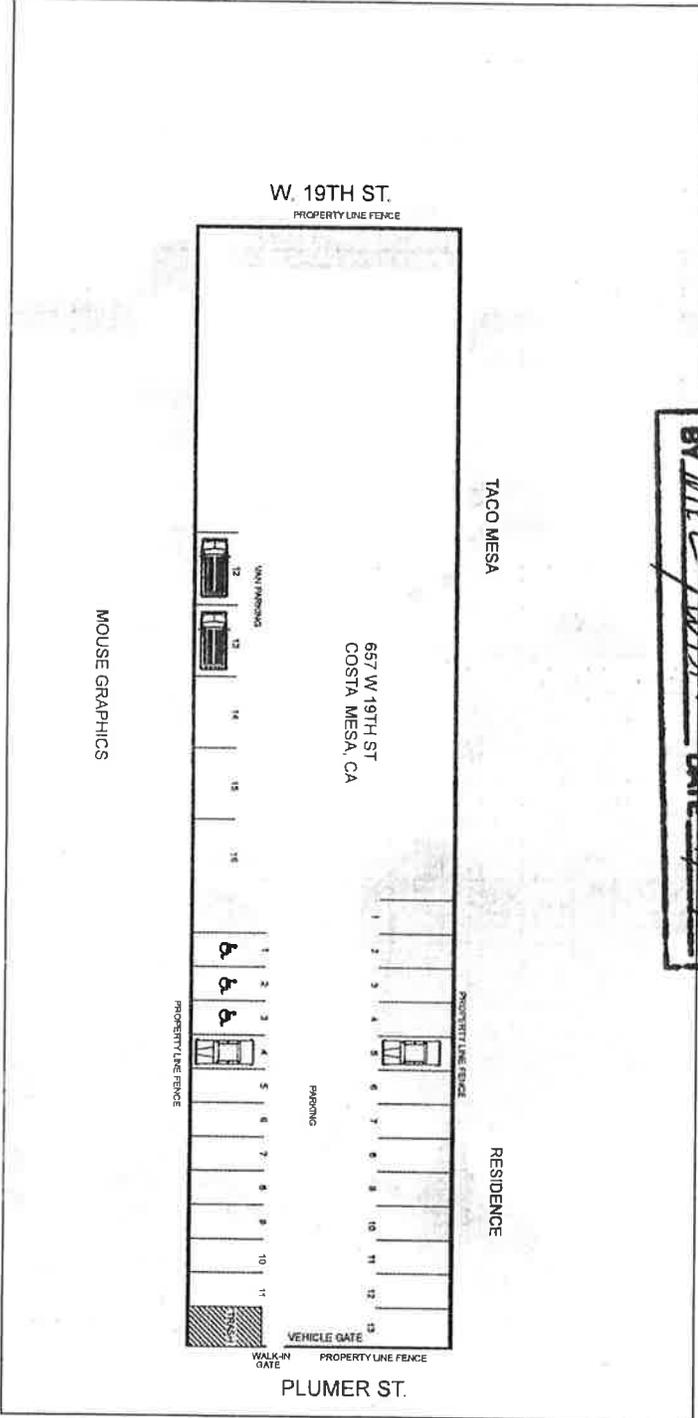
The following list of federal, state and local laws applicable to the project has been compiled by staff for the applicant's reference. Any reference to "City" pertains to the City of Costa Mesa.

- 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. 2. A business license shall be obtained prior to the initiation of the
Lic. 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 CONDITIONAL USE PERMIT
 ADMINISTRATIVE ADJUSTMENT NO. 22A
Approval in Concept
 SUBJECT TO CONDITIONS
 CITY OF COSTA MESA
 PLANNING DEPT.
 BY WEC / JWBK DATE 4/23/15

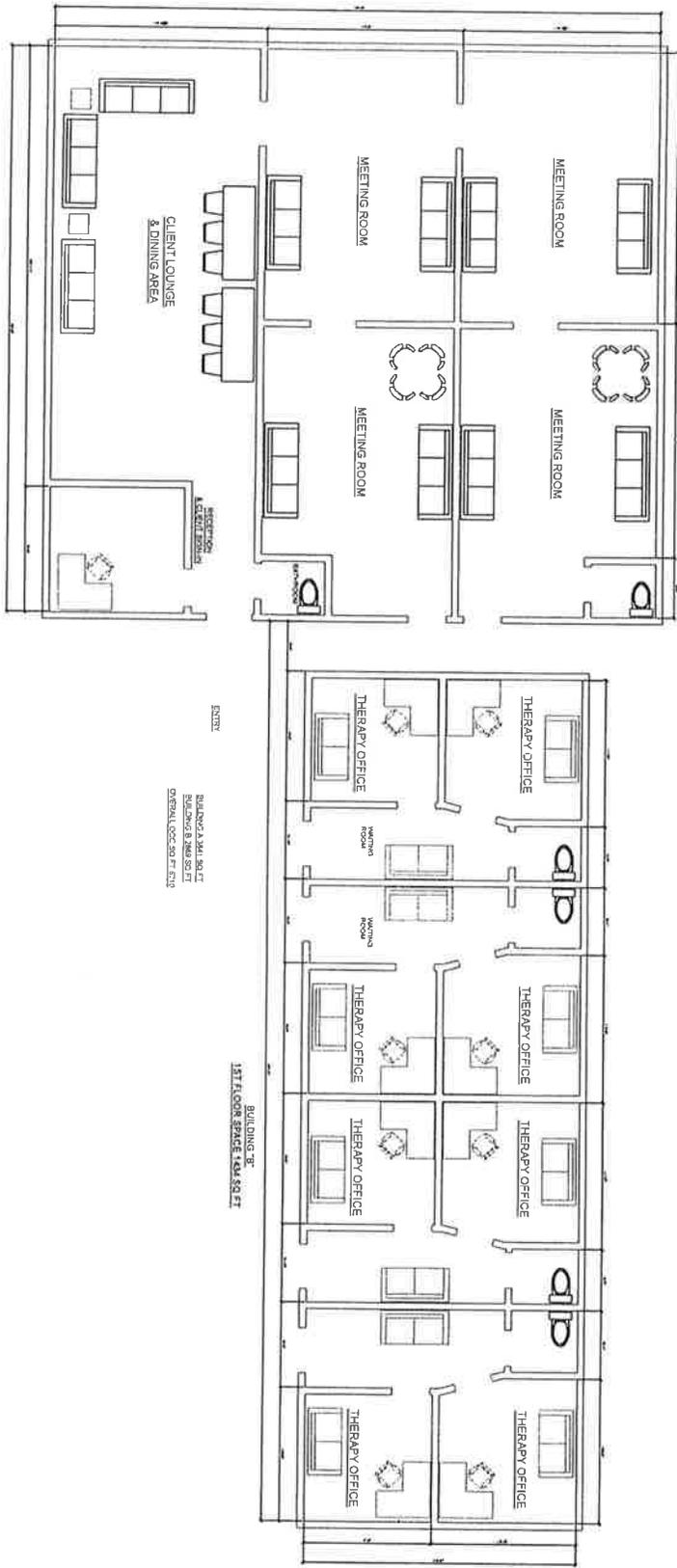
15-01



SITE PLAN
 SCALE: 1/8" = 1'-0"

S	PROJECT	TWO STORY COMMERCIAL BUILDING	CLIENT: ROCK SOLID RECOVERY, INC.
	PROJECT ADDRESS:	657 W. 19TH ST COSTA MESA, CA 92627	2900 BRISTOL ST. SUITE B-300 COSTA MESA, CA 92628 (949)-467-9213

188

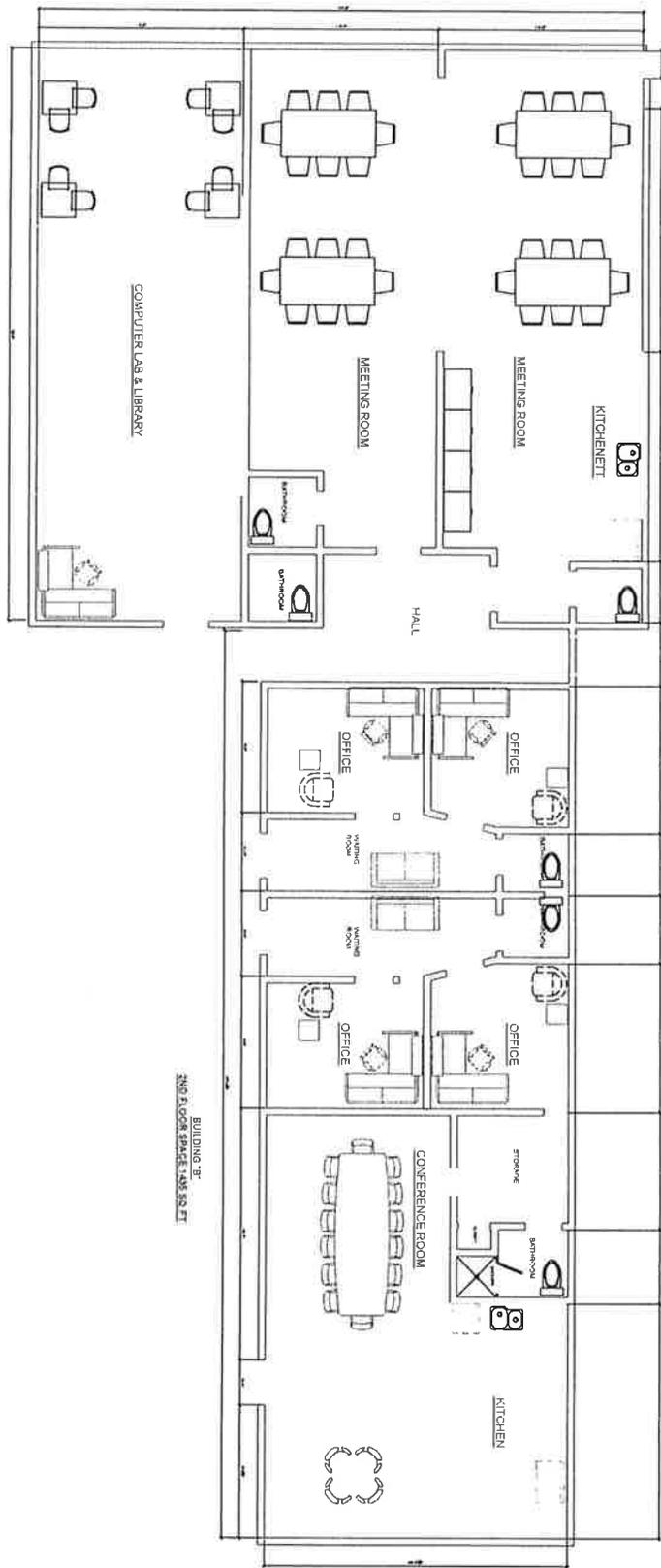


1ST FL FLOOR PLAN
SCALE: 1/8"=1'-0"



<p>A-1</p>	<p>PROJECT: TWO STORY COMMERCIAL BUILDING 657 W. 19TH ST COSTA MESA, CA 92627</p>	<p>CLIENT: ROCK SOLID RECOVERY, INC. 2900 BRISTOL ST. SUITE B-300 COSTA MESA, CA 92626 (949)-467-9213</p>
	<p>PROJECT ADDRESS:</p>	

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BUILDING 'A'
2ND FLOOR SPACE: 1,900 SQ. FT.

COMPUTER LAB & LIBRARY

MEETING ROOM

MEETING ROOM

KITCHENETTE

HALL

BUILDING 'B'
2ND FLOOR SPACE: 1,465 SQ. FT.

CONFERENCE ROOM

RECEPTION

KITCHEN

OFFICE

OFFICE

OFFICE

OFFICE

OFFICE

OFFICE

OFFICE

OFFICE

2ND FL FLOOR PLAN
SCALE: 1/8" = 1'-0"

A-2

PROJECT TWO STORY COM' 'ERCIAL BUILDING
657 W. 19TH ST
COSTA MESA, CA 92627

CLIENT: ROCK SOLID RECOVERY, INC.
2900 BRISTOL ST. SUITE B-300
COSTA MESA, CA 92626
(949)-467-9213

**ATTACHMENT 6
CORRESPONDENCE FROM PUBLIC**

To whom it may concern ^{recd 3-3-15-LUB}

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 inad:quite 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,
Mervin Greiwe
Mervin Greiwe
649 Beach st



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

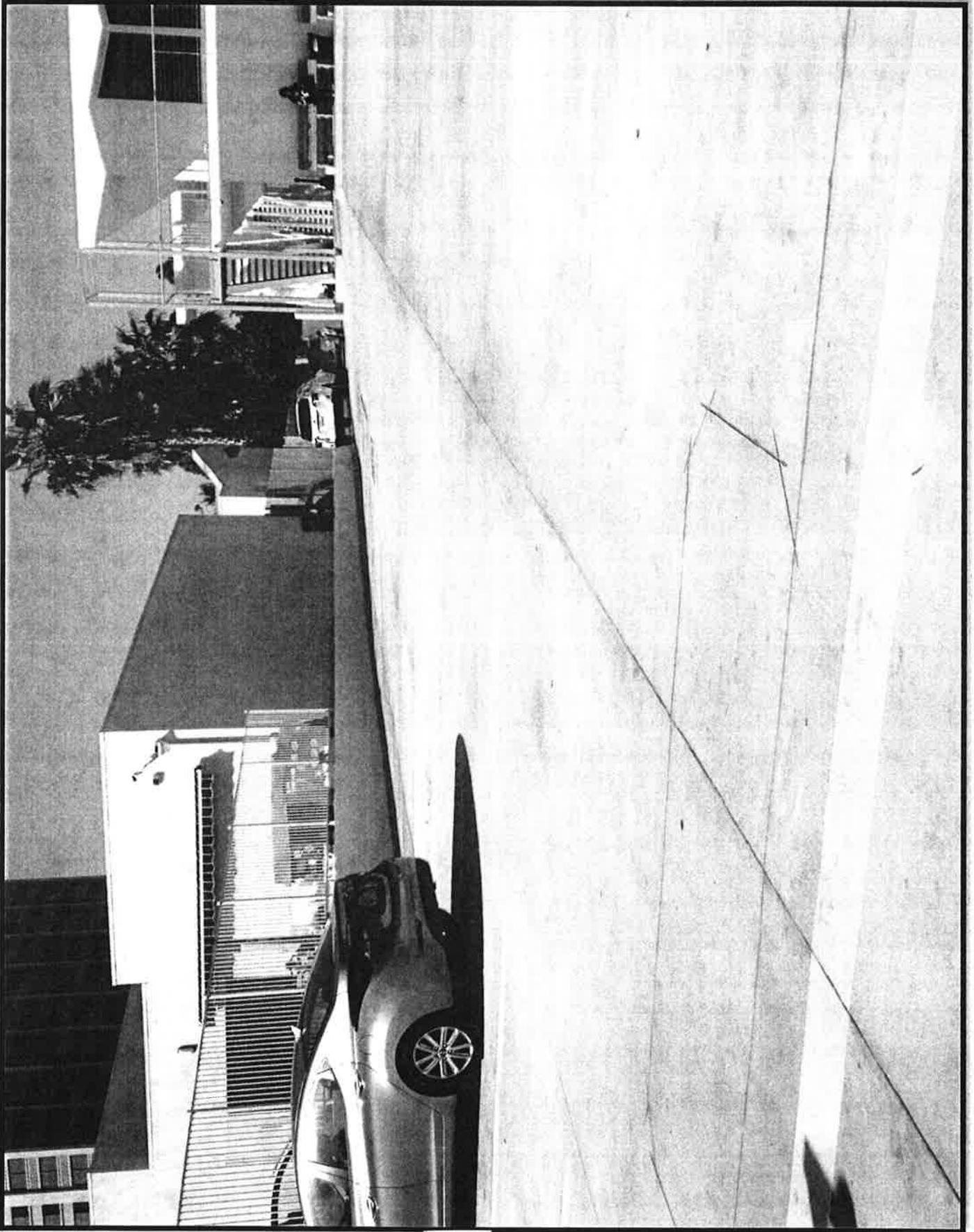
GDSR. Sophisticated. Practical. Creative. Efficient.

**ATTACHMENT 7
PARKING SURVEY**

PARKING SURVEY FOR SOLID LANDINGS
657 W. 19TH SREET

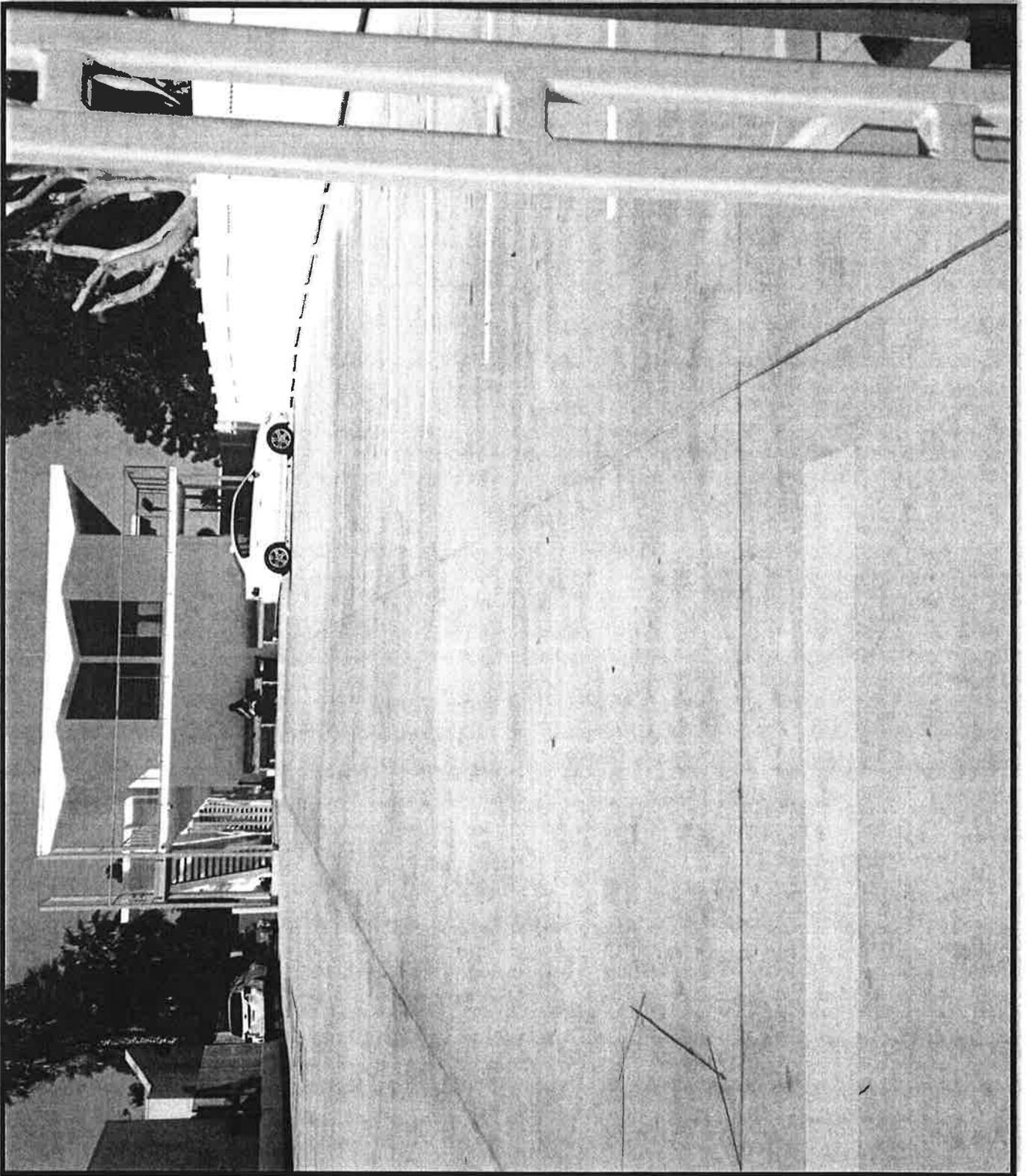
LOOMIS, RYAN
CITY OF COSTA MESA

MONDAY, MARCH 9 at 3:15 pm



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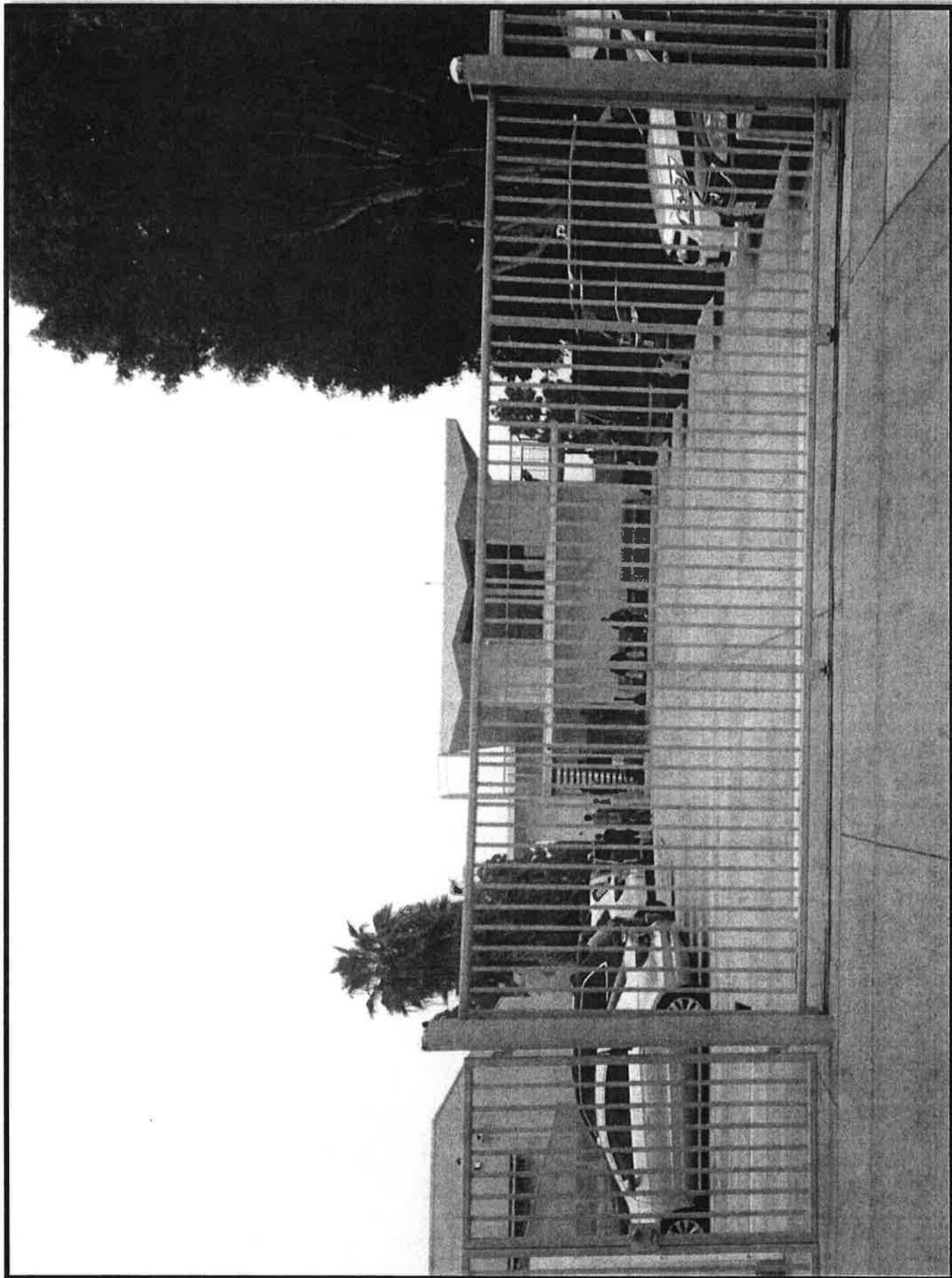
MONDAY, MARCH 9 at 3:15 pm



TUESDAY, MARCH 10 at 9:00 am

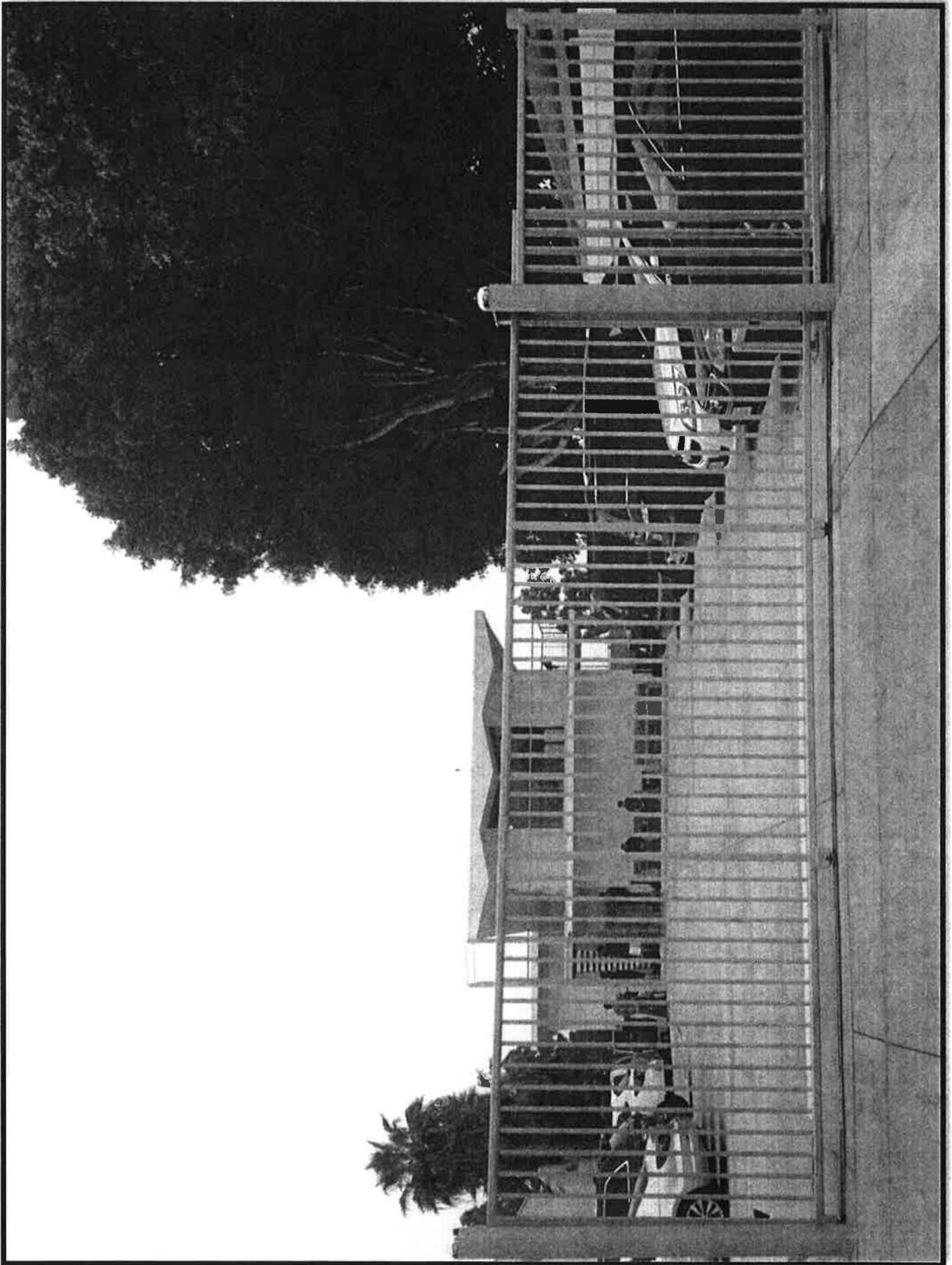


TUESDAY, MARCH 10 at 9:00 am



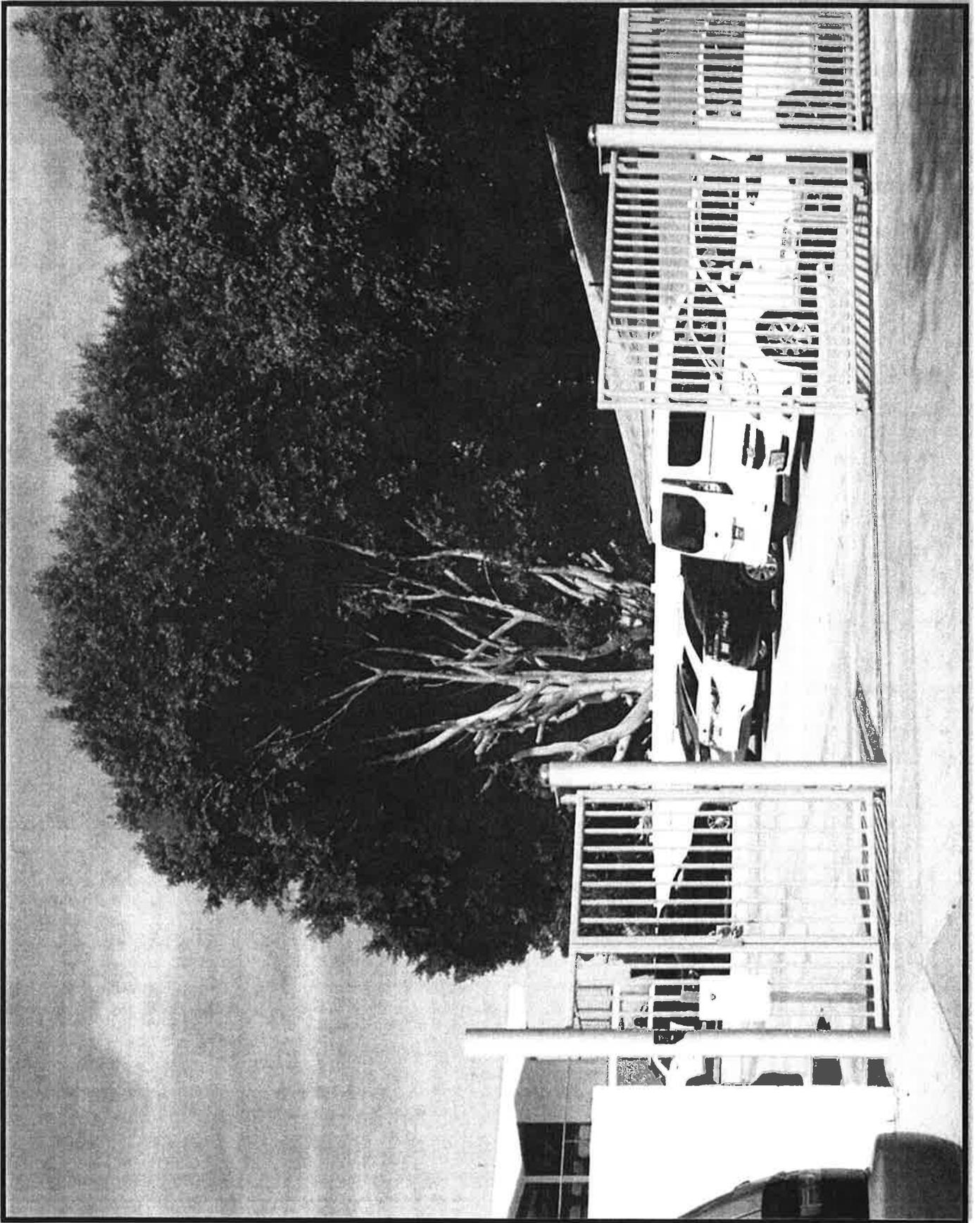
-199-

TUESDAY, MARCH 10 at 9:00 am

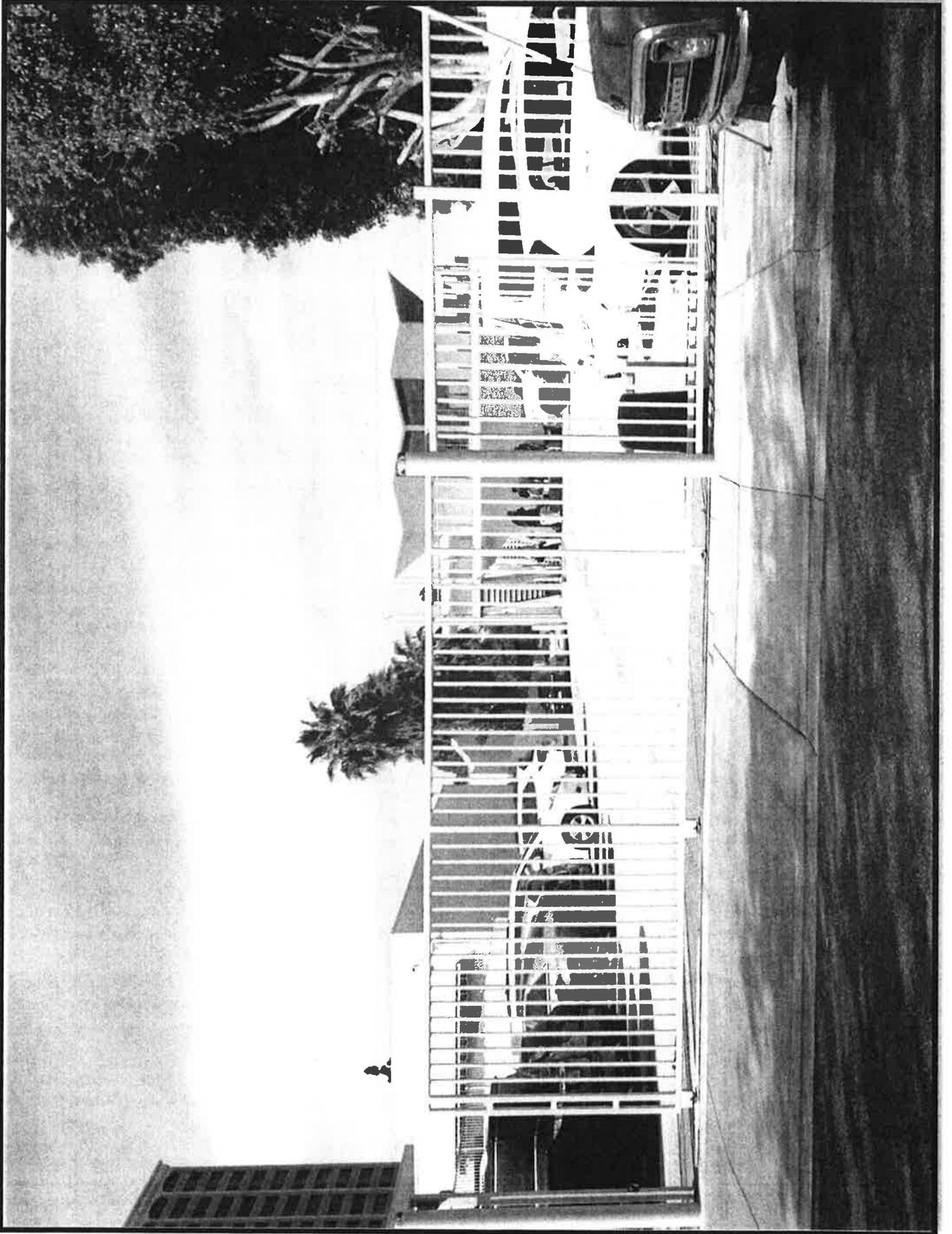


-200-

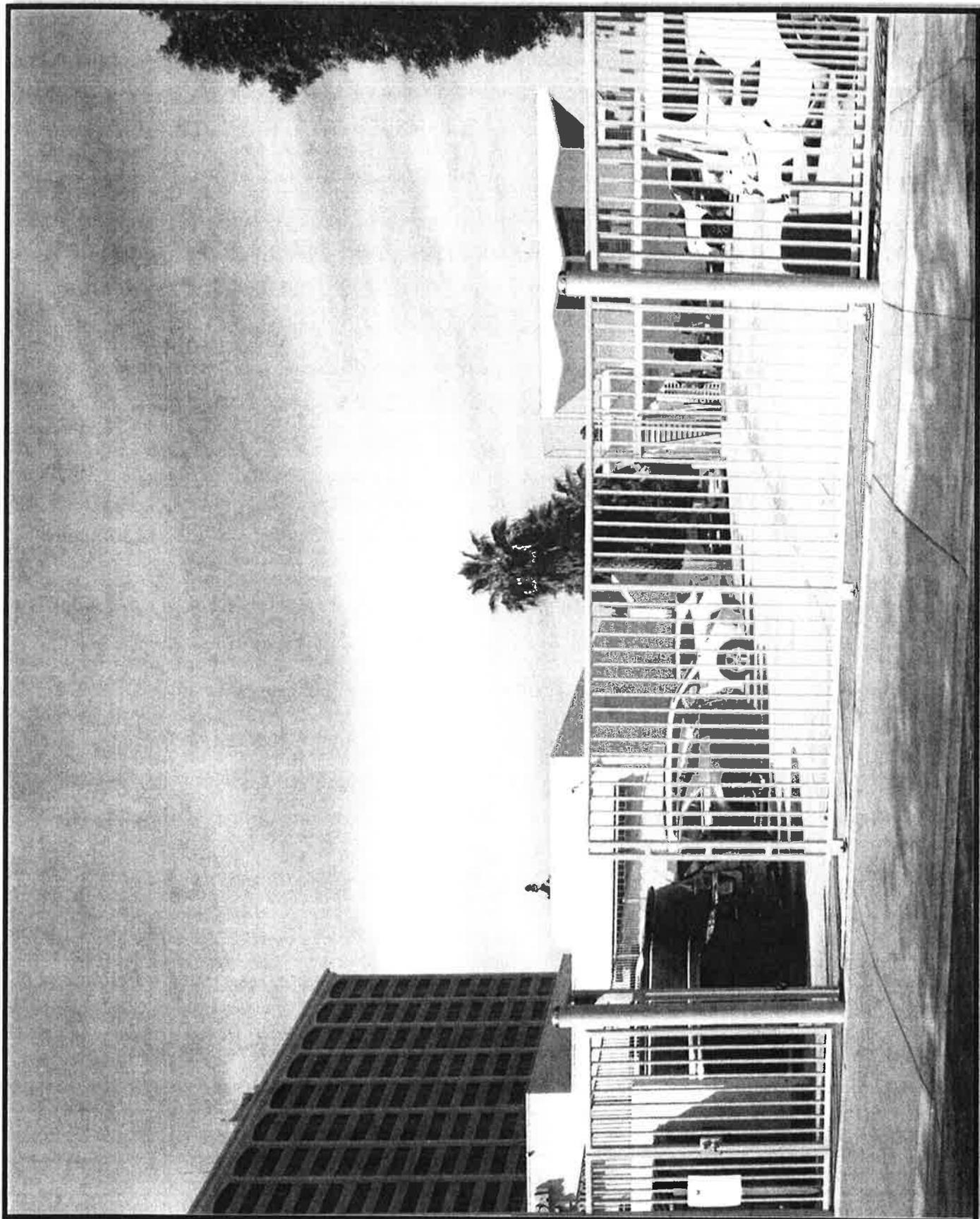
TUESDAY, MARCH 10 at 3:00 pm



TUESDAY, MARCH 10 at 3:00 pm



TUESDAY, MARCH 10 at 3:00 pm



**ATTACHMENT 8
CORRESPONDENCE FROM APPLICANT**

LEE, MEL

Subject: FW: Appeal of Zoning Application ZA-15-01 (657 W. 19th Street)

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

Sent: Thursday, May 07, 2015 3:36 PM

To: LEE, MEL

Subject: Re: Appeal of Zoning Application ZA-15-01 (657 W. 19th Street)

Dear Mel,

I was able to confirm that all pickup and drop offs are happening inside the gates. Please let me know if you have any other questions.

Hope you are having a good week.

Kristen