



PLANNING COMMISSION AGENDA REPORT

MEETING DATE: OCTOBER 24, 2016

ITEM NUMBER: PH-3

SUBJECT: APPEAL OF THE DENIAL OF SPECIAL USE PERMIT TO OPERATE A SOBER LIVING HOME AT 653 JOAN STREET (SL-15-0019)

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 residents at 653 Joann Street on April 8, 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 Richard Perlin.

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 653 Joann Street on April 8, 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 four-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. According to the City's records, this sober living facility was existing when Ordinance 14-13 became effective.

There is an existing DHCS licensed alcoholism and drug abuse recovery treatment facility with six or fewer residents within 650 feet of the subject property. The facility is located at 670 Capital (517 feet from the property line). The facility located on Capital Street is operated by Safe Harbor Recovery and provides residential detoxification services to an all-female population. The operator of the facility at 670 Capital Street applied for a DHCS license on December 4, 2014; this license was issued on August 1, 2015. In addition, the facility at 670 Capital Street applied for a SUP on January 4, 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. 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 state licensed drug and alcohol treatment facility located within 650 feet of the subject property. On September 14, 2016, the applicant filed an appeal to the Planning Commission pursuant to CMMC Sections 2-305(2) and 2-307.

ANALYSIS

In the application for appeal, Mr. Perlin wrote that he has owned the property since 2004 and he believes that his rights as a property owner are being are violated. In making the determination to deny Mr. Perlin's application, the Director found that the state licensed facility located at 670 Capital Street has precedence over the subject facility because the DCHS facility is considered a permitted use by definition. Therefore, the issuance of a SUP to allow a sober living home such as the facility located at 653 Joann to operate within 650 feet of the DCHS facility would be non-compliant with the separation requirement of the Zoning Code.

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 is a state licensed alcoholism or drug abuse recovery treatment facility 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 in 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-15-0019
3. Letter from Director dated September 7, 2016 denying Special Use Permit Application
4. Letter from Applicant dated September 14, 2016 appealing the Director's denial
5. Draft Resolution Upholding the Denial of Special Use Permit No. SL-15-0019

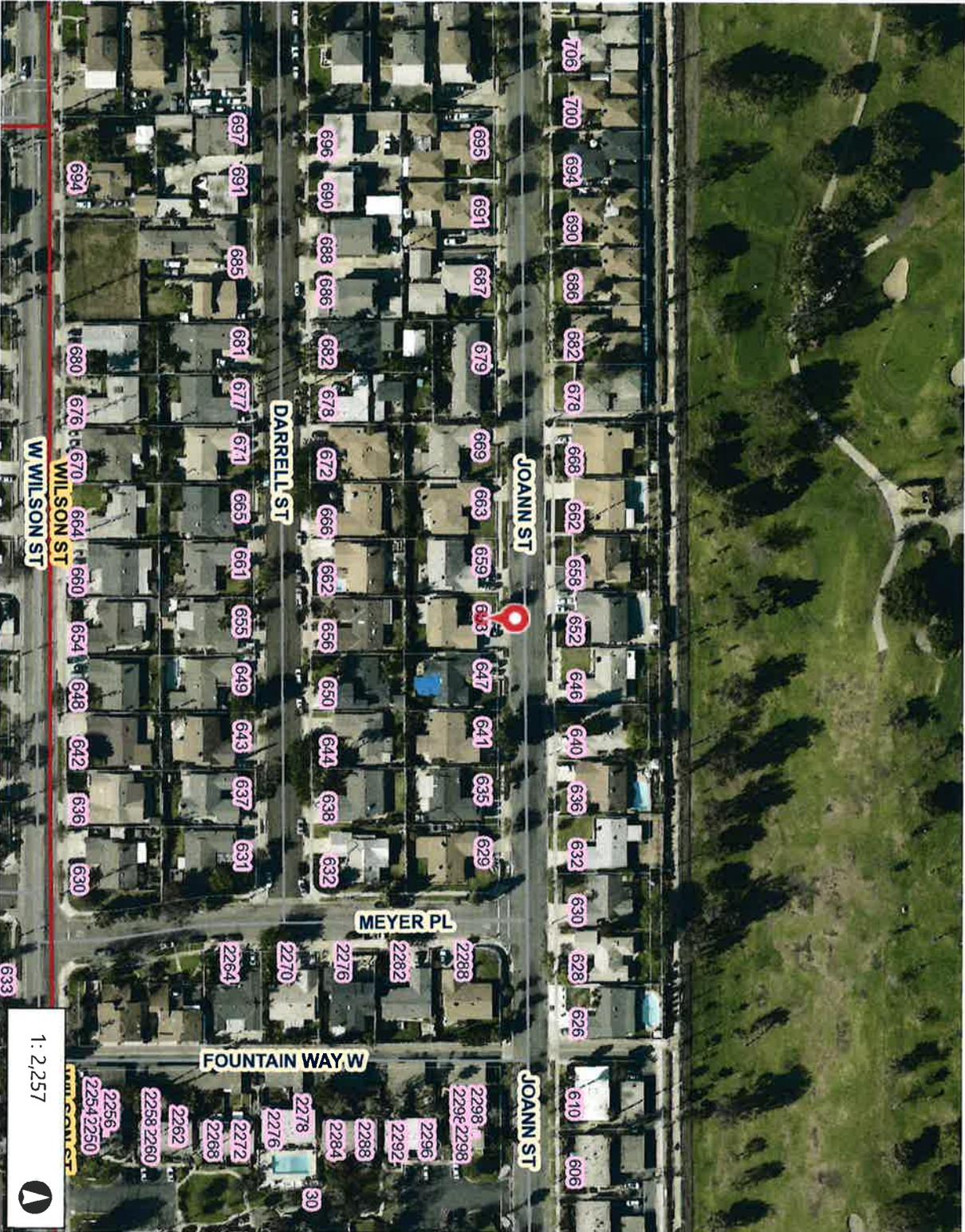
Distribution:

Director of Economic & Development Services/Constltant
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:

Richard Perlin, 234 2nd Street Huntington Beach, CA 92648

CITY OF
COSTA MESA California
Vicinity Map



WGS 1984 Web_Mercator_Auxiliary_Sphere
© Latitude Geographics Group Ltd.

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

Notes



WGS 1984 Web_Mercator_Auxiliary_Sphere
© Latitude Geographics Group Ltd.

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

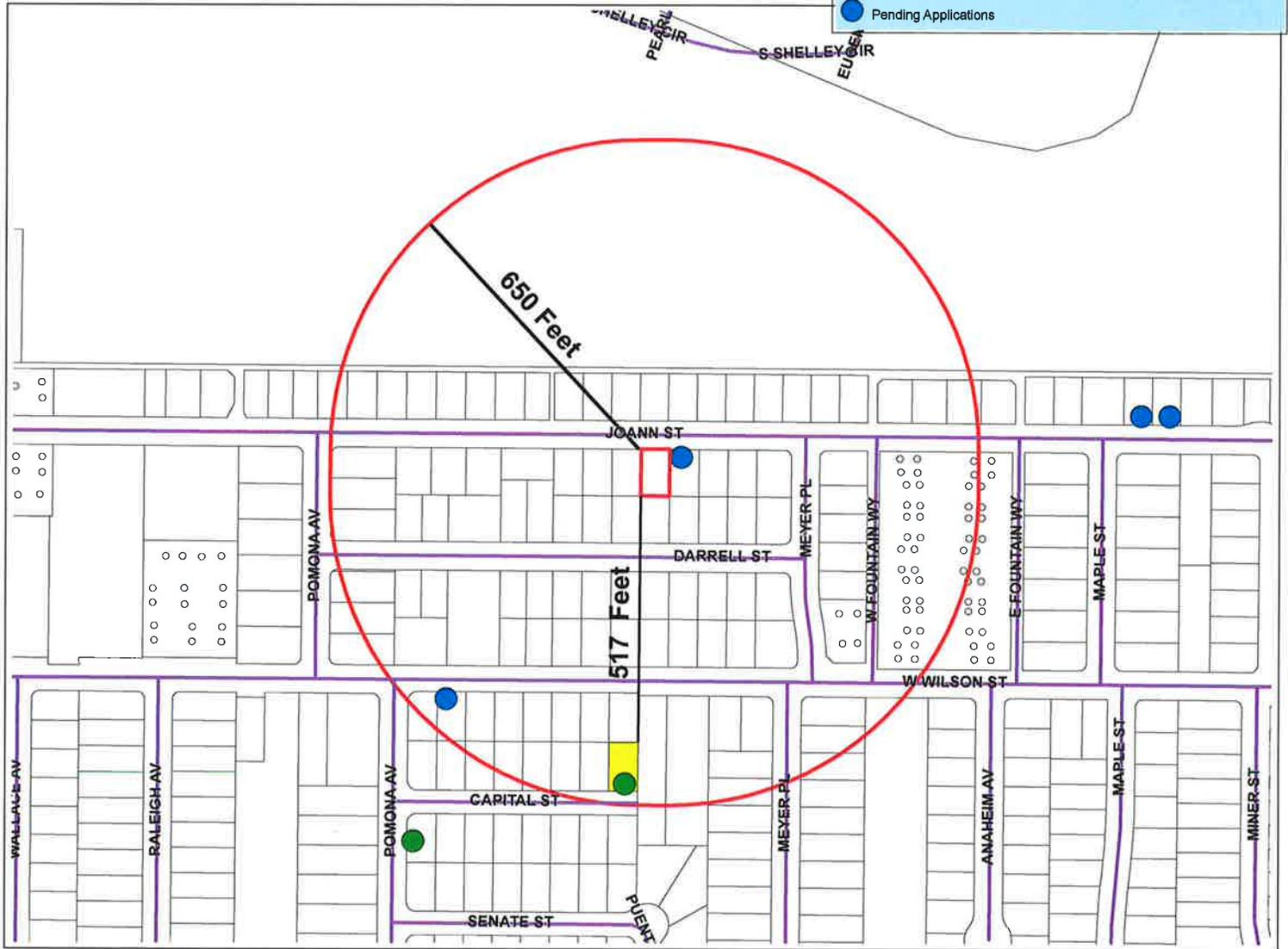
Notes



653 Joann St



- State Licensed Drug and Alcohol Facilities with Six or Fewer Residents
- 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-15-0019

Application #

PLANNING APPLICATION TYPE

- Group Home Application
- Sober Living Application

PART 1 - Property Owner Information

APR 8 15 2:35PM

PROPERTY ADDRESS: 653 JOANN Street Costa Mesa, Calif 92627
 Property Owner RICHARD PERLIN Phone [REDACTED] Fax [REDACTED]
 Address [REDACTED] Email [REDACTED]
 City [REDACTED] State Calif Zip Code [REDACTED]
 Property Owner's Signature [Signature] Date 1/8/2015

PROJECT DESCRIPTION: [Briefly describe your proposed facility and attach detailed description and required submittal information]
PROPERTY IS AN EXISTING FACILITY WITH 6 RESIDENTS AND LIVE IN MANAGER.

PART 2 - FACILITY OWNER/OPERATOR INFORMATION*

Name of Facility Operator/Owner: [Individual or corporation] Richard Perlin
 Phone [REDACTED] Fax [REDACTED]
 Address [REDACTED] Email [REDACTED]
 City [REDACTED] State Calif Zip Code [REDACTED]
 Driver's License Number [REDACTED] Type [REDACTED] State Calif Exp. Date 9/27/2020
 Tax ID Number (if applicable) [REDACTED]

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 MARK BAULTINGHOUSE
 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 949-630-7620 Fax [REDACTED]
 Address [REDACTED] Email [REDACTED]
 City [REDACTED] State Calif Zip Code [REDACTED]
 Driver's License Number [REDACTED] Type [REDACTED] State Calif Exp. Date 3/29/89

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.

Victory House Live in House Manager

647, 653 Joann Street, Costa Mesa, Ca, 92627

David Sanders

DOB- [REDACTED]

[REDACTED]

Drivers License 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	2400		
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		2	
Covered Parking Spaces			
Open Parking Spaces			
Total Parking Spaces			

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
D	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.
D	I hereby certify that this group home will serve no more than six tenants who are disabled as defined by state and federal law.
D	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.
D	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.
D	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
D	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]
D	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
D	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: Richard Penew Date: 1/8/2015

Print Name: Richard Penew Telephone Number: [REDACTED]

PART 5 – LAND OWNER AFFIDAVIT

I, Richard Perlin declare that I am the owner of the property addressed or
(Print name above)
otherwise located as follows: 653 JOANN Street COSTA MESA, CA 92627

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: R Perlin Date: 4/8/2015

ACKNOWLEDGEMENT

State of California
County of Orange

On 4/8/2015 before me, Mike Soliman, a Notary Public,

personally appeared Richard Perlin, 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 [Handwritten Signature]

(Seal)

WHEN COMPLETED, PLEASE RETURN ALL COPIES TO PLANNING DIVISION

PART 6 BELOW – "OFFICE USE ONLY"

Date Application Received: 4/8/2015 By: Planning Receipt # SI-15-0019

Date Application Determined Complete: _____ By: _____

APN: 422-152-08 Zone: R-1 General Plan: -

VICTORY HOUSE ENTERPRISES
ADMISSION AND CLIENT SERVICES AGREEMENT

This Admission and Client Services Agreement ("Agreement") is made by and between _____ (hereinafter referred to as "Client") and Victory House Enterprises, Inc. ("Victory House") (hereafter collectively, the "Parties").

RECITALS

Client is seeking a clean and sober environment in which to reside for his continued recovery, and Victory House agrees to provide Client with a room at _____ Joann Street, Costa Mesa, California (the "Premises") so long as Client continues with his sobriety.

I.

COMMENCEMENT DATE

This Agreement will commence upon _____ and continue on a month to month basis so for long as the Parties agree. Client shall pay rent monthly, which shall be due and payable in advance on the ___ day of the month.

II.

NATURE OF AGREEMENT

This Agreement is not a lease and does not create a tenancy at the Premises. Client's occupancy of the Premises may be terminated without an eviction process. This Agreement and Client's right to remain on the Premises will terminate automatically upon Client's breach of the terms and conditions set forth herein, and no further legal action will be required for Victory House to enter and reclaim the room provided to Client as part of this services Agreement.

III.

CONSIDERATION

This Agreement shall commence upon the receipt of an initial payment by Client or on Client's behalf of \$_____ prior to Client being admitted, which shall cover the following services and items for a full month. These services and items will be the same for each consecutive month so long as Client strictly observes the terms and conditions of this Agreement.

1. \$_____ Furnished Room/Access to common areas of the Premises.

Client
Initials

2. \$ _____ Ride Services
3. \$ _____ Food Card Services
4. \$ _____ Money on Books

"Ride Services" means that Victory House will provide transportation for Client to and from any outpatient programs, meetings, grocery store and the like at Staff's discretion.

"Food Card Service" means that Victory House will provide Client with a debt or gift card in an amount equal to money paid by Client for said service, distributed to Client on a weekly basis.

"Money on Books" means that Client may deposit and be allotted \$50.00 a week in spending money. Client will be allowed a maximum of \$10.00 a day. Staff may request receipts for purchases and Client will be expected to provide them if requested. The allotment may be adjusted at Staff's discretion.

Victory House agrees to use reasonable efforts to provide a safe and sober environment at the Premises, including removal of any of its clients who breach their contracts with Victory House or who violate applicable Premises rules.

Victory House does not provide for refunds of funds paid for services, payment for which shall be made each month in advance of services. Should Client for any reason choose not to accept those services after payment, Client hereby acknowledges and agrees that its payment is non-refundable.

Client further acknowledges and agrees that if this Agreement terminates for violation of Section IV, Client thereby waives any right to return of funds paid for services in connection with this Agreement.

IV.

CLIENT AGREES THE FOLLOWING WILL RESULT IN IMMEDIATE TERMINATION OF THIS AGREEMENT

- a. Any activity whatsoever which is prohibited by the California Penal Code.
- b. Client's possession of non-approved prescription drugs, non-approved over the counter medications, alcohol, weapons, or paraphernalia.
- c. Client violence or threat of violence, including but not limited to any client, employee, or guest.
- d. Any failure by Client to abide by house rules which have been signed and acknowledged in connection with this Agreement.

Client
Initials

V.

ASSUMPTION OF RISK

Client understands and acknowledges that it will occupy the Premises with other clients of Victory House seeking similar services, and that while Victory House will make every reasonable effort to provide a safe and sober environment at the Premises, Victory House cannot and does not guarantee the actions and behavior of other clients. Victory House will order removal of any client upon discovery of a breach of a client's agreement with Victory House. Client understands and assumes the risk of and holds Victory House harmless for the actions of any of its clients, for any loss and theft of Client's personal property, and for injury arising from Client's negligence and/or intentional acts.

Client further acknowledges and agrees that Victory House makes no warranties and Client agrees that it releases Victory House from any and all ordinary negligence that may occur as a result of Client's stay at the Premises.

VI.

IN THE EVENT OF RELAPSE – BEHAVIORAL OR DRUG/ALCOHOL RELATED

Should Client relapse, Client agrees and acknowledges that he will be required to do one or both of the following:

At the sole discretion of Victory House, Client may be asked to leave the Premises and not return before 72 hours has elapsed, provided that Client can then provide a clean blood or urine test. This policy may also apply to behavioral issues or Rules violations. Client may also be placed on a therapeutic contract at the sole discretion of Staff. **Either one or both consequences may apply.** It is extremely important that Client remain drug and alcohol free, and that Client also treat other clients at the Premises with respect.

VII.

BUDDY SYSTEM

For the first two weeks after arrival at Victory House, Client will be put on a "buddy system." Client may not leave the Premises unless accompanied by a sober housemate or another approved sober person, sponsor, staff member, etc. Client will be paired with a sober housemate upon Client's arrival.

Client
Initials

I.
COMPLETE AGREEMENT

The Parties acknowledge and agree that this Agreement together with the attached Rules, is the complete agreement between them, and that all other discussions and arrangements between the Parties have been merged into this Agreement. This Agreement may not be modified except by a separate written agreement signed by each of the Parties, and no promises or side agreements have been made in connection with this Agreement. The Parties further agree and acknowledge this Agreement is entered into voluntarily, and that they fully understand this Agreement and each of its provisions.

“CLIENT”

“THE VICTORY HOUSE”

(Signature)

(Date)

(Signature)

(Date)

(Print Name)

(Print Name)

RULES

- Total abstinence from all mind altering chemicals and drugs, including alcohol. Anyone violating this rule may be required to leave the Premises immediately.
- Client agrees to be drug tested randomly at Staff's request. Typically this will be twice per week. (There is a \$100.00 per month charge for drug testing if insurance is not being utilized).
- The Facility Manager must approve Client's possession or use of any prescription or over-the-counter drug or medication.
- For the first ninety days following admission, Client is required to attend at least one Twelve Step meeting each day, Monday through Saturday (including required house meetings). Mandatory meetings are as follows: Monday, Wednesday, Friday 6:30 a.m. meeting, Saturday 7:00 a.m. meeting. Every other Saturday there will be a mandatory 8:15a.m. "Perlin Show" followed by a mandatory house meeting.
- Clients will not be allowed to have a car or driving privileges for the first thirty days at Victory House.
- Clients are expected, as a part of their recovery, to attend all required house meetings as designated by Client's house manager
- Clients are required to be in school, at work, in IOP, or attending a job training program. Job search is every Monday thru Friday from 9:00 a.m. to 4:00 p.m. Clients must be off the Premises during these hours.
- Quiet Time is observed daily from 10:30 p.m. to 6:00 a.m. daily.
- Video games are allowed on Sundays only, which is considered a free day and no meeting is required.
- Curfew hours are 11:00 p.m. Sunday through Thursday, and 12:00 a.m. Friday and Saturday.
- TV and lights are turned off at 11:30 p.m. Monday through Thursday.
- No overnight guests are allowed, and all visitors must be approved by Facility Manager.

Client
Initials

HISTORY INTAKE

DATE OF ADMIT _____ REFERRED
BY _____

CLIENT NAME _____ D.L.

ADDRESS _____

NUMBER STREET CITY STATE ZIP

HOME PHONE () _____ S.S. # _____ - _____ - _____

AGE _____ BIRTH DATE ____ / ____ / ____ MARITAL STATUS _____

SEX _____

CLIENT EMPLOYED
BY _____

BUSINESS
ADDRESS _____

OCCUPATION _____

DO YOU HAVE MEDICAL INSURANCE? YES _____ NO _____

IF YES, NAME OF PRIMARY
INSURANCE _____
SUBSCRIBERS

NAME _____ RELATION _____

S.S. # OF SUBSCRIBER _____ GROUP

BENEFIT VERIFICATION PHONE # _____
MEDICARE _____ MEDICAL _____ CLAIM

ID# _____

CONTACT IN CASE OF EMERGENCY

RELATIONSHIP _____ PHONE# _____

REASON FOR GETTING SOBER _____

PAST HISTORY WITH CHEMICALS: EXPERIMENTAL _____ SOCIAL _____ REGULAR USE _____

ADDICTED _____ CHEMICAL OF CHOICE _____ LENGTH OF USE _____

DATE LAST USED OF EACH SUBSTANCE _____

PRIOR TREATMENT OR 12 STEP EXPERIENCE _____

LEGAL INFORMATION: ARRESTS _____ DUIs _____ Dips _____

ATTORNEY'S NAME _____ PHONE# _____

PLEASE SIGN TO INDICATE THAT YOU HAVE CAREFULLY READ AND AGREE WITH THE ABOVE STATED INFORMATION.

Client Signature Date / Time

Witness Date / Time

Victory House Enterprises – Good Neighbor Policy

As a resident of Victory House Enterprises, I, _____, agree to the following:

1. I 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 does not disturb the neighbors. Quiet time is 10:30pm to 6am daily. If you are awake late, you must be respectful and quiet.
2. I will dress appropriately for the neighborhood. I shall not engage in any aggressive confrontation with another resident or neighbor. I will not harass, catcall, or otherwise intimidate a neighbor.
3. Smoking is in designated areas, behind the houses, and smoking is not allowed in the front of the property. Cigarette butts are to be disposed in proper containers, never on the ground.
4. Do not cut across or walk on neighbor's lawns or property. Bicycles are to be parked in designated area, behind the gated property. Do not block any neighborhood sidewalk or thoroughfares,
5. I shall not litter anywhere in the community, and will make every effort to keep the neighborhood clean.
6. I will park my personal vehicle legally in the street, or in the driveway of the property. Observation of street sweeping on every Tuesday from 10am – 12pm.

WEEK OF:

Daily Housekeeping Duties: (initial, date, when completed)

Each person is responsible for their bedroom area, beds are to be made in the morning, all clothes hung in the closet and/or stored in dresser, dresser top free of clutter, floors swept, trash emptied, as a bedroom to create a presentable living space.

Name:

Name:

Kitchen Area: Each resident is responsible for cleaning after meals, i.e. rinsing dishes and placing them in dishwasher, wiping of countertops, etc.
*Wipe down the following: Stove, countertops, coffee area, and kitchen table.
*Run the dishwasher and put away dishes
*Sweep floors, and mop as needed
*Empty trash and replace with new trash bag

Name:

Name:

Bathroom (Hall)

Bathroom (Master)

*Throw away trash and replace with new bag
*Clean toilet inside and outside
*Use window cleaner to wipe down mirrors
*Scrub the tub/shower with Comet and X-14
*Organize any left out shampoo, conditioner, and body wash products
*Use Comet to scrub countertops, and inside of sink
*Restock toilet paper if needed.
*Sweep and mop floor

Name:

Name:

Patio:

- *Group all furniture together**
- *Wipe down the tables**
- *Pick up any trash or dishes left out**
- *Empty cigarette cans, trash cans, and replace trash bags**
- *Use the hose, spray down, squeegee patio, concrete, and brick areas.**
- *Clean patio doors, inside and outside, with window cleaner**
- *Trash cans to curb on Sunday evening**
- *Pick up cigarette butts-front and back yards**

Name:

Name:

Living Room:

- *Wipe down end tables, TV stand and coffee table with furniture polish**
- *Straighten room: pillows couch cushions, magazines, DVDs, etc.**
- *Move couches to sweep and swifter entire room as well as front door entrance and hallway**
- *Clean windows, inside and outside, with window cleaner**
- *Remove cushions from couches and vacuum any debris on sofas.**

If any supplies are needed for housekeeping chores, please let staff on duty know.

Therapeutic Contract (Sample)

Client Name: _____

As an aid to my continuing to reside at Victory House and to promote a sober living community, I agree to the following:

1. I will attend the 6:30 am meeting of Alcoholics Anonymous on Monday-Wednesday-Friday at the Chicken Coop, along with the 7 am meeting of Alcoholics Anonymous at the Newport Club on Saturday. A meeting of NA or AA must be attended on Tuesday and Thursday as well. Approval from staff must be obtained prior to the meeting if you will not be attending.
2. I understand that I attend the House Meeting and Perlin Show, every other Saturday, immediately after the Saturday AA Meeting.
3. I will fully participate in Double Scrub Saturday; perform my daily chore assignment, and maintain an orderly living area in my room.
4. I will actively work with a 12 step sponsor.
5. I will continue to drug test a minimum of 2 X weekly , and as requested.
6. I understand that I am expected to follow all house rules and expectations. In particular rules regarding (Abstinence) while at Victory House.

I understand that failure to comply with this contract will result in my being asked to leave Victory House and I will be given recommendations and referrals for Sober Living with other providers.

Signed: _____ Date: _____

Witness: _____ Date: _____

Referrals for on-going treatment:

**First Step House
2015 Charlie Street
Costa Mesa, CA 92627
(949) 642-2941**

**Pat Moore Foundation
2568 Newport Blvd
Costa Mesa, CA 92627
(714) 451-4608**

**New Found Life
2211 East Ocean Blvd.
Long Beach, CA 90803
(563) 434-4060**

**Orange County Rescue Mission
1 Hope Drive
Tustin, CA 92782
(714) 247-4300**

**Step Up Recovery House
2321 East Romenva Dr
Anaheim, CA 92806
(626) 502-5479 (Jim)**

I, _____, acknowledge receipt of this dated, _____.

Signature,

Victory House Property Search

The following items were found in the clients belongings upon entry, and are not permitted while at the Victory House.

- 1.
- 2.
- 3
- 4
- 5
- 5
- 7
- 8

Staff Signature _____

Date _____



CITY OF COSTA MESA

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

September 7, 2016

SENT VIA FEDEX EXPRESS & ELECTRONIC MAIL

Richard Perlin
234 2nd Street
Huntington Beach, CA 92648

Application: Special Use Permit No. SL-15-0019

Property Address: 653 Joann Street

Dear Mr. Perlin:

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 is an existing state licensed alcoholism and drug abuse recovery treatment facility with six or fewer residents within 650 feet from the facility. The facility is located at 670 Capital Street.

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 14 PM 2:17

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* Victory House Enterprises (Richard Penick)
 Address: 19322 Beach Blvd Huntington Beach, Calif 92648
 Phone: [REDACTED] Representing: _____

REQUEST FOR: APPEAL ^(Erie) 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 # SL-15-0019
 653 JoAnn Street Costa Mesa, Calif 92627

Decision by: _____

Reasons for requesting appeal or review:

I have owned property since 2004. I believe my rights as a property owner are being violated.

Date: 9/14/2016 Signature: [Signature]

*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:

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-15-0019 TO OPERATE A SOBER
LIVING HOME WITH SIX OR FEWER OCCUPANTS AT 653
JOANN AVENUE**

WHEREAS, Richard Perlin (the "Applicant") operates a sober living home serving six males at 653 Joann Street, 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, Richard Perlin filed special use permit application no SL-15-0019 with the City's Development Services to operate a group home with six or fewer resident in an R1 zone; and

WHEREAS, Richard Perlin filed special use permit application no SL-15-0019 with the City's Development Services to operate a group home with six or fewer resident in an R1 zone; and

WHEREAS, there is an existing state licensed drug and alcohol facility within six or fewer residents located at 670 Capital within 650 feet of the facility at 653 Joann Street; 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 653 Joann 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 is an state licensed alcoholism and drug treatment facility located at 670 Capital 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-15-0019 to operate a sober living home at 670 Capital Street.

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

STATE OF CALIFORNIA)
)ss
COUNTY OF ORANGE)

I, Jay Trevino, Secretary to the Planning Commission of the City of Costa Mesa, do hereby certify that the foregoing Resolution was passed and adopted at a meeting of the City of Costa Mesa Planning Commission held on October 24, 2016 by the following votes:

AYES: COMMISSIONERS

NOES: COMMISSIONERS

ABSENT: COMMISSIONERS

ABSTAIN: COMMISSIONERS

Jay Trevino, Acting Secretary
Costa Mesa Planning Commission