



PLANNING COMMISSION

AGENDA REPORT

MEETING DATE: OCTOBER 24, 2016

ITEM NUMBER: PH-2

SUBJECT: APPEAL OF THE DENIAL OF SPECIAL USE PERMIT TO OPERATE A SOBER LIVING HOME AT 2152 RALEIGH AVENUE (SL-15-0014)

DATE: OCTOBER 14, 2016

FROM: COMMUNITY IMPROVEMENT DIVISION/DEVELOPMENT SERVICES DEPARTMENT

PRESENTATION BY: SHERI VANDER DUSSEN, INTERIM ASSISTANT DIRECTOR/COMMUNITY IMPROVEMENT DIVISION

FOR FURTHER INFORMATION CONTACT: KATIE ANGEL, MANAGEMENT ANALYST
(714) 754-5618 katie.angel@costamesaca.gov

PROJECT DESCRIPTION

The applicant applied for a Special Use Permit (SUP) to operate a group home with six or fewer all-male residents at 2152 Raleigh Avenue on April 2, 2015. The Director of Economic and Development Services/Deputy CEO denied the SUP and the applicant has appealed that decision to the Planning Commission.

APPLICANT

The applicant is Gregg Ohlhaber of Keystone Sober Living.

ENVIRONMENTAL DETERMINATION

The request is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15268 (ministerial projects), 15270 (disapproved projects) and 15301 (existing facilities).

RECOMMENDATION

Uphold the Director's denial of the SUP by adoption of a resolution.

BACKGROUND

Under state law, a Department of Health Care Services (DHCS) licensed drug or alcohol treatment facility serving six or fewer residents is considered to be a residential use of property. Under Health & Safety Code section 11834.23, the City generally cannot apply standards to such a licensed facility that differ from those standards applicable to a single family dwelling. However, these prohibitions do not apply to facilities that are not state licensed.

The City Council adopted Ordinance 14-13 on October 21, 2014 revising Title 13 of the Costa Mesa Municipal Code (CMMC) to add Chapter XV which established conditions for granting a SUP to group homes with six or fewer residents in an R1 zone. The ordinance became effective on November 20, 2014. A sober living home is a type of group home for persons who are recovering from drug and/or alcohol addiction. Persons recovering from addiction who are currently not abusing drugs and/or alcohol are considered disabled under state and federal law. Group homes serving disabled persons are not considered to be boardinghouses. Rather, these facilities offer disabled persons the opportunity to live in residential neighborhoods in compliance with state and federal laws. Upon adopting the ordinance, the City Council found that without some regulation there is no way of ensuring that the individuals entering into a group home are disabled individuals and entitled to reasonable accommodation under local and state law or that a group home is operated professionally to minimize impacts to the surrounding neighborhood. A purpose of the land use regulations provided in the ordinance is to mitigate the secondary impacts from an over concentration of both group homes in a neighborhood. SUPs are granted to a group home operator as a ministerial matter if the facility is in compliance with the operating requirements found in CMMC sections 13-311 (a)(1) through (a)(9).

In enacting the ordinance, the City Council made the finding that housing inordinately large numbers of unrelated adults in a single-family home or congregating sober living homes in close proximity to each other does not provide the disabled with an opportunity to "live in normal residential surroundings," but rather places them into living environments bearing more in common with types of institutional/campus/ dormitory living. Further, the City Council found that a 650-foot distance requirement between sober living facilities provides a reasonable market for the purchase and operation of sober living homes within the City and still results in preferential treatment for sober living homes in that non-disabled individuals in a similar living situation (i.e., in boardinghouse style residences) cannot reside in the R1 zone. Specifically, CMMC section 13-311(b)(6) provides in relevant part:

A special use permit for a sober living home shall also be denied, and if already issued, any transfer shall be denied or revoked, upon a hearing by the director under any of the following additional circumstances:

iii. The sober living home, as measured by the closest property lines, is located within six hundred fifty (650) feet of any other sober living home or state licensed alcoholism or drug abuse

recovery or treatment facility. If a state licensed alcoholism or drug abuse recovery or treatment facility moves within six hundred fifty (650) feet of an existing sober living home this shall not cause the revocation of the sober living home's permit or be grounds for denying a transfer of such permit.

Under section 13-312(b), "Group homes that are in existence upon the effective date of this chapter shall have one (1) year from the effective date of this chapter to comply with its provisions". The operator submitted the SUP application for 2152 Raleigh on March 31, 2015. During the first year of the implementation of the ordinance, approximately 60 group home applications were received. The majority of those applications were missing items as required by the CMMC. Staff worked with the all of the applicants to request complete information. Upon the one-year compliance deadline, staff determined which locations had fully complied with the application requirements. Staff began to prepare for the issuance of permits to locations which complied with the City's adopted criteria and to prepare for Director's Hearings to consider the facts surrounding facilities that did not meet the approval criteria established in the ordinance. The Director's Hearings provide the applicant with an opportunity to present any reasons and/or evidence why the SUP should not be denied. Following the conclusion of the hearing, the Director provides a written notice to the applicant or permittee setting forth the decision within ten (10) days. The decision of the Director is appealable to the Planning Commission pursuant to the procedures set forth in Chapter IX of Title II of the CMMC.

The implementation of ordinance 14-13 (including processing applications) was delayed by the issuance of an injunction by the 9th Circuit Court in *Solid Landings v. City of Costa Mesa* on December 9, 2015. Once the injunction was dissolved in May, 2016 staff reviewed the current status of all the SUP applications for group homes on file. Group homes that met the requirements of the ordinance were issued SUPs and Director's Hearings commenced for the facilities that did not comply with the City's standards.

The subject property is a five-bedroom single family home located in the west side of Costa Mesa and surrounded by other homes with an R1 (single family residential) zoning designation. The applicant describes the facility as a sober living home for men. According to the City's records, this sober living facility was existing when Ordinance 14-13 became effective.

There are two existing DHCS licensed alcoholism and drug abuse recovery treatment facilities with six or fewer residents within 650 feet of the subject property. Those facilities are located at 687 Governor St. (482 feet from the property line) and 679 Governor St. (604 feet from the property line). The facilities located on Governor Street are operated by Safe Harbor Recovery and provide residential detoxification services to female populations. The facilities at 687 and 679 Governor Street applied for a DHCS license on December 4, 2014; these licenses were issued on August 1, 2015. In addition, the facility at 687 Governor Street applied for a SUP on January 1, 2015. Safe Harbor subsequently withdrew its SUP application after receiving the DHCS license. As noted above, state licensed alcoholism and drug abuse recovery treatment facilities with six or

fewer residents are considered residential uses pursuant to State law and are exempt from land use restrictions that differ from those restrictions applicable to single family dwellings.

The Director of Economic and Development Services/Deputy CEO conducted a Director's Hearing for the subject application on September 1, 2016. During the hearing, Mr. Ohlhaber stated that he has been operating at the current location for 13 years and has strong ties to the neighborhood. After considering the facts pertaining to the application, the Director sent a letter to the applicant denying the SUP on September 7, 2016 due to the two state licensed drug and alcohol treatment facilities located within 650 feet of the subject property. On September 13, 2016, the applicant filed an appeal to the Planning Commission pursuant to CMMC Sections 2-305(2) and 2-307.

ANALYSIS

In the letter requesting the appeal, Mr. Ohlhaber contends that the subject facility is an "alcoholism or drug abuse recovery or treatment facility" pursuant to California Health and Safety Code Section 11834.02(a) and should not be treated differently than a single family residence. He argues that his right to continue operating at the current location is protected by the California Constitution and the Americans with Disabilities Act. Prior to the Director's Hearing and preparation of this agenda report, staff reviewed the DHCS website of the DHCS, the state entity that issues licenses to facilities pursuant to Health and Safety Code Section 11834.02(a). The operation at 2152 Raleigh Avenue was not listed as a licensed alcoholism or drug abuse recovery or treatment facility. Under section 11834.21, because the facility does not have a DHCS license, it is therefore currently excluded from the definition of an alcoholism or drug abuse recovery or treatment facility. Based upon the information provided in the operator's SUP application, the subject facility falls under the definition of a sober living home and is subject to the City's regulations.

Mr. Ohlhaber also includes a statement in his appeal letter that the facility does not pose a new threat to the neighborhood because it has been located at that site for over a decade and has operated without complaints or issues in the community. He further poses the question as to why his facility should relocate even though it has been there longer than the state licensed facilities. In making the determination to deny Mr. Ohlhaber's application, the Director determined that the state licensed facilities located at 687 Governor Street and 679 Governor Street have precedence over Mr. Ohlhaber's facility because they are already considered permitted uses by definition.

ALTERNATIVES

A draft resolution denying the appeal has been provided. Should the Planning Commission believe that findings exist to approve the special use permit application, this hearing should be continued to allow staff to prepare the appropriate resolution for consideration at a subsequent meeting.

CONCLUSION

The applicant has appealed the Director of Economic and Development Services/Deputy CEO's denial of the Special Use Permit application to operate a sober living home with six or fewer residents. There are two state licensed alcoholism or drug abuse recovery treatment facilities within 650 feet of the subject property. Upholding the Director's decision and denying this SUP will reduce the over concentration of sober living homes the immediate area, help to preserve the character of the neighborhood and provide the disabled with greater access to live in a typical residential environment.



SHERI VANDER DUSSEN, AICP
Interim Assistant Director
Community Improvement Division



JAY TREVINO, AICP
Economic Development and
Development Services Director/
Consultant

- Attachments:
1. Vicinity and Zoning Maps
 2. Special Use Permit No. SL-15-0014
 3. Letter from Director dated September 7, 2016 denying Special Use Permit Application
 4. Letter from Applicant dated September 13, 2016 appealing the Director's denial
 5. Draft Resolution Upholding the Denial of Special Use Permit No. SL-15-0014

Distribution:

- Director of Economic Development & Development Services/
Consultant
- Interim Assistant Development Services Director, Planning Division
- Interim Assistant Development Services Director, Community
Improvement Division
- Assistant City Attorney
- Public Services Director
- City Engineer
- Transportation Services Director
- Fire Protection Analyst

Applicant:
Gregg Ohlhaber, 3112 McKinley Way, Costa Mesa, CA 92627



WGS_1984 Web_Mercator_Auxiliary_Sphere
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This map is a user generated static output from an internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

1: 2,257



Legend	
	Addresses
	Costa Mesa
	Costa Mesa
	Main Streets
	City Streets
	Parcels
	Parcels
	Zoning
	<all other values>
	0
	AP
	C1
	C1-S
	C2
	CL
	I&R
	I&R-S
	MG
	MP
	P
	PDC
	PDI
	PDR-HD
	PDR-LD
	PDR-MD

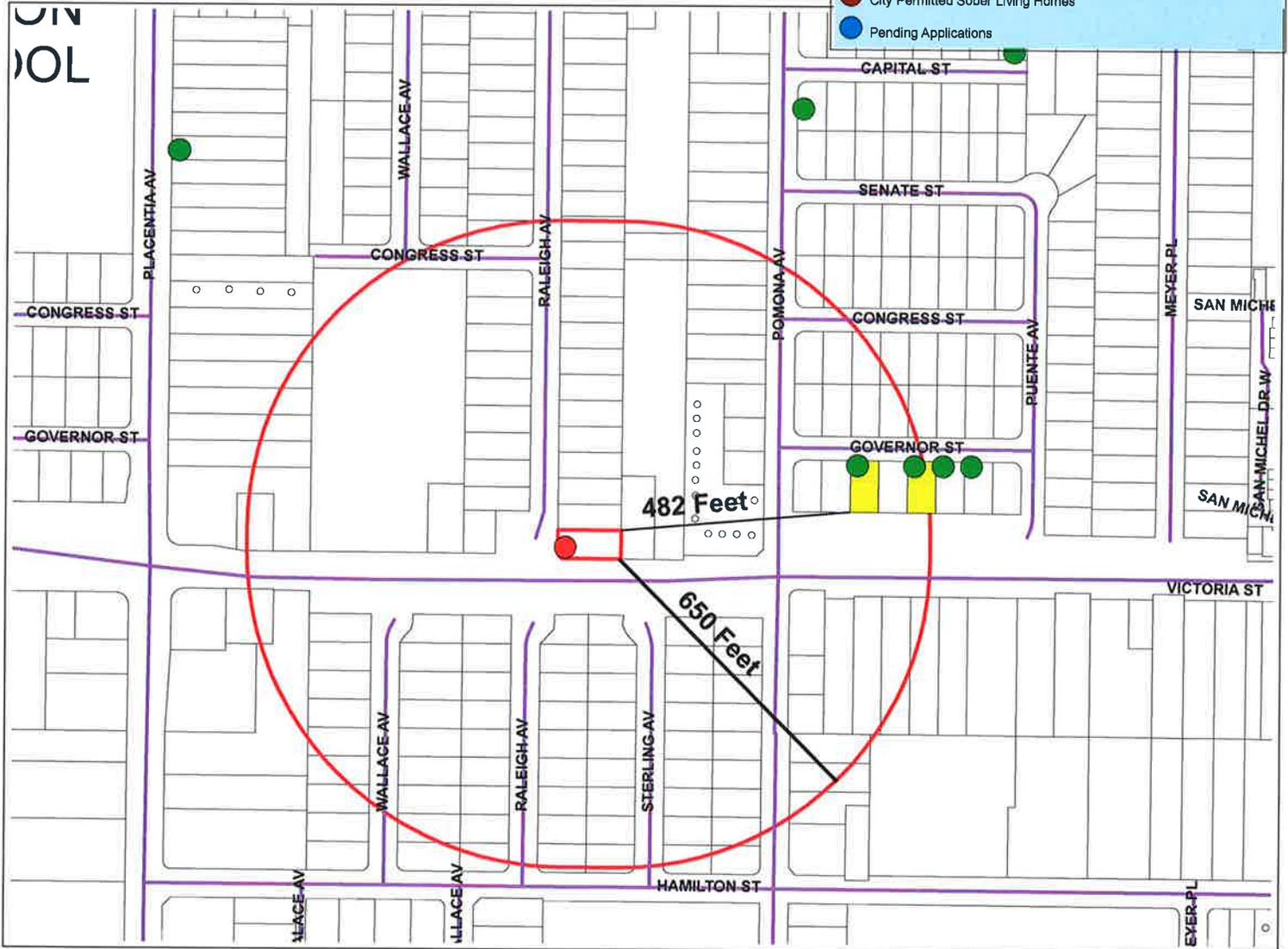
Notes



2152 Raleigh Ave



- State Licensed Drug and Alcohol Facilities with Six or Fewer Residents
- Subject Property
- City Permitted Sober Living Homes
- Pending Applications





City of Costa Mesa, Development Services Department
77 Fair Drive, P.O. 1200, Costa Mesa, CA 92628-1200
Phone: (714) 754-5245 Fax: (714) 754-4856 www.costamesaca.gov

Office to Assign
SL-15-0014

Application #

PLANNING APPLICATION TYPE

- Group Home Application
- Sober Living Application

PART 1 - Property Owner Information

PROPERTY ADDRESS: 2152 Raleigh Ave Costa Mesa CA 92627
 Property Owner Gregg Ohlhaber Phone [REDACTED] Fax [REDACTED]
 Address [REDACTED] Email [REDACTED]
 City [REDACTED] State CA Zip Code 92626
 Property Owner's Signature Gregg Ohlhaber Date _____

PROJECT DESCRIPTION: [Briefly describe your proposed facility and attach detailed description and required submittal information]
sober living for men

PART 2 - FACILITY OWNER/OPERATOR INFORMATION*

Name of Facility Operator/Owner: [Individual or corporation] Gregg Ohlhaber
 Phone [REDACTED] Fax [REDACTED]
 Address [REDACTED] Email [REDACTED]
 City [REDACTED] State CA Zip Code [REDACTED]
 Driver's License Number [REDACTED] Type CM1 State CA Exp. Date 05/17/19
 Tax ID Number (if applicable) _____

Supplemental Operator/Owner Information Attached

* Provide a complete list of Owners/Corporate Officers including titles and indicate those involved in Group Home Operational Tasks.

PART 3 - HOUSE MANAGER INFORMATION

Name of Live-in House Manager Wren Goolsby
 House Manager will reside at the Group Home: Yes or No**
 If No, indicate the hours and days of week the manager is responsible for: From _____ To _____
 Monday Tuesday Wednesday Thursday Friday Saturday Sunday
 Phone [REDACTED] Fax [REDACTED]
 Address 2152 Raleigh Ave Email _____
 City Costa Mesa CA 92626 State _____ Zip Code _____
 Driver's License Number [REDACTED] Type C State CA Exp. Date _____

Supplemental House Manager Information Attached

** Provide a complete list of House Managers who will be responsible for the Group Home 24-hours/7-days per week.

PART 4 – FACILITY INFORMATION

PROPERTY/FACILITY DESCRIPTION	Quantity	Area to be used for Group Home	
		<input checked="" type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
Number of structures on Lot	1		
Square Footage of Main House	1945		
Square Footage of Secondary Structures No.1			
Square Footage of Secondary Structures No.2			
Number of Bedrooms (All Structures)	4		
Maximum Number of Proposed Tenants	6		

Parking	No. of Spaces
Garage Parking Spaces	1
Covered Parking Spaces	0
Open Parking Spaces	8
Total Parking Spaces	9

SECTION 7 – Certification (The Owner/Operator must read and initial each certification statement below and signed and dated acknowledgement that they swear, under penalty of perjury that the statements are true and that they understand that if they make false statements the permit will be deemed invalid.)

Owner/Operator Initial	Certifications
<i>GO</i>	I hereby certify that the statements furnished in the application and in the attached exhibits present the data and information required for this initial evaluation to the best of my ability, and that the facts, statements, and information presented are true and correct to the best of my knowledge.
<i>GO</i>	I hereby certify that this group home will serve no more than six tenants who are disabled as defined by state and federal law.
<i>GO</i>	I declare, under penalty of perjury, that this group home will not be operated as an integral use/facilities and I understand that if it's operated as such, this permit will be deemed invalid.
<i>GO</i>	I hereby certify that only residents (other than the house manager) who are handicapped as defined by state and federal law will reside at the group home.
<i>GO</i>	I hereby certify that occupants of the group home must not require and operator will not provide "care and supervision" as those terms are defined by Health and Safety Code Section 1503.5 and Section 80001(c)(3) of title 22, California Code of Regulations
<i>GO</i>	I hereby certify that as a sober living home we will not provide any of the following services as they are defined by Section 10501 (a)(6) of Title 9, California Code of Regulations: detoxification; educational counseling; individual or group counseling sessions; and treatment or recovery planning (mark the line as n/a (not applicable) if you are not a Sober Living Home)
<i>GO</i>	I hereby certify that all garage and driveway spaces associated with the dwelling unit shall, at all times, be available for the parking of vehicles
<i>GO</i>	I hereby certify that all occupants, other than the house manager, will be actively participating in legitimate recovery programs, including, but not limited to Alcoholics Anonymous or Narcotics Anonymous (Applies to sober living home applications only).

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing statements are true and correct and that any permit issued based on false or misleading statements will be deemed invalid.

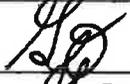
Facility Owner/Operator Signature: *Gregg Ohlhaber* Date: 7/27/15
 Print Name: Gregg Ohlhaber Telephone Number: [REDACTED]

PART 4 – FACILITY INFORMATION

PROPERTY/FACILITY DESCRIPTION	Quantity	Area to be used for Group Home	
		<input checked="" type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
Number of structures on Lot	1		
Square Footage of Main House	2,000	2,000	
Square Footage of Secondary Structures No.1	2,000	2,000	
Square Footage of Secondary Structures No.2			
Number of Bedrooms (All Structures)	4		
Maximum Number of Proposed Tenants	lowest 2 mgas		

Parking	No. of Spaces
Garage Parking Spaces	1
Covered Parking Spaces	0
Open Parking Spaces	8
Total Parking Spaces	9

SECTION 7 – Certification (The Owner/Operator must read and initial each certification statement below and signed and dated acknowledgement that they swear, under penalty of perjury that the statements are true and that they understand that if they make false statements the permit will be deemed invalid.)

Owner/Operator Initial	Certifications
	I hereby certify that the statements furnished in the application and in the attached exhibits present the data and information required for this initial evaluation to the best of my ability, and that the facts, statements, and information presented are true and correct to the best of my knowledge.
	I hereby certify that this group home will serve no more than six tenants who are disabled as defined by state and federal law.
	I declare, under penalty of perjury, that this group home will not be operated as an integral use/facilities and I understand that if it's operated as such, this permit will be deemed invalid.
	I hereby certify that only residents (other than the house manager) who are handicapped as defined by state and federal law will reside at the group home.
	I hereby certify that occupants of the group home must not require and operator will not provide "care and supervision" as those terms are defined by Health and Safety Code Section 1503.5 and Section 80001(c)(3) of title 22, California Code of Regulations
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I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing statements are true and correct and that any permit issued based on false or misleading statements will be deemed invalid.

Facility Owner/Operator Signature: Gregg Ohlhaber Date: 3-25-15

Print Name: Gregg Ohlhaber Telephone Number: [REDACTED]

PART 5 – LAND OWNER AFFIDAVIT

I, Greg Ohlnaver declare that I am the owner of the property addressed or otherwise located as follows: 2152 Raleigh Ave. Costa Mesa

I hereby certify that I am the owner of the real property described in this application. I hereby authorize this application to be processed for my property, and grant authority to the applicant to represent me, and to bind me in all matters concerning this application. I certify that all of the information contained in this application, including the information contained in all plans and other materials submitted with this application are, to the best of my knowledge and belief true and correct. Should any of the information submitted be false or incorrect, I hereby agree to defend, indemnify, and hold harmless, the City of Costa Mesa, its officers, agents, and employees, from any and all liability and loss by reason of its reliance on any such information. I grant authority to the City to place a public hearing notice on the subject property if one is required.

Property Owner Signature: Greg Ohlnaver Date: 3-25-15

ACKNOWLEDGEMENT

State of California
County of Orange

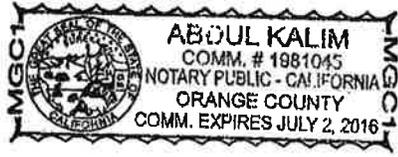
On MAR 27, 2015 before me, ABDUL KALIM, a Notary Public,

personally appeared GREGG OHLNAVER, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

Witness my hand and official seal.

[Signature]



Signature _____ (Seal)

WHEN COMPLETED, PLEASE RETURN ALL COPIES TO PLANNING DIVISION

PART 6 BELOW – “OFFICE USE ONLY”

Date Application Received: 3/31/15 By: Planning Receipt # SL-15-0014

Date Application Determined Complete: _____ By: Kate Yillela

APN: 422-401-26 Zone: R1 General Plan: _____

Supplemental House Manager Information

Daniel Sanchez





A SOBER LIVING ENVIRONMENT
2152 Raleigh Ave.
Costa Mesa, CA 92626
(949) 646-8222

Application for Intake

To be accepted into Keystone Sober Living, you must first fill out this form completely. Once this form is filled out and returned, our staff will review it, and based on the information you provided us we will make a decision. If we will refer you, begin the intake process.

Please complete as much information as possible, any information left out or disclosed once you arrive and/or false information will result in your non-acceptance into the Keystone Sober Living

Please print clearly

Client's Name: _____ Today's Date: _____

Social Security Number: _____

Date of Birth ____/____/____ Age: _____ Marital Status (circle one): S / M / W / D

Client's Home address: _____

City: _____ State: _____ Zip: _____

Phone: () _____ Cell Phone () _____

Email: _____

Emergency Contact: _____ Relationship: _____

Phone Number: _____

Financial Guarantor Name: _____

SS#: _____

Street Address: _____

City: _____ State: _____ Zip: _____

When answering the following questions, please be 100% honest, not leaving out any details.

Are you on probation? If so, please explain

What is your probation/parole officers' name? _____

What is their phone number? () _____

What is their address? _____

Do you have any upcoming court dates? If Yes, when? _____

Do you have Driver's license or California ID? # _____

If "No", can you get one? _____

Do you have to register as a sex offender? _____

List your arrests, you must list ALL of them:

Do you believe you have a problem with drugs and/or alcohol?

Explain answer:

Do you have any health concerns? (list all) _____

Have you ever been hospitalized for any medical reasons? _____ When? _____

Please explain:

Have you ever had any back problems? _____

Are you able to work 40 hours a week? _____

To enter our home you must be clean and sober. You will be required to submit to a Urine Test and an Alcohol Breathalyzer, will you be able to pass? _____

Have you ever had a psychological evaluation? _____ If "Yes", what was the diagnosis?

Have you ever been hospitalized for any psychological reasons?

When? _____ Please explain: _____

Are you currently being treated by a medical doctor and/or psychiatrist, if yes, please explain

Do you take any medications? _____ If so, please list them (include dosage and reason) _____

Have you ever been a guest before at Keystone? _____ When? _____

Why did you leave? _____

Do you own a car? _____ If "YES", where will the car be kept while you are a guest here? _____

Please provide License, Registration # and insurance information of your vehicle:

Please provide the name and contact numbers for a family member or other entity who will be financially responsible for alternative interim housing or cost of travel and relocation to your point of origin in the event of our relapse:

Name:	
Contact Number #1	
Contact Number #2	

You will be required to obtain the signature of the family member or other entity named above as a condition of admittance into Keystone Sober Living.

Keystone Sober Living has estimated the cost of travel and relocation to your point of origin to be: \$_____. A cash deposit held in trust by Keystone Sober Living will be required in an amount equal to this estimate.

If your application is approved, you will be moved to the next step in our intake process which is a face to face interview and possible admittance into Keystone Sober Living

Print Name: _____

Signature: _____



A SOBER LIVING ENVIRONMENT

Intake Procedure

1. Complete Keystone Sober Living Intake Form.
2. Potential guests are asked if they are willing to go to any length to stay clean and sober.
 - a. If they respond affirmatively move to step 3.
 - b. If potential guest responds with hesitation or negatively, recommend that they explore other sober living homes.
3. Review Admission Guidelines
4. Guest Reviews and agrees to:
 - a. Sober Living Rules & Regulations
 - b. Good Neighbor Policy
 - c. Relapse Policy
5. Drug test is administered. If the drug test is positive admittance is denied.
6. Guests must provide a third party who is financial responsibility for transportation to back to your home and/or temporary living in the event of relapse. The said party must agree to accept financial responsibility by acknowledging with their signature.
7. A cash deposit, collected at the start of program, will be required and held in trust for each guest by Keystone to ensure that in the event of relapse guests have funds available to return them to their previous home or place of origin. A \$100 transportation deposit is also required.
8. Deposit is for the last week recovery fee. If guest is expelled from the house, the deposit is lost. If one-week notice is given and guest leaves on good terms, 100% of deposit is refunded or used as pay for last week stay. Receipts are provided upon request.
9. If expelled due to alcohol or drug use you must leave the premises for a minimum of 72 hours.
10. In order for a bed to be held for a suspended guest, the sober living fee must be current through the suspension period.
11. If expulsion (permanent) or suspension (temporary) from sober living is necessary, guest will be escorted by Keystone House Manager to gather their personal items.
12. Assigned Financially Responsible party or entity will be contacted by the House Manager to make arrangements for transport and the relapse deposit will be used by House Manager to arrange to return guest to his home or temporary living space.
13. All intake paperwork will be held by Keystone CEO, in locked filing cabinets, for 12 months following the completion and/or discharge of guest from Keystone Sober Living.

Admission Guidelines

AGE	Adults 18+
GENDER	Male
IN RECOVERY FROM	Drug Addictions, Alcohol Addictions and other Substance Abuse issues
EMOTIONAL	Any prior psychological treatment information should be provided if there is any concern that it might interfere with a group home living arrangement. Mental and emotional disorders should be stable prior to admission.
PHYSICAL	An individual will be expected to actively participate in all drug and alcohol addiction treatment programs and should be able to function without major limitations.
SPIRITUAL	We believe that recovery involves spiritual healing and ask that all individuals seeking a sober living arrangement at Keystone Sober living be open to exploring this aspect of their lives

Exclusionary Criteria

- Physical limitations, which limit the individual's ability to participate fully in recovery activities.
- Psychiatric disorders in need of hospitalization.
- Chronic aggressive behavior incompatible with a group living environment.
- Individuals must have an understanding of the English language to fully benefit from the program.
- Failure of intake drug test.
- Registered sex offenders.
- Failure to provide and obtain authorization from a third party for financial responsibility in the event of relapse or expulsion from Keystone Sober Living.

Keystone Sober Living
2152 Raleigh Ave
Costa Mesa, CA 92626
949-646-8222



House Philosophy

In our recovery we have admitted to ourselves that our lives are unmanageable. We have chosen to use this house as our opportunity to change our lives in a positive way. Each day we are willing to go to any lengths to achieve the change in our lives we are seeking.

Keystone is a structured sober living environment. Here you have the option of learning behaviors and habits that will stay with you when you leave. While there will be challenges and opportunities for everyone as we grow together in our sobriety, we must avoid the unwillingness to be vulnerable within the group. Those who are not genuinely open with one another about their own mistakes and weaknesses make it impossible to build a foundation for trust. Guests that lack trust are incapable of engaging in unfiltered and passionate debate of ideas and problem resolution. Instead they resort to veiled discussions and guarded comments. A lack of healthy conflict is a problem. Without having aired opinions in the course of passionate and open debate, guests can rarely, if ever, experience the growth they are seeking. We must not hesitate to call our housemates on actions and behaviors that seem counterproductive to the good of the house. Failure to hold one another accountable creates an environment where dysfunction can thrive and sobriety and serenity are threatened.

House Rules

The guests at Keystone who have come before you have contributed to creating these rules based on their experiences. The house rules can, and will change as the dynamics of the house change. These House Rules are provided to help you understand exactly what the minimum expectations are while you are a guest at Keystone. It is important that you carefully review and fully understand Keystone philosophy and rules before you make the choice to stay at Keystone. If you choose to be a guest at Keystone it is important for you to be committed and adhere to the life style we are trying to create with our philosophy and these basic rules. If you have concerns after reviewing these rules, Keystone may not be an environment that is right for you.

1. Complete, sign and follow Keystone Sober Living rules handbook.
2. Laminated house rules will be kept at Keystone and posted in the living area for guest reference.
3. Maintain ongoing active sobriety and recovery.
4. NO BARS!!! This includes, but is not limited to, Pool Halls, Pubs, Night Clubs, Dance Clubs, Sports Bars, and Hookah Bars. Any event at a place not listed, where alcohol consumption is a major component needs to be approved by House Manager beforehand. If the situation poses a heightened risk of relapse, you need permission to attend.
5. Maintain safe community environment free of any drug and alcohol related paraphernalia.
6. If you suspect that another guest is drinking, using drugs, engaging in an eating disorder, engaging in self-harm behaviors, taking medications not prescribed to them, or abusing any medication, you must notify your house manager immediately.
7. Smoking in designated areas only, no loitering in front area of the house.
8. No guest may remove or tamper with any of the emergency devices or testing equipment.
9. There is to be NO loud or amplified music or television. This also includes car stereos. Please be respectful to neighbors.

House Meetings

1. House meetings are necessary to maintain a positive and supportive environment. Therefore they are mandatory for all houseguests.
2. House meetings are held on Thursday evenings at 8:00 p.m.
3. The objective of this meeting is to support the Keystone philosophy and bring issues the group for discussion and resolutions.

Signature: _____

Meeting format:

- I. Management will provide a weekly update
- II. Each guest will have a limited time to articulate problems experienced during the past week
- III. Problems that require extensive discussion will be discussed with management prior to the **weekly House meeting.**
- IV. Group resolution will be reached and implemented
- V. Each meeting ends with a prayer for serenity.

12 Step Meetings

This is a 12 Step oriented sober living environment. To remain focused on growth within the program we require guests to attend 12 Step meetings as follows:

- 1. During the first 90 days of sobriety guests are required to attend a meeting at least once daily
- 2. After 90 days of sobriety guests are required to attend 3 meetings per week
- 3. Maintain ongoing relationship with sponsor/scheduled sober networking activities

Housekeeping

Learning to live in a clean orderly environment is an important part of sobriety. Guests are expected to demonstrate pride in the entire facility by keeping it neat and clean at all times. The overriding rule of the house is that each guest will leave all areas of the house they use, clean or cleaner than when they found it. The following guidelines for each room are as follows:

Kitchen	Dishes and/or food are to be put away and removed from counters Dishwasher is to be used for group functions only when it can be filled and turned on immediately Each guest is responsible for their own food and should eat only what they purchase themselves Floors and counters are to be kept clean Wipe clean appliances (microwave, stove/oven, sink) and wash dishes following their use Leave the kitchen cleaner than you found it
Living-dining room	Meals will be eaten at the bar, dining table or outside There should be no personal items on the tables when you leave these rooms Pick up after yourself immediately after using the common areas The furniture in the common area is not for sleeping
Bathrooms	Each time you use the bathroom: The counters and floors should be left clean and dry The shower door must be wiped dry after use The toilet should be wiped clean if needed Bath towels are to be removed from the bathroom after each use Personal items are to be put away
Bedrooms	Room and assigned bed will be neat and orderly at all times Beds must be made everyday Floors will be cleared of clutter Personal items must be kept neatly stored under the bed Clothes must be stored in the closet, dresser or laundry basket only Management is welcome in all rooms at any time Appliances kept in bedrooms must be approved by Keystone management prior to installation
Weekly cleaning	All guests will participate in weekly cleaning tasks as assigned in order to maintain the house for themselves and future guests.

TV Use

- 1. If you are watching TV and are joined by additional guest, you may finish watching your current program. When your program has concluded, please be courteous and allow the next program to be agreed upon by the guests who are watching TV.

Respect for Yourself

- 1. Part of our path to living with sobriety we will maintain healthy grooming habits at all times.

Signature: _____

2. All guests are expected to maintain reasonable hygiene: daily showers, keeping clothes and personal space clean, etc. (Mouthwash is to be ALCOHOL FREE ONLY)
3. Clothing will be neat and clean at all times.
4. Guests must:
 - Have full time job OR
 - Have part time job and part time enrollment in school OR
 - Full time enrollment in school OR
 - Volunteer work 20 x month

Respect for Others

1. Guests are expected to take pride in themselves by demonstrating that they are a polite and courteous person.
2. Racial or other negative comments will not be tolerated.
3. Persistent profanity demonstrates hostility and disrespect for others. Anyone who chooses to speak in such a way will be expelled from the program.
4. If saying "please" "thank you" and "you're welcome" is not a habit for you – make it one now.
5. Any guest who does not consistently show respect and courtesy to others will be told to leave the facility.
6. Every guest at Keystone is entitled to be treated with dignity. No use of abusive language or gestures. This is important in learning how to communicate with others effectively in recovery.
7. If you have a problem with another guest, notify house manager.
8. There is absolutely NO physical violence. Physical violence of any kind will result in termination of residency at Keystone.
9. Keystone has a zero-tolerance policy in regards to bullying. This includes any form of intimidation, aggressive verbal behavior, or gossip.

Personal Property

1. Guests may bring clothing and not more than one bag of personal property.
2. While in the program, guests are solely responsible for their own personal property.
3. Keystone is not responsible for any personal property.
4. Keystone will not store or in any way be responsible for items left behind after you have left the program.
5. You are agreeing that any personal property left for more than 72 hours will be considered abandoned by signing this Keystone Sober Living Agreement.

Security

1. Abuse or destruction of any property or theft of any kind will result in immediate expulsion and be reported to the police.
2. There will be absolutely no gambling nor any loaning of money.

Violation of House Rules

1. Violation of House Rules can result in a suspension or immediate expulsion from the premises and forfeiture of recovery fee paid at management discretion.
2. A warning by house management will be given for violations of the House Rules.
3. These warnings will be made discreetly and will be given either verbally or in written form.
4. House Rule violations within a consecutive 30-day period can result in a suspension or expulsion at management discretion.

Violation Subject To Immediate Suspension or Expulsion:

Alcohol or Drug Use – Use or possession of alcohol or illicit drugs is strictly prohibited.

Signature: _____

1. Regular testing will be conducted randomly 3 times per week.
2. Testing includes a test for masking agents – a positive result for masking agents will be considered a positive drug test.
3. Refusal to submit to a test will result in immediate expulsion.
4. A fee of \$75 will be charged to each guest who has a positive drug test.
5. In order for a bed to be held for a suspended guest, the sober living fee must be current through the suspension period.

Violence – Such as threats or actual physical bodily harm and/or damage to others or your own personal property.

Excessive curfew violations – Curfew missed by 15 minutes or more.

If expulsion or suspension is necessary; guest will be escorted by Keystone management while gathering their personal items. Unauthorized entry to Keystone property following suspension or expulsion will be considered trespassing.

Relapse and Violation of House Rules Policy

Refer to Keystone Sober Living Relapse and Violation of House Rules Policy for additional information related to relapse and expulsion.

Vehicles

1. Vehicles may be kept at Keystone with management approval.
2. All vehicles are inspected by management and are subject to re-inspection at any time.
3. Guests wishing to have a vehicle while at Keystone must provide prove of (1) valid vehicle registration and license number, (2) valid liability insurance, and a (3) valid driver's license, all in the guests name and pertaining to the vehicle to be kept on Keystone property.
4. Guests and the house manager may each only store or park a single vehicle at Keystone or on any street within 500 feet of Keystone property.
5. Vehicle must be operable and currently used as a primary form of transportation for the guest.
6. Vehicles will not be adorned with any offensive pictures or writing.
7. Again, to maintain the overall appearance of the house, there will be absolutely no auto repair on or around Keystone Sober Living property.
8. If guest relapses Keystone will report the vehicle to the police if there is reason to suspect that the guest may be operating the vehicle while under the influence of drugs or alcohol.

Driveway Use

1. Keeping Keystone grounds presentable is important to all of us. As such there can be no leaking vehicles parked in the driveway or on the public street.
2. Parking in driveway is prioritized as follows: management and then based on seniority to those in the house.
3. It is important that guests using the driveway communicate with others using the driveway to ensure access in and out as needed.

Street Sweeping

1. Street sweeping occurs on every Tuesday 9am-12pm. It is your responsibility to know this and move your vehicle accordingly. We will not be responsible for any parking violation you receive.

Signature: _____

Visitors

1. Visiting hours are Saturday and Sunday from 2:00 p.m. to 4:00 p.m. in the dining room only.
2. So that guest is not mistakenly wandering into private areas of the house, visitors are to use bathroom #1 (by front door).
3. Visitors (including sponsors) are not allowed in bedrooms at any time.
4. Sponsors and other sober male members of AA are welcome for 12-Step work or meetings anytime.
5. House barbeques are held at the discretion of Keystone Management and will be discussed with Guests at group conscious meetings prior to scheduled events.
6. Visitors that are under the influence of alcohol or drugs are strictly prohibited from being on Keystone property at any time.

Medication

1. All medicines, prescriptions and over-the-counter drugs must be registered with Keystone management.
2. App prescription drugs will be monitored and may not be given to any other guests and may only be used in the amount prescribed.
3. All medications will be kept in the medication cabinet located in the house manager's room. Access will be granted based on prescription order and other non-prescribed OTC medications directions and will be dispensed at the discretion of the house manager and then locked back up.

Curfew

1. Guests must be in the house and accounted for by the following curfew times:
 - i. 11:00 p.m. Sunday through Thursday
 - ii. 12:30 p.m. on Friday and Saturday
2. Missing curfew by 15 minutes or more is considered a house rule violation.
3. Anytime you are 15 minutes late it is considered a house rule violation.
4. Anytime you are 15 minutes late it is considered grounds for expulsion. See "Violation Subject To Immediate Suspension or Expulsion" for details.

Overnight Passes

1. Overnight passes may be considered for guests who have completed 90 consecutive days of sobriety.
2. All passes are granted at the discretion of Keystone Sober Living staff.

Lights Out

1. At 11:00 p.m. bedrooms will be used as sleeping environment – Please be courteous to your roommates if you choose to read in bed.
2. Common area T.V. and radios are turned off at 11:30 p.m.
3. No cell phone or telephone calls after 11:30 p.m.
4. Leaving the house to go outside is not permitted after lights out – 11:00 p.

Damage/Repair Costs

Any cost associated with damage incurred by a guest or guest's visitor(s) will be the sole responsibility of the guest and will be expected to be paid in a timely manner.

Pets

No pets shall be kept on the premises without Keystone consent.

Signature: _____

Keystone Sober Living Agreement

This is intended to be a legally binding agreement

Please read carefully

Guest Name: *(Please print)* _____ and Keystone Sober Living agree to the following:

The Keystone Sober Living environment allows guests the use of a bed and common areas of the premises located at 2152 Raleigh Ave. Costa Mesa, CA 92627

Guests understand that 2152 Raleigh Ave Costa Mesa CA 92627 is a sober living home. Guests agree to not pursue any legal action against Keystone Sober Living environment or Gregg Ohlhaber.

Guests agree to pay a sober living fee of _____ per week (in advance) for guest privileges at 2152 Raleigh Ave Costa Mesa, CA 92627. Guests agree to stay current with sober living fees. Guests will be asked to move out if payment is not made within 72 hours after due date.

Guest agrees to also deposit with Owner/Agent a security deposit, the sum of _____ on or before move in. Resident shall not use this security deposit to pay any weeks rent during their stay. However, at Owner/Agent's discretion, if Guest has successfully fulfilled and met all terms and conditions of this agreement, including giving Owner/Agent a 7 day notice prior to termination of tenancy, Owner/Agent may allow this deposit to serve as payment for the final week of Guests stay. This deposit shall be applied towards the following:

- 1) To repair any damages to the premises, or, the property enclosed therein, caused by Guest.
- 2) Financial hardship caused to Owner/Agent due to Guests failure to give Owner/Agent proper notice of termination of tenancy, which is outlined within this agreement. Including, but not limited to, lost sober living fees due to unforeseen vacancy of Guests living area.

Guests also agree that if for any reason, they are asked to leave due to non-compliance of this agreement, whether it is by failure of a drug or alcohol screening, violation of House Rules, or Guest being delinquent in their sober living fees for more than 72 hours, then the security deposit will be forfeited to Owner/Agent for recovery of any financial loss caused by Guest.

Guests realize that this is not considered a rental property but a sober living environment and waives the right to be served a 3 day notice. Guests also waive the right of the eviction process. Guests agree to give a 7 day written notice when the guest is ready to move out.

Acknowledgment: By signing this page guest agrees that he has read, agrees to and acknowledges receipt of this agreement, the house rules and the relapse policy.

Please print your full legal name: _____

Date: _____ **Email:** _____

Signature: _____

Help

If you ever have a question, please do not hesitate to ask. If you need some kind of help, tell your house manager. Keystone Sober Living is devoted to helping people who are sincere about improving their lives. Your time here is your opportunity to help yourself and your loved ones as you take steps each day toward a better life.

Each guest is accountable for their own behavior – Guests who observe behaviors that are in direct conflict of the above rules are required to inform Keystone management immediately. Support of behavior in violation of House Rules in a fellow guest can result in immediate suspension or expulsion.

These House Rules have been established to promote cooperation and respect for everyone in this household. Each guest is responsible for their recovery as well as the common good of the house. By signing each of the pages here, you are agreeing to strictly abide by these rules.

Signature: _____



A SOBER LIVING ENVIRONMENT

Sober Living Rules and Regulations

By initialing each rule and regulation explained below, I understand that I have read and agree to the terms provided. House Rules will be posted in the living area for reference.

Drinking and Drug Use

Initials _____

1. Drinking, Drug Use or Medication Abuse during your residency in our home will be cause for immediate termination of residency. Bringing alcohol or drugs onto the premises is strictly forbidden and will result in the termination of residency.
2. Being where alcohol or drugs are present will result in a conference with the Sober Living Director and Sober Living CEO. This is to protect your own recovery.
3. Alcohol and Drug Screening will be requested randomly and you will be required to submit. If you refuse to submit within one hour, you will be asked to vacate the premises, which may result in the termination of residency.
4. Medications will be taken as prescribed and approved by the Sober Living Director upon admission. This includes prescriptions and over-the-counter medication.
5. If you know or suspect that another guest is drinking, using drugs, engaging in self-harm behaviors, taking medications not prescribed to them, or abusing any medication, you must notify your Sober Living Director immediately.

Outside Meeting Attendance

Initials _____

1. House meetings must be attended and your house manager will give a designated time to you each week. These weekly meetings are mandatory.
2. You are required to attend 7 outside AA sponsored meetings per week. If you work/volunteer full time (35 hours) or participate in school full time (12 credits) then you are required to attend 4 outside meetings per week.
3. If you believe you qualify for full-time status, and the subsequent reduced meeting requirement/late curfew, you must provide your House Manager, Sober Living Director, and Sober Living CEO with a schedule or time sheet verifying these hours. If you are a full-time student, you must provide your school schedule.
4. You must have your meeting attendance record card signed by the secretary at each meeting you attend.

House Rules

Initials: _____

1. The house will be kept neat and clean at all times. The chore list is posted weekly.
2. You are responsible for checking your chore and completing them on a daily basis. Chores will be checked at 9:00 am Monday through Friday by your House Manager and the Sober Living Director, 10:00 am on Saturday, and 12 pm on Sunday. Weekend days will be checked by your House Manager, and randomly by the Sober Living Director.
3. If your chore is not done, or not done satisfactorily, you will be grounded one day and will be assigned an extra chore for the next day. Examples of extra chores: cleaning the garage out, taking all the dishes out and cleaning the cabinets, bleaching all the bathtubs, washing the curtains, scrubbing the walls and baseboards in common areas.
4. Double Scrub:
 - a. Must complete a thorough Double Scrub EVERY Thursday.

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Keystone Sober Living
2152 Raleigh Ave.
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949 446 8777

- b. Must have Double Scrub checked with House Manager or Sober Living Director before leaving the house.
 - c. Must be done by 5:00 P.M. that day.
 - d. This includes garages. Make sure they are clean and organized.
5. It is your responsibility to keep your bedroom area clean and swept. It is essential that your room be very well maintained at all times. Your bed is to be made upon waking and all items up off the floor and neatly put out of view. The home is subject to inspection at any time.
 6. House Managers will collect house money weekly. You are responsible for house money even on weeks you are out of town just as rent is due on weeks you are out of town.
 7. Guests provide their own food.
 8. All guests are designated an area in the kitchen for their food storage. Your food is to be kept there. You are asked not to borrow or use other guest's food without permission from them. After cooking a meal, you are required to clean all cooking utensils, pots, pans, etc. and the cooking areas as soon as you are done. Messes resulting from cooking are not the responsibility of the person with the kitchen chore; they are the responsibility of the person cooking.
 9. All guests must have a full time job OR part time job and part time enrollment in school OR full time enrollment in school OR participate in documented volunteer work 20 x month.
 10. There are absolutely no visitors allowed on the premises without the expressed approval from Sober Living Director or Sober Living CEO.
 11. Curfew
 - a. Curfews need to be followed-NO EXCEPTIONS.
 - b. For those with full-time status, curfew is as follows:
 - c. Home by 11:00 PM Sunday through Thursday
 - d. Home by 12:30 AM Friday and Saturday
 - e. If you do not work or go to school then your curfew is 8:00 pm every night

while you are searching for a job or waiting to register for school. Please make

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sure you attend morning and afternoon meetings in order to meet your quota for the week. Your curfew for any days you are grounded will be 6:00 PM.

12. If you are late for curfew, the consequences are as follows:
 - a. 0-15 minutes late = 3 days grounded
 - b. 15-30 minutes late = 6 days grounded
 - c. 30-45 minutes late = 9 days grounded
 - d. 45-60 minutes late = 12 days grounded
 - e. Over 1 hour late - Sober Living Home CEO. You will be grounded indefinitely until a decision has been made regarding discharge.
13. Overnight passes must always be approved by the Sober Living Director. You will be required to let us know whom you will be with, and where you can be reached. Two overnight passes are allowed per week. If you have less than six months of sobriety, you must ask your House Manager in addition to the Sober Living Director before you take one. If you have more than 6 months (and are not in continuing care) just ask the Sober Living Director for permission. If you have an approved overnight, it is your responsibility to inform your House Manager. Permission for an overnight must be asked and approved by 5:00 PM that day. You MUST be home by 9am the following morning. Failure to be home on time will result in grounding. If you are in continuing care, Sober Living CEO must always approve your overnight first.
14. Home by 9 A.M. for someone who has had an overnight.
15. If you are planning on being out of town, it is very important that you have permission from your Sober Living CEO to be gone, and that you have your chore covered. If you do not get your chore covered, you will be grounded, as many days you are gone. If you agree to cover a chore please take it seriously as the house is counting on you.
16. Lights are to be turned off when you leave a room.
17. Smoking is allowed in the designated outside areas only. THERE IS NO SMOKING IN FRONT OF THE HOUSE.
18. No eating or drinking anywhere but in the kitchen, dining room or outside area.

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949 646 9771

19. Quiet Times is to be observed nightly after 11:00 PM. If you are up after 11:00 PM, you are required to be quiet and respectful.
20. You are expected to be awake by 8:00 AM on weekdays and 9:00 AM on the weekends, no exceptions.
21. Parking is only allowed on house driveways, garages, carports and onsite guest parking spaces or directly in front of the house, out of consideration for our neighbors and the large number of cars at our residence.
22. Guests of the Keystone Sober Living are not to park on Raleigh Avenue.
23. Guests and the house manager may each only store or park a single vehicle at Keystone or on any street within 500 feet of Keystone property unless otherwise discussed and approved by Sober Living CEO.
24. Vehicle must be operable and currently used as a primary form of transportation for the guest.
25. Street sweeping occurs on Raleigh Ave on Tuesday from 10:00 am to 12:00 pm. Do not park on the street during this time.
26. If you are being picked up or dropped off, it needs to be as quick as possible as to not disturb the neighbors. Avoid having cars idling outside the houses. If for any reason a car is waiting, its headlights should be dimmed or turned off entirely.
27. Music (including car stereos) needs to be kept at an appropriate volume. Please be courteous to your roommates and neighbors.
28. Approved prescriptions need to be locked in office at all times and taken as prescribed then locked back up by house manager. Meaning, they are not to be in public areas at any time. They must be in a secure and private location. This includes over-the-counter medications. The possession or use of prescription medications shall be prohibited except for the person to whom they are prescribed, and the amount prescribed.
29. Mouthwash is to be alcohol-free ONLY. NO EXCEPTIONS. If this is found in your home, please contact the Sober Living Director to dispose of properly.
30. Drug testing happens three times per week. Everyone is tested. Drug testing is MANDATORY. Failure to comply with this will result in termination of residency.

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Once requested, you must comply immediately.

31. **NO BARS!!!** This includes, but is not limited to, Pool Halls, Pubs, Night Clubs, Dance Clubs, Sports Bars, and Hookah Bars. Any event at a place not listed, where alcohol consumption is a major component, needs to be approved by a Sober Living CEO beforehand. If the situation poses a heightened risk of relapse, you need permission to attend.
32. **Recovery fee is due every Thursday.** Any questions or concerns are directed to Sober Living Director.
33. **Guests must take all of their belongings with them when they move out.** Anything left behind will become property of Keystone Sober Living and will be donated to a local shelter within 72 hours
34. **Keystone Sober Living assumes no responsibility for lost, stolen, or abandoned items.**
35. **There will be consequences if any safety devices or testing equipment are removed or tampered with.**

Curfew

Initials: _____

1. **Please respect your housemates by not using abusive language or gestures.** This is important in learning how to communicate with others effectively in recovery.
2. **If you have a problem with another house member, notify your House Manager, and then the Sober Living Director.**
3. **There is absolutely NO physical violence.** Physical violence of any kind will result in the termination of residency.
4. **Inability to get along with other guests may result in the termination of residency.**
5. **Keystone Sober living has a zero-tolerance policy in regards to bullying.** This includes any form of intimidation, aggressive verbal behavior, or gossip.

Consequences

Initials _____

1. Each time you break a rule, you will be given a consequence.
2. Consequences may be restriction, grounding, an extra chore, or, depending upon severity, termination of residency.
3. If you are grounded, you must be home by 8:00 PM, no exceptions (if you work and are scheduled past 8 PM, your house mother will either need to see verification of your schedule, or may designate your grounding to another night). If you do not have a job, volunteer, or go to school, and your curfew is already 8:00 PM, your grounded curfew will be 6:00 PM.
4. Consequences are to be decided by the House Manager, and/or Sober Living Director, and/or Sober Living CEO.

I, hereby, agree to follow and abide by these rules and policies. I understand that failure to do so could result in disciplinary consequences and/or eviction.

Guest Name: _____

Guest Signature: _____

Date: _____

Keystone Sober Living Management

Name: _____

Signature: _____

Date: _____



A SOBER LIVING ENVIRONMENT

GOOD NEIGHBOR POLICY

Neighbor Notification of Providers Contact Information:

- a. The operator should provide a Neighbor Introduction letter, to the neighbors next to, behind and across the street from the sober living home that should include the name, phone number and email address of the house manager and owner/operator, which neighbors can use in the event of any good neighbor issues.
- b. The same information shall immediately be provided to anyone requesting it in person at the sober living home.
- c. The Operator should notify, in writing, the immediate neighbors; next to, behind and across the street from the sober living home of any change in the House Manager and provide up to date 24/7 contact information (phone & email).

Responding To Neighbor Complaints:

- a. A responsible party representing the sober living home will respond to neighbor complaints within 12-hours of receipt of a complaint, even if it is not possible to resolve the issue immediately.
- b. Rules regarding Guest behavior such as, but not limited to noise, smoking and loitering must be responsive to neighbor's reasonable complaints.
- c. Establish a written protocol/procedure for staff and Guests to follow when a neighbor complaint is received (see attached protocol).

Property Maintenance - Maintenance is the essence of "good neighborliness."

- a. Neighbors appreciate neighbors who keep up their property. Sober living homes shall be physically maintained in a manner that does credit to the neighborhood. The objective is to be one of the best looking homes in the neighborhood. This will be accomplished by doing the following:
 - 1) The owner/operator will conduct monthly inspections the sober living home and shall maintain a written record of the inspection results and resulting action items for inspection upon request by City staff.
 - 2) Adhere to community standards for landscaping, painting and decor.
 - 3) Keep the exterior free of old or discarded furniture; appliances; overflowing trash carts; and inoperable vehicles or car parts.
 - 4) Do not allow guests or visitors to litter.

Noise

Guest's shall refrain from engaging in excessively loud, profane or obnoxious behavior that would unduly interfere with a neighbor's use and enjoyment of their dwelling unit. Televisions, radios, stereos etc. must be played at a level, which will not disturb neighbors. Quiet time is to be observed nightly after 11:00 p.m., if guests are awake late, they must be quiet and respectful.

Guest Behavior's:

- Guests shall be required to dress appropriately for the neighborhood.
- Guests shall not engage in any aggressive confrontation with each other or the neighbors.
- Guests shall not harass, catcall or otherwise intimidate neighbors.

Smoking

Smoking shall occur only in designated areas of the backyard (See attached site plan with designated smoking area) and all guests must use appropriate smoking receptacles. Cigarette butts are NEVER to be thrown on the ground. Smoking in front yards is strictly prohibited.

Trespassing

Guests shall not cut across or walk on neighbor's lawns or property. Bicycles are to be parked in designated areas and are not to block any neighborhood sidewalk or thoroughfares.

Littering

Guests shall not litter anywhere in the community, and are to make every effort to keep their neighborhood clean.

Parking

Guests, house managers, visitors, and cleaning and services staff shall utilize all on-site garage and open parking spaces, before using on street parking spaces. Legally required on-site parking spaces may not be utilized for storage or other living space and must be available for use as parking for the guests and staff of the group home.

Pickup and drop-off

If guests are being picked up or dropped off, it needs to be done as quickly as possible so as to not disturb the neighbors. Avoid having vehicles idling outside the house or having the car radio loudly playing while waiting. If for any reason a car or van is waiting, its headlights should be dimmed or turned off. To the extent possible vehicle pickup shall take place on site. If the vehicle pick up has to be off site, the vehicle needs to be parked or waiting in a legal parking space. Pick up and drop off should not be occurring in the drive through lanes on any public or private street.

Home Based Business

Guests may not engage in a trade or business based in the home excepted as permitted in the R1 zone.

Positive Role Model

Guests are expected to be an asset and positive role model for the community, at all times.

I have read, and have a complete understanding of the Good Neighbor Policy rules listed above which include the importance of being a Good Neighbor and asset to the community; and I agree to fully comply with the Good Neighbor Policy. I understand that failure to follow the rules outlined in the Good Neighbor policy may result in disciplinary action up to and including immediate removal from Keystone Sober Living.

Guest Name:

Guest Signature:

Date:

Staff Signature:

Date:



A SOBER LIVING ENVIRONMENT

Sober Living Good Neighbor Notification

Greetings Neighbor:

Keystone Sober Living is located at 2152 Raleigh. Our goal is to offer a sober, safe and secure environment in which our guests live. If you should have any questions regarding our mission or need to reach us please let us know. We are available at any time.

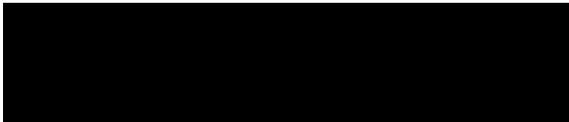
Warm Regards

Gregg Ohlaver



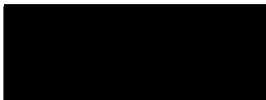
Owner

Wren Goolsby



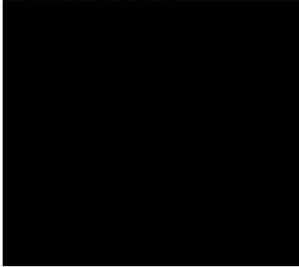
Manager

Daniel Sanchez



Supplemental House Manager Information

Daniel Sanchez





A SOBER LIVING ENVIRONMENT

**GOOD NEIGHBOR PROTOCOL-
RESPONDING TO NEIGHBOR COMPLAINTS CHECKLIST**

- Complaint is received and designated responsible party representing the sober living home is notified.
- The designated party will respond to neighbor complaint within 12 hours of receiving complaint (issue may not be immediately resolved).
- Complaints such as, but not limited to noise, smoking and loitering will be addressed to appropriate client(s) and verbal/written warning will be given.
- Neighbor and designated responsible person from sober living will meet to ensure that the complaint is resolved and there are no further issues remaining.



A SOBER LIVING ENVIRONMENT

Relapse & Violation of House Rules Policy

Definitions:

1. **Suspension:** the temporary removal of guest from sober living home.
2. **Expulsion:** the permanent removal of guest from sober living home.

Violation of House Rules

- 1) Violation of House Rules can result in a suspension or immediate expulsion from the premises and forfeiture of recovery fee paid at management discretion.
- 2) A warning by house management will be given for violations of the House Rules.
- 3) These warnings will be made discreetly and will be given either verbally or in written form
- 4) 3 House Rule violations within a consecutive 30-day period can result in a suspension or expulsion at management discretion.

Violation Subject To Immediate Suspension or Expulsion

- 1) Alcohol or Drug Use – Use or possession of alcohol or illicit drugs is strictly prohibited
- 2) Regular testing will be performed randomly three times per week
- 3) Testing includes a test for masking agents – a positive result for masking agents will be considered a positive drug test and a relapse event.
- 4) Refusal to submit to a test will result in immediate expulsion
- 5) Gambling
- 6) Conducting your own or other business on property.
- 7) Any illegal activity on or around property. This includes having stolen property or harboring a fugitive.

Suspension or Expulsion Period

- 1) If expelled due to alcohol or drug use you must leave the premises for a minimum of 72 hours.
- 2) In order for a bed to be held for a suspended guest, the sober living fee must be current through the suspension period.
- 3) If expulsion or suspension is necessary, Keystone House Manager will escort guest while gathering their personal items.
- 4) Assigned Financially Responsible party or entity will be contacted by the House Manager to make arrangements and the relapse deposit will be used by House Manager to arrange to return guest to his home or temporary living space.
- 5) Unauthorized entry to Keystone property following suspension or expulsion will be considered trespassing.

First Relapse

- 1) Defined as any admission of use, positive UA results for any substance, and/or notification from others that relapse has occurred.
- 2) Meeting with staff to determine the best transition from the house and possible return. If it is determined that after transition to detoxification facility guest may return, this may occur after 72 hours.
- 3) Guest's spot will be held for 1 week. In the event that the guest does not pick-up property, it will be discarded either by donation or garbage.

Second Relapse

- 1) Defined as relapse that occurs within 60 days of first relapse.
- 2) Results in immediate termination to ensure safety and health of the guests of the home and recommendation for detox and/or residential treatment.
- 3) Guest's property will be held for one week. In the event guest does not pick up property, it will be discarded either by donation or garbage.

Eligibility for Re-Entry

- 1) Guest may apply to return if they provide a clean drug and alcohol test after 72 hours following their first relapse. Guest with more than one relapse are not eligible for consideration for re-entry.

Violence or Threats

- 1) Threats and violence are grounds for immediate expulsion. Those expelled due to violence or threats are not eligible for re-entry. This includes threats or actual physical bodily harm and/or damage to others or your own personal property

Suspension or Expulsion Process

- 1) If expulsion or suspension is necessary, Keystone management, who are seasoned and trained in leadership and management of others, will gather their personal items and escort guest to pre-arranged, known location. Unauthorized entry to Keystone property following suspension or expulsion will be considered trespassing.
- 2) As stated in your signed intake application you must return to your previous home, place of origin, or predetermined location.
- 3) Relapse deposit and transportation deposit will be used to cover the detox center money and the appropriate transportation to predetermined location.
- 4) If it is determined that family/guardian/responsible party will be in charge of transportation from sober living home, this is to take place within 2 hours from time of contact. In the event that family/guardian/responsible party cannot pick-up guest within this time frame, then Keystone staff will provide the transportation to predetermined location. If family/guardian/responsible party does pick-up guest from sober living home, there is a transfer of responsibility of the relapsed guest away from Keystone staff.

Financial Responsibility

Please provide the name and contact numbers for a family member or other entity whom will be financially responsible for alternative Interim housing or cost of travel and relocation to your point of origin in the event of a relapse or expulsion:

Name:	
Contact Number #1	
Contact Number #2	
Signature of financially responsible party or entity acknowledging acceptance of financial responsibility for relocation costs as estimated by Keystone Sober Living.	
Signature:	

You will be required to obtain the signature of the family member or other entity named above as a condition of admittance into Keystone Sober Living. Keystone Sober Living will estimate the cost of travel and relocation to your point of origin. A cash deposit held in trust by Keystone Sober Living will be required in an amount equal to this estimate.

Policy Oversight and Implementation

The Keystone House Manager is accountable for executing this policy.

I acknowledge I understand and will abide by the provisions of this Relapse & Violation of House Rules Policy

Guest Name: _____ **Date:** _____

Guest Signature: _____



A SOBER LIVING ENVIRONMENT

Relapse Policy and Protocol

The city of Costa Mesa requires all sober living homes to have a written relapse policy that is strictly enforced. Staff at Keystone Sober Living will direct all matters regarding any relapse by guests.

The policy includes:

- 1) Identify a home address to be transitioned to upon relapse:

Contact phone number: _____

- 2) Financial Guarantor (family/entity) name: _____

Phone #: _____

Financial resource to be applied for transition to detox center: [] Cash deposit to be held by Keystone until discharge [] Use credit care on file

- 3) Upon relapse, guest agrees to be assessed for immediate transition to a higher level of care facility, including but not limited to detox and/or residential.

List detox center _____

Address _____

Phone # _____

List emergency hospital for emergency detox _____

Address _____

Phone # _____

List residential treatment program _____

Address _____

Phone # _____

- 4) Upon relapse all guests will receive a review to determine at which time a return to sober living will be discussed. It may be determine that after the transition to detoxification facility, guest may return within 72 hours. In the case a guest is determined to return to the sober living, his spot will be held with his property until his return. In the event he does not return, the property will be held for 1 week until arrangement can be made to collect the property. If the property is not claimed within 1 week, it will be discarded either by donation or garbage.

Page 1 of 2

Keystone Sober Living
2152 Raleigh Ave
Costa Mesa, CA 92626
949.646.8222

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Staff will determine appropriate level of care and complete estimate for relocation costs. First relapse may result in detox and return to Keystone House. Second relapse will result in the discharge and recommendation for detox and/or residential treatment.

- 5) Upon arrival, if it is determined a guest is under the influence of a substance, the relapse policy will apply and all steps will be the same.
- 6) Any vehicles registered to the guest must be recorded during intake:
Make _____ Model _____ Color _____
License Plate # _____
- 7) At any time a guest relapses and is known to be driving his vehicle, it will be immediately reported to the police.
- 8) Any staff or guest who learns about a guest relapsing shall immediately report it to appropriate designated staff. Any staff or guest that knowingly harbors information about another resident relapsing, shall be subject to consequences 3-4, (see Relapse and House Rules Violation Policy for details) and staff will be terminated.
- 9) Discharge Procedure: Designated staff will arrange all transportation (bus, plane, staff driver, driving service, etc.) from Keystone Sober Living Home. The discharge will be arranged so that guests are transferred to a known location, pre-arranged by staff and/or family to include: parent/guardian, custodial facility, detoxification, medical facility. In the case that the guest refuses to cooperate with the relapse policy, the police may be notified and criminal charges considered (i.e. under the influence, trespassing, public intoxication). Guests should be released at the determined facility, but in the event no facility is determined, they will be transported home, or to the address listed above in this policy.
- 10) Notification for relapse: In addition to appropriate staff and financial guarantor being notified of relapse, identify family/guardian and/or other named person to be notified:
Name: _____
Phone #: _____

I have read and understand relapse policy. I have no questions and hold Keystone Sober Living harmless for any damages that may come to me in the event that I do relapse.

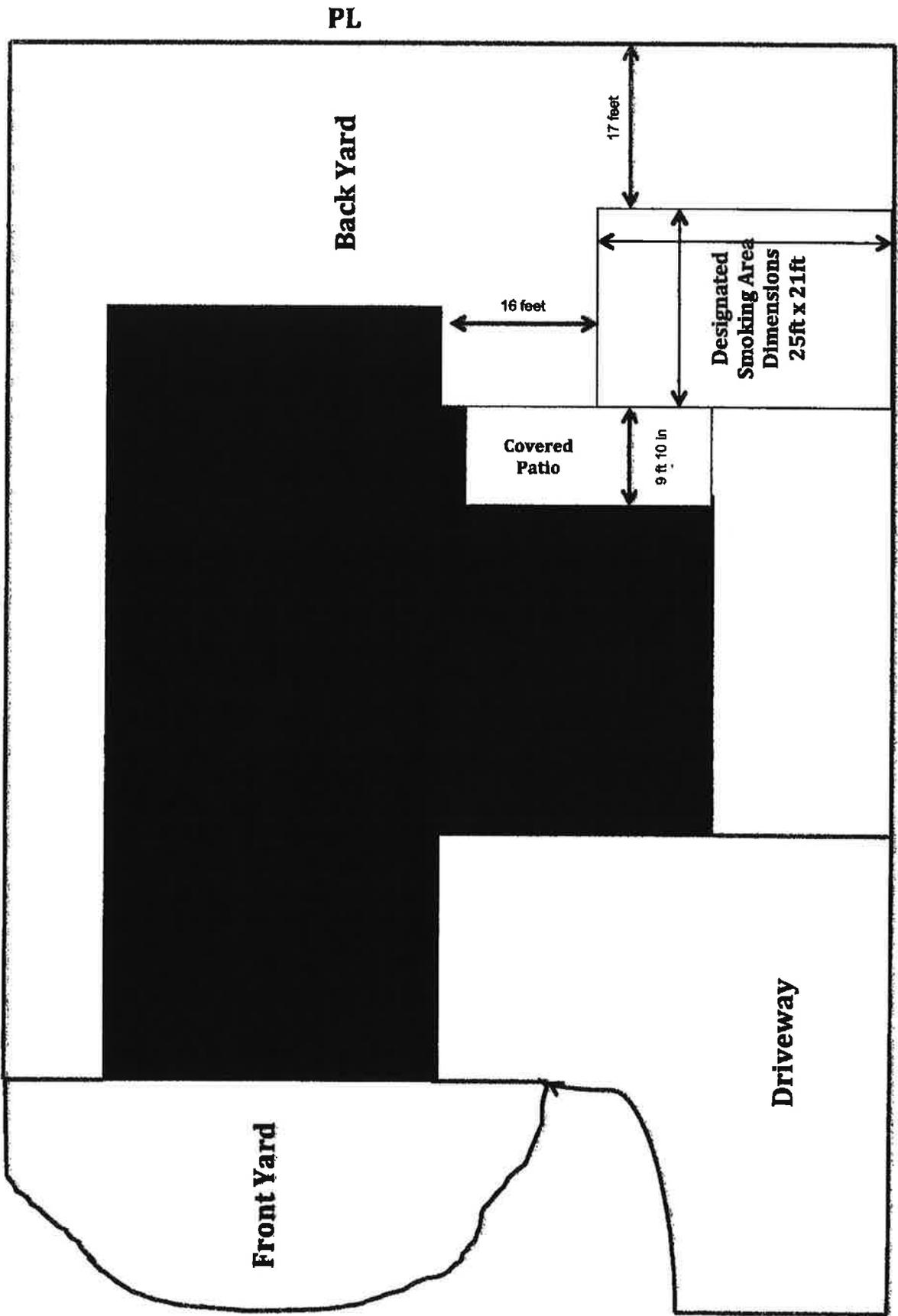
Guest Name: _____ **Date:** _____

Guest Signature: _____

Staff Signature: _____

2152 Raleigh Ave Costa Mesa CA 92626
PL=Property Live

PL



45



CITY OF COSTA MESA

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

September 7, 2016

SENT VIA FEDEX EXPRESS & ELECTRONIC MAIL

Gregg Ohlhaber
3112 McKinley Way
Costa Mesa, CA 92627

Application: Special Use Permit No. SL-15-0014

Property Address: 2152 Raleigh Avenue

Dear Mr. Ohlhaber:

Thank you for submitting your application for the City of Costa Mesa's Sober Living Home Special Use Permit and attending the Director Hearing on September 1, 2016. Present at that hearing were myself, Tarquin Preziosi, Deputy City Attorney and Sheri Vander Dussen, Assistant Development Services Director/Community Improvement Manager. I have thoroughly reviewed your application and the facts presented at the Director Hearing. Your application is denied pursuant to City of Costa Mesa Municipal Code (CMMC) requirements for group homes with six or fewer beds in an R1 (single family) zone. CMMC section 13-311(b)(6) provides in relevant part:

A special use permit for a sober living home shall also be denied, and if already issued, any transfer shall be denied or revoked, upon a hearing by the director under any of the following additional circumstances:

- iii. The sober living home, as measured by the closest property lines, is located within six hundred fifty (650) feet of any other sober living home or state licensed alcoholism or drug abuse recovery or treatment facility. If a state licensed alcoholism or drug abuse recovery or treatment facility moves within six hundred fifty (650) feet of an existing sober living home this shall not cause the revocation of the sober living home's permit or be grounds for denying a transfer of such permit.

There are two existing state licensed alcoholism and drug abuse recovery treatment facilities with six or fewer residents within 650 feet from the facility. Those facilities are located at 687 and 679 Governor Street. During the hearing you mentioned that the City had previously sent you a checklist that you believe indicated that the 650-foot separation requirement was non-applicable. Staff reviewed the application file and found that on the Special Use Permit Application Processing Checklist dated May 5, 2105, "N/A" was listed as a comment next to the item referring 650 feet separation requirement from

any other sober living home or state licensed alcoholism or drug abuse recovery or treatment facility. The purpose of the checklist was to identify incomplete information in the application and request that information from the applicants. The "N/A" indicated that no information was required from you regarding this requirement to complete your application.

I also wanted to provide additional information pertaining to your question as to whether another facility on Raleigh Avenue had been issued a Special Use Permit. Our records indicate that the operator of a sober living home located at 2186 Raleigh Avenue submitted a Special Use Permit application on April 8, 2015, but the request was withdrawn on November 25, 2015 because the facility was closed.

This determination can be appealed to the Planning Commission by filing an application for appeal with the City Clerk. Any appeal must be filed within seven (7) days of this date of denial, which is September 14, 2016 by 5:00 p.m., pursuant to Sections 2-305(2) and 2-307 of the Costa Mesa Municipal Code. Please see attached Chapter IX, Title II of the Costa Mesa Municipal Code regarding appeal and review procedure. A fee of \$690.00 must accompany the application. In your request for an appeal, please summarize the reasons for the appeal. If the application for appeal is not submitted by the deadline, your time to appeal will have expired.

Should you have any questions, please do not hesitate to call Katie Angel at 714.754.5618 between the hours of 8:00 a.m. and 5:00 p.m.

Sincerely,



Gary Armstrong
Director of Economic and Development Services/Deputy CEO

Attachment: Ordinance Number 14-13

cc: Sheri Vander Dussen, Interim Assistant Director/Community Improvement Division Manager
Fidel Gamboa, Acting Neighborhood Improvement Manager
Tarquin Preziosi, Esq., Deputy City Attorney
Katie Angel, Management Analyst



RECEIVED
CITY CLERK

City of Costa Mesa

16 SEP 13 AM 11:05

CITY OF COSTA MESA
BY BG

- Appeal of Commission Decision - \$1,220.00
- Appeal of Zoning Administrator/Staff Decision - \$690.00
(FEES MUST BE PAID IN FULL AT TIME OF FILING APPEAL)

APPLICATION FOR APPEAL OR REVIEW

Applicant Name* Gregg Ohlhaber
 Address: 2152 Raleigh Ave
 Phone: [REDACTED] Representing: _____

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.)

Special use permit No. 56-15-0014
2152 Raleigh Ave
Costa Mesa CA
92627

Decision by: _____

Reasons for requesting appeal or review:

Please see attached letter

Date: 9/13/16 Signature: Gregg Ohlhaber

*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 Commissions, Commission Members, City Council, or City Council Members.

For office use only – do not write below this line

REV 9-1-15

SCHEDULED FOR THE CITY COUNCIL/COMMISSION MEETING OF:

Keystone Sober Living
2152 Raleigh Ave Costa Mesa, CA

RECEIVED
CITY CLERK

16 SEP 13 AM 11:05

CITY OF COSTA MESA
BY EG

Katie Angel
Management Analyst
Community Improvement
City of Costa Mesa
77 Fair Drive
Costa Mesa, CA

RE: Letter of Appeal

Dear Ms. Angel:

The California Building Code provides, in Chapter 3, definitions and classifications which include R-3.0 designations. Section R-3 contains a list of building uses which would fall under that section. That list SPECIFICALLY includes "Alcoholism or drug abuse recovery homes (ambulatory only)." This is important because California's constitution and laws state that Alcoholism and Drug Abuse recovery homes are not to be treated any differently than single family residences within the state.

Furthermore, the California Health and Safety Code speaks to this issue strongly.

As used in this chapter, "alcoholism or drug abuse recovery or treatment facility" or "facility" means any premises, place, or building that provides 24-hour residential nonmedical services to adults who are recovering from problems related to alcohol, drug, or alcohol and drug misuse or abuse, and who need alcohol, drug, or alcohol and drug recovery treatment or detoxification services. California Health and Safety Code §11834.02(a).

In the instant case, the owner and operator has been providing care which meets this definition for more than a **decade** within Costa Mesa, with a business license issued by Costa Mesa. However, the owner has not yet received licensing from the State of California under 11834 because, until now, Costa Mesa has not seen fit to attack his right to operate at the location. Costa Mesa's regulatory changes state that 'group homes' are separate and distinct from alcoholism or drug abuse recovery treatment facilities. The 650 foot separation requirement applies to the special use permit requirements for group homes. As this facility has been operating NOT as a group home, but rather as a 11834 entity simply without the license, and will

soon have the license as well, it seems fair that more than a decade of faultless participation in the community should be allowed to continue.

Furthermore, those recovering from alcoholism and drug abuse are considered under Federal law to be disabled for the purposes of rights against discrimination. 28 C.F.R. § 35.104(1)(ii). Therefore restrictions, requirements and actions by local government actors which would result in discrimination either on its face or through disparate impact. Requiring licensed alcoholism and drug abuse treatment homes to conform to additional requirements, where no private residences are required to do such, and where the treatment center can at LEAST as clearly fall under R-3 classification, could be considered a discriminatory enforcement policy which violates the Fair Housing Act under Federal law as well as California law through California Government Code Section 12955.

The recent lawsuits, against Newport Beach and Costa Mesa, on behalf of this type of drug and alcohol rehabilitation facility, have shown that this area of law is murky at best. While a withdrawn appeal against Costa Mesa can be seen as a victory - that does not mean the California regulations should still be flaunted when it comes to asymmetrical enforcement against certain individual treatment facilities. Moreover, the cause of action against the 650 foot rule was thrown out, initially, based upon ripeness. "To the extent that this allegation constitutes an as-applied challenge to the Ordinance, it is unripe because Plaintiffs have not yet sought an accommodation through the Ordinance's procedures." In the instant case, the claimed reason for the disapproval of this center was because it violated the 650 feet ordinance, and a claim against such a rule would indeed be ripe at this point. The owner is currently seeking permit from the city, and in the event this appeal is rejected, shall be seeking reasonable accommodation as well.

The owner in this case is simply seeking recognition of his long standing, unchanged business which obviously cannot be a new threat to the character of the neighborhood because it has been a part of that neighborhood for so many years. Moreover, the city has presented no evidence that any complaints have been filed against this home or any other reason why the residents of this home are, themselves, a threat to the community. Even presuming that the 650 foot ordinance would have withstood challenge past the trial court level, in this case enforcement is being handled capriciously. This facility has been present at the current location for more than a decade, so to say that this facility must move, rather than whatever more recent facility which is within 650 feet, has no reasonable basis.

In summary, this residential treatment center has been licensed openly and for more than a decade operating as an alcoholism and drug abuse recovery center which falls under the protections of California's Constitution as well as Federal ADA and Constitutional protections.

This is reinforced and supported by the California Health and Safety Code explicitly and the Federal Fair Housing Act by reference to such treatment centers. Moreover, Federal regulations and case law shows that such recovering adults are protected from discriminatory actions by being included in the definition of disabled persons, and any treatment specifically aimed at making operation of centers such as this more difficult runs the risk of being found a discriminatory action, an issue which has not been settled in court at this time despite the trial court level dismissal of the *Solid Landings Behavioral Health, Inc.* case.

The owner requests an appeal hearing on this matter and further or in the alternative requests to be informed of findings as to: why this facility must relocate under the 650 foot rule rather than another, newer facility; why the new ordinance is being applied to a facility which has no history of complaints or issues in the community; and why the owner cannot be granted leave to operate pursuant to 11834 under California law as it has been with the tacit or explicit permission of Costa Mesa through its granting of a business license for so many consecutive years leading to the current matter.

Respectfully,



Gregg Ohlhaber

Keystone Sober Living

RESOLUTION NO. PC-16-

**A RESOLUTION OF THE PLANNING COMMISSION OF
THE CITY OF COSTA MESA TO UPHOLD THE
DIRECTOR'S DENIAL OF SPECIAL USE PERMIT
APPLICATION NO. SL-15-0014 TO OPERATE A SOBER
LIVING HOME WITH SIX OR FEWER OCCUPANTS AT
2152 RALEIGH AVENUE**

WHEREAS, Gregg Ohlhaber (the "Applicant") operates a sober living home serving six males at 2152 Raleigh Avenue, Costa Mesa; and

WHEREAS, the City of Costa Mesa recognizes that while not in character with residential neighborhoods, when operated responsibly, group homes, including sober living homes, provide a societal benefit by providing disabled persons as defined by state and federal law the opportunity to live in residential neighborhoods, as well as providing recovery programs for individuals attempting to overcome their drug and alcohol addictions; therefore, providing greater access to residential zones to group homes, including sober living homes, than to boardinghouses or any other type of group living provides a benefit to the City and its residents; and

WHEREAS, the City of Costa Mesa has adopted standards for the operation of group homes, residential care facilities and state licensed drug and alcohol facilities that are intended to provide opportunities for disabled persons, as defined by state and federal law to enjoy comfortable accommodations in a residential setting; and

WHEREAS, the City of Costa Mesa has found that congregating sober living homes in close proximity to each other does not provide disabled persons as defined in state and federal law with an opportunity to "live in normal residential surroundings," but rather places them into living environments bearing more in common with the types of institutional/campus/dormitory living that the FEHA and FHAA were designed to provide relief from for the disabled, and which no reasonable person could contend provides a life in a normal residential surrounding; and

WHEREAS, the City of Costa Mesa has determined that a separation requirement for such facilities will still allow for a reasonable market for the purchase and operation of sober living homes within the City and still result in preferential treatment for sober living homes in that non-disabled individuals in a similar living situation (i.e., in boardinghouse-style residences) have fewer housing opportunities than disabled persons; and

WHEREAS, Gregg Ohlhaber filed special use permit application no SL-15-0014 with the City's Development Services to operate a group home with six or fewer resident in an R1 zone; and

WHEREAS, Gregg Ohlhaber filed special use permit application no SL-15-0014 with the City's Development Services to operate a group home with six or fewer resident in an R1 zone; and

WHEREAS, there are two existing state licensed drug and alcohol facilities within six or fewer residents located at 687 Governor Street and 679 Governor Street within 650 feet of the facility at 2152 Raleigh Avenue; and

WHEREAS, that applicant received notice of a scheduled Director's Hearing more than seven (7) business days prior and received a written report prepared by staff recommending denial of the special use permit based upon the criterion established in Section 13-311(b)(6)(iii); and

WHEREAS, a Director's Hearing was conducted on September 1, 2016 providing the applicant with the opportunity to present any reasons and/or evidence why the special permit should not be denied; and

WHEREAS, the Director provided a written notice to the applicant denying the special use permit pursuant to Section 13-311(b)(6)(iii) and included a statement of the right to appeal to the Planning Commission and the time-limits therefore; and

WHEREAS, the applicant appealed the denial of the application in a timely manner; and

WHEREAS, on October 24, 2016, the Planning Commission considered the appeal of the Director's determination at a regularly scheduled meeting open to the public, at which time interested persons had an opportunity to testify either in support of or in opposition to the Application and determined by a X-X vote to uphold the Director's denial of the SUP.

NOW THEREFORE, the Planning Commission of the City of Costa Mesa finds and resolves as follows:

The facility located at 2152 Raleigh Street is (the "Property") is a sober living home. The City of Costa Mesa Municipal Code Section CMMC section 13-311 sets forth the required findings to be used in the determination to approve or deny a SUP. There are two state licensed alcoholism and drug treatment facilities located at 687 Governor Street and 679 Governor Street within 650 feet of the Property. Pursuant to CMMC section 13-311(b)(6), the SUP shall be denied upon a hearing of the Director.

BE IT RESOLVED, therefore, that based on the evidence in the record and the findings contained in this resolution, the Planning Commission hereby **UPHOLDS THE DIRECTOR'S DENIAL** of the Special Use Permit application SL-15-0014 to operate a sober living home at 2152 Raleigh Avenue.

The Secretary of the Commission shall attest to the adoption of this resolution and shall forward a copy to the applicant, and any person requesting the same.

PASSED AND ADOPTED this 24th day of October, 2016.

Robert L. Dickson Jr., Chair
Costa Mesa Planning Commission

