# PLANNING COMMISSION AGENDA REPORT

**MEETING DATE: NOVEMBER 14, 2016** **ITEM NUMBER:** PH-8

**SUBJECT:** **PLANNING APPLICATION PA-16-04 FOR AN ALL-MALE SOBER LIVING FACILITY OPERATED BY SUMMIT COASTAL LIVING WITHIN 3 EXISTING UNITS, SERVING 13 OCCUPANTS, INCLUDING ONE RESIDENT HOUSE MANAGER, AT 2041 TUSTIN AVENUE**

**DATE:** **NOVEMBER 2, 2016**

**FROM:** **COMMUNITY IMPROVEMENT DIVISION/DEVELOPMENT SERVICES DEPARTMENT**

**PRESENTATION BY:** **SHERI VANDER DUSSEN, INTERIM ASSISTANT DEVELOPMENT SERVICES DIRECTOR, COMMUNITY IMPORVEMENT DIVISION**

**FOR FURTHER INFORMATION CONTACT:** **SHERI VANDER DUSSEN (714) 754-5617**
**sheri.vanderdussen@costamesaca.gov**

## DESCRIPTION

Planning Application PA 16-04 is a Conditional Use Permit (CUP) filed pursuant to City of Costa Mesa Municipal Code Title 13 Section 13-323, for an all-male sober living facility housing 13 occupants (including one live-in manager) within three existing units.

## APPLICANT OR AUTHORIZED AGENT

The applicant and property owner is Keith Randle.

## RECOMMENDATION

Staff recommends adoption of a resolution approving this application.

## ENVIRONMENTAL DETERMINATION

The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) under Section 15301, Existing Facilities.

## BACKGROUND/ANALYSIS

The subject property is located on the west side of Tustin Avenue north of Woodland Place. Bay Street is located immediately southeast of the property. The property is zoned R2-MD (Multiple Family Residential, Medium Density) and has a General Plan Land Use Designation of Medium Density Residential. Several single family residences with an R1 zoning designation are located on the southeast side of Tustin Avenue, along Bay Street, and along Woodland Place. The property is approximately 186 feet from Woodland Elementary School and 1,000 feet from Kaiser School. The schools are within the I&R-S (Institutional and Recreational Zone-School) zoning district.

### *Conditional Use Permit Requirement for Sober Living Facilities in Multi-Family Residential Zones*

On November 17, 2015, the City Council adopted Ordinance 15-11 revising Title 13 of the Costa Mesa Municipal Code to add Chapter XVI which established conditions for granting a CUP to group homes, residential care facilities, and drug and alcohol treatment facilities serving more than six residents in the City's multiple family residential zones. All group homes and residential care facilities operating in multi-family zones before the ordinance was adopted must come into compliance with Ordinance 15-11 by December 17, 2016.

Sections 65008(a) and (b) of the California Government Code prohibit discrimination in local governments' zoning and land use actions based on (among other categories) race, sex, lawful occupation, familial status, disability, source of income, or occupancy by low to middle income persons. Section 65008(d)(2) also prevents agencies from imposing different requirements on single-family or multifamily homes because of the familial status, disability, or income of the intended residents. Individuals in recovery from drug and alcohol addiction are defined as disabled under the Fair Housing Act. Therefore, the City is obligated to treat residents of sober living homes like it treats other residents of the City. Conditions of approval must reflect this obligation.

### *CUP Application Deemed Complete*

The applicant submitted the CUP application requirements for group homes with seven or more occupants, and the application was deemed complete on January 26, 2016. CUP application requirements include, but are not limited to, the following items:

- Completed Live Scan forms for all owners/operators who have contact with residents, corporate officers with operational responsibilities, house managers and counselors;
- Copy of the Group Home's Relapse Policy;
- Evidence of written policies directing occupants to be considerate of neighbors, including refraining from engaging in loud, profane or obnoxious behavior that would unduly interfere with a neighbor's use and enjoyment of their dwelling unit;
- Evidence of a written policy requiring occupants to actively participate in a legitimate recovery program;
- Evidence that the Group Home's House Rules prohibit the use of any alcohol or any non-prescription drugs at the sober living home or by any individual in recovery, including the house manager if applicable, on or off site. House Rules must also

include a written policy regarding the possession, use and storage of prescription and over the counter medications, that includes monitoring and oversight by qualified staff; and
- Evidence of a written policy that precludes any visitors who are under the influence of drugs or alcohol.

***Sober Living Homes with Seven or More Occupants Must Obtain an Operator's Permit pursuant to Title 9, Section 374.***

In addition to a CUP, an Operator's Permit application is required for group homes with seven or more occupants if the facility is not licensed by the State of California. Staff has reviewed the Operator's Permit application for compliance. The applicant submitted all of the required documentation, and the facility meets the operational requirements for issuance of an Operator's Permit. The requirements include but are not limited to the following:

- The group home is required to have a house manager who resides at the group home or any multiple persons acting as a house manager who are present at the group home on a twenty-four-hour basis and who are responsible for the day-to-day operation of the group home. The facility has identified a live in house manager and has provided contact information as part of the Operator's Permit application packet.
- Occupants must not require and operators must not provide "care and supervision" as those terms are defined by Health and Safety Code 1503.5 and Section 80001(c)(3) of title 22, California Code of Regulations. The applicant's facility description does not include the provision of "care and supervision" as defined by the State.
- The sober living home shall 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. The applicant's facility description states that treatment services are not offered but Summit Coastal Living will make outside referrals to qualified facilities upon request.
- Upon eviction from or involuntary termination of residency in a group home, the operator of the group home shall make available to the occupant transportation to the address listed on the occupant's driver license, state issued identification card, or the permanent address identified in the occupant's application or referral to the group home. The group home may not satisfy this obligation by providing remuneration to the occupant for the cost of transportation. The operator requires that all occupants provide a permanent address as part of the intake paperwork as well as a security deposit to be held by the operator or the signature of a guarantor that has agreed to cover the transportation costs to a detox facility or permanent residence in the event of a relapse.

If the Planning Commission approves the CUP request for the subject property, the Development Services Director shall subsequently issue an Operator's Permit to Keith Randle (Property Owner/Operator). If the operator does not maintain compliance with the Operator's Permit requirements, the Operator's Permit may be revoked upon a hearing by the Director. Failure to maintain an Operator's Permit may also subject the CUP to revocation.

### *Property Description*

Pursuant to Chapter XVI of Title 13, "property" is defined as any single development lot that has been subdivided bearing its own assessor's parcel number or with an approved subdivision or condominium map. The subject property is a 9,438 square foot lot developed with three units constructed in 1969 when this area of the City was still within unincorporated Orange County. All three units are located on one parcel and may not be sold individually.

### *Facility Description*

The existing sober living home began operation in September 2013, prior to the enactment of Ordinance 15-11. The property consists of a three-unit facility within two existing structures. All three units are operated as a single facility with one house manager, one set of House Rules, and the same service provisions across all units.

A sober living home is a sub-type of group home. Article 2 of Section 13-6 (Definitions) defines a group home as follows:

> *"A facility that is being used as a supportive living environment for persons who are considered handicapped under state or federal law. A group home operated by a single operator or service provider (whether licensed or unlicensed) constitutes a single facility whether the facility occupies one or more dwelling units."*

The applicant operates a facility housing thirteen residents (including one live-in house manager) in three units. The front structure is an approximately 1,450 square-foot single-story residence with a two-car garage. This unit (Unit A) includes five beds within three bedrooms. The rear structure is two stories and is comprised of a two car garage and two units that are both 961 square feet. Unit B is located on the first floor and includes four beds within two bedrooms. Unit C is located in the upper story and includes four beds within two bedrooms. In addition to the garages, there are three driveway parking spaces on the property for a total of seven onsite parking spaces. The operator does not provide transportation for residents so there will be no vans visiting the property on a regular basis or stored at the site.

Since Summit Coastal Living began operation of the facility in September 2013, Code Enforcement staff has not opened any complaint investigations. Code Enforcement staff performed site assessments in March and April of 2016 and no issues were identified. Within the last year, one police call for service required a police report when an occupant reported his wallet was stolen.

### *General Plan Conformance*

The provision of a variety of housing types, including housing for the disabled, is consistent with the Land Use and Housing Element of the City's General Plan.

- **Goal LU-1F.1: Land Use and Goal HOU-1.2:** *Protect existing stabilized residential neighborhoods, including mobile home parks (and manufactured housing parks) from the encroachment of incompatible or potentially disruptive land uses and/or activities.*

***Consistency:*** The City's regulations are intended to preserve the residential character of the City's neighborhoods. This facility has demonstrated its compatibility with the neighborhood over the past three years.

- **Goal HOU-1.8:** *Housing Element: Encourage the development of housing that fulfills specialized needs.*

  ***Consistency:*** The proposed request provides for a supportive living environment for persons who are considered disabled under state and federal law.

**FINDINGS FOR APPROVAL**

Pursuant to Title 13, Chapter XVI and Section 13-29(g) of the Costa Mesa Municipal Code, the Planning Commission must make required findings, based on evidence presented in the administrative record. Staff recommends approval of the proposed sober living home, based on the following assessment of facts and findings. These findings are also reflected in the draft resolution.

- *Pursuant to the purpose and intent of the Multi-Family Residential Group Home Ordinance, the sober living facility would provide a comfortable living environment that will enhance the opportunity for disabled persons, including recovering addicts, to be successful in their programs.*

  There are seven bedrooms in the three dwelling units. The facility would house twelve residents and one live-in house manager. Each unit features a kitchen and living area, and has its own outdoor space. The proposed occupancy of the facility is not unreasonable. It is not unusual for bedrooms in single-family or multi-family neighborhoods to house two individuals. Housing residents in three living units provides a more intimate living environment for the residents than would a single unit housing thirteen people with one kitchen and limited outdoor space.

  The use of three units to accommodate twelve residents and one house manager will provide a comfortable residential environment. The small household size accommodated in each unit allows the residents to live in a more typical household setting than would a single unit housing thirteen adults. In addition, the use of all three units as a single sober living facility will likely reduce impacts to neighbors as most or all parking needs can be accommodated on-site, and the facility will not share any common walls with neighbors who may be concerned about noise. The arrangement also provides separation from neighbors who may be concerned about smoking or other possible impacts associated with a sober living home.

- *The sober living facility would further the purposes of the FEHA, the FHAA, and Lanterman Act by limiting the secondary impacts related to noise, traffic, and parking to the extent reasonable.*

  Residents of this facility are allowed to have cars and park them at the site. However, not all residents will have a car. Some, for instance, may have lost

their license due to driving while impaired. Currently, about half of the residents keep cars at the facility.

There are seven parking spaces provided on-site. The zoning code requires residents of sober living homes to park on-site, or on the street within 500 feet of the facility. There are no parking restrictions, such as permit parking or red curbs, which would interfere with the ability of residents of the facility to secure on-street parking if all on-site parking spaces are occupied. If every resident had a car, up to six vehicles may need to be parked on the street. However, there is space on the site to accommodate several additional vehicles if residents find it difficult to park on the street. While tandem parking would be employed, the residents and house manager could manage such parking arrangements. Tandem parking is common in single family homes, where residents park a vehicle in a garage and another in the driveway in front of the garage. The facility is in compliance with the city's standards and the city is not aware of parking issues in the neighborhood.

Smoking and noise impacts are often cited when sober living homes create problems in neighborhoods. Residents of the facility have access to a patio where smoking is allowed located behind the front building. This patio is adjacent to an alley that provides access to garages and carports on the other side of a wall. Residents are also allowed to smoke on the second floor patio of the rear structure, which is physically separated from other properties. The fact that all residents are not required to smoke in the same location and have access to more than one outdoor area helps mitigate possible impacts related to noise and smoking.

- *The sober living facility would be compatible with the residential character of the surrounding neighborhood.*

The three units will be occupied by a reasonable number of adults. There will be no more than two people sharing a bedroom. The facility complies with the City's standards for parking and operation. The facility has operated for almost three years without generating complaints from neighbors or calls for emergency services. The sober living home has been maintained and operated in a manner that is compatible with the character of the neighborhood.

The subject property is located near Woodland Elementary School and Kaiser Elementary School. Children may walk by this house on the way to and from school. The two areas where residents are allowed to smoke are located behind the front building and on the second floor of the rear building. Therefore, even if residents are outdoors, there will be minimal, if any, impact from smoking on children walking to and from school.

- *The group home is at least 650 feet from any property that contains a group home, sober living home or state licensed drug and alcohol facility, as defined in the code and measured from the property line.*

The subject property is not within 650 feet of any other state licensed drug and alcohol facilities or sober living homes. If the proposed request is approved, then

the subject property will become a basis for the separation requirements of other sober living homes with any number of occupants and state licensed drug and alcohol facilities with seven or more occupants within a 650-foot radius.

- *The approval of the CUP will not be detrimental to the health, safety, and general welfare of the public.*

  The operator and house manager have complied with the LiveScan process required to obtain an Operator's Permit. The House Rules are consistent with the criteria specified in the Municipal Code. The operator is an active member of The Sober Living Network, a non-profit organization that sets the most comprehensive standards for sober living homes in the nation. This organization conducts annual inspections to insure member facilities are in compliance. The standards promulgated by this organization can be found at www.soberhousing.net. These standards reinforce the City's regulations.

  The facility has been in operation for almost three years and the City has received no complaints. The facility has not generated excessive calls for emergency services. The outdoor areas are separated from surrounding properties and the nearby street and sidewalk. For these reasons, approval of this CUP will not be detrimental to the health, safety, and general welfare of the public.

## ALTERNATIVES

1. *Approve the request with additional conditions*. The Planning Commission may suggest additional conditions that are necessary to alleviate concerns. However, these conditions may not discriminate against the residents of the sober living home by denying them privileges enjoyed by other residents in the neighborhood. Significant modifications may trigger the need to continue the hearing to allow a revised resolution to be prepared and considered at a subsequent meeting.

2. *Deny the request*. If the Planning Commission believes that there are insufficient facts to support the findings for approval, the Planning Commission must deny the application and provide facts in support of denial. In this case, the hearing should be continued to allow staff to prepare a resolution to be presented at a subsequent meeting.

## CONCLUSION

Approval of the CUP for the continued operation of a group home on the property with thirteen occupants, including one live-in house manager, will provide housing opportunities to individuals defined as disabled under federal and state law. The use is consistent with the General Plan and Zoning Code. The applicant has demonstrated an ability to operate this facility in a manner consistent with the neighborhood over the past three years. Staff recommends approval of this request.

Sheri Vander Dussen

SHERI VANDER DUSSEN, AICP
Interim Assistant Director
Development Services Department
Community Improvement Division

for SVanderDussen

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

Attachments:
1. Vicinity, Zoning, and 500-foot Radius Maps
2. Property Legal Description
3. Site Photos
4. Applicant's Project Description
5. Draft Planning Commission Resolution and Exhibits
6. Public Comments
7. Project Plans

Distribution: Director of Economic & Development Services/Consultant
Interim Assistant Director, Planning
Interim Assistant Director, Community Improvement
Senior Deputy City Attorney
Public Services Director
City Engineer
Transportation Services Manager
Fire Protection Analyst
File (2)

Owner: Keith Randle
2100 Highland Drive
Newport Beach, CA 92660

ATTACHMENT 1

**City of Costa Mesa**

CITY OF COSTA MESA - [Created: 2/25/2016 2:15:03 PM] [Scale: 232.03] [Page: 8.5 x 11 / Portrait]

## Overview Map

## Legend

Address Small
Address Points
Freeway
Roads
Collector
Freeway
Major (cont)
Newport BLVD
Primary
SECONDARY
Hydrology Channels
Street Names
Street Centerlines
Parcel Lines

## Map Display

**City of Costa Mesa**

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## Overview Map

## Legend

Address Small

Address Points

Freeway

Roads

Collector (cont)

Freeway

Major

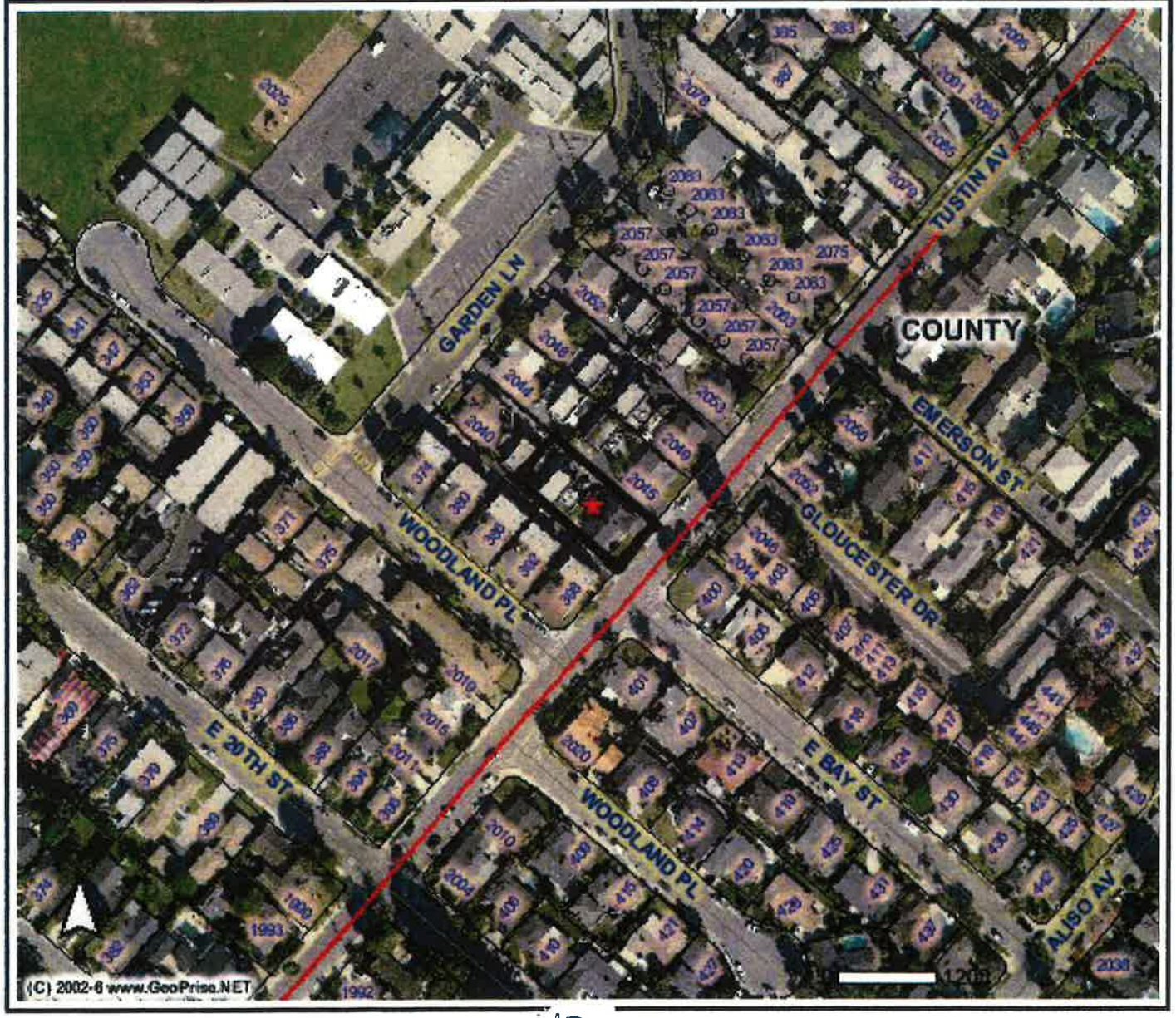
Newport BLVD (cont)

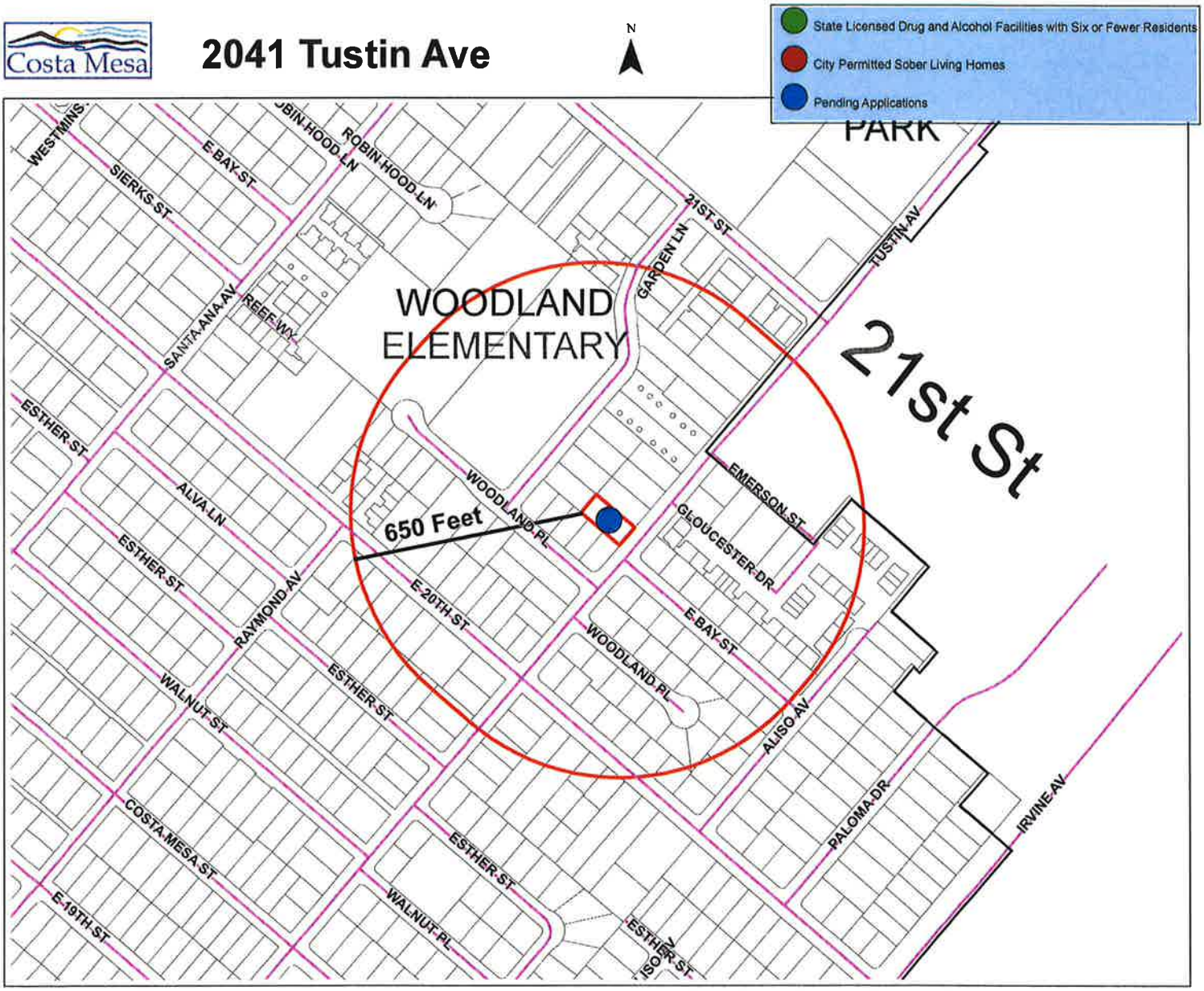
Primary

SECONDARY

Hydrology Channels

## Map Display




Costa Mesa
2041 Tustin Ave
N
State Licensed Drug and Alcohol Facilities with Six or Fewer Residents
City Permitted Sober Living Homes
Pending Applications
PARK
WOODLAND ELEMENTARY
21st St
650 Feet
WESTMINS
SIERKS ST
E BAY ST
ROBIN HOOD LN
21ST ST
TUSTIN AV
GARDEN LN
SANTA ANA AV
REGE WY
ESTHER ST
ALVA LN
WOODLAND PL
EMERSON ST
GLOUCESTER DR
E 20TH ST
RAYMOND AV
WALNUT ST
ALISO AV
PALOMA DR
IRVINE AV
COSTA MESA ST
E 19TH ST
WALNUT PL

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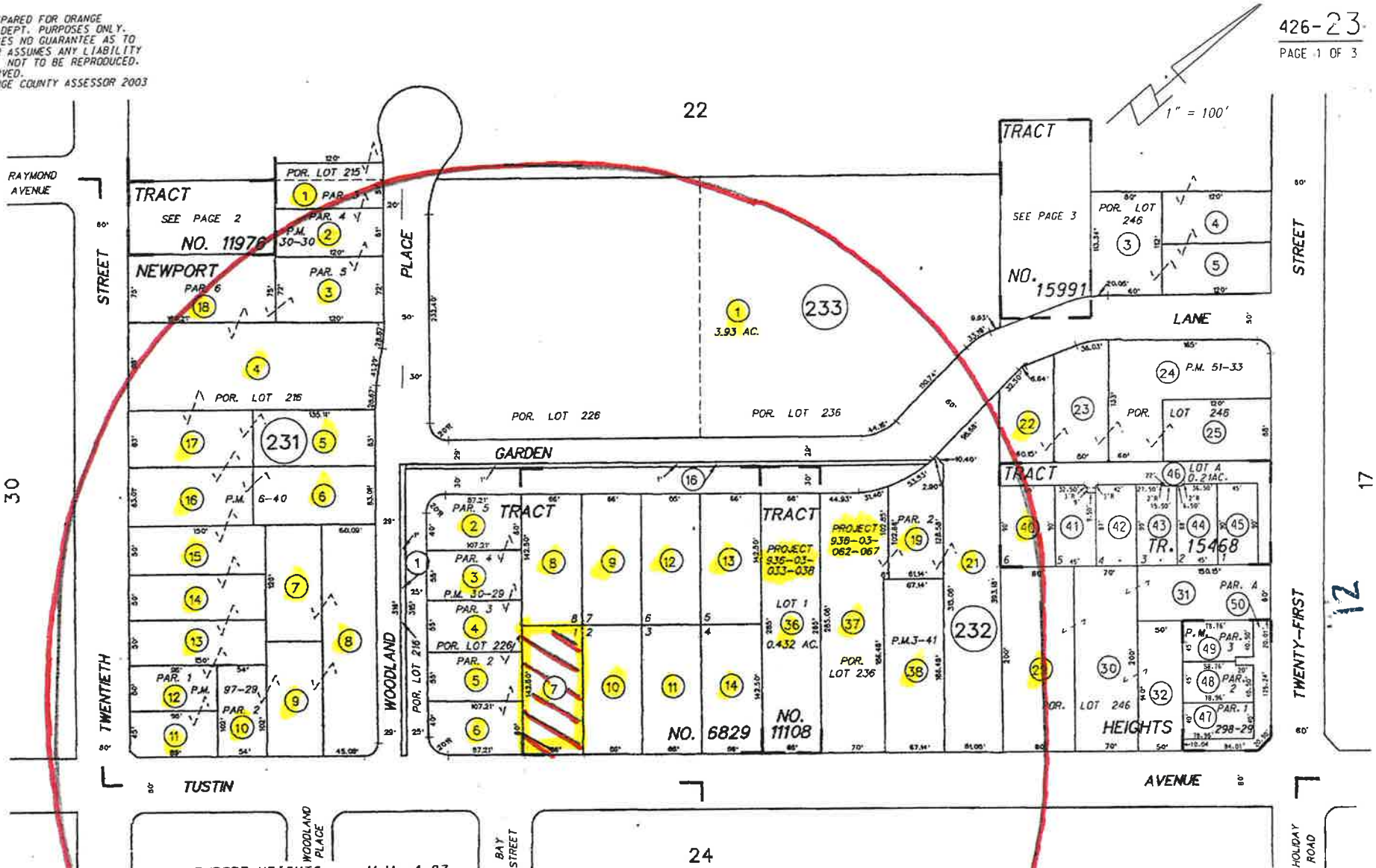


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| TRACT NO. 11976 | M.M. 514-11.12 |
| TRACT NO. 11108 | M.M. 525-39.40 |
| TRACT NO. 15468 | M.M. 757-9 to 11 inc. |
| TRACT NO. 15991 | M.M. 833-01.02 |
| PARCEL MAP | P.M. 3-41. 30-29. 30-30. 97-29. 298-29 |

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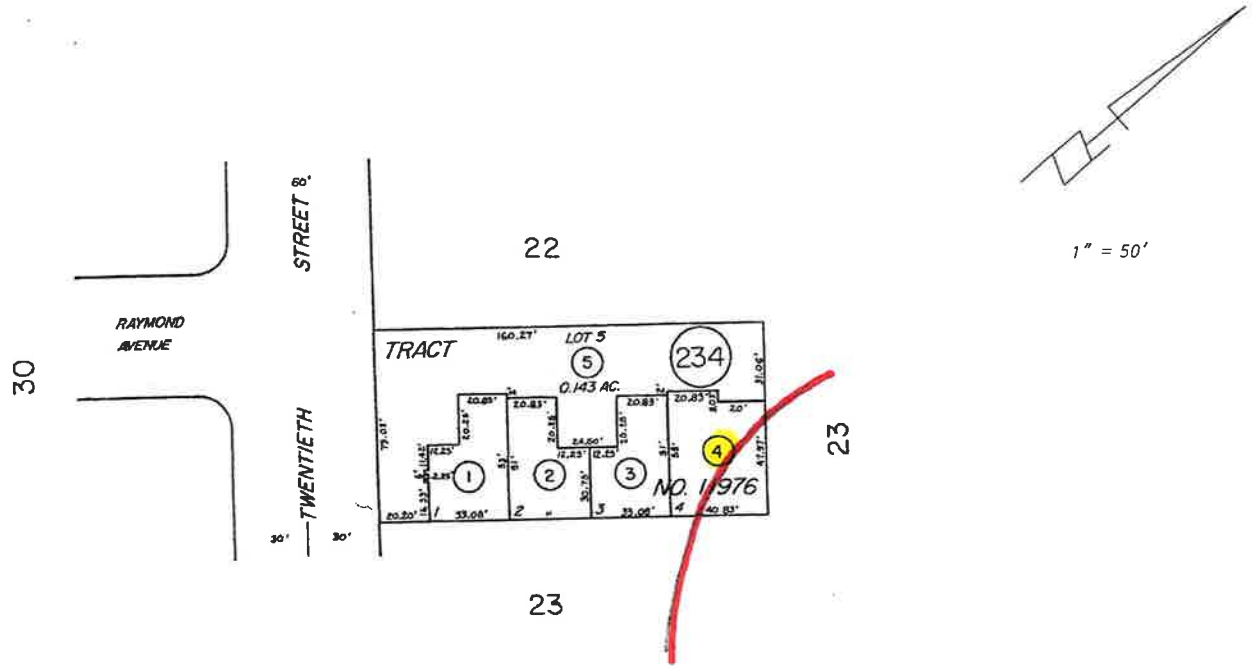


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TRACT NO. 11976

M.M. 514-11,12

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COUNTY OF ORANGE

13

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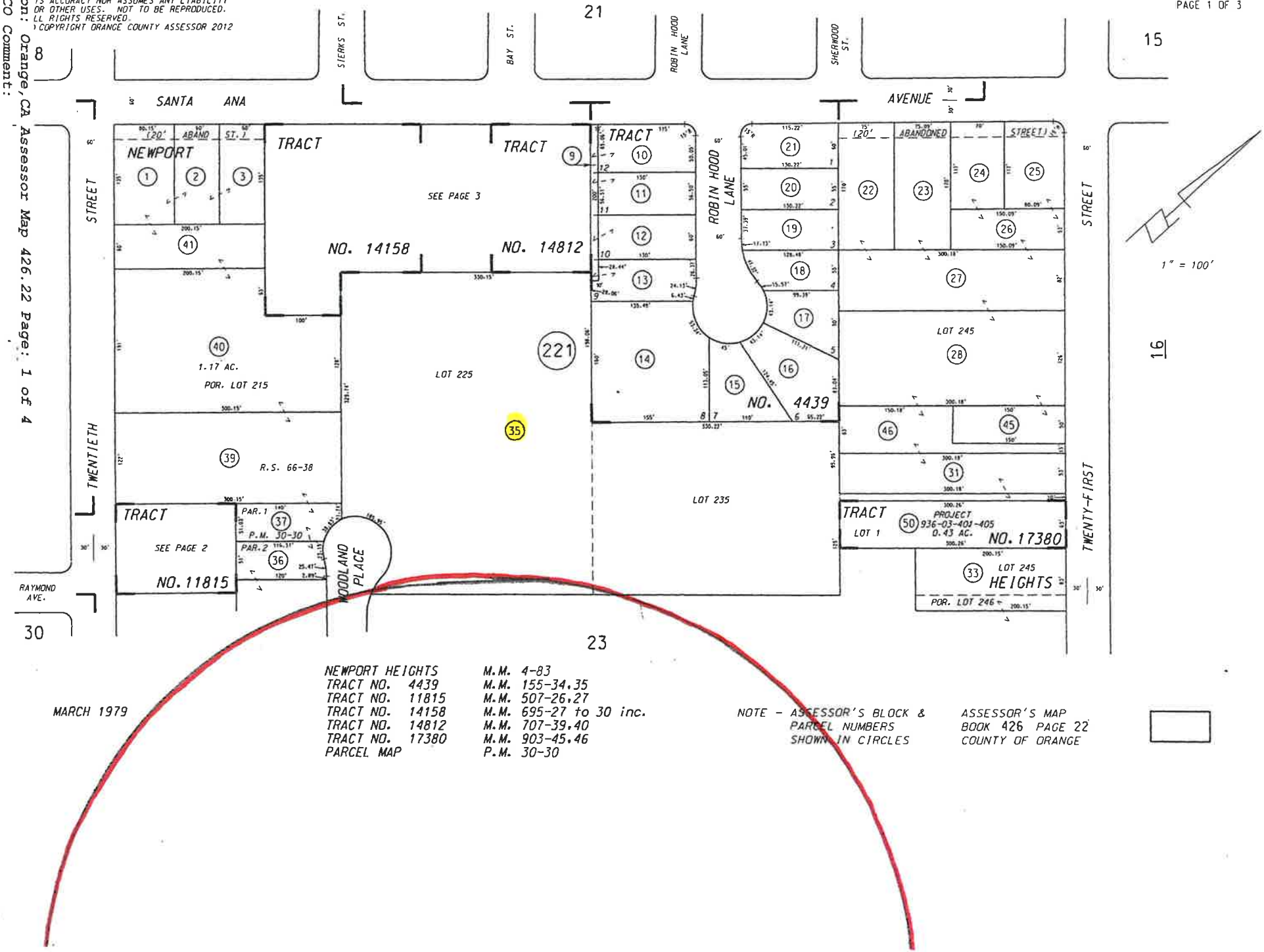


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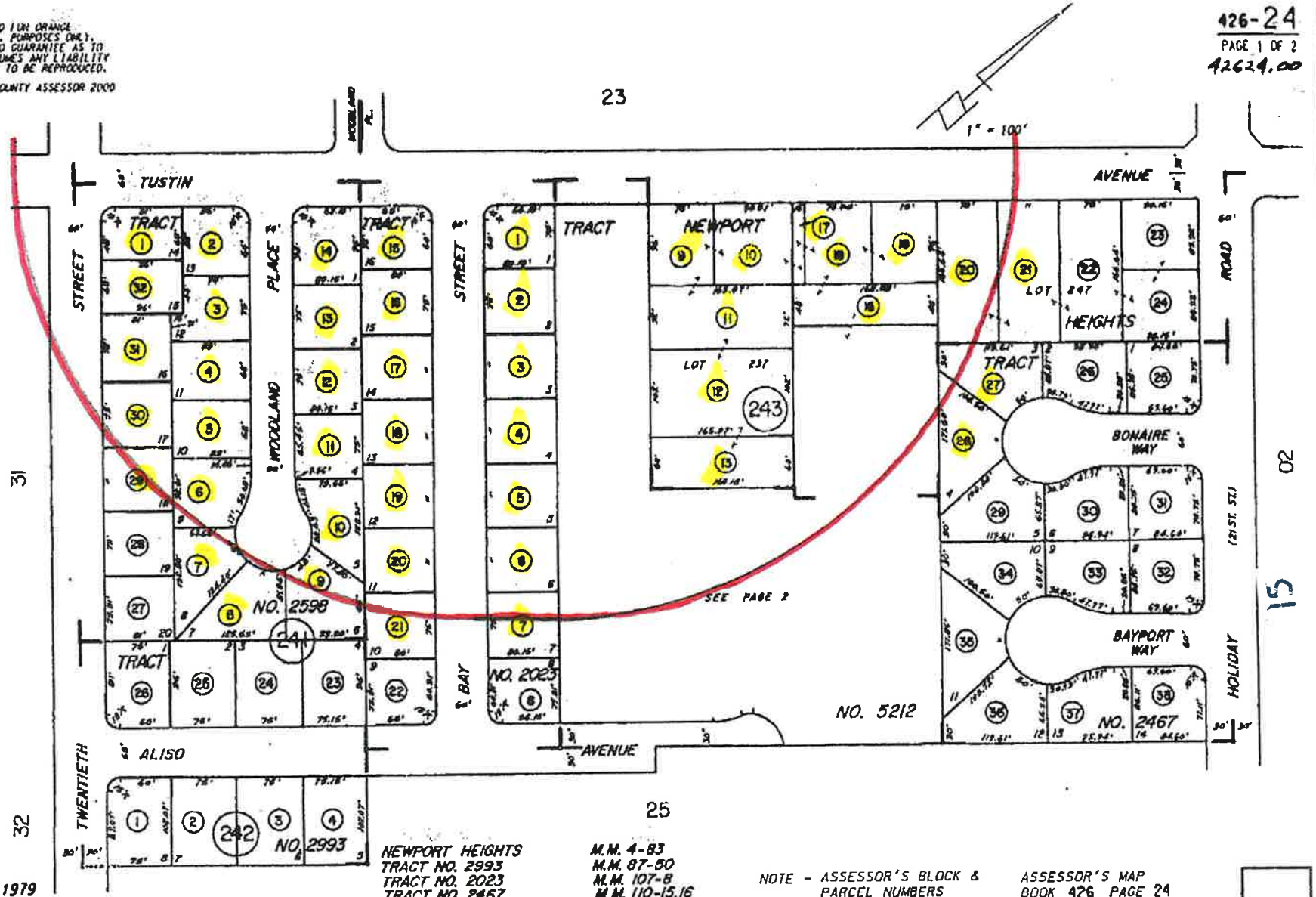


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TRACT NO. 5212

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M.M. 107-8
M.M. 110-15,16
M.M. 111-47,48
M.M. 189-39,40

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PARCEL MAP

M.M. 189-39,40
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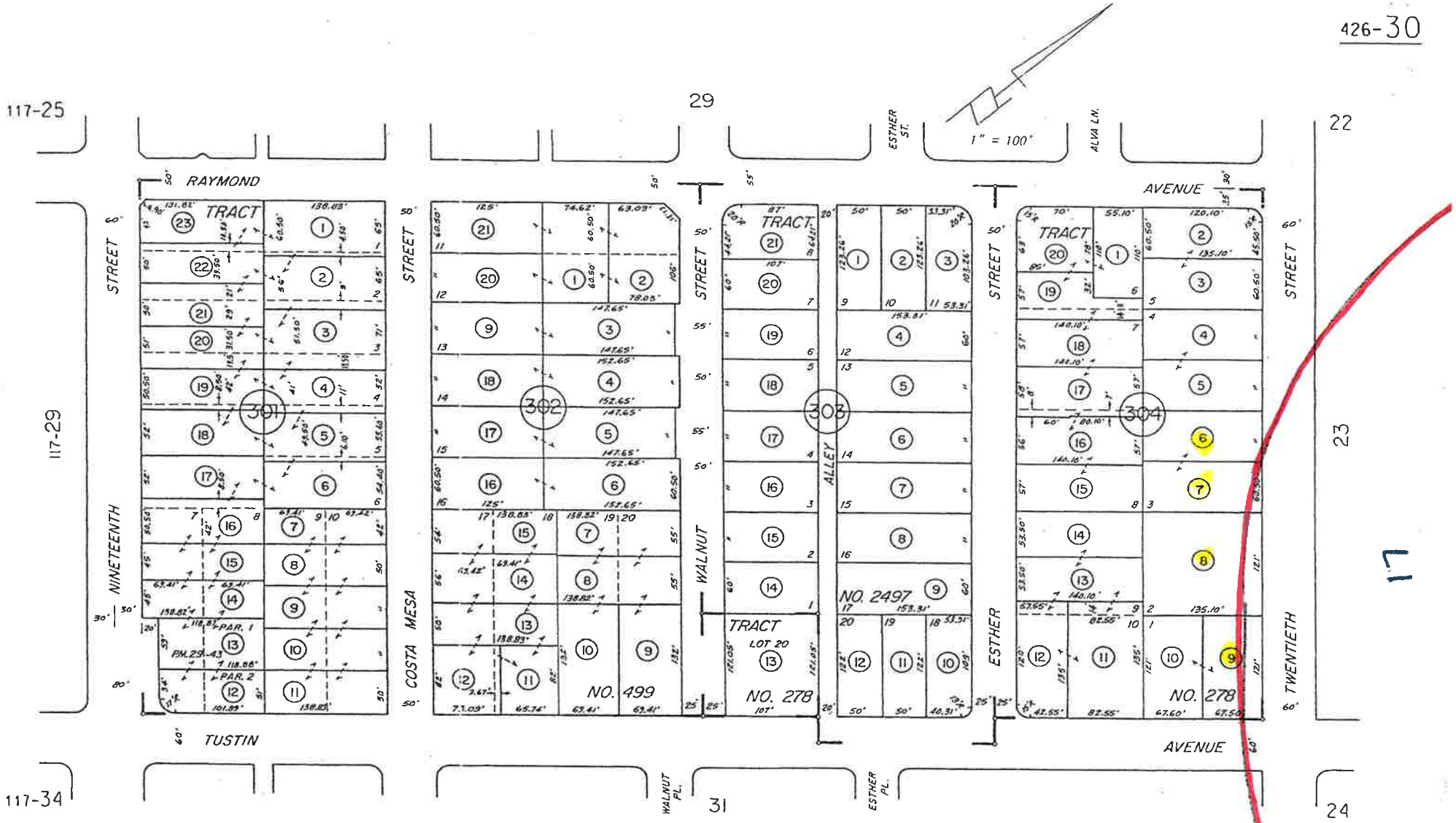


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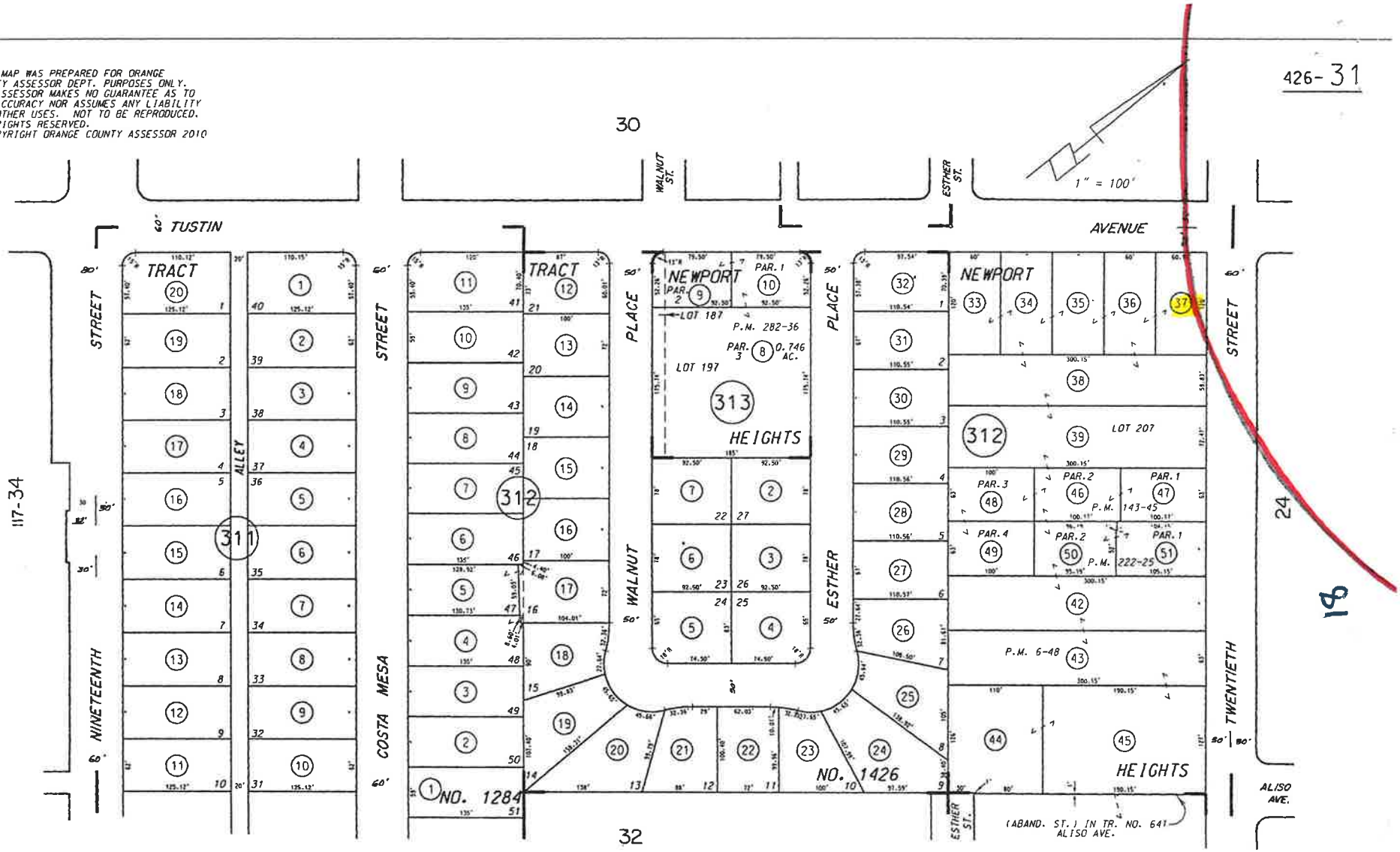


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| TRACT NO. 1284 | M.M. 41-41 |
| TRACT NO. 1426 | M.M. 43-42 |
| PARCEL MAP | P.M. 143-45, 222-25 |

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COUNTY OF ORANGE

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2041 TUSTIN AVENUE PROPERTY LEGAL DESCRIPTION

N-TRACT: 6829 BLOCK: LOT: 1, COUNTY OF ORANGE, CA

VIEW OF PROPERTY FROM TUSTIN AVENUE

VIEW OF REAR OF PROPERTY

P.O. BOX 2028, NEWPORT BEACH, CALIFORNIA 92659
TELEPHONE: 949.689.8880 FACSIMILE: 800.698.0835

LIVING AREA

SMOKING AREA

P.O. BOX 2028, NEWPORT BEACH, CALIFORNIA 92659
TELEPHONE: 949.689.8880 FACSIMILE: 800.698.0835

DINING AREA

(DOUBLE) BEDROOM

(SINGLE) BEDROOM

DINING/KITCHEN AREA

DINING AREA

(DOUBLE) BEDROOM

P.O. BOX 2028, NEWPORT BEACH, CALIFORNIA 92659
TELEPHONE: 949.689.8880 FACSIMILE: 800.698.0835

(SINGLE) BEDROOM

DINING/KITCHEN AREA

ATTACHMENT 4

Summit Coastal Living

**PROJECT DISCUSSION**
**Sober Living Home**


Applicant: Summit Coastal Living (SCL)
P.O. Box 2028
Newport Beach, CA 92659

Contact: Attn.: Keith
P.O. Box 2028
Newport Beach, CA 92659

keith@summitcoastalliving.com
(949) 698-8880


Project: SCL "I"

Location: 2041 Tustin Avenue, Costa Mesa, CA 92627

## About SCL

SCL is a men's sober living environment for individuals whom have a desire to maintain sobriety and continue on the path of recovery from drugs and alcohol. Residents reside at SCL on a voluntary and conditional basis contingent upon compliance with certain rules and expectations. Summit Coastal Living Inc. does not offer any treatment services but will make outside referrals to qualified facilities upon request.

SCL is the product of two people who passionately believe in the recovery process. With a combined 30 years of sobriety, Keith and Jill are incredibly grateful that they are now in a position to provide other addict/alcoholics a positive and safe environment to continue their recovery. They are both very active in the local AA community and currently live and reside in the Newport Beach/Costa Mesa area.

SCL strives to help men in recovery move forward in their lives by providing a safe, sober and supportive environment. We believe that this positive and structured environment will help our residents navigate the challenges of everyday life and achieve their goals in recovery. We sincerely believe in the recovery process because we have seen it work for countless people. There is an amazing life waiting for those who recover, one free of drugs and alcohol. SCL is proud to play an important role in helping our residents achieve this life.

## Project Description

SCL is requesting the review and approval of a Conditional Use Permit and Operator's Permit for the continued use and operation of a Sober Living Home located at 2041 Tustin Avenue, Costa Mesa, CA 92627.

The proposal consists of housing for thirteen (13) adult males, including a live in house manager within the three (3) existing units at 2041 Tustin Avenue, Costa Mesa, CA 92627.

SCL will continue to operate this facility in full compliance with the regulations and licensing requirements set forth by the City of Costa Mesa Municipal Code and Ordinances.

## The Property and Zoning Information

This subject property is located within the City of Costa Mesa Planning Jurisdiction and is zoned R2-MD, Multiple Family Residential (Medium Density).

The property is located in the general area commonly referred to as East Side Costa Mesa; South of the 55 Freeway and North East of Newport Beach. More descriptively the property is located at the intersection of Tustin Avenue and E. 20th Street and is adjacent to properties developed and designated with the same zoning/general plan area.

The property is accessible from the existing driveway on Tustin Avenue and is not subject to any street widening, additional parking or lot dedications. Currently the property is developed with two (2) structures, totaling three (3) units and provides residency for a maximum of thirteen (13) adult males within it's seven (7) bedrooms.

Based on the number of occupants a Conditional Use Permit and Operator's Permit is required.

## Neighborhood Impact

SCL is committed to maintaining it's positive relationship with the community and demands it's residence behave in a manner which reflects this, at all times.

To insure this expectation is met SCL continues to implement and enforce house rules and regulations. These rules regulate noise, curfew, behavior and use of substances, parking, littering and trespassing on neighboring properties, flow of traffic, smoking/vaping areas, operating home based businesses and general behavioral conduct. SCL onsite managers are required to continuously monitor and inspect the subject property and it's residence.

All clients (tenants), house mangers and employees and visitors are required to follow these rules at all times. Any violation is terms for immediate termination of residency, employment or access to the property.

Home Rules & Regulations, Written Intake Procedures, Relapse Policy and General Residency Agreement signed by tenants/posted in common area attached for reference.

**RESOLUTION NO. PC-16-**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA APPROVING PLANNING APPLICATION PA-16-04 FOR AN ALL-MALE SOBER LIVING FACILITY OPERATED BY SUMMIT COASTAL LIVING HOUSING 13 OCCUPANTS (INCLUDING 1 LIVE-IN HOUSE MANAGER) WITHIN 3 EXISTING UNITS ON PROPERTY LOCATED AT 2041 TUSTIN STREET**

THE PLANNING COMMISSION OF THE CITY OF COSTA MESA HEREBY RESOLVES AS FOLLOWS:

WHEREAS, an application was filed by Keith Randle, the property owner, for ***Planning Application PA-16-04,*** a Conditional Use Permit for an all-male Sober Living Facility housing thirteen occupants (including 1 live-in house manager) within three existing units;

WHEREAS, the project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City of Costa Mesa Environmental Guidelines, and has been found to be categorically exempt from CEQA under Section 15301 for Existing Facilities.

WHEREAS, the CEQA categorical exemption for this project reflects the independent judgment of the City of Costa Mesa.

WHEREAS, a duly noticed public hearing was held by the Planning Commission on November 14, 2016 with all persons having the opportunity to speak for and against the proposal.

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit A, and subject to the conditions of approval contained within Exhibit B, the Planning Commission hereby **APPROVES** Planning Application PA-16-04.

BE IT FURTHER RESOLVED that the Costa Mesa Planning Commission does hereby find and determine that adoption of this Resolution is expressly predicated upon the activity as described in the staff report for Planning Application PA-16-04 and upon the applicant's compliance with each and all of the conditions in Exhibit B and compliance of all applicable federal, state, and local laws. Any approval granted by this resolution shall be subject to review, modification or revocation if there is a material change that occurs in the operation, or if the applicant fails to comply with any of the conditions of approval.

BE IT FURTHER RESOLVED that if any section, division, sentence, clause, phrase or portion of this resolution, or the documents in the record in support of this resolution, are for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions.

**PASSED AND ADOPTED this 14th day of November, 2016.**

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

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

I, Jay Trevino, Acting 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 November 14, 2016 by the following votes:

AYES: COMMISSIONERS

NOES: COMMISSIONERS

ABSENT: COMMISSIONERS

ABSTAIN: COMMISSIONERS

_____
Jay Trevino, Acting Secretary
Costa Mesa Planning Commission

## EXHIBIT A

**FINDINGS FOR APPROVAL**

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

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

**Facts in Support of Findings:** A sober living home is a supportive living environment for persons who are recovering from drug and/or alcohol addiction. The subject property is not within 650 feet of any other state licensed drug and alcohol facility or sober living home that is currently permitted pursuant to City of Costa Mesa land use requirements. This separation helps to preserve the residential character of neighborhoods and facilitates General Plan Land Use Element Goal LU-1F.1 and Housing Element Goal HOU-1.2 in that it protects existing stabilized residential neighborhoods, including mobile home parks (and manufactured housing parks) from the encroachment of incompatible or potentially disruptive land uses and/or activities. The configuration of the buildings and the site's proximity to an alley on the easterly property line help mitigate potential impacts.

The sober living home has operated at this location for almost three years. During that time, the City has not received any complaints from surrounding residents regarding the operation of the facility. The facility has not generated excessive requests for emergency services. The property is well maintained. The applicant has demonstrated that this facility is operated in a manner that does not conflict with the residential character of the neighborhood. There will be no more than two occupants per bedroom. There is adequate space to accommodate vehicles belonging to the occupants on the driveway and on the street.

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

**Facts in Support of Findings:** As part of the application process, the sober living operator was required to Live Scan all owners/operators who have contact with residents, corporate officers with operational responsibilities and house managers. Additionally, the sober living operator submitted a copy of the House Rules, Relapse Policy and all forms distributed to residents. These documents demonstrate that the facility will be operated in a manner consistent with the provisions of the Costa Mesa Municipal Code. There have not been any code enforcement complaints since Summit Coast Living began operating at the property almost three years ago. Further, the facility has not generated calls for emergency services in excess of those commonly generated by residences in the area.

The Costa Mesa Municipal Code and the conditions of approval require the owner to operate the facility in a manner that will allow the quiet enjoyment of the surrounding neighborhood. Existing mature landscaping, fences and an adjacent alley provide a buffer from adjacent properties and the adjoining street and sidewalk, helping to minimize impacts to the surrounding neighborhood. The owner will provide his name and phone number to neighbors so they may contact him if there are any concerns regarding operation of the facility. The sober living home is subject to a City inspection of the interior and/or exterior of the facility to verify that the approved use has not been altered and that the property complies with all applicable code(s) upon 24 hours written notice (or up to 48 hours under special circumstances).

The operator is an active member of The Sober Living Network, a non-profit organization that sets the most comprehensive standards for sober living homes in the nation. This organization conducts annual inspections to insure member facilities are in compliance. The standards promulgated by this organization can be found at www.soberhousing.net. These standards reinforce the City's regulations.

The facility will house up to twelve residents and one house manager in three existing units. Combined, these units feature seven bedrooms and four bathrooms. There are also three kitchens, three indoor living areas, and distinct outdoor living areas. The project complies with the City's parking standards, and there are additional parking spaces available in the driveway should they be needed by residents. The proposed occupancy of the facility is reasonable. The owner has demonstrated an ability to operate the facility in a manner that is compatible with the neighborhood.

**Finding:** Granting the conditional use permit will not allow a use, density or intensity which is not in accordance with the general plan designation and any applicable specific plan for the property.

**Facts in Support of Findings:** The use is consistent with Housing Element Goal HOU-1.8 of the General Plan, which encourages the development of housing that fulfills specialized needs by providing living opportunities for disabled individuals. The facility provides an accommodation for the disabled that is reasonable and actually resembles the opportunities afforded non-disabled individuals to use and enjoy a dwelling unit in a residential neighborhood. The facility offers a comfortable living environment that will enhance opportunities for the disabled, including recovering addicts, to be successful in their programs.

The subject property contains three existing units on a legal non-conforming site. The proposed use is consistent with the general plan designation.

B. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City's environmental procedures. The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) under Section 15301 for Existing Facilities.

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

## EXHIBIT B

## CONDITIONS OF APPROVAL

Plng.

1. Once issued by the City, the owner shall maintain in good standing, an operator's permit as required by Article 23, Chapter 2 of Title 9.
2. The total number of occupants in the sober living home shall be no more than twelve, plus one live-in house manager.
3. The use shall be limited to the type of operation described in the staff report and applicant's project description submitted with the application on January 4, 2016, subject to conditions. Any change in the operational characteristics including, but not limited to, home rules and regulations, intake procedures or relapse policy, shall be subject to Community Improvement Division review and may require an amendment to the conditional use permit, subject to either Zoning Administrator or Planning Commission approval, depending on the nature of the proposed change. The applicant is reminded that Code allows the Planning Commission to modify or revoke any planning application based on findings related to public nuisance and/or noncompliance with conditions of approval [Title 13, Section 13-29(o)].
4. Applicant shall defend, with the attorney of City choosing, and shall indemnify and hold harmless the City, its officials and employees, against all legal actions filed challenging City's approval of the applicant's project and/or challenging any related City actions supporting the approval.
5. A copy of the conditions of approval for the conditional use permit must be kept on premises and presented by the house manager to any authorized City official upon request. New business/property owners shall be notified of conditions of approval upon transfer of the business or ownership of land.
6. The project is subject to compliance with all applicable Federal, State, and local laws.
7. All vehicles associated with the residence, including residents and staff, shall be limited to parking on the property and/or on the street within 500 feet of the property.
8. It shall be the applicant's responsibility to maintain current information on file with the City regarding the name, address and telephone number of the property manager and/or owner.
9. The property shall be maintained in accordance with landscape maintenance requirements contained in Costa Mesa Municipal Code Section 13-108.
10. Each dwelling unit shall be limited to one mailbox and one meter for each utility.

11. The facility shall operate at all times in a manner that will allow the quiet enjoyment of the surrounding neighborhood consistent with Title 20 of the Costa Mesa Municipal Code. The applicant and/or manager shall institute whatever measures are necessary to comply with this requirement.

12. If any building alterations are proposed, the applicant shall comply with requirements of the California Building Code as to design and construction.

13. The applicant shall obtain a fire clearance from the Costa Mesa Fire Department pursuant to the requirements of the current version of the California Fire Code within 30 days of the date of approval of the Permit.

14. The applicant shall provide neighbors with the telephone number of the on-site manager and/or property owner, for the purposes of allowing neighbors to lodge complaints or describe concerns about the operation of the facility.

15. The sober living home shall not provide any of the following services as they are defined by Section 10501 (a)(6) of Title 9, California Code of Regulations: detoxification; education counseling; individual or group counseling sessions; and treatment recovery or planning.

CID 16. The applicant is responsible to ensure that occupants, if any, who are subject to the requirements of Health & Safety Code section 11590 et seq. (Registration of Controlled Substance Offenders), Penal Code section 290 et seq. (Sex Offender Registration Act), and/or any condition of probation or parole, are in compliance with any applicable requirements and conditions of their registration, probation and/or parole while they are occupants or residents of the subject property.

17. Vehicles picking up or dropping off passengers at the facility shall not block traffic or create hazardous conditions and shall comply with all applicable provisions of the California Vehicle Code and Title X of the Costa Mesa Municipal Code.

18. The applicant shall comply with any and all water conservation measures adopted by the Mesa Water District that apply to multi-family residences and/or properties.

19. The applicant shall post a copy of the Good Neighbor Policy in at least one highly visible location inside the facility and in at least one highly visible location in all side and rear yards.

20. Operator shall ensure that no trash and debris generated by tenants is deposited onto the City's rights of way pursuant to Section 8-32 of the Costa Mesa Municipal Code.

21. The applicant shall comply with reservation procedures implemented by the City's Parks and Community Services Department to reserve park shelters or picnic areas for special events.

22. This CUP is subject to review if the applicant fails to comply with any of the conditions of approval listed in this resolution and/or the facility creates an excessive amount of calls for City services.

23. Pursuant to Section 9-374 of the Costa Mesa Municipal Code, upon eviction from or involuntary termination of residency in a group home, the operator of the group home shall make available to the occupant transportation to the address listed on the occupant's driver's license, state issued identification card, or the permanent address identified in the occupant's application or referral to the group home. The group home may not satisfy this obligation by providing remuneration to the occupant for the cost of transportation.

**CODE REQUIREMENTS**

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

Plng. 1. Use shall comply with all requirements of Chapter XVI of the Costa Mesa Municipal Code relating to development standards for sober living homes in multi-family residential zones.

Bldg. 2. At the time of plan submittal or permit issuance, the applicant shall comply with the requirements of the California Code of Regulations, also known as the California Building Standards Code, as amended by the City of Costa Mesa, including, as applicable, the adopted California Building Code, California Electrical Code, California Mechanical Code, California Plumbing Code, California Green Building Standards Code and California Energy Code.

ATTACHMENT 6

Woodco nvestment
Company, Inc.
www.woodcoinv.com

APRIL 1ST, 2016

REC'D APR 05 2016

CITY OF COSTA MESA
P.O. BOX 1200
COSTA MESA, CALIF. 92628 1200

RE: PA 16 04 2041 TUSTIN AVE. HEARING 4/11/2016

HOW ABOUT A BIG RESOUNDING "NO" "NO" "NO" ON THIS? WE'VE GOT AN APARTMENT BUILDING ON ORANGE AVE. WHERE THEY SET UP A "GIRLIE DRY OUT" NEXT DOOR TO US. IT'S A "ROLLING CIRCUS" WHERE SOME OF THE 'PARTICIPANTS' HAVE DOG'S ETC. AND THEY ONLY STOP BARKING WHEN THEIR 'OWNER' IS PRESENT AND THAT'S BETWEEN 10 P.M. AND ABOUT 8 A.M. FANCY EXPENSIVE MERCEDES BUSSES ARE THE MODE OF TRAVEL CAUSING ORANGE TO BACK UP ON TRAFFIC WHEN THE ENTER OR EXIT. WE GET THE 'EMPTIES' ON THE FRONT LAWN. WE GET THE 'BOYFRIENDS' BASKING ON THE FRONT LAWN WHEN VISITING.

THERE'S A "BOY'S DRY OUT" ON ORANGE AT CABRILLO. WHAT EVER HAPPENED TO TOWNS LIKE YUMA, CALEXICO, BLYTHE, EL CENTRO BRAWLEY WHERE RENTS SURELY ARE A LOT 'CHEAPER'? ALSO THEY MAY NOT BE ABLE TO OBTAIN THEIR 'SUPPLY' IN THESE PLACES AS EASILY. WE NEED A "BEACHY" ENVIRONMENT- WHY? WE HAVE QUITE A FEW APARTMENT OR RENTAL PROPERTIES IN COSTA MESA AND ARE ABLE TO FILL THEM WITH NORMAL, HARD WORKING,VOTING PEOPLE THAT DON'T NEED A "CRUTCH" OR SUPPORT OR 'TENDER, LOVING CARE'

THIS TAKES 'OFF THE MARKET' A PROPERTY THAT A NORMAL COUPLE OR CHILDREN THAT MIGHT USE THE SCHOOL ADJACENT.

THIS IS REALLY WRONG. [redacted]

VERY TRULY YOURS,

Gordon Lewis

OLE SOLDIER OF WW II WITH SUCH ITEMS AS 3 TIMES COMBAT INF. BADGE, BRONZE STAR, FRENCH LEGION OF HONOR, CROIX DE GUERRE, 3 OAK LEAF CLUSTER ON THE EAME, A COUPLE OF PURPLE HEARTS.



3740 Campus Drive • Suite #100 • Newport Beach, CA 92660-2639 • TEL: (949) 756-8557 • FAX: (949) 833-0153

4/5/16

REC'D APR 11 2016

To Whom it May Concern:

I am concerned about the recent notice I received regarding permitting a sober living facility at 2041 Tustin Ave (application number PA-16-04). The proposal called for 13 male occupants in 3 separate units. Given the proximity of the units to an elementary school, I am very surprised that this would be permitted. This is a family neighborhood and I often see parents walking their children to school right by the units. I have two young children that I am planning to send to Woodland Elementary in a couple years and am worried about having three sober living facilities so close by. I am sympathetic to the need for such facilities but clearly there must be more appropriate locations than right next to an elementary school. Thank you for your consideration.

Sincerely,

Patrick O'Day

718-974-9160

2072 Tustin Ave

## ANGEL, KATIE

**From:** Ronald Moss <ronaldfmoss@hotmail.com>
**Sent:** Thursday, April 07, 2016 12:35 PM
**To:** ANGEL, KATIE
**Subject:** CUP Application No. PA-16-04

Subject:
Proposed Sober Living Facility
2041 Tustin Ave, Costa Mesa, CA 92627
Application No. PA-16-04

Ms. Angel,

I have concerns regarding the proposed Conditional Use Permit for the subject property, that I would like to share with the members of the Planning Commission.

I have lived in Costa Mesa for 52 years, both on the east side and the west side. For the past 30 yrs I have lived in the 400 block of East 20th St., within a block of the proposed facility. I believe this location is a very poor choice for a Sober Living Facility, due to close proximity to Woodland Elementary School, Kaiser Middle School, and the Upper Bay Boys and Girls Club, as indicated below:

2041A Tustin Ave. to Woodland School: Approx 250 ft, a 1 min 15 sec walk.
2041C Tustin Ave. to Woodland School: Approx 140 ft, a 40 sec walk.
2041A Tustin Ave. to Kaiser Middle School: Approx 800 ft, a 4 min walk.
2041A Tustin Ave. to Upper Bay Boys and Girls Club: 5 min walk.

I have spoken with two of my neighbors, both of whom teach at Woodland Elementary, live within a block of the proposed facility, and have children that attend Kaiser, and both have instructed their children to walk down Woodland Pl to Garden Ln to enter the gate into Kaiser, rather than walk down Tustin Ave, in front of the subject property, to get to school.

I have also discussed this proposal with many of my neighbors, on both E. 20th St, Woodland Pl, Tustin Ave, and E. Bay Ave., and all are in agreement that due to the number of school-age children that travel through the areas adjacent to the proposed facility on a daily basis, and the fact that there are currently 52 other Sober Living Facilities within Costa Mesa, this location would be a poor choice.

I would hope that these concerns will be taken into consideration by the Planning Commission in their determination of the CUP for the subject property.

I would like to congratulate Jim Righeimer, and members of City Staff, who, following input from concerned citizens, were able to negotiate the immediate closing of 15 Solid Landing sober-living facilities within the city.

Thank you for your assistance.
Regards,

Ron Moss

**WOODROW LEWIS**

P.O. BOX 2286
NEWPORT BEACH, CALIFORNIA 92659-1286

RECEIVED
CITY CLERK
16 APR 18 PM 12:21
CITY OF COSTA MESA
BY

APRIL 11TH, 2016

CITY OF COSTA MESA
P.O. BOX 1200
COSTA MESA, CAIF. 926~~2~~28 1200

RE::APPL. NO. PA 16 04 2041 TUSTIN

DATE MAY HAVE CHANGED AS TO THE 'HEARING' BUT THE ANSWER STILL REMAINS THE SAME - "NO".

NOT A PRACTICAL USE FOR A STRICTLY FAMILY ORIENTED AREA AND A SCHOOL JUST AROUND THE CORNER. LOTS OF TIMES PARENTS ON THE "3 P.M." HAULAWAY FOR KIDS ARE PARKED ON TUSTIN. WHAT IF YOU GOT A "DRY-OUT' THAT WENT 'ASKEW' AND DID SOMETHING TO HARM A CHILD?

IF IT'S IMPERATIVE THAT WE HAVE A "BEACHY ATSMOPHERE" COULDN'T THEY GO TO MORRO BAY, PISMO, ATASCADERO, CRESCENT CITY OR EUREKA?

DON'T WEHAVE ENOUGH "BUMS", VAGRANTS, HOMELESS FILLING UP ALL THE BUS BENCHES THAT WE WANT TO IMPORT PROBLEMS?

VERY TRULY YOURS

Woodrow Lewis

WOODROW LEWIS



PHONE (949) 756-8557 • FAX (949) 833-0153 • woodie@woodcoinv.com

## COLGAN, JULIE

**From:** jeannie <jeanniehyg@socal.rr.com>
**Sent:** Friday, April 15, 2016 5:10 PM
**To:** PLANNING COMMISSION
**Subject:** PUBLIC HEARING Application PA-16-04

**Dear Sirs/Ladies,**

**I would like to voice my opposition to Application PA-16-04 at address 2041 Tustin Avenue, Costa Mesa.**

**We are the owners of a single home close to that location, and feel that parking that many vehicles in that neighborhood would**
**place an undue burden where there is already tight parking. Also, it doesn't make sense since public transportation is not nearby.**
**I am opposed to the application referenced above.**

**Thank you.**
**Jeannie and Allen Yack**

*EDWARD AND PATRICIA MCFARLAND*
*405 Gloucester Drive*
*Costa Mesa, CA 92627*

TO: The City of Costa Mesa Planning Commissioners
Richard Dixon, Jr. – Chair
Jeff Matthews
Stephan Andranian
Colin McCarthy
Tim Sessler
Gary Armstrong – CEO
Claire Flynn – Assistant Development Services Director

REC'D APR 16 2016

DATE: April 15, 2016
SUBJECT: Proposed Conditional Use Permit – PA-16-04
Site Address: 2041 Tustin Avenue

It is with deep concern that we address this letter to you.
For over 50 years we have called Costa Mesa "home". We have been deeply rooted in the City of Costa Mesa and its business and community activities. We have owned our home, invested in multi family housing units, established our business, served actively in City and community service organizations and enjoyed the life that has been a model in Orange County. The quality of life, the opportunities for education, business, the arts stand out in the state as those we can be very proud of.

This application is deeply concerning to us. The property in question is at 2041 Tustin Avenue, in our extremely family friendly, valuable property and school environment and is NOT the place to add yet another all male Sober Living Facility (Summit Coastal Living).
It would be redundant to remind you that this property is within walking distance of two elementary schools, the Boys and Girls Club of the Harbor area as well as the very popular park. Property values have soared in the Eastside of our city and have brought families into the community expecting the quality of life and safety that was noted in all real estate publications.

It is beyond our understanding that a local realtor, Keith Randle, would join the army of those who have invested in real estate, turned these properties into cash cows, serving those in need of rehabilitation in such family oriented areas.
The impact of these homes is well known to you, the City Council and Costa Mesa Police Department officers. This application comes at a time when the City has at long last won a court case defining the appropriate use of neighborhood residences as rehab centers. The problems associated with these centers are well known: smoking, noise from gatherings, lots of cars, occupants wandering to get "privacy", addicted visitors, relapse of clients, trash, absentee staff, use of local facilities, drug dealers, neighborhood exposure to "challenging individuals", detoxing, OD'ing, evictions creating MORE new homeless to our city streets, idling shuttles,

transitional neighbors in a very stable neighborhood, decreasing property values and disclosure issues.

In essence this application is one which we strongly encourage you to deny.
The City has enough of these problematic facilities. With housing as difficult as it is to obtain in Orange County and Costa Mesa, Mr. Randle would have no problem
renting his property without introducing these men and all their personal issues.

Thank you for taking this letter seriously and denying the application.

Sincerely,

Ed McFarland

Former Planning Commissioner, City Councilman and Mayor, Ed McFarland

Pat McFarland

Pat McFarland
Community Volunteer,
Cape Series Homeowner Association, Secretary

**Woodco Investment Company, Inc.**
www.woodcoinv.com

REC'D APR 21 2016

APRIL 15TH, 2016

CITY OF COSTA MESA
PLANNING COMMISSION
P.O. BOX 1200
COSTA MESA, CALIF. 92628 1200

RE:PA 16 04 2041 TUSTIN AVE. 4/25/16 HEARING

I FAIL TO SEE WHY SOMETHING LIKE THIS IS APPLIED FOR WHEN IT'S A SERIES OF 13 ROTATING DRY OUT SO CALLED SOBER LIVING FACILITY. THERE IS AN ELEMENTARY SCHOOL JUST WESTERLY OF THIS PROPERTY WHERE AT 3 P.M. PARENTS PARK ON TUSTIN AND THE CHILDREN WALK THRU TO BE PICKED UP FOR 'HOME'.

WHAT IF ONE OF THESE "ROTATING DRY OUTS" HAD A PRIOR PROBLEM AS TO SEXUAL ORIENTATION AND A MIS-FORTUNE HAPPENED AT THIS SITE TO ONE OF THE VERY YOUNG CHILDREN?

WOULDN'T THE RENT BE MUCH LESS IN PLACES LIKE REDDING, CALIF. WEED, CALIF. EUREKA, CALIF. AND THE SITUATION AND HOUSING HAVE MORE CONCENTRATION TO CLEAR UP THEIR PROBLEM?

HOW ABOUT A BIG NO FROM US?

VERY TRULY YOURS,

WOODROW LEWIS FOR WOODCO



3740 Campus Drive • Suite #100 • Newport Beach, CA 92660-2639 • TEL: (949) 756-8557 • FAX: (949) 833-0153

## COLGAN, JULIE

**From:** Nancy Brundage <nancybrundage@cox.net>
**Sent:** Sunday, April 17, 2016 11:45 AM
**To:** PLANNING COMMISSION
**Subject:** Public Hearing on April 25

The Costa Mesa Planning Commission

Please do not approve the granting of a conditional use permit to a sober living business operated by Summit Coast Living at 2041 Tustin Ave.

There are numerous reasons why I oppose this:

1. This facility would be in a residential neighborhood around the corner from two schools and The Boys and Girls Club.
2. Our neighborhood already has a lot of traffic problems and allowing this facility would add to the traffic issues and the additional guests of the occupants would also add to traffic issues.
3. Our Cape Series Community located across the street from this facility has many elderly residents and is a very quiet and protected community. The proposed facility would jeopardize our neighborhood of long time tax paying residents. Our residents safety is a big concern of mine.
4. I am concerned that there are an overabundance of facilities within Costa Mesa. A recent article in the paper says Costa Mesa already has too many of these type of facilities. Recently Costa Mesa was successful in getting a facility to close, and now you want to add more. This does not make sense.
5. This facility is a very lucrative money making business, and needs to be in a commercial or industrial area, not a residential quiet neighborhood. They can charge up to $ 10,000 to $ 20,000 per month. This is a business, not a residence which is zoned for a residence.
6. The Owners have their own business and will not be on site to manage this business. This is just a way to make lots of money. These owners don't have experience in operating these type of facilities. They may be upstanding members of a community but this is just a money making operation, not a real help to people living in the facility.
7. The many problems these facilities cause: trespassing, parking issues, swearing, smoking, break-ins are just a few. Many of these facilities have shown to not be good neighbors, decrease property values, and create noise issues.
8. We are a nice quiet community and should not have a facility like this in a residential area.

Please do not approve this permit.

Nancy Brundage- Owner of 403 Gloucester, Costa Mesa

April 20, 2016

**To:** **City of Costa Mesa Planning Commission**

**From:** **Mesawoods Townhome Association**

**Subject:** **Opposition to Proposed Planning Application 16-04 for an All Male Sober Living Facility at 2041 Tustin Avenue.**

**Introduction:**

According to the applicant's website, the location of the proposed Sober Living Home at 2041 Tustin is a convenient one as it is *"[c]entrally located in the Eastside Costa Mesa region of Orange County, CA...considered the AA meeting capitol of the world."*

While this is certainly not the moniker by which we would wish the City of Costa Mesa to be known; it is not the position of the Mesawoods Townhome Association that sober living homes need to be prohibited in the City. However, based on facts presented in this transmittal, the application for a 13-person group home, at this specific location, should in fact be denied.

**Summary:**

Owners in the Mesawoods Townhome Association located at 2057 Tustin Avenue oppose the proposed intensification of land use and request that the Planning Commission deny Planning Application PA-16-04.

As proposed, the application is not consistent with the neighborhood and will adversely the public health, safety and welfare of the surrounding community.

In short, the proposed use is too intensive for the subject site based on the following factors:

- Inadequate lot size.
- Inadequate lot width.
- Lack of sufficient parking and therefore an impact on adjacent walks and streets that are routes to Woodland Elementary School

**Discussion:**

The proposed application effectively doubles the adult population on the site as compared to what has historically been experienced for similar multi-family developments in the area, especially considering that the proposed use is on a site that is already developed more intensely than current code would allow.

The resulting impacts associated with population density, second-hand smoke, and insufficient parking for such an intensive use are facts that justify the Planning Commission denying the subject application.

More specifically, with respect to site size, the minimum area for an R2-MD lot is 12,000 square feet while the subject site is only 9,340 square feet. Furthermore, the maximum density for an R2-MD lot is 1 unit for every 3,630 square feet (or 2.5 units at this site) while the subject site was built at a density of 1 unit for every 3,143 square feet (or the current 3 units).

What these facts affirm is that if built today, only two units would be justified on this site. Accordingly, approval of the current proposal would only increase the current non-conforming status in terms of intensity of use.

In an action taken by the Planning Commission in December 2015 for a proposal on nearby Walnut Avenue, it was precisely these types of overconcentration (density, population, and traffic) issues raised as part of the public testimony that, among other things, lead the Commission to deny that application. As the affect of the proposed intensity of use in the subject case would have similar adverse impacts to our neighborhood we would hope that the Commission likewise deny the subject application.

While it is understood that the property owner in this case is entitled to the continued benefit from the site as developed, the owner would not be permitted to add another unit on this site, which in terms the increased adult population, is exactly what would be the result of the subject application, again, a reason to deny the application.

Relative to population density, the presumed "family" population for this type of development, in accordance with the City Council resolution adopted for park fee purposes, is 2.71 persons per unit. So, for this development, it would be presumed that 8 persons, including children, would reside at this site.

Arguably, the City adopted persons per household factor assumes (as do many other planning metrics like those establishing parking requirements) that two adults per unit, for a total of six adults, would be an average condition found in the area, not the 13 adults proposed by the applicant. At least one case on point would be that there are only 12 adults residing in the six (6) units that comprise the Mesawoods Association. Accordingly, the proposed intensification should not be permitted, as it would not be compatible with surrounding areas.

With respect to lot width, the minimum width for an R2-MD lot is 100 feet while the subject site is only 66 feet wide. This is an important factor to consider as many complaints associated with similar group homes elsewhere in the city, and as

evidenced by the applicant's own "house" rules; impacts associated with noise and second hand tobacco smoke or "vape" pollution are problematic for neighbors.

For example, the proposed smoking area (as "house rules" explicitly forbid smoking inside any units that would otherwise eliminate impacts to others off-site) is immediately adjacent to an alleyway that is used by children every school day as they make their way to and from Woodland Elementary School. Moreover, just beyond the alley way are two-story units with windows looking down and directly onto the smoking area and are therefore exposed to smoke **concentrated from a single point on the subject property** that could have up to 13 people smoking at the same time.

Unfortunately, given the fact as noted above that the site is smaller than would be allowed today, coupled with the substandard lot width, there really isn't another on-site outside location for a "smoking area" except the drive aisle, or even worse, the second story deck on the site that is visible from as far away as our homes at 2057 Tustin. Neither of those options for a smoking area would alleviate the underlying problem/impact and are therefore also objectionable and should not be approved.

Clearly a site with an additional 34 feet in width, and another 2,600 square feet in area, would be better situated to ensure that second-hand smoke could be contained on-site. Accordingly, this site is simply not suitable for housing the number of adult residents proposed.

Finally, and perhaps most importantly relative to community safety and welfare, the on-site parking provided for the proposed use is not adequate.

With respect to the parking issue it should be noted that again existing conditions on-site are substandard when compared to current code. If built today for three units, required parking on-site would be a total of 10 spaces (3 covered and 7 open) while only 9 exist (4 covered and 5 open). However, in reality, the parking deficit is far greater than the 1 space noted above.

First, it is obviously clear that housing 13 adults, each of whom could have a car, will result in parking demand exceeding supply by at least 4 spaces. To our dismay, the staff response to this shortage is a seemingly unenforceable condition that residents not able to park on site would be limited to parking "on the street directly in front of the property."

But even more critical to the real parking deficit is the fact that the assumption in the parking code allowing driveway spaces to be eligible for credit is that driveways and adjoining garages are assumed to be under the same resident's control. This assumed circumstance is of course in place to eliminate problems arising when a person wanting to use a garage space is blocked either in or out by another unrelated resident's car in the tandem driveway space. Indeed the applicant's own

"house rules" are instructive here wherein it is requested that residents "not block another resident's car when parking in the driveway."

Given the independent nature of residents at this location and lack of simultaneous control of garage and tandem spaces, the driveway spaces cannot be counted to meet required parking thus effectively reducing the amount of available on-site spaces to a total of 5.

Five (5) on-site spaces to accommodate 13 adults are entirely insufficient and will result in even more on-street parking demand for spaces that are also in limited supply. Street parking spaces are already at a premium every school day as parents electing not to wait in line at the Woodland drop off instead park on Tustin and walk children to school.

The additional demand for on-street parking resulting from the proposed project will add to an already congested situation and add to line-of-sight safety issues at intersections and driveway access points. Such a circumstance would therefore be detrimental to the health, safety and welfare of this neighborhood. Accordingly, the proposed project should be denied.

**Conclusion:**

It remains troubling to us that as a condition of operation for the proposed use, the applicant is obligated to have a "Good Neighbor Policy" instructing residents to be respectful of rules, regulations and to be considerate of neighbors when such behavior should be the norm, not the exception. When concerns such as these are compounded by the facts that this specific site is smaller and narrower that current code would require, and, does not have sufficient parking to accommodate 13 adults, the proposed application should be denied.

Accordingly, and in following the example provided in the staff report to the Commission we offer for the Commission's consideration **Findings and Facts in support of Findings** in conjunction with our request for denial of Planning Application PA-16-04 as follows:

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

> **Facts in Support of Findings:** The proposed use more than doubles the number of adults that would be found in similar properties in the area, and, because of the independent nature of residents in this group home, the collective group cannot function as a family unit, resulting, at the very least, in the site's inability to accommodate all required parking for the number of residents proposed. This impact is compounded by the fact that the site is less that the minimum area required in the R2-MD zone and is narrower than

the minimum lot width required such that is not possible to add required parking spaces on-site.

The fact that 4 of the 5 open parking spaces cannot be used because they are immediately behind garage spaces and independent users (not having simultaneous control of garage and tandem open spaces) would effectively block, in or out, cars in those garage spaces means only 5 on-site spaces are truly available at all times available for up to 13 residents.

The lack of adequate parking on-site will in turn exacerbate an already congested parking situation on Tustin Avenue, that during school hours, especially at the AM peak hour time, significantly impacts the safety of children arriving and/or walking along routes to and from Woodland Elementary School.

Due to demand for on street parking spaces, especially if residents at this group home not able to use an on-site parking space for reasons noted above, residents will be are required to park "on the street directly in front of the property" and daily school/neighborhood parking will impacted. Safe lines of sight for drivers will be affected especially at intersections and multiple access points to driveways along Tustin Avenue. Moreover, this impact to parking will cause additional traffic flow issues on the street during school hours as parents unable to park will remain on the street longer at peak hour, or, as is the case now, will use nearby private properties as a "cut-throughs" to the school thus negatively impacting quality of life in those areas.

**Finding:** Granting the conditional use permit will be materially detrimental to the health, safety and general welfare of the public or otherwise injurious to property or improvements within the immediate neighborhood.

**Facts in Support of Findings:** In addition to impacts associated with parking noted in the facts in support of findings associated with land use compatibility, the proposed use is on a site that is approximately 2,600 square feet smaller than the minimum site size for the R2-MD zone and is 34 feet narrower than the minimum lot width for the R2-MD zone.

Implications of these facts are that a limited amount of common open area is available to be designated for an outdoor smoking/vaping area and the designated smoking area is immediately adjacent to a two-story residential development with windows facing directly onto the smoking area. Residents of that development will be exposed to second hand smoke as it travels up to those windows. Moreover, the alley on the property immediately behind the proposed smoking area is used daily by children walking to and from Woodland Elementary School. In addition, given project's impact to on street parking, it likely that even more people will use the alley as a cut through

thus negatively impacting those communities. Human exposure to second hand smoke, especially when concentrated in one specific area for all residents on the site, is materially detrimental to the health, safety and general welfare of the public who reside at the adjacent property and/or who use the alley as a walkway to and from school.

**Finding:** Granting the conditional use permit will allow a use, density or intensity which is not in accordance with the general plan designation for the property.

**Facts in Support of Findings:** The proposed use more than doubles the number of adults that would be found in similar properties in the area and would be on a site that is currently smaller in area and narrower in width than is required in the R2-MD Zone. If developed according to current standards only two homes would be permitted on the site (however three units have been built) and using city adopted population factors would yield a population of about 6 persons. However, given there are three existing units on the site and using city adopted population factors, a total of 8 people would be expected to reside on the site including children. Given those expectations, families would have independent control of garage and parking spaces, would not all be of driving age and would not all be required to participate in on and off-site activities required of 13 adult residents. Accordingly the intensity of the proposed use by virtue of a density of adults only, on this particular site, would be inconsistent with the General Plan.

Finally, denial of the proposed application does not preclude use of the site for a group home or otherwise restrict living opportunities for handicapped individuals it simply denies the density and intensity of the specific application/use proposed.

**Woodco Investment Company, Inc.**
www.woodcoinv.com

**Received**
City of Costa Mesa
Development Services Department

APR 25 2016

APRIL 22ND, 2016

CITY OF COSTA MESA
PLANNING COMMISSION
P.O. BOX 1200
COSTA MESA, CALIF. 92628 1200

RE PA 16 04 2041 TUSTIN

I GUESS IF YOU CAN POSTPONE OR 'ALTER THE CALENDER' ENOUGH, EVENTUALLY PEOPLE THAT WERE INTERESTED IN THIS WOULD EVENTUALLY BE "NUMBED" BY THE JOCKEYING.

WHY THE 'BIG PUSH' TO PUT A DETRIMENTAL FACILITY IN A RESIDENTIAL NEIGHBORHOOD? ARE YOU SURE THERE ARE NOT OTHER ALTERNATIVES THAT ARE MORE SENSIBLE?

SAME STORY. A BIG NO FROM US.

VERY TRULY YOURS,

WOODROW LEWIS



3740 Campus Drive • Suite #100 • Newport Beach, CA 92660-2639 • TEL: (949) 756-8557 • FAX: (949) 833-0153

## COLGAN, JULIE

**From:** jeannie <jeanniehyg@socal.rr.com>
**Sent:** Friday, April 29, 2016 2:39 PM
**To:** PLANNING COMMISSION
**Subject:** Application # PA 16-04/Randle

**Follow Up Flag:** Follow up
**Flag Status:** Flagged

Re: Application # PA-16-04

Sirs/Ladies,

We oppose the above-mentioned application on the grounds that parking would be severely impacted around the property.

As homeowners in that immediate vicinity, we feel it would impact our property values and parking would be problematic for everyone around.

Sincerely,
Jeannie & Allen Yack

To: City of Costa Mesa Planning Commission:

I am asking the commission to deny a special use permit for a 13-man sober living group home at 2041 Tustin Ave.

I live at 2057 Tustin Ave., 4 doors from this large boarding house and have already been negatively and increasingly impacted by the men currently living at this address and know it will only get worse when a total of 13 people will live in these overcrowded conditions. First, I have respiratory issues and cigarette smoke coming from the boarding house is very harmful to me. Such a concentration of smoke only makes worse an already detrimental condition. The group's cigarette smoke comes in my west facing windows with the prevailing winds. My reaction to smoke in general is a burning sensation in my nostrils, my throat closes up, and I get severe headaches. As if that condition isn't bad enough, the problem doesn't go away when the smokers' stop, the lingering smell of rancid smoke remains in curtains, bedding and bathroom towels requiring additional laundering that I should not have to do. We live in an area that for most of the year allows for natural ventilation and we should not be required to close our windows so that a concentrated group of individuals are forced to smoke in a concentrated area so that the owner of the subject property does not incur damage to his property that he is in fact imposing on others. In other words, should the Commission approve a Sober Living Home at this location, I hope it does not, I am asking the commission to impose a condition PROHIBITING ANY OUTDOR SMOKING at the site so that impacts associated with second hand smoke are confined to inside the dwelling units. If the applicant objects because it will do damage to his property he will have agreed that my concern is valid and confirmed that his proposal therefore in not consistent with the neighborhood.

Onto other matters. I've also encountered strange men in my driveway roaming with a bedroll, a cat or talking on their cell phones under my bedroom window, conversations that I do not care to hear. There is not enough parking now along Tustin Ave. for the parents with school children that then routinely trespass on my property using it as a cut through on their way to drop off and pick up their children from the day-care, Woodland and Kaiser schools. Daily, the parents park their cars in the driveway or partially block my driveway exit, due to the new demand of street parking from the group home. The applicant's own website states that cars that drip fluids cannot be parked on the property- so they park on the street creating a parking problem.

I've seen trucks parked in the group home driveway and another car backing out of the driveway having to use the neighbors' driveway to get around the parked truck so even current "House Rules" are not bing followed.

Lately, I've had to pick up empty wine and beer bottles in my bushes, something that I haven't had to do in the past 27 years that I have lived here.

Clearly there is not enough privacy for the men that live their now as I've seen shirtless men on the sidewalk in front of the home talking on their cell phones or going to their truck, parked on the street.

I've also noticed more trash in the street gutters near this home. The group residences are forced out of the home daily and cannot return until after a certain time, so they eat in their cars on the street, throwing the trash in the gutter, until it's time that they can return to the home.

Their trashcans are stored at the end of the driveway, visible from the street, violating the CMSD code.

I'm concerned for the safety of everybody including myself, and especially the children going to and playing around the schools. I've noticed license plates on cars, trucks and vans from states such as Utah and Arizona. It's truly a transient type housing like a hotel. How can we be sure that law enforcement or the neighbors will know any criminal records of the group home residents, from anywhere including other states or countries, requiring registration of addresses such as that required by Megan's Law for example. On 4-20-2016, I saw two brown paper grocery bags of belongings on the sidewalk in front of the home, apparently it was time for a person to leave, or he violated one of the "House" rules. How sad.

In conclusion, operations at the site are already indications that it will not be managed properly and it has already negatively affected the neighborhood and my quality of life. I do not trust that the applicant or the sober living community to self-police their clientele nor do I believe they have the best interests of all concerned in mind at all. The applicant is clearly seeking more money by overcrowding their property to the detriment of Home's residents and the surrounding neighborhood.

The bottom line is that the applicant stands to over triple monthly income at this property over that he would get at market rate for typical residential use and is proposing to do so at the expense of the neighborhood. This is not an altruistic approach to addressing any social issue, if that were the case he would forgo the benefit of such an economic windfall and limit capacity to a much lower level and wouldn't impose such negative impacts on the balance of the neighborhood.

Please deny the Tustin Ave. Sober Living Home SUP application.

Debra Davis

**From:** jeannie [mailto:jeanniehyg@socal.rr.com]
**Sent:** Friday, April 29, 2016 2:39 PM
**To:** PLANNING COMMISSION <PLANNINGCOMMISSION@ci.costa-mesa.ca.us>
**Subject:** Application # PA 16-04/Randle

Re: Application # PA-16-04

Sirs/Ladies,

We oppose the above-mentioned application on the grounds that parking would be severely impacted around the property.

As homeowners in that immediate vicinity, we feel it would impact our property values and parking would be problematic for everyone around.

Sincerely,
Jeannie & Allen Yack

## COLGAN, JULIE

**From:** Carol Rogers <csrogersllc@gmail.com>
**Sent:** Wednesday, May 04, 2016 6:58 PM
**To:** PLANNING COMMISSION
**Cc:** Andrew Stoneman; Terri Ross
**Subject:** May 9th meeting - Conditional Use Permits 2041 Tustin and 165 E. Wilson

Dear Costa Mesa City Planning Department,

I will be in attendance at your meeting on May 9th at 6PM in order to ***protest*** Keith Randle's (of Summit Coastal Living) request for Conditional Use Permits for his Sober Living Homes (SLH's) at 165 E. Wilson Street and 2041 Tustin Avenue in Costa Mesa.

I request on behalf of my family and many neighbors that both of these be denied.
*(*Any neighbor who feels the same please respond by forwarding this or your own email to the CM city planning department and feel free to cc me. Voice your concerns loud and clear before May 9th, even better come to the meeting).*

I live on Holiday Road, right around the corner from Tustin Ave. Parking, traffic and congestion are very, very heavy in this area. 2041 Tustin is adjacent to both Woodland Elementary and Kaiser Middle school. Street parking during school drop off and p/u and during sports practice hours is very limited. Many families park on Tustin, right in front of 2041 and walk their young children to school. While a SLH has operated in the front of this tri-plex recently, residents are not happy about it as it created a dynamic change to the neighborhood due to the transient nature of the residents.

There is a SLH at 2175 Tustin Ave. very near the Boys and Girls Club, one at 425 East 20th Street and hundreds more all around us. You must be aware of the outrage of residents in the Newport Mesa area at the extreme proliferation of these legal, ADA protected, yet entirely unregulated homes. We can only react after a problem with a SLH home occurs!

Do we really need to house Sober Living Homes en masse in MFR units that are largely surrounded by SFR homes all full of children and families? The overcrowding and closeness of living quarters of recovering addicts is unhealthy for ALL residents. Having 13 men in a trip-plex cluster on Tustin and 11 men on Wilson is not what the city ordinance wants in my interpretation.

Costa Mesa city Ordinance 14-13 states that the city needs to strike a balance between residents interests and opportunity for handicapped. **Costa Mesa has hundreds of SLH's.** The city has done more than it's fair share of heavy lifting for the addicted/handicapped. It is time to yield some respect and fairness to residents.

Our home values suffer when a SLH is on or near our street, yet the owner/operators collect over market rental income. No wonder SLH's are popping up everywhere! The transient nature of SLH's means that you never know your neighbor, because they don't live there for more than 30 days.

Even more frustrating is the nuisance created by transients who don't share the same pride of ownership or care for their home and the neighborhood. Regardless of how the owner says the SLH will operate, without regulation, you have no idea what goes on day in and day out in these homes, period!

A SLH opened on 2218 Holiday Road in 2015. We experienced first hand what happens when a SLH is your neighbor. Sadly many of the occupants did not seem to be on the path to recovery. Excessive noise, trash, smoking and even drug use ensued in this home. Needless to say it changed our entire street. Thankfully for us it was closed March 1, 2016 by the city of Newport Beach. No one regulates SLH's and this one, like many others, was not helpful to anyone including the occupants.

During this period I wrote to our state legislators and I heard back from Matthew Harper, AssemblyMember, 74th district. He and others in our state congress have introduced a bill, AB 2255 to introduce regulation and licensing procedures for SLH's. It has not been voted on yet, but hopefully it will pass.

Current SLH's do not help addicts recover in a science based effective manner. AA's 12 step program will **NOT** cure a heroine or meth addict, nor was it ever intended to. In the meantime our family neighborhoods are being assaulted with more and more SLH's, adding to our homeless population and increased crime. Our children don't feel as safe as they did just a few years ago.

Please consider the facts and all the legal reasons why you do not need to approve the Conditional Use Permits for Keith Randle and his MFR SLH's. Again your city Ordinance states that the city needs to strike a balance. Please yield to families for a safe, healthy and friendly neighborhood.

Thank you for your consideration.
Sincerely,
Carol Rogers

2240 Holiday Road
Newport Beach, CA 92660
(949) 375-0276

**COLGAN, JULIE**

**From:** Andrew Stoneman <astoneman13@yahoo.com>
**Sent:** Thursday, May 05, 2016 7:20 AM
**To:** PLANNING COMMISSION
**Subject:** Fwd: May 9th meeting - Conditional Use Permits 2041 Tustin and 165 E. Wilson

Sent from my iPhone

**From: Andrew Stoneman**
**Subject: May 9th meeting - Conditional Use Permits 2041 Tustin and 165 E. Wilson**

Dear Costa Mesa City Planning Department,

I will be in attendance at your meeting on May 9th at 6PM in order to ***protest*** Keith Randle's (of Summit Coastal Living) request for Conditional Use Permits for his Sober Living Homes (SLH's) at 165 E. Wilson Street and 2041 Tustin Avenue in Costa Mesa.

I request on behalf of my family and many neighbors that both of these be denied.
*(*Any neighbor who feels the same please respond by forwarding this or your own email to the CM city planning department and feel free to cc me. Voice your concerns loud and clear before May 9th, even better come to the meeting).*

I live on 21st street, right around the corner from Tustin Ave. Parking, traffic and congestion are very, very heavy in this area. 2041 Tustin is adjacent to both Woodland Elementary and Kaiser Middle school. Street parking during school drop off and p/u and during sports practice hours is very limited. Many families park on Tustin, right in front of 2041 and walk their young children to school. While a SLH has operated in the front of this tri-plex recently, residents are not happy about it as it created a dynamic change to the neighborhood due to the transient nature of the residents.

There is a SLH at 2175 Tustin Ave. very near the Boys and Girls Club, one at 425 East 20th Street and hundreds more all around us. You must be aware of the outrage of residents in the Newport Mesa area at the extreme proliferation of these legal, ADA protected, yet entirely unregulated homes. We can only react after a problem with a SLH home occurs!

Do we really need to house Sober Living Homes en masse in MFR units that are largely surrounded by SFR homes all full of children and families? The overcrowding and closeness of living quarters of recovering addicts is unhealthy for ALL residents. Having 13 men in a trip-plex cluster on Tustin and 11 men on Wilson is not what the city ordinance wants in my interpretation.

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Our home values suffer when a SLH is on or near our street, yet the owner/operators collect over market rental income. No wonder SLH's are popping up everywhere! The transient nature of SLH's means that you never know your neighbor, because they don't live there for more than 30 days.

Even more frustrating is the nuisance created by transients who don't share the same pride of ownership or care for their home and the neighborhood. Regardless of how the owner says the SLH will operate, without regulation, you have no idea what goes on day in and day out in these homes, period!

A SLH opened on 2218 Holiday Road in 2015. We experienced first hand what happens when a SLH is your neighbor. Sadly many of the occupants did not seem to be on the path to recovery. Excessive noise, trash, smoking and even drug use ensued in this home. Needless to say it changed our entire street. Thankfully for us it was closed March 1, 2016 by the city of Newport Beach. No one regulates SLH's and this one, like many others, was not helpful to anyone including the occupants.

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Please consider the facts and all the legal reasons why you do not need to approve the Conditional Use Permits for Keith Randle and his MFR SLH's. Again your city Ordinance states that the city needs to strike a balance. Please yield to families for a safe, healthy and friendly neighborhood.

Thank you for your consideration.
Sincerely,
Andrew Stoneman, 310 East 21st, Costa Mesa,CA 92627

## COLGAN, JULIE

**From:** Bridget Crook <bacrook@ca.rr.com>
**Sent:** Friday, May 06, 2016 8:15 PM
**To:** PLANNING COMMISSION
**Subject:** 165 e wilson and 2041 tustin ave

>> Dear Costa Mesa Planning Commission,
>>
>> I am writing to you regarding the request by Keith Randle of Summit Coastal Living to open a Sober Living Home at 165 E. Wilson Street and 2041 Tustin Avenue in Costa Mesa.

I strongly disagree with any approval of this project!
Please do right by the tax paying citizens of this city!!

Sincerely,
Bridget and Rick Crook

## COLGAN, JULIE

**From:** Nancy Brundage <nancybrundage@cox.net>
**Sent:** Saturday, May 07, 2016 10:50 AM
**To:** PLANNING COMMISSION
**Cc:** Kokol, Carol
**Subject:** Keith Randle Application for 2041 tustin

I read in the Daily Pilot today, May 7, that Mr. Randle wants another extension on his application for a Sober Living Facility on Tustin. Has this extension been granted ? Or is his application on the agenda for the Monday night meeting, May 9? We are opposed to this facility and want to come to the meeting if this will be discussed.
Nancy Brundage

# Costa Mesa Planning Commission

Hearing May 9, 2016 (NOTE: POSTPONED AGAIN)
Application No. PA-16-04
Site Address: 2041 Tustin Avenue
CUP for an all-male Sober Living Facility (Summit Coastal Living)
Keith Randle, Applicant

As a neighbor I do not support the proposed CUP for 2041 Tustin, a three-unit complex, to operate a facility for 12 recovering drug addicts and or alcoholics, and one live-in manager.

- I called the city and spoke with Katie Angel, Project Planner to ask about this CUP. She said, if granted, it "runs with the land." She said this means that the permit remains with this property, even if sold. Is this true that this property could remain a Sober Living Facility forever? This could be a huge problem for our residential neighborhood which was never designed or planned to accommodate a large scale facility such as this proposed sober living facility.
- According to the application there will be on live-in manager for 12 men in a triplex. That is 3 separate units and only one live-in manager. Supervising one facility would be challenging enough but one person is not adequate to supervise 3 separate units and up to 12 people. These 12 residents would be living in this facility either by choice, but more likely serving a court-ordered sentence for some kind of addiction. Breaking the addiction cycle requires rigorous discipline and supervision, which would be almost impossible for one full time manager with 12 men at various points in their sobriety. In the letter from Dr. Brant-Zawadski, Hoag specialist (attachment in staff report, handwritten pages 84-85) states: "...in my opinion 15 adult individuals recovering from alcohol and drug use is not a necessary number for successful recovery...may be counter-therapeutic to reintegration into sober living lifestyle...having as many as 15 recovering addicts living together could potentially be detrimental to these individuals' recovery by fostering a 'labeling' function, one that unnecessarily creates an 'addict' victim mentality..." His letter was dated November 21, 2014 and he had been asked to provide input regarding 15 adults living together as beneficial to recovery. Dr. Brant-Zawadski states very clearly that he has "found no evidence supporting such a claim in the relevant literature."
- This triplex was never intended to house 13 adults with possibly 13 vehicles (P. 9 states 10 spaces are required and only 7 are existing). There are not enough parking spaces and street parking creates obstacles for the neighborhood and nearby school. Woodland School, on the street behind this property, is for Kindergarten-2nd grade. These are very young children so most are transported in cars driven by parents. Even though there are only 3 primary grades at Woodland Elementary, there are over 540 kids (and growing every year because of the increase in high density housing projects) enrolled, plus staff, so traffic is a big concern in this neighborhood.
- From the Summit Coastal Living website, where this property is featured; "Centrally located in the Eastside Costa Mesa region of Orange County, CA...considered the 'AA Meeting Capital of the World.' Is this the image you, as the Planning Commissioners,

want to project for our city of Costa Mesa? The residents of this facility are expected to attend AA/NA/CA meetings several times a week, which implies recovery from drugs and alcohol and some there by order of the court. These meetings are not held at the facility so the residents have to travel to meetings, which adds more traffic in the neighborhood.

- In an article published on March 8, 2016, written by local reporter Bradley Zint: "Newport and Costa Mesa ranked as O.C.'s 'drunkest cities.'" The article quotes a social media site that "gives Newport and Costa Mesa the two highest rankings among Orange County cities on a list of the 100 'drunkest cities in California,' placing Newport Beach sixth and Costa Mesa at No. 11." While the article is "meant as infotainment... it came up with its rankings based on each city's number of bars, pubs, wineries and liquor stores per capita. It counted drinking establishments within a short driving distance from each city, though it didn't clarify the distance..." Again, as Planning Commissioners is this the image of Costa Mesa that you want associated with your time in this office? Is it just a coincidence that another request for a liquor license is on the agenda tonight?
- With the abundance of alcohol related opportunities in Costa Mesa is it in the best interest of a vulnerable, recovering alcoholic to place them within walking distance to numerous bars and liquor stores? Many of which are closer to this triplex that the features mentioned on the Summit Coastal Living website: "...within walking distance to Back Bay trails, local gyms and a variety of movie theaters, restaurants and shopping centers."
- Are there documented, verified studies that confirm the "success" of these sober living homes? From the website for this facility this triplex has minimal support for the "residents", consisting of basically just random drug tests and no alcohol on the premises. According to the letters your staff included in their report "tighter structure favoring better outcomes." (page 87- letter from Joan Zweben, Ph.D. dated November 24, 2014). She also states "having 15 people and minimal structure is a recipe for problems." Apparently your staff has been researching this issue for several years.
- How frequent is the turnover at Summit Coastal Living facility? The triplex on Tustin was designed and intended for long-term rental. With 12-13 recovering addicts sharing the triplex, some staying for less than a month, others maybe a month or more, they turnover could be similar to a small hotel. Our neighborhood is not zoned for this kind of short term occupancy and constant turnover of residents can be very disruptive to the entire neighborhood. Operating a facility such as this with 12 transient individuals adds a burden to our residential neighborhood. Strangers coming and going places a burden on the neighbors trying to meet or keep track of who lives there and who is visiting. Our neighborhood is mostly long-term residents and it is crucial to our quality of life, and safety of our families, to know our neighbors. The city encourages various forms of neighborhood watch type systems, which we rely on especially now when our city police is understaffed. Constantly having strange cars and faces complicates our ability to get to know our neighborhood.
- Location, location, location is the age-old realtor guideline for selecting an ideal property. This proposed sober living facility is not in an ideal location.
    - Too many people (13 in three separate units);

- Not enough supervision (one manager cannot supervise three separate units and staff did not advise adding another manager since application is assuming this triplex can function as one unit);
- Inadequate parking, as noted in your staff study;
- No requirement of Interlock Ignition Devices for residents with cars, thereby not addressing the possible risk of residents and potentially drunk driving.
- Closest parks are designed for small children, offering nothing for adults;
- Too many bars (some with extended hours, such as Tony's Place on Bay and Newport Boulevard, less than a mile away, open from 6AM-2AM every day) and liquor stores within walking distance;
- Not convenient to bus route;
- Nearest library (Mariner's, as mentioned on the Summit Coastal Living literature), which residents are encouraged to visit for research and internet access, is located at an elementary school;

Costa Mesa has more sober living facilities, licensed and unlicensed, per capita than any other city in Orange County. Apparently Costa Mesa also ranks 11th, in California, for the number of bars, pubs, liquor stores, etc., per capita. Crime rates are also up in Costa Mesa, some of which can be correlated with improper use of drugs and alcohol. Before we keep approving more of these projects perhaps some careful study is in order to analyze if this, more "sober living facilities" and more liquor licenses, is the best direction for the City of Costa Mesa.

Please carefully review all the data presented by your staff, and the concerns of the citizens of Costa Mesa, and our neighbors in Newport Beach (the border is a few hundred feet from this residence), and realize that this location is not appropriate for this facility and is not capable of providing the necessary environment for vulnerable recovering addicts.

Thank you,

Barbara Morihiro
Homeowner, Woodland Place, Costa Mesa

**COLGAN, JULIE**

**From:** Bob Birmingham <bob@birminghamrealtypartners.com>
**Sent:** Friday, May 06, 2016 2:20 PM
**To:** PLANNING COMMISSION
**Cc:** csrogersllc@gmail.com; Home Email
**Subject:** Sober Living Homes Application at 2041 Tustin Ave and 165 E. Wilson Street in Costa Mesa

**Importance:** High

Dear Costa Mesa City Planning Department,

I will be in attendance at your meeting on May 9th at 6PM in order to ***protest*** Keith Randle's (of Summit Coastal Living) request for Conditional Use Permits for his Sober Living Homes (SLH's) at 165 E. Wilson Street and 2041 Tustin Avenue in Costa Mesa.

I request on behalf of my family and many neighbors that both of these be denied.

Kind Regards,

Bob Birmingham
**Birmingham Realty Partners**
O: (949) 220-2909 | C: (714) 349-5975
**bob@birminghamrealtypartners.com**

BIRMINGHAM
REALTY PARTNERS

## COLGAN, JULIE

**From:** territross@aol.com
**Sent:** Friday, May 06, 2016 3:41 PM
**To:** PLANNING COMMISSION
**Subject:** Fwd: CUP for 2041 Tustin Avenue

Dear Planning Commission,

I, as a 25 year resident of Costa Mesa, am completely against the approval of a CUP for 2041 Tustin Avenue. Costa Mesa has become overrun with Sober Living Homes and it has greatly affected the town. I am all for the recovery of any person battling a disease, but these homes are not the answer. Two of my neighbors, with lovely families, have moved out of Costa Mesa because of the infiltration of these homes. My neighbor did not feel safe walking her children to Woodland School past the 2041 Tustin house. She complained about the cigarette smoke and profanity as she walked by. It is not fair to drive wonderful people out of this city. They now live in Ladero Ranch. They never expect to leave Costa Mesa. The other family "got out" before it was too late. I am also concerned about the number of cars this will bring/has brought. I can't help but notice many of the license plates are from out- of- state. Where will these men go if they are asked to leave? The website states they will be asked to leave for 3 days if they fail a drug test. Will they end up on our streets or in our wonderful motels??? I also take offense to the Summit Coastal Living site describing Eastside Costa Mesa as the "AA Meeting Capital of the World". I think AA is a wonderful organization but is that how we want our city to be branded? If the CUP is approved, we lose control. All the hard work done to protect this city is for naught. It is a step in the wrong direction. Please do not approve this CUP.
Respectfully,
Terri Ross

**COLGAN, JULIE**

**From:** Jeannie Denholm <jdenholm@scapesite.com>
**Sent:** Friday, May 06, 2016 5:34 PM
**To:** PLANNING COMMISSION
**Subject:** Attn Costa Mesa Planning committee

Dear Costa Mesa Planning Commission,

I am writing in strong PROTEST to the addition of more Sober Living Homes in our residential area. I too ask the question: When is enough enough? Our neighborhoods are being compromised for reasons driven primarily by profit. I am in favor of rehabilitation and chances are all of our lives have been impacted in some way by someone we know who has had addiction issues. This is not a question of providing help to these people but addressing the appropriate manner in which to do so.

I lived next door to a SLH. I know first hand what goes on. Cigarette smoke and foul language was a common daily occurrence. Unfortunately loud music with foul lyrics was also very common. (from the porch). I cringed but could do nothing to prevent my kids from hearing it as they played in our backyard. It affected our house in that our children's friends stopped coming over to our house to play because their parents didn't want them to be subject to that environment. This stuff is not made up. It is all true. I did not see any signs of effective management or leadership taking place in these homes. And I am in full agreement, one manager on duty is not effective management for the number of patients per SLH. Late night shift changes meant cars pulling into the driveway next door with very loud radios playing (common shift changes were between 12:30am-1am). The blinds were kept closed on the house at all times. It was a bummer to be subject to the excessive trash and cigarette butts. This made for a very unfriendly, unwelcoming home next door. And that is NOT the reason we pay the prices we do to live in our neighborhood. We are drawn to these neighborhoods for the friendly community, cleanliness, home ownership pride and positive neighborly interaction.

I cannot make the May 9th meeting as I will be at a parent meeting at the nearby High School but I hope my voice will be heard and considered when the discussion takes place about the pending SLH's on Tustin and Wilson.

Thank you for your time.

Sincerely,

Jeannie Denholm

## COLGAN, JULIE

**From:** Scott Mackenzie <scott.e.mack77@gmail.com>
**Sent:** Monday, May 09, 2016 8:32 AM
**To:** PLANNING COMMISSION
**Subject:** Sober Living Homes

Hello,

I am writing in regards to the request made by Keith Randle of Summit Coastal Living to open a Sober Living Home at 165 E. Wilson Street, and 2041 Tustin Ave in Costa Mesa. I ask that you please not honor this request as the amount of SLH in our neighborhoods has gotten out of hand.

I moved to this area because of its central location to everything, and am now raising a family. I have a 2yr old, and another on the way. We have at least 3 SLH within an 800m radius of our home. These homes are not regulated, or monitored and when one of these so called "Sober" occupants gets kicked out they become homeless living in our communities creating havoc. Crime in our city has risen 35% in 2015. Our next door neighbors house was recently broken into, our cars have been vandalized. This community no longer feels safe, and there is no reason why these types of facilities should be allowed to operate in a community.

Thank you,
--
Scott MacKenzie

**COLGAN, JULIE**

**From:** Tiana Gutierrez <foxesandbunnies@gmail.com>
**Sent:** Monday, May 09, 2016 8:59 AM
**To:** PLANNING COMMISSION
**Subject:** Keith Randle Sober Living Home Request

To Whom it May Concern:

I am writing today in regards to the request by Keith Randle of Summit Coastal Living to open a Sober Living Home at 165 E. Wilson Street and 2041 Tustin Avenue in Costa Mesa. My husband and I, residents of Costa Mesa for the past five years, ask that the City of Costa Mesa NOT allow this request. The concentration of sober living homes already existing in the city is overwhelming. Many residents, myself included, feel unsafe and uncomfortable being in such close proximity to so many of these homes.

Thank you for your time.

Tiana K. Gutierrez
(949) 735-9144

Sent from my iPhone- please excuse any typos.

Tiana K. Gutierrez
(949) 735-9144

## COLGAN, JULIE

**From:** Babette Webster <babette_7@hotmail.com>
**Sent:** Monday, May 09, 2016 9:16 AM
**To:** PLANNING COMMISSION
**Subject:** Sober Living Home Permit

Planning Commission,
I respectfully ask you to deny a permit to Keith Randle of Summit Coastal Living to open a Sober Living Home at 165 E. Wilson Street and 2041 Tustin Avenue in Costa Mesa .
After 36 years of owning my home on Orange Ave. near Santa Isabel, it is becoming more and more difficult to feel safe and have a peaceful existence with the encroachment of these homes. Directly next door to me is a SLH with several units, and one across the street in a single family home. I am continually finding cigarette butts, trash, empty liquor cans/bottles in my yard, tossed over my backyard fence, loud talking, yelling, laughter, hooting, etc. at all hours. Loud delivery trucks, honking, general disturbance of my peace. Occasionally foul language and threats of fighting occurs, which is very unnerving right out in front of my home. I've given up on my friends and family being able to park anywhere near my home, as the staff and family from these businesses have that all taken most of the time. I am often having a problem putting my trash cans out to be accessible for pick up. Seriously, the list goes on. Please find a way to limit these types of businesses to industrial areas or the like. They have no place in a peaceful family living area.

Thank you,
Babette Webster

## COLGAN, JULIE

**From:** niladanielle lewis <sailnchef@hotmail.com>
**Sent:** Monday, May 09, 2016 9:23 AM
**To:** PLANNING COMMISSION
**Subject:** More SLH

Commissioner:

I am a life long resident of CM. I love this City and can't imagine living anywhere else. However, my life has been disrupted many, many times due to the influx of SLH's in the neighborhood.

The past 3 years my car has been vandalized, broken into and damaged trying to steal it, a drugged out woman tried to get into my house at 3am, I have found syringes, glass pipes, burnt tin foil, human feces & urination, discarded clothing, liquor bottles, cigarette butts and trash on and around my property. This was NEVER an issue before the 3!!!! SLH opened on my street.

They utilize the breezeway on my property to access the 3!!! SLH's behind me.

Please do not allow any more of these businesses open in our neighborhood! Specifically, 165 E Wilson & 2041 Tustin.

I often don't feel safe in my own home & certainly not walking my dog in the early morning or evening when there are groups of people coming and going from these homes.

Please consider this when you are faced with the proposition of opening any more SLH's in our neighborhood - they are destroying Costa Mesa.

Sincerely,

Nila Lewis

## COLGAN, JULIE

**From:** Stefan Scheumann <sscheumann@irvinecompany.com>
**Sent:** Monday, May 09, 2016 9:44 AM
**To:** PLANNING COMMISSION
**Subject:** Keith Randle of Summit Coastal Living request to open sober living home at 165 E. Wilson and 2041 Tustin Ave.

Dear Planning Commission,

As a 13 year resident of Eastside Costa Mesa and current homeowner of 259 E. Wilson Street my family and I are vested in the community. I appreciate what the community has to offer and want to continue doing my part to build a strong, safe community where children (including my two young daughters) are safe to run and ride their bikes.

A great concern of mine is the concentration and proliferation of sober living homes in Costa Mesa. Families are the cornerstone behind a great community, not sober living homes and the transient tenancy they bring. I already see the negative impact of one such facility located at 275 E. Wilson Street, just a few house down from my home.

I strongly and respectfully ask you to deny the permit request of Mr. Keith Randle of Summit Coastal Living to open sober living homes at 165 E. Wilson and 2041 Tustin Ave.

Thank you very much and please help us maintain the sense of community that makes Costa Mesa a great place to live.

-Stefan Scheumann
259 E. Wilson Street, Costa Mesa, CA 92627

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## COLGAN, JULIE

**From:** Alicia Wiley <amarie949@gmail.com>
**Sent:** Monday, May 09, 2016 9:44 AM
**To:** PLANNING COMMISSION
**Subject:** Sober Living - Opposition

As a resident of eastside Costa Mesa for over 13 years, I am writing to ask that you please DO NOT grant a permit to Keith Randle of Summit Coastal Living and his request for another sober living facility at 165 E. Wilson and 2041 Tustin Avenue in Costa Mesa.

I have personally witnessed the damage and decline of our neighborhood that these facilities have caused-- taking a once very safe, family friendly neighborhood to one where many of these men and women make our streets and neighborhood centers a place where we are afraid to live, due to their misbehavior, unstable mental states and damaged, criminal pasts.

Myself and my neighbors have also witnessed a huge increase in crime, many of times linked back to these members that are unable to get their lives on the right track and resort to lingering, drugs, drinking and causing problems throughout our neighborhood-- DESPITE the fact that they are supposed to be in "SOBER" Living.

Costa Mesa is a beautiful coastal community for friends, neighbors and families. We MUST STOP the addition of these units in a neighborhood that is already becoming overrun.

Leave our homes to the families that desire to live here to be a part of something greater and bring Costa Mesa back to the city it once was.

NO MORE SOBER LIVING!!!!!

Resident,

Alicia Wiley

**COLGAN, JULIE**

**From:** Capt. Jason Machovsky <machovj@aol.com>
**Sent:** Monday, May 09, 2016 9:48 AM
**To:** PLANNING COMMISSION
**Subject:** Coastal living sober living homes

Costa Mesa council members,

I am writing today regarding the request for coastal living to add two more sober living facilities in Eastside Costa Mesa. As a long time resident and homeowner in Eastside Costa Mesa, I find the proliferation of sober living homes to be detrimental to not only the values of our real estate in Eastside Costa Mesa, but also the quality of life.
The amount of theft and ancillary criminal activity that has proliferated in the neighborhood since these homes began opening up is absolutely astounding and unacceptable. It is my request that you would deny any further request to open these facilities in our city as we are overly burdened with them at this time there is no feasible way to monitor and control these facilities from Civil Code level at this time. Until such ordinance can be passed and enforced I feel there should be a moratorium on sober living facilities in our community.

Thank you for your consideration and I would ask again that we stop allowing these for-profit businesses to exist in the middle of our family neighborhoods at the expense of individuals and families who are trying to live in safe neighborhoods.

Captain Jason Machovsky

USCG, MSC
M/V TIGRESS
Tel: 714.330.7268
Email: tgrsscapt@aol.com

Sent from my iPhone

**COLGAN, JULIE**

**From:** Karen <triacca2@aol.com>
**Sent:** Monday, May 09, 2016 10:04 AM
**To:** PLANNING COMMISSION
**Subject:** Summit Coastal - I oppose the request for permit to operate Sober Living Homes at 165 E. Wilson Street and 2041 Tustin Avenue

I oppose the request for permit to operate Sober Living Homes at 165 E. Wilson Street and 2041 Tustin Avenue in Costa Mesa.
There are too many Sober Living Homes concentrated in this area.

Resident
1816 Fullerton
Costa Mesa

Sent from my iPhone

## ROSALES, MARTHA

**From:** Kristin Berkenfield <kberkenfield@yahoo.com>
**Sent:** Monday, May 09, 2016 3:07 PM
**To:** PLANNING COMMISSION
**Cc:** Dan
**Subject:** [BULK] NO CONDITIONAL USE PERMITS FOR SUMMIT COASTAL LIVING

**Importance:** Low

Dear Planning Commission,

I am writing to urge you to NOT allow the conditional use permits for 2041 Tustin Ave and 165 East Wilson. Our wonderful city has seen an extreme proliferation of these sober living facilities in our community and it's time that this proliferation ends! Our neighborhoods have been negatively impacted with neighbors needing to put up with excessive smoking, foul language, parking issues etc!
I plan to attend the meeting tonight although I understand it is possible that yet again this topic has been postponed. I believe Costa Mesa has made some good strides in trying to reign in this problem, let's continue to move in that direction by denying this conditional use permit that does nothing but create problems for Costa Mesa and line the pockets of Mr. Randle!

Sincerely,

Kristin and Dan Berkenfield
391 Broadway

Sent from my iPad

## ROSALES, MARTHA

**From:** Reed, Timothy <tim.r.reed@aviationweek.com>
**Sent:** Monday, May 09, 2016 3:20 PM
**To:** PLANNING COMMISSION
**Subject:** Keith Randle of Summit Coastal Living request to open a Sober Living Home at 165 E. Wilson Street and 2041 Tustin Avenue in Costa Mesa

Dear Costa Mesa Planning Commission,

I am writing to you regarding the request by Keith Randle of Summit Coastal Living to open a Sober Living Home at 165 E. Wilson Street and 2041 Tustin Avenue in Costa Mesa. I strongly PROTEST the addition of any more of these homes in our residential areas. We already have more than our fair share of SLH at 25% of those in Orange County. In fact we live two doors down from one now here on Wilson street and we don't need any more!

Respectfully,

Tim

**Tim Reed**
Strategic Accounts Director
279 East Wilson Street
Costa Mesa, CA 92627
Penton Aviation Week Network
timothy.reed@penton.com

**O** +1 949 650 5383
**M** +1 949 278 7718

AVIATION WEEK NETWORK

## ROSALES, MARTHA

**From:** dlynd56 <dlynd56@aol.com>
**Sent:** Monday, May 09, 2016 3:24 PM
**To:** PLANNING COMMISSION
**Subject:** Please stop more Sober Living Homes in Costa Mesa Ca

This email is in regards to the request by Keith Randle of Summit Coastal Living to open a Sober Living Home at 165 E Wilson St & 2041 Tustin Ave in Costa Mesa. Please do not allow this request the city already has numerous homes and it is ruining our city. These need to be stopped as Costa Mesa is already overloaded with them.

Sent via the Samsung GALAXY S® 5, an AT&T 4G LTE smartphone

**ROSALES, MARTHA**

**From:** Charles A Standen <castanden@yahoo.com>
**Sent:** Monday, May 09, 2016 3:28 PM
**To:** PLANNING COMMISSION
**Subject:** SLH

To whom it may concern,

Please please please do not allow this SLH nightmare to continue in our beloved Costa Mesa. I have been a resident here for the past 6 years, and I have seen some dramatic changes (Not for the Better) here in that short amount of time. We rent and are in the process of buying a home, but at this time we have decided to put that on hold because of the SLH issues that have come up. Honestly, I can not in good conscience put money towards a house in this area the way things are so we decided to wait for a year and see how all of this plays out. I have seen a massive increase in shady characters loitering around the neighborhood at all hours of the day. A huge spike in cars broken into, and homes targeted by those who are obviously not professional thieves but rather people looking for a quick buck to get their fix, an increase in trash in the street, cigarette butts on almost Every street corner by our house. We don't park our cars in the street anymore, and I keep every window and door locked and sealed even if I am working in the back yard. It is so bad, that sometimes when we leave to go on errands we look around and if there is a shady person standing near our house, we will wait to leave until they are gone for fear they are waiting for a house to be empty so they can rob it. It is really sad to me because I always loved this area, and have always hoped to start a family here and raise my children here. I say it is sad because I just don't see that happening here anymore the way things are. Too many problems that I am not willing to subject my family too.

The proposed SLH at 165 E Wilson st and 2041 Tustin ave can not be allowed to continue. Please, from one resident who wants to see his beloved costa mesa brought back, do not let these continue. I might feel differently if we were talking about our fellow costa mesa people, but as we all well know now these homes are being advertised nation wide and I can not see ANY benefit to our city. Please stop this madness before another robbery occurs, or car is stolen, or another person is stabbed in the middle of the day by the grocery store, or someones house is broken into, and the list can go on and on and on and on and on.....

Thanks you for taking the time to hear us, the Residents of Costa Mesa, the Taxpayers, the voters, the people who are tired of seeing our city go down the drain. Please stop this before all the good people leave because they just can't take it anymore. We don't need the revenue from these businesses. Period.

Charles Standen
2018 Orange Ave
Costa Mesa CA 92627
317-385-7235

## COLGAN, JULIE

**Subject:** May 9th CM Planners meeting - Conditional Use Permits for SLHomes 2041 Tustin for 13 MEN and 165 E. Wilson for 11 MEN

**From:** Molly Rigdon [mailto:mollyrigdon@sbcglobal.net]
**Sent:** Monday, May 09, 2016 3:32 PM
**To:** planningcommision@costamesaca.gov; rdicksoncmpc@gmail.com; aventrue@ca.rr.com; sandranian@yahoo.com; colinkmccarthy@yahoo.com; twsesler@gmail.com; ARMSTRONG, GARY <GARY.ARMSTRONG@costamesaca.gov>; FLYNN, CLAIRE <CLAIRE.FLYNN@costamesaca.gov>
**Cc:** Dylan Rigdon <drigdon@lagunaequity.com>
**Subject:** May 9th CM Planners meeting - Conditional Use Permits for SLHomes 2041 Tustin for 13 MEN and 165 E. Wilson for 11 MEN

Dear Costa Mesa City Planning Department,

I will be in attendance at your meeting on May 9th at 6PM in order to ***protest*** Keith Randle's (of Summit Coastal Living) request for Conditional Use Permits for his Sober Living Homes (SLH's) at 165 E. Wilson Street and 2041 Tustin Avenue in Costa Mesa.

I request on behalf of my family and many neighbors that both of these be denied.

***(Any neighbor who feels the same please respond by forwarding this or your own email to the CM city planning department and feel free to cc me. Voice your concerns loud and clear before May 9th, even better come to the meeting).***

I live on Esther Street, off of cTustin Ave. Parking, traffic and congestion are very, very heavy in this area during school drop off/pick-up and during sports practices/games. 2041 Tustin is adjacent to both Woodland Elementary and Kaiser Middle school. Many families park on Tustin, right in front of 2041 and walk their young children to school. While a SLH has operated in the front of this tri-plex recently, residents are not happy about it as it created a dynamic change to the neighborhood due to the transient nature of the residents.

I believe there is a SLH at 2175 Tustin Ave. very near the Boys and Girls Club, one at 425 East 20th Street and hundreds more all around us. You must be aware of the outrage of residents in the Newport Mesa area at the extreme proliferation of these legal, ADA protected, yet entirely unregulated homes. We can only react after a problem with a SLH home occurs!

Do we really need to house Sober Living Homes en masse in MFR units that are largely surrounded by SFR homes full of children and families? The overcrowding and closeness of living quarters of recovering addicts is unhealthy for ALL residents. Having 13 men in a trip-plex cluster on Tustin and 11 men on Wilson is not what the city ordinance wants in my interpretation.

Costa Mesa city Ordinance 14-13 states that the city needs to strike a balance between residents interests and opportunity for handicapped. **Costa Mesa has hundreds of SLH's.** The city has done more than it's fair share of heavy lifting for the addicted/handicapped. It is time to yield some respect and fairness to residents.

Our home values suffer when a SLH is on or near our street, yet the owner/operators collect over market rental income. No wonder SLH's are popping up everywhere! The transient nature of SLH's means that you never know your neighbor, because they don't live there for more than 30 days.

Even more frustrating is the nuisance created by transients who don't share the same pride of ownership or care for their home and the neighborhood. Regardless of how the owner says the SLH will operate, without regulation, you have no idea what goes on day in and day out in these homes, period!

A SLH opened on 2218 Holiday Road in 2015. We experienced first hand what happens when a SLH is your neighbor. Sadly many of the occupants did not seem to be on the path to recovery. Excessive noise, trash, smoking and even drug use ensued in this home. Needless to say it changed our entire street. Thankfully for us it was closed March 1, 2016 by the city of Newport Beach. No one regulates SLH's and this one, like many others, was not helpful to anyone including the occupants.

Current SLH's do not help addicts recover in a science based effective manner. AA's 12 step program will **NOT** cure a heroine or meth addict, nor was it ever intended to. In the meantime our family neighborhoods are being assaulted with more and more SLH's, adding to our homeless population and increased crime. Our children don't feel as safe as they did just a few years ago.

Please consider the facts and all the legal reasons why you do not need to approve the Conditional Use Permits for Keith Randle and his MFR SLH's. Again your city Ordinance states that the city needs to strike a balance. Please yield to families for a safe, healthy and friendly neighborhood.

Thank you for your consideration.
Sincerely,

Molly Rigdon

## ROSALES, MARTHA

**From:** Tom Leahy <tom@onehopewine.com>
**Sent:** Monday, May 09, 2016 3:34 PM
**To:** PLANNING COMMISSION
**Subject:** Sober Living

I am writing regarding the request by Keith Randle of Summit Coastal Living to open a Sober Living Home at 165 E. Wilson Street and 2041 Tustin Avenue in Costa Mesa. I am asking you to NOT to allow this request which will add two more Sober Living Homes to our Eastside Costa Mesa neighborhood.

**Best,**

Tom Leahy

**ONE**HOPE, President
www.ONEHOPEWINE.com
e: tom@onehopewine.com
c: 858-337-1437

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**ANGEL, KATIE**

**From:** COLGAN, JULIE
**Sent:** Tuesday, May 10, 2016 9:44 AM
**To:** TUCKER, MIKE; ANGEL, KATIE; GAMBOA, FIDEL
**Subject:** FW: Opposition to Keith Randle of Summit Coastal Living

**Julie Colgan**
Administrative Secretary
Development Services
CITY OF COSTA MESA
714-754-5245
julie.colgan@costamesaca.gov

HAVE A BLESSED 2016!!!

**From:** Maura Sekas [mailto:maura.sekas@yahoo.com]
**Sent:** Monday, May 09, 2016 9:03 PM
**To:** PLANNING COMMISSION <PLANNINGCOMMISSION@ci.costa-mesa.ca.us>
**Subject:** Opposition to Keith Randle of Summit Coastal Living

To The Planning Commission of Costa Mesa,

I am writing to ask that you please deny the request of Keith Randle to open sober living homes in our city at 165 E. Wilson Street and 2041 Tustin Avenue. My family and I have been residents and homeowners in Costa Mesa for 25 years. We are raising our young children here and in the last several years have been deeply concerned by a changing element in our city. After more than 20 years of living here with no problems, we had our car broken into in our driveway in the middle of the night and my 6 year old daughter was awakened at 3am by a drunk young man breaking into her bedroom door from our backyard. We have seen strung out people laying around all over town. I support people finding sobriety, but I do not believe that allowing more and more sober living homes to open in Costa Mesa is good for our city or its residents. Neither do I believe that sober living homes are necessary for people to find sobriety. I believe the huge increase in the sober living homes is fueled by greed and is detrimental to all involved, except the property owner that is making a huge profit in our neighborhoods, at our expense and the expense of those seeking sobriety.

Sincerely,
Julius and Maura Sekas

## ANGEL, KATIE

**From:** COLGAN, JULIE
**Sent:** Tuesday, May 10, 2016 9:44 AM
**To:** ANGEL, KATIE; GAMBOA, FIDEL; TUCKER, MIKE
**Subject:** FW: [BULK]

**Importance:** Low

**Julie Colgan**
Administrative Secretary
Development Services
CITY OF COSTA MESA
714-754-5245
julie.colgan@costamesaca.gov

HAVE A BLESSED 2016!!!

**From:** larswan [mailto:larswan@aol.com]
**Sent:** Monday, May 09, 2016 5:23 PM
**To:** PLANNING COMMISSION <PLANNINGCOMMISSION@ci.costa-mesa.ca.us>
**Subject:** [BULK]
**Importance:** Low

How many is enough?

I am writing regarding the request by Keith Randle of Summit Coastal Living to open a Sober Living Home at 165 E. Wilson Street and 2041 Tustin Avenue in Costa Mesa. I am asking you to NOT to allow this request which will add two more Sober Living Homes to our Eastside Costa Mesa neighborhood.

Larry Tuohino
2343 Westminster Ave
Costa Mesa 92627

## ANGEL, KATIE

**From:** COLGAN, JULIE
**Sent:** Tuesday, May 10, 2016 9:44 AM
**To:** TUCKER, MIKE; ANGEL, KATIE; GAMBOA, FIDEL
**Subject:** FW: sober living homes

Julie Colgan
Administrative Secretary
Development Services
CITY OF COSTA MESA
714-754-5245
julie.colgan@costamesaca.gov

HAVE A BLESSED 2016!!!

-----Original Message-----
From: Nancy Perkins [mailto:zimzala47@aol.com]
Sent: Monday, May 09, 2016 9:12 PM
To: PLANNING COMMISSION <PLANNINGCOMMISSION@ci.costa-mesa.ca.us>
Subject: sober living homes

While I can see the presence of licensed sober living homes that can show they are actually giving help to chemically addicted individuals. I don't see the proliferation of Sober Living Homes that have proliferated in out city in family neighborhoods. It seems to me there has to be a cap. More than our share (based on the county) are located in costa mesa. Its admirable that the projects on Wilson and Tustin have atlas asked for conditional use permits but do they also have state licenses? No CUP used be granted to a facility that is not state licensed at the very least and Joint Commission Accredited as the highest standard of qualification. Neither project can demonstrate the parking standard that simple residential projects have to meet when having as many as 11 or 12 cars at a site. These cars have to spill out on the street and impact neighborhoods. I am not sure how Lindbergh School functions these days but I am very sure that the other is too close to Woodland Primary School. We know that some of these residents are in recovery homes as a condition of prison release. We don't know what they were in prison for. How can we make sure our youngest children are protected. There are good SLH which adhere to regulations and have an actual program for recovery. But there are also SLH s that are running a scam on public healthcare funding and are in business for nothing more than lining their pockets. These are the ones that dump people on the streets with only a garbage bag of belongings, and almost immediately fill their spot with another paying customer thus double dipping. Lastly we see a 30% increase in crime in Costa Mesa I am sure this could be shown to be in direct proportion to the proliferation of sober living homes. What happened to our sweet safe little city that was such a wonderful place to live. I always felt so safe I never locked my door, left my car unlocked on the street without incident but now all my gates lock I make the rounds every night to ensure all my doors are locked. I have installed huge lighting and have installed surveillance cameras I never leave my car on the street locked are unlocked. I am scared and I don't like it one bit. Put a moratorium on the number of SLH. Don't approve any more and at the very least make sure of their credentials.
I do have two additional questions. First if these facilities have to apply for CUPs do they post a sign for 30 days prior as residential projects are obligated to do? are Keith Randle SLH and Keith Randle real estate agent one and the same.

Nancy Perkins
244 Broadway

Bob and Nancy Pedersen
2075 Tustin Ave.
Costa Mesa, CA 92627

REC'D MAY 12 2016

To: The City of Costa Mesa Planning Commissioners
Richard Dixon, Jr. - Chair
Jeff Matthews
Stephan Andranian
Colin McCarthy
Tim Sessler
Gary Armstrojng - CIO
Claire Flynn - Assistant Development Services Director

Date: May 10, 2016

Subject: Proposed Conditional Use Permit - PA-16-04
Site Address: 2041 Tustin Avenue

We received a notice that the hearing for the above application would be on May 9, 2016. We had received other notifications but all of the dates were moved. Since we did not receive any information informing us that the date had been changed, we went to the City Hall expecting that the hearing would finally take place. We were met at the door with a sign informing us that the hearing had been cancelled. We picked up information in regards to Keith Randle's application. We were amazed to read that Keith Randle emailed the City on Friday, May 6th to ask for a new date for his hearing. There was no way that the City had time to notify us of the date change. The City should have denied his request. The fact that the City agreed to postpone the hearing is complete disregard and disrespect for the citizens of Costa Mesa.

We have lived at this address since 1960. It has been a wonderful neighborhood. It has been stated in many letters to the City that there are two schools within a short distance of the proposed Sober Living Facility. We have small children walking to and from school all of the time. There is also a small park by the Boy's Club that adds to our nice resitential area. This is truly a family oriented area that Costa Mesa can be proud of.

We have many concerns in regards to such a facility in our neighborhood. After reading the information that we picked up yesterday evening, it appears that the City will approve Mr. Randle's application if he reduces the number of residents to seven with one live in manager. Even with this reduction in numbers the facility still does not meet the definition of a family home. We have many new neighbors who have recently bought homes. They all have small children who will grow up and use the adjacent schools.

We would like to restate the concerns that many people have expressed to the City Planning Commission.

Our neighborhood already has a lot of traffic problems and allowing this facility would add to the traffic issues and the additional guests of the occupants would also add to traffic issues. At this time there are an overabundance of facilities within Costa Mesa. Recently Costa Mesa was successful in getting a faciltiy to close and now you want to add more.

The many problems these facilities cause: trespassing, parking issues, swearing, smoking, break-ins are just a few. Many of these facilities have shown to not be good neighbors, decrease property values and create noise issues. We have read all of the letters that were sent to the Planning Commissioners and we agree with every one. We all encourage you to deny this application.

Sincerely,

Bob + Nancy Pedersen

May 11, 2016

Application No. PA-16-04, Proposed CUP
Site Address 2041 Tustin Ave
Applicant Keith Randle

To: The City of Costa Mesa Planning Commissioners

I am writing you this letter as a concerned and frustrated neighbor. Monday, May 9th at 6pm, I showed up to the planning commission meeting only to be told that the meeting I was there to attend had been postponed to an unidentified date. I later found out that the applicant had requested the postponement the Friday before. It was quite shocking to learn that the planning commission granted the request for postponement with no regard or communication out to the concerned neighbors. This is the 3rd postponement and would seem that the planning commission is predisposed to favor the applicant.

My family moved onto Tustin Ave last September with our three daughters. We bought our home thinking this was a family friendly residential area. However, we are now deeply concerned that the applicant is requesting to operate a business on our residential street proposing to house some 7 to 13 recovering male addicts. As a mother, I worry greatly about the well-being of my daughters. This is a residential area, and this type of business not only brings unwell people to the area, but their friends. Common complaints of the sober living homes include second hand smoke, cigarette butts, smoke and vaping vapors, excessive noise, trash, illegal parking, increased traffic, increased police response, and potential for residents being kicked out and homeless on our streets as soon as they don't pay their fees. As a resident I have the right to the quiet use and enjoyment of my home and to not be concerned about the safety of my family.

Additionally, this proposed business is within a short walk to Woodland Elementary school, Kaiser Elementary school and the Boys and Girls Club. As a parent, it is very concerning to have children walking by this business daily to get to schools and clubs and to have low level drug offenders and their friends walking around the neighborhood streets.

I recently paid a hefty premium to move to this area. I am also deeply concerned about what this will do to my property value and that of my neighbors. I understand that the applicant is a real estate agent with Villa Real Estate. I know they do a lot of business in the Newport and Costa Mesa area and I am surprised that the applicant, and further the Villa team is not also concerned with what this business will do to the property values in the neighborhood, as well as to their reputation.

I know Costa Mesa is trying to cut down on the number of sober living homes. I would like to encourage you, the planning commission, to deny this application and keep our neighborhood, a family friendly, residential only, safe place to be.

Sincerely,

*Jane and Eric*

Jane and Eric Spitz
2074 Tustin Ave

To: City of Costa Mesa Planning Commissioners; Richard Dixon, Jr., Jeff Matthews, Stephan Andranian, Colin McCarthy, Tim Sessler, Gary Armstrong – CIO, Claire Flynn - Asst Development Services Director

Date: May 13, 2016

Subject: Proposed Conditional Use Permit – PA-16-04
Address site: 2041 Tustin Avenue, CM

I am deeply concerned about the above proposal, and the postponements that have been taking place. I find this to be disrespectful to us as citizens of Costa Mesa.

We have a special neighborhood. There are two schools nearby, and a park by the Boy's Club that enhances our neighborhood. People choose to live in our neighborhood because of the good schools and the environment that makes for a healthy atmosphere for children and their families.

I believe strongly that Mr. Randle's Sober Living Facility is a detriment to our community. His revised request will increase the problem and add to the strong concerns of many families in the surrounding area. It is not a proposal for a *family home* and it should not be in our family neighborhood.

The number of sober living homes in our city is way beyond what is reasonable. The concerns have been stated over and over through multiple letters and I reiterate them:

1. Our children's safety is at risk (My number one concern!)
2. Increased break-ins where the Sober Living homes exist (Stats prove this!)
3. Questionable language, smoking and increased access to drugs and alcohol since statistics show that many return to the former behavioral patterns
4. Decreased property values; people will not choose a neighborhood that is at risk
5. Trespassing, increased traffic and parking issues
6. Lack of respect and ignoring good neighbor courtesies (friends have a sober living house next door to their home in East CM, and the tenants park in her driveway and ignore her repeated requests to park on the street!)

I have another concern. I understand that judges and lawyers and real estate agents purchase these homes and use them as investments. Might this not be a conflict of interest for those in the legal profession?

Please deny the application and think through what is best for families in our city!
Please continue to close the Sober Living Homes!

Sincerely,
Lydia M Sarandan

LYDIA SARANDAN • 425 GLOUCESTER • COSTA MESA, CA 92627
LSM

## ANGEL, KATIE

**From:** Judy St.Sure <judystsure@roadrunner.com>
**Sent:** Saturday, May 14, 2016 5:30 PM
**To:** ANGEL, KATIE
**Subject:** Sober Living on Tustin avenue in Costa Mesa

To Whom It May Concern:

I am writing to protest the sober living residence on Tustin Avenue in Costa Mesa. I am sure that any one of the committee members or city council members would never want one of these types of living arrangements next to their home. That should be something they consider when voting to place it next to someone else's home and I doubt that this debate would even exist.
To place this facility within walking distance of a school, a park, and a boy's and girl's club is blatantly irresponsible.
I have great compassion for the problems these men face having had alcoholism in my own family but there just has to be a better solution for everyone involved. I would not want to be a resident of the home in the midst of such objection. That is not good for the person seeking to improve the way they feel about themselves.
I know these situations are complex and call for great wisdom on your part as a committee. You want to be fair to all involved and make careful and just decisions. I don't envy the heavy responsibility that rests upon your shoulders. Yours is not an easy task.
Thank you for the opportunity to express my opinion and on behalf of my neighborhood, I trust that you will be guided to make the right, wise and compassionate decision.

Yours truly,

Ken and Judy St. Sure

Owners at Gloucester and Tustin

## ANGEL, KATIE

**From:** Noel Krueger <nmk261@hotmail.com>
**Sent:** Sunday, May 15, 2016 7:20 PM
**To:** colinkmccarthy@yahoo.com; rdickson.cmpc@gmail.com; twsesler@gmail.com; aventrue@ca.rr.com; sandranian@yahoo.com; kbrandle@yahoo.com; ANGEL, KATIE; GAMBOA, FIDEL; ARMSTRONG, GARY
**Subject:** Good Neighbors

Hello,
I am writing in support of the Summit Coastal Living home in my neighborhood. I have lived in Costa Mesa for 15 years, and have walked all of the East side with my dogs. When I heard about the "Proliferation" of Sober Living homes in my neighborhood, that were going "bring down our home values, and make parking a nightmare" I wanted to know where they were.
I was shocked to find out that I have been walking past them for years, and was none the wiser of their existence.
I live on Esther street, and just recently found out that there was a sober living home on the next street, on the same block as my family with teenage kids. The things I feared: tattooed men aimlessly marauding the neighborhood looking to corrupt my teenagers have never appeared. We even went to sell Girl Scout cookies there a few years ago, and were met by a pleasant woman at the door. We still didn't know it was a Sober House.
On Tustin Street just north of 20th street there is a group of triplexes in varying degrees of upkeep. I was again surprised to find out that the nicest of the properties is also a sober home. As I said before I have walked all of the East Side with my dogs, and I can tell you there are some absolutely beautiful homes in this area, and there are some dumps. The Sober homes that I am closest to are nice, quiet, respectable homes. I think we as neighbor's should remember that these are people who have chosen to better their lives. I understand that they city feels the need to regulate in some way the businesses are run, but don't treat the resident's or owners as villains. We need to be good neighbors to get good neighbors.
Thanks,
Noel Krueger
261 Esther St.

## ANGEL, KATIE

**From:** Catherine Helshoj <catherineh@lagunatools.com>
**Sent:** Monday, May 16, 2016 3:35 PM
**To:** rdickson.cmpc@gmail.com; colinkmccarthy@yahoo.com; twsesler@gmail.com; aventrue@ca.rr.com; sandranian@yahoo.com; keith randle; gary.armstrong@citycostamesaca.gov; ANGEL, KATIE; GAMBOA, FIDEL
**Subject:** Sober Living

We live in an imperfect world and there is no such place providing nirvana and we all have demons that life gives us to conquer. Unfortunately our son has demons that he is facing thanks to Keith Randle and Summit Coastal Living.

On February 9th, 2016 we were fortunate to find Summit Coastal Living and Keith Randle. Our son has benefited from being a resident at this facility and we are comforted that he is living in a safe, clean and caring environment. The rules Keith applies and follows every day are executed without any opportunity to cancel or the resident is removed promptly. Drug testing is completed through a lab, curfews are kept to and the facility is well kept, professionally managed and immaculate. Keith is involved with everyone of his residents and in constant touch with their families. He insists that they attend a 12-step meeting every day for 90 days and attend a treatment program such at Hoag's. This is not the norm!

When I first starting looking for a sober living house for my son I soon discovered that this is a new industry full of fast talking business people who were all about 'closing the deal'. I own a business so understand what it takes to run a successful company and non of the people I spoke to within the Orange County area were interested in the welfare, occupational liability or well being for our son. In fact our son lived at Rhino House in Costa Mesa until the residents started selling Zanex and other illegal drugs, fighting and numerous police encounters. The time spent at this facility was an eye opening experience for my family that left us sleepless and concerned for our sons safety. Finally our son begged us to get him out of there as he was frightened due to all the violence.

The purpose of this email is not to trash Rhino House but to explain the desperation a family faces when their family member is looking for a Sober Living Facility. We literally held our breath each day not knowing if we would hear from our son due to the violence

The attitude of 'not in my backyard' is small minded, bigoted and quite frankly un-American. We all have issues to work through, depression, alcoholism, mental illness, addiction, hoarding afflictions and more. Most of these are hidden behind closed doors and never come to the publics eye until they impact the people around them. I would not like to live beside such a place as Rhino House with needles outside on the street, dealers on the corner and addicts with no rules to abide by.

Summit Coastal living provides a safe and much needed facility for people to put their lives back together. I will personally vouch for this facility as I frequently visit my son unannounced and have not experienced anything but a positive, 100% sober living place for young men that are turning their lives into productive human beings.

Please give Summit Coastal Living the opportunity to continue to offer this safe and sober environment.

I encourage you to contact me if you would like to speak to me in person. My cell number is 949 241 3267.

Regards,

Catherine Helshoj Phone: (949) 474-1200
Vice President: (949) 474-0150
2072 Alton Parkway
Irvine, CA 92606
Catherineh@lagunatools.com

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May 17th 2016

To the City of Costa Mesa Planning Commission.

Re: CUP for Summit Coastal Living

I am writing this letter to you in SUPPORT of Keith Randle and Summit Coastal Living, a men's sober living in Costa Mesa.

My daughter and I have lived at 2045 Tustin Ave, Apartment C since 2011. Summit Coastal Living is my next door neighbor. We have never experienced any problems with any of the people who have lived at 2041Tustin Ave in the past 5 years we have lived here. We share a somewhat common driveway without any issues. The residents are respectful, quiet and courteous.

Sincerely,

F.N
5-18-2016

Fred Niavarani

2045 Tustin Ave C

Costa Mesa Ca 92627

## ANGEL, KATIE

**From:** COLGAN, JULIE
**Sent:** Monday, May 23, 2016 8:19 AM
**To:** ANGEL, KATIE; GAMBOA, FIDEL; TUCKER, MIKE
**Subject:** FW: SLH

Julie Colgan | Administrative Secretary
City of Costa Mesa |Development Services Department
714-754-5612 | julie.colgan@costamesaca.gov

HAVE A BLESSED 2016!!!

-----Original Message-----
From: Jamie Arrow [mailto:jamiearrow@me.com]
Sent: Sunday, May 22, 2016 5:10 PM
To: PLANNING COMMISSION <PLANNINGCOMMISSION@ci.costa-mesa.ca.us>
Subject: SLH

Please stop allowing SLH in our local neighborhoods. Many residents from these homes are often disrespectful, unlawful, and/ or strung out. Recently, their intimidation and harassment has made me very uncomfortable to raise my family here. This is devastating to us because we chose this area due to its safety, and the second we moved in a few years ago, we faced break-ins, theft, vandalism, and simply high people who were paranoid and lost on the street. It's pathetic and sad. Not only do these homes threaten our safety, they ruin our reputation and property values.

Please don't put another home on Tustin. Woodland and Kaiser are right there! Please stop for our children.

Jamie Arrow
Redlands Drive

**ANGEL, KATIE**

| | |
|---|---|
| **From:** | rhigrandle@aol.com |
| **Sent:** | Tuesday, May 31, 2016 9:40 PM |
| **To:** | rdickson.cmpc@gmail.com; colinkmccarthy@yahoo.com; twsesler@gmail.com; aventrue@ca.rr.com; sandranian@yahoo.com; gary.armstrong@citycostamesaca.gov; ANGEL, KATIE; GAMBOA, FIDEL |
| **Cc:** | kbrandle@yahoo.com |
| **Subject:** | 2041 Tustin Ave, Costa Mesa |

Dear City of Costa Mesa Planning Commissioners and Planning Department,

My name is Robyn Higgins Randle, I own the property located at 2040 Garden Lane, Costa Mesa which is directly behind the property for which a CUP has been filed by Keith Randle. For transparency, I wish to disclose that I was married to Keith Randle for close to 20 years. Keith and I jointly owned both of these properties until 7 years ago when we divorced at which time I took title of 2040 Garden Lane and he took title of 2041 Tustin Ave. During our 10 years as Landlords of these 2 properties we have **1)** maintained them above average for the community, **2)** held strict rules for our tenants and **3)** been active landlords.

My property is the exact same triplex, layout and square footage as 2041Tustin Ave. I currently have 10 tenants living on my property with an 11th due any day now. Historically my tenants have always been young families and they have never experienced any adverse condition whatsoever since the establishment of 2041 Tustin Ave. as a Sober Living Home. With the knowledge that the number of my tenants reside together comfortably on my property, I fail to understand why the City of Costa Mesa would desire to limit the number of residents to 8 at 2041 Tustin Ave. Logically to me, if you want to place a requirement on the number of residents, it should be more along the lines of 2 per bedroom or in this case 14 residents. I believe the limitation of 8 residents on the property to be unconstitutional and in direct conflict with Federal Fair Housing Laws.

My second concern is that it seems you are discriminating against 1 property of residents without any awareness whatsoever as to other residents identities in the immediate area. As you are aware there are an abundance of apartments, duplexes, condos and rental properties in that vicinity. Wouldn't it be interesting to know how many alcoholics, addicts, abusers, convicted criminals, tax evaders and illegal enterprisers reside behind all of those doors? I would argue that it is comforting to me to know that at 2041 Tustin Ave. there is a **positive living environment for members of our community who want to live healthy lives**. I would prefer to have a Sober Living Home next to me than have a bunch of college fraternity brats partying 24-7. Please consider for a moment that it does seem contradictory to penalize a healthy and sober lifestyle.

I hope that you will consider my comments in your decision making process.
Thank you for your time,

*Robyn Higgins Randle*
*949-230-0636*

## ANGEL, KATIE

**From:** Greg Thunell <stupified35@msn.com>
**Sent:** Monday, June 06, 2016 8:08 PM
**To:** rdickson.cmpc@gmail.com; colinkmccarthy@yahoo.com; twsesler@gmail.com; aventrue@ca.rr.com; sandranian@yahoo.com; ANGEL, KATIE; GAMBOA, FIDEL
**Subject:** Summit Coastal Living

Gentlemen of the Planning Commission. You have a choice to make. **You are dealing with a recovery industry** that has good actors and bad actors. You are dealing with a Costa Mesa city government that has some good ordinances and, in recent "Tea Party" years, City Council has passed several very unjust ordinances. As a matter of legal fact, City Council Majority from 2011 through 2016 has placed some city ordinances on the books which oppose Federal and State Law regarding discrimination. Short term compliance with such ill-advised ordinances may achieve someone's political agenda. However, standing with City Council majority against Federal and State laws will eventually have consequences in the courts for one and all who take the wrong side in the battle of justice. You must make an **informed** decision to negotiate these boundaries.

Be aware that it has been stated in City Council meetings that Planning Commissioners are NOT doing their job. Perhaps City Council majority is trying to shift the blame for some of their corrupt ordinances to the Planning Commission. Perhaps you thought City Council Majority were your friends. Think twice. City Council Majority will throw others under the bus to serve their purposes. **To City Councilmen, everyone else is a pawn** in their game of real-life Monopoly. At the May, 17, 2016 meeting, the Planning Commission work ethic was questioned. At that same meeting, most of the residents who came to address City Council were informed by MPT Righeimer that they are NOT the city. Rest assured, in his opinion, neither are you.

Back to business. You are dealing with a recovery industry that has good actors and bad actors. The good actors care about the residents. Good actors protect the rights of the residents. Good actors want the residents to stay sober. Good actors place the well-being of the residents over money. Good actors place the well-being of their neighbors above money. Good actors require a positive, sober, productive result for the individuals who live in their homes along with good relationships with their neighbors. **Good actors will eject a** resident who is not a good neighbor, or if the resident relapses into active addiction.

I was invited to tour Summit Coastal Living ( www.summitcoastalliving.com). Absolutely the only way to determine for sure if a Sober Living Facility is a good actor is to take a tour of the premises. Failure to do so will leave you uninformed. Therefore, I accepted the invitation of owner, Keith Randle, to tour his Summit Coastal Living facility on Thursday, May 19, 2016. I can assure you that what I witnessed informs me that Summit Coastal Living complies with all Federal and State laws. Summit Coastal Living is a good actor in the recovery business.

According to the values listed in the "back to business" paragraph, Summit Coastal Living is a good actor in every instance. Summit Coastal Living is one of the "good guys" in the recovery industry by every measure by which the recovery industry governs itself. Recovery comes before cash with an ethical business. I therefore recommend that each and every member of the Planning Commission go see for yourselves. Take the tour, not only to prove to yourselves that I am right. **Take the tour because it is your duty.** Take the tour so that City Council cannot say, "The Planning Commissioners are not doing their job." Take the tour as representatives of the City of Costa Mesa.

However, should the city try to mandate discriminatory practices that violate recovery home rights and the rights of the alcoholic, such actions are wrong and would put the city at risk.

When a business has been successfully operating properties as sober living facilities since 2013, without disruption to the neighborhood, and within the law, it makes no sense to persecute that business.

When neighbors have not been affected and are just now being informed that these properties are sober living homes, it is senseless to attack the property owner.

The Planning Commission hearing has already been postponed twice as the city makes changes.

Should the Planning Commission approve or advocate any unreasonable and unlawful conditions that are in violation of the Federal Fair Housing laws and the American Disabilities Act, such actions would put the City of Costa Mesa at risk.

Should the Planning Commission abandon their duty to investigate the ethics and integrity of Summit Coastal Living in person, any decision made by the Commission would then be uninformed.

One final note: You are dealing with a Costa Mesa City Council that has good actors and bad actors. Good actors will represent the residents of the City of Costa Mesa by adhering to ethics and integrity. Good actors follow the law of the land. Gentlemen of the Planning Commission: You have a choice to make.

Greg Thunell
Costa Mesa Resident since 1962

## ANGEL, KATIE

**Subject:** FW: Summit Coastal Living

**From:** Bret Rosol [mailto:brosol@tierrada.com]
**Sent:** Monday, August 01, 2016 2:44 PM
**To:** PLANNING COMMISSION <PLANNINGCOMMISSION@ci.costa-mesa.ca.us>
**Subject:** Summit Coastal Living

Hello – I heard a rumor that Keith Randle of Summit Coastal Living is going before the commission tonight for his sober living homes at 165 E Wilson Street and 2041 Tustin Ave. If this is true this is very disappointing because there has been significant opposition to these homes and very little notice. Unfortunately this item has been continued so many times that its' hard to keep track and I'm sure that is no coincidence on the applicants part.

If this is true, then I'm writing to ask the planning commission to deny the applicants request. My wife and I live at Elden and Wilson and are already aware of a half dozen homes in our immediate area. Over the past few years we have seen many more transients and drug paraphernalia on our street. Enough is enough. We do not want to see our neighborhood being given away to these homes.

Unfortunately I cannot attend the meeting tonight and I know several others who are in the same position. Please either continue this item again so that the surrounding neighbors can have a say, or deny it outright.

Regards,

Bret Rosol
Costa Mesa Resident – Elden Ave

## ANGEL, KATIE

**To:** COLGAN, JULIE
**Subject:** RE: SLHomes

**From:** Debbie Vranesh [mailto:dvranesh@amerinational.net]
**Sent:** Monday, August 01, 2016 2:08 PM
**To:** PLANNING COMMISSION <PLANNINGCOMMISSION@ci.costa-mesa.ca.us>
**Subject:** SLHomes

Dear Planning Commission

I am writing regarding the request by Keith Randle of Summit Costal Living to open a Sober Living home at 165 E. Wilson St and 2041 Tustin Ave in Costa Mesa.

Please DO NOT allow this request. We do not need more of these homes in Costa Mesa. The crime rate has risen so much in my neighborhood. I live on Monte Vista and Elden. There has been more break ins, stolen packages, stolen property, used needles, vagrants, trash, etc. in the past year. In fact, it's increased over the last few months.

Please listen to the homeowners that live in this RESIDENTIAL community.

**Debbie Vranesh | Operations Manager**
800.943.1988 ext. 1242| dvranesh@amerinational.net | www.amerinational.net

AMERINATIONAL COMMUNITY SERVICES
d/b/a AmeriNat'in KY, GA, and FL

## ANGEL, KATIE

**Subject:** FW: Summit Coastal Living

**From:** marilyn russell [mailto:mjr0630@yahoo.com]
**Sent:** Monday, August 01, 2016 2:47 PM
**To:** PLANNING COMMISSION <PLANNINGCOMMISSION@ci.costa-mesa.ca.us>
**Subject:** Summit Coastal Living

Dear Councilmembers:

As a longtime resident of Costa Mesa, I am writing to ask you to deny the permitting of any more sober living facilities within the city of Costa Mesa. Deny Keith Randall's request to add two more multi-unit facilities - one on East Wilson Street and the other on Tustin Avenue. **Enough is enough!**

Our city is changing dramatically and we are seeing the negative impacts on our streets everyday.

Thank you.

Marilyn Russell
2138-A Orange Avenue
Costa Mesa, CA

August 17, 2016

REC'D AUG 19 2016

To: Costa Mesa Planning Commission

Subject: Rehab Facility Application PA-16-04, 2041 Tustin Avenue

Dear Planning Commission Members,

There are many significant reasons to compel you to deny this application. Paramount in your mind should be the impact on the safety of those in the surrounding area, in particular those highly vulnerable to inappropriate adult behavior, namely the elementary students who attend Woodland Elementary School which is less than a hundred yards from the subject property. This school has a 300+ enrollment of 5 to 8 year old's who pass in very close proximity to the proposed facility on a daily basis.

Occupants of rehab facilities are there because of their need to develop stability, discipline, and behavior modification. Said another way, these individuals lack stability, discipline, self-control, and have acted in a dangerous/ illegal manner resulting in their admittance to the facility. To house 12 such individuals with propensity for recurring behavioral problems so close to a school represents a risk that must be avoided. I suggest you question Mr. Randle if he would embrace having his elementary age children walking by a tightly packed 12 bed rehab facility on their way to and from school.

While rehab facilities serve an important purpose, you planning committee member have the responsibility to prevent creating dangerous situations in our community as result of their implementation. Out of proper respect to families please act on behalf of the safety of these children and deny the application for this rehab facility in the proposed location.

Fred Kindgren
2056 Tustin Ave
Costa Mesa 92627

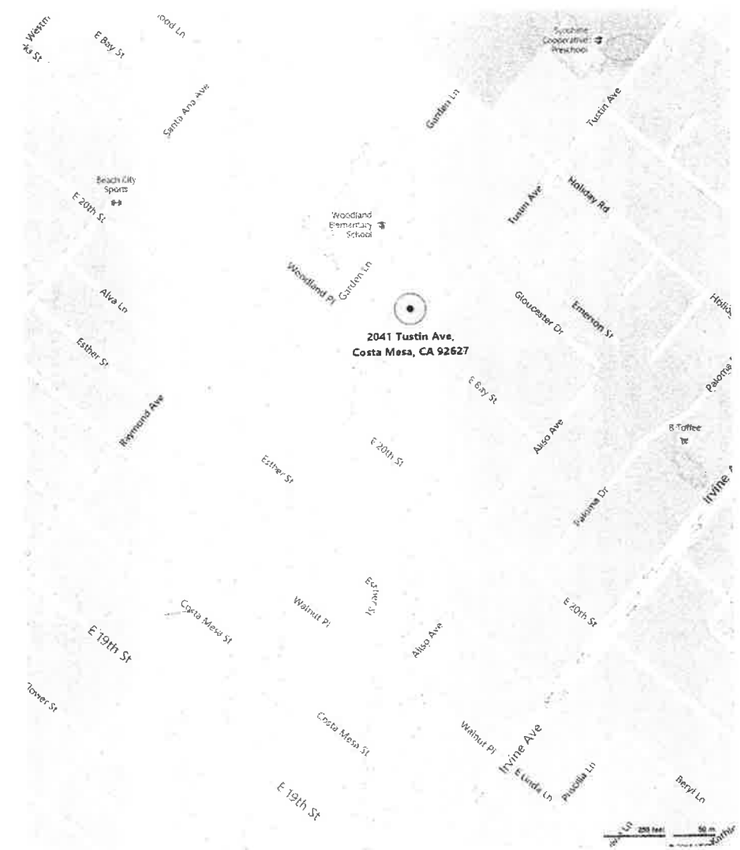
ATTACHMENT 7

Summit Coastal Living

| PAGE# | CONTENTS |
|---|---|
| 1 | (E) SITE PLAN |
| 2 | (E) UNIT A FLOOR PLAN |
| 3 | (E) UNIT B FLOOR PLAN |
| 4 | (E) UNIT C FLOOR PLAN |
| 5 | (E) UNIT A ELEVATIONS |
| 6 | (E) UNIT B & C ELEVATIONS |

104

# VICINITY MAP




Summit Coastal Living

**Applicant:**

Summit Coastal Living
P.O. Box 2028
Newport Beach,CA 92659

**Project Address:**

SCL I
2041 Tustin Avenue
Costa Mesa,CA 92627

**Scope of Work:**

Sober Living Home
Operator's Permit
Conditional Use Permit

**Jurisdiction:**

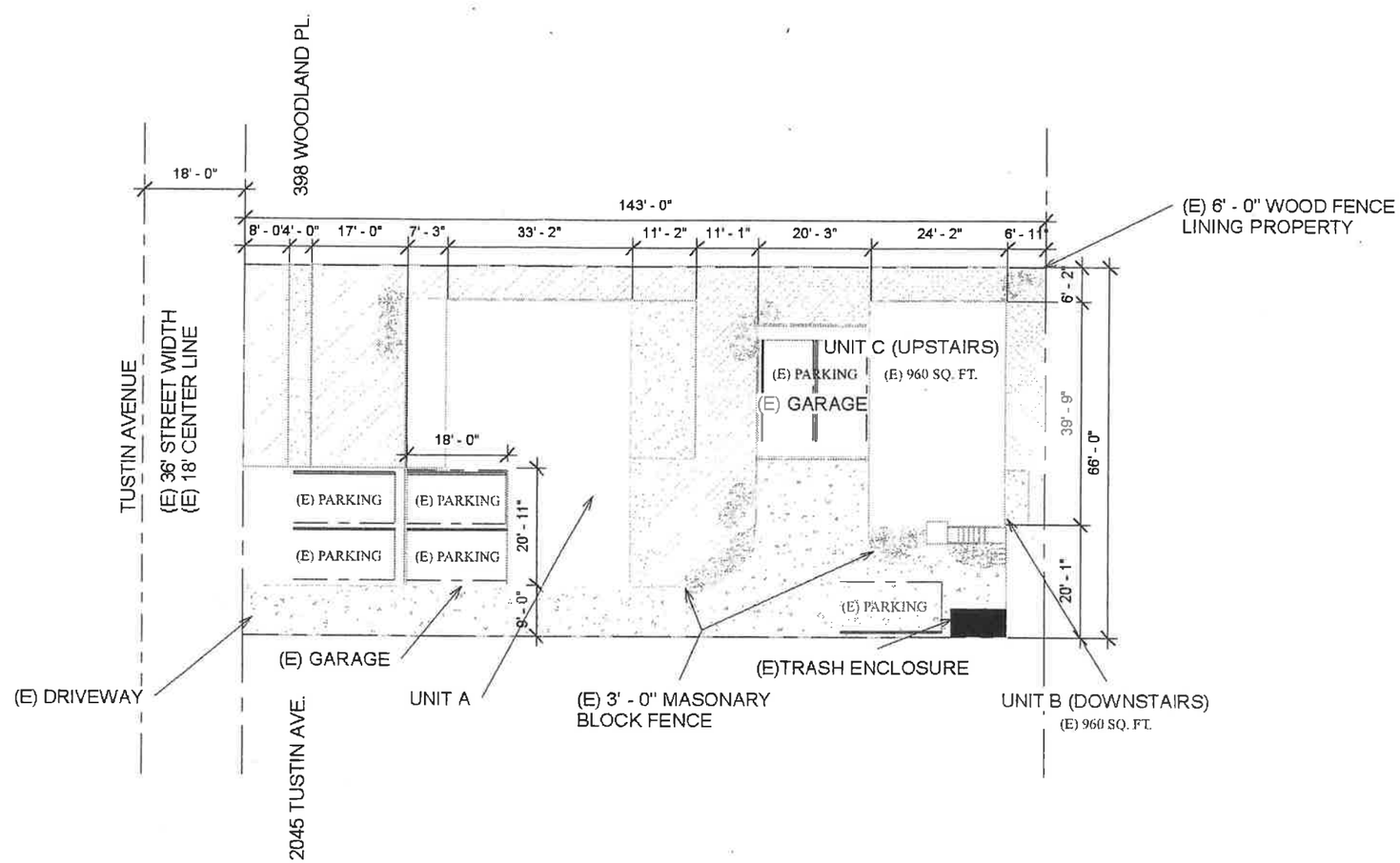
City of Costa Mesa
77 Fair Drive
Costa Mesa, CA 92626

**Note:**

No Proposed Construction
Zoning Drawings

**Page Number:**

0




1 (E) SITE PLAN
1" = 20'-0"

Summit Coastal Living

**Applicant**

Summit Coastal Living
P.O. Box 2026
Newport Beach,CA 92659

**Project Address:**

SCL I
2041 Tustin Avenue
Costa Mesa,CA 92627

**Scope of Work:**

Sober Living Home
Operator's Permit
Conditional Use Permit

**Jurisdiction:**

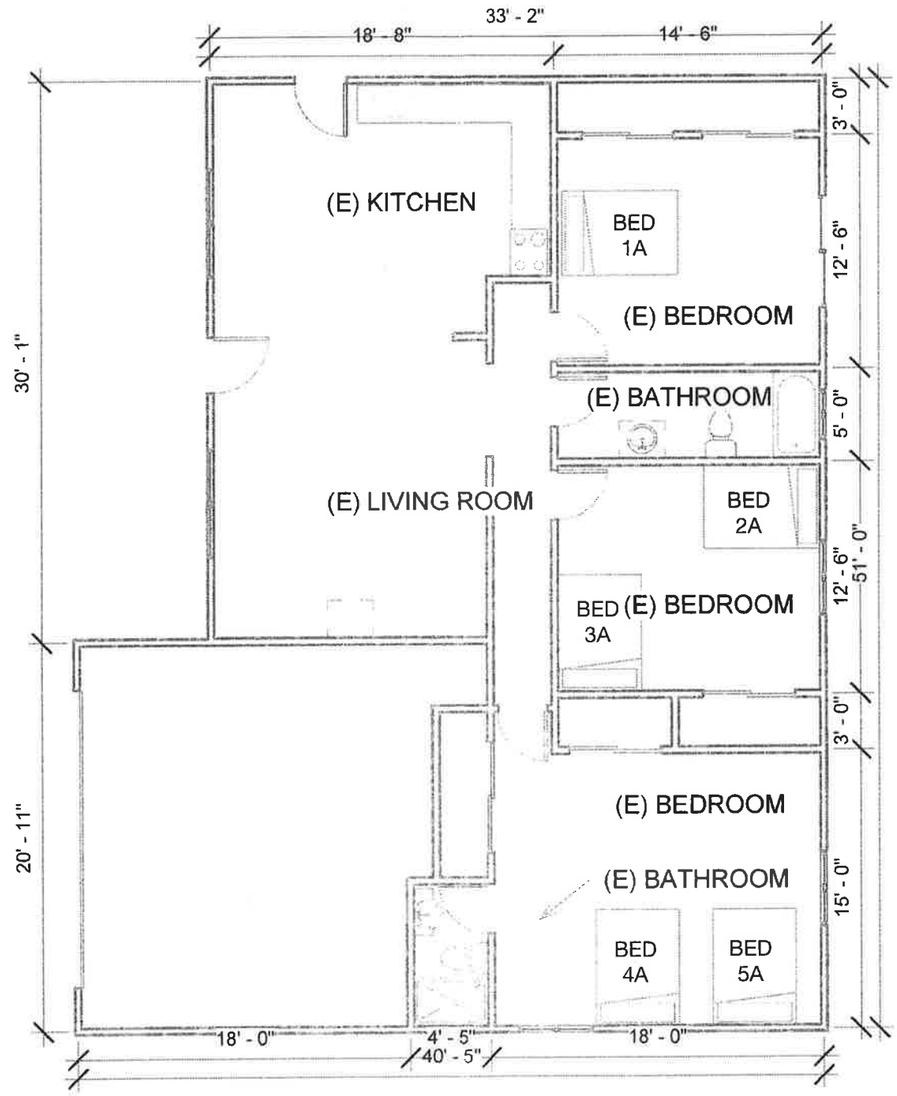
City of Costa Mesa
77 Fair Drive
Costa Mesa, CA 92626

**Note:**

No Proposed Construction
Zoning Drawings

**Page Number:**

1




1 (E) UNIT A FLOOR PLAN
1/8" = 1'-0"

Summit Coastal Living

**Applicant:**

Summit Coastal Living
P.O. Box 2028
Newport Beach,CA 92659

**Project Address:**

SCL I
2041 Tustin Avenue
Costa Mesa,CA 92627

**Scope of Work:**

Sober Living Home
Operator's Permit
Conditional Use Permit

**Jurisdiction:**

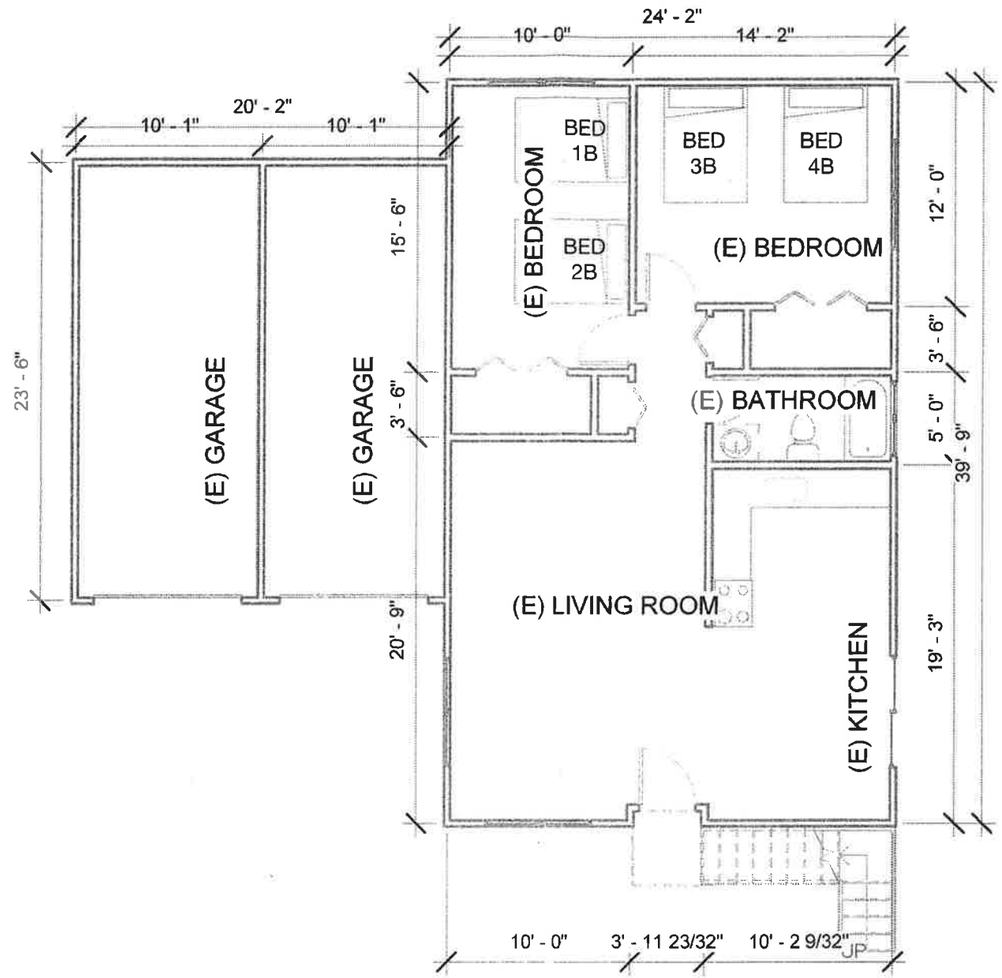
City of Costa Mesa
77 Fair Drive
Costa Mesa, CA 92626

**Note:**

No Proposed Construction
Zoning Drawings

**Page Number:**

2




1 (E) UNIT B FLOOR PLAN
1/8" = 1'-0"

Summit Coastal Living

**Applicant:**

Summit Coastal Living
P.O. Box 2028
Newport Beach, CA 92659

**Project Address:**

SCL I
2041 Tustin Avenue
Costa Mesa, CA 92627

**Scope of Work:**

Sober Living Home
Operator's Permit
Conditional Use Permit

**Jurisdiction:**

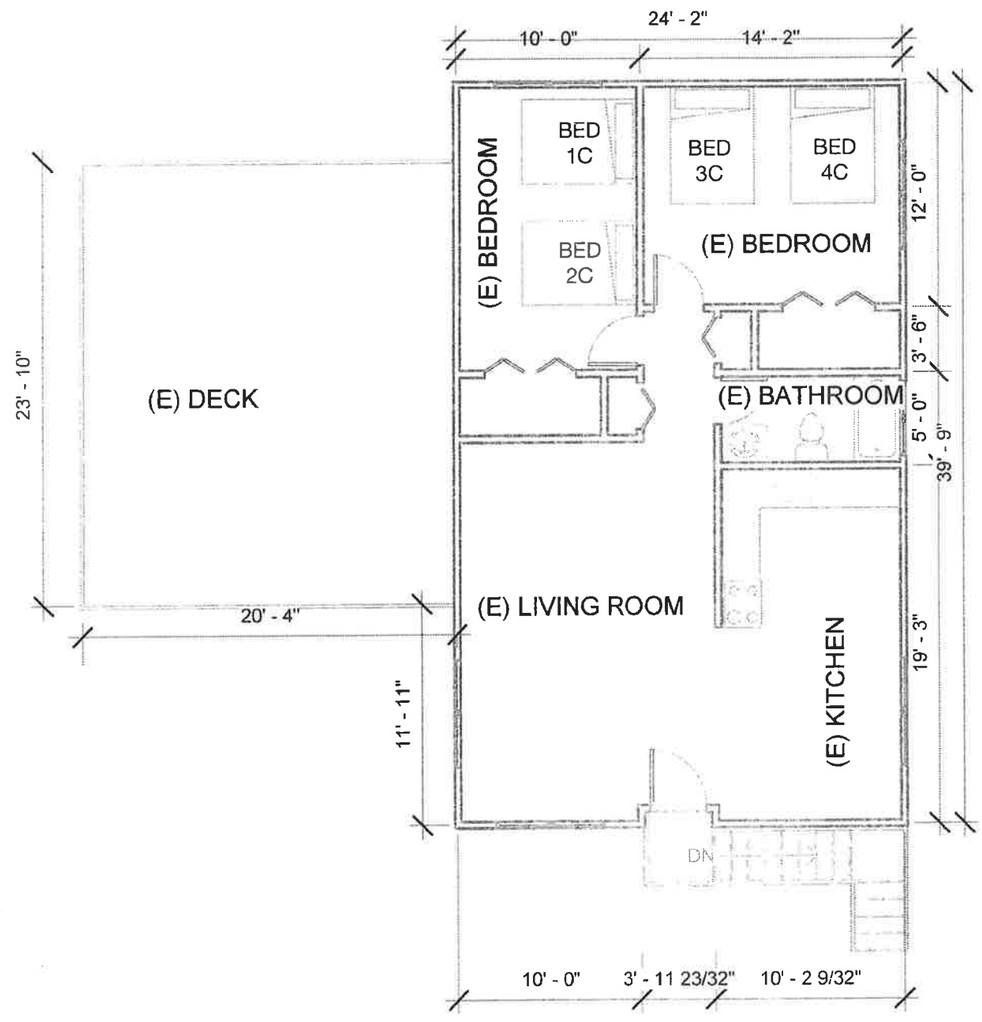
City of Costa Mesa
77 Fair Drive
Costa Mesa, CA 92626

**Note:**

No Proposed Construction
Zoning Drawings

**Page Number:**

3




1 (E) UNIT C FLOOR PLAN
1/8" = 1'-0"

106

Summit Coastal Living

**Applicant:**

Summit Coastal Living
P.O. Box 2028
Newport Beach, CA 92659

**Project Address:**

SCL I
2041 Tustin Avenue
Costa Mesa, CA 92627

**Scope of Work:**

Sober Living Home
Operator's Permit
Conditional Use Permit

**Jurisdiction:**

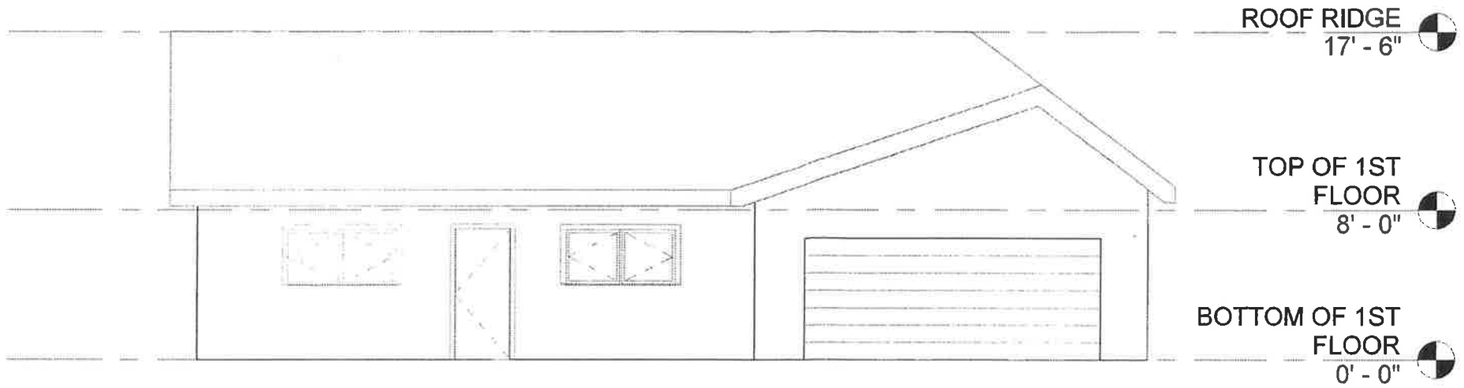
City of Costa Mesa
77 Fair Drive
Costa Mesa, CA 92626

**Note:**

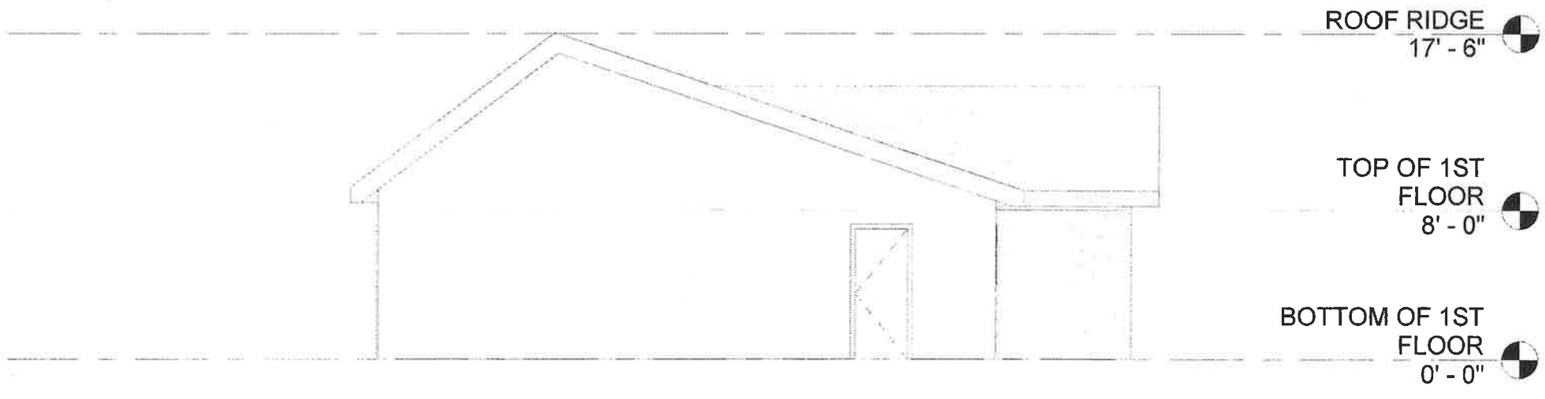
No Proposed Construction
Zoning Drawings

**Page Number:**

4




1 UNIT A (E) S. ELEVATION
1/8" = 1'-0"




2 UNIT A (E) W. ELEVATION
1/8" = 1'-0"

Summit Coastal Living

**Applicant:**

Summit Coastal Living
P.O. Box 2028
Newport Beach, CA 92659

**Project Address:**

SCL I
2041 Tustin Avenue
Costa Mesa, CA 92627

**Scope of Work:**

Sober Living Home
Operator's Permit
Conditional Use Permit

**Jurisdiction:**

City of Costa Mesa
77 Fair Drive
Costa Mesa, CA 92626

**Note:**

No Proposed Construction
Zoning Drawings

**Page Number:**

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1 UNIT B & C (E) N. ELEVATIONS
1/8" = 1'-0"

2 UNIT B & C (E) E. ELEVATIONS
1/8" = 1'-0"

110

Summit Coastal Living

**Applicant:**

Summit Coastal Living
P.O. Box 2028
Newport Beach,CA 92659

**Project Address:**

SCL I
2041 Tustin Avenue
Costa Mesa,CA 92627

**Scope of Work:**

Sober Living Home
Operator's Permit
Conditional Use Permit

**Jurisdiction:**

City of Costa Mesa
77 Fair Drive
Costa Mesa, CA 92626

**Note:**

No Proposed Construction
Zoning Drawings

**Page Number:**

6

PH-8

**COLGAN, JULIE**

**From:** Katherine Smith <kat.smith49@yahoo.com>
**Sent:** Wednesday, November 09, 2016 11:47 AM
**To:** PLANNING COMMISSION
**Subject:** Alarmed at the amount of SLH's on Eastside

To whom it may concern , I am writing to ask that you don't allow the requests for more Sober Living Homes. Please know that as a concerned citizen of Costa Mesa I feel strongly that there are way to many Sober Living homes in this area.
In particular, I am asking that 165 E Wilson and 2041 Tustin ave.in Costa Mesa not be turned into an SLH.
Again,I ask that you deny the request by Keith Randal to turn these properties into more SLH's.
Thank you, Katherine Smith
kat.smith49@yahoo.com

329 Broadway Costa Mesa 92627 Please keep me informed

Sent from my iPad

PH-8

**COLGAN, JULIE**

**From:** Leah Belfiore <leah.belfiore@gmail.com>
**Sent:** Thursday, November 03, 2016 8:28 PM
**To:** PLANNING COMMISSION
**Subject:** Upcoming meeting on Nov 14th re: Sober Living Homes

Hello,

I learned that you will be having a Planning Commission meeting to discuss allowing variances for a number of Sober Living Homes that are nearby to my home on Windward Ln (1/2 block from the Boys and Girls' Club) and in the Kasier/Woodland Elementary school zone. We live very near to the 2041 Tustin Ave address that is applying for a conditional use permit to run a sober living facility for men.

Please be aware that this is just too close to the Boys and Girls Club and too close to Woodland Elementary School. There is such a high level or recidivism with alcohol and drug abuse that I don't feel they should be located so near to elementary schools and children's care facilities, such as the Boys and Girls club.

If these Sober Living Home investors feel the need to turn our neighborhoods into reckless money making machines, can they please just do it less often? Or in less concentration.

Please protect us. Our city is already being overrun with severely mentally ill homeless people and drug addicts that vandalize our cars and burglarize our homes regularly. Can you at least slow the expansion of these homes in our neighborhoods? The concentration is getting to be too much to bear.

I realize the city wants the additional taxes generated from the business these homes provide, but there needs to be a limit.

Thank you for your consideration. If you have any questions, please call or email me.

Best regards,

Leah Belfiore

Costa Mesa/Newport Beach resident for 25 years.
Raising two teen boys who attended Costa Mesa schools
Board President, Back Bay Therapeutic Riding Club, a nonprofit serving the disabled in Costa Mesa and Newport Beach
Major donor to the Boys and Girls Club
Employed by Great Pacific Securities, a securities firm located in Costa Mesa

Leah Belfiore
leah.belfiore@gmail.com
cell: 949-836-2638

Woodco Investment
Company, Inc.
www.woodcoinv.com

PH-8

NOVEMBER 4, 2016

CITY OF COSTA MESA
PLANNING COMMISSION
P.O. BOX 1200
COSTA MESA, CALIF. 926281200

REC'D NOV 08 2016

RE:PA 16-04 2041 TUSTIN AVE.

I KNOW THAT I'VE WRITTEN ON THIS ITEM SEVERAL TIMES
DO THEY KEEP "HAMMERING" THESE THINGS UNTIL ALL OPPOSITON ENDS, OR TIME RUNS LONG ENOUGH? IS THERE A SCHEDULE OR LIMITATION OF HOW MANY TIMES YOU CAN "HAMMER" A BAD SITUATION HOPING TO OVER=RIDE THE OPPOSITION. YOU CITE THAT IT'S 'EXEMPT' FROM SEC. 15301 AND I HAVEN'T THE SLIGHTEST IDEA AS TO WHAT THAT ENCOUNTERS.

DOSEN'T THE PROXIMATE LOCATION OF THE SCHOOL HAVE ANY BEARING ON THE SITUATION? DO WE REALLY "NEED"THESE "DRY_OUT" FACILITIES LOADED INTO COSTA MESA? AREN'T RENTS CHEAPER IN FRESNO, SAN BERNARDINO OR SOME OTHER PLACE?

WHY THE "GLORY" IN A BEACHY COMMUNITY? I'VE GOT A 6 UNIT AT 1767 ORANGE AND THEY JUST 'EMPTIED IT OUT' THE UNIT TO THE NORTH THAT SEEMED TO HAVE GIRLS - AND BOYFRIENDS GALORE ALL OVER THE PLACE INCLUDING OUR FRONT LAWN WHICH NOW MIGHT BE LESS ATTRACTIVE TO THE BOTTLES AND TRASH.

HOW ABOUT A BIG "NO".

Woodrow Lewis

WW II INFANTRY SGT. WITH 22 VALOR AWARDS

P.S. WHEN DOES TIME 'RUN-OUT' FOR PEOPLE APPLYING FOR THESE SITUATIONS? ---NEVER.

3740 Campus Drive • Suite #100 • Newport Beach, CA 92660-2639 • TEL: (949) 756-8557 • FAX: (949) 833-0153

RECEIVED
- 3 REC'D

# NOTICE OF PUBLIC HEARING

The Costa Mesa Planning Commission will hold a public hearing as follows to consider:

| | | | |
|---|---|---|---|
| **HEARING DATE:** | November 14, 2016 | **HEARING TIME & LOCATION:** | 6:00 P.M. or soon thereafter<br>Council Chambers City Hall<br>77 Fair Drive Costa Mesa, CA |
| **Application No.** | PA-16-04 | **Applicant/Agent:** | Keith Randle |
| **Site Address:** | 2041 Tustin Avenue | **Zone:** | R2-MD |
| **Contact:** | Community Improvement Division (714) 754-5618 | **Environmental Determination:** | Categorically exempt under Section 15301, Class 1 (Existing Facilities) |
| **Website:** | www.costamesaca.gov | **Email:** | PlanningCommission@costamesaca.gov |

**Description:** Conditional Use Permit, pursuant to Costa Mesa Municipal Code Section 13-323, to allow an all-male Sober Living Facility operated by Summit Coastal Living. The facility will serve thirteen occupants, including a resident house manager, within three existing units.

**Environmental Determination:** The project has been found not to be categorically exempt under Section 15301 of the CEQA Guidelines. Notwithstanding the foregoing, if this action were found to be a project, it would be exempt from CEQA under Section 15321 for Enforcement Actions by Regulatory Agencies.

**Additional Information:** All interested parties may appear and present testimony in regard to this application. If you challenge this project in court, you may be limited to raising only those issues you, or someone else raised, at the public hearing or in written correspondence delivered to the City, at or prior to, the public hearing. Any written correspondence or other materials for distribution to the Planning Commission must be received by Planning Division staff prior to **3:00 pm** on the day of the hearing. No copies will be made after **3:00 PM**. If the public wishes to submit written comments to the Planning Commission **after 3:00 pm on the day of the hearing,** 10 copies will be needed for distribution to the Commissioners, City Attorney and Staff. See reverse for more information.

No.!

PH-8

**STEVEN G. POLIN, ESQ.**
*Attorney At Law*
**Admitted to DC & MD**

3034 TENNYSON ST. N.W.
WASHINGTON, D.C. 20015

TEL (202) 331-5848
FAX (202) 331-5849
SPOLIN2@EARTHLINK.NET

November 13, 2016

**SENT VIA ELECTRONIC MEANS**

**Received**
City of Costa Mesa
Development Services Department

NOV 14 2016

Sheri Vander Dusen, AICP
Interim Assistant Director
Development Services Department
City of Costa Mesa
77 Fair Drive
Costa Mesa, CA 92628

Re: Summit Coastal Living CUP application

Dear Ms. Vander Dusen:

I am writing in response to the staff report to the Planning Commission with its recommendations for the approval of Summit Coastal Living's ("Summit") CUP application. The staff is recommending approval of the CUP with contingent upon the approximately 30 conditions.

I have been informed by my client, Keith Randle, that he has expressed with reservations or outright opposition to several of the conditions. Please be advised that Summit opposes two of the conditions as to whether such conditions can be legally imposed. The two conditions and Summit's opposition is as follows:

Item number 4 concerns indemnification. It reads as follow:

> **Applicant shall defend, with the attorney of City choosing, and shall indemnify and hold harmless the City, its officials and employees, against all legal actions filed challenging City's approval of the applicant's project and/or challenging any related City actions supporting the approval.**

This condition is illegal and alternative language agreeable to Summit cannot be proposed.. The Costa Mesa Municipal Code does not provide for the imposition of an indemnity requirement on any land use permit, and as such the City and the Planning Commission cannot legally impose such a condition. Nor does the State of California, either through its statutes regulating zoning, or in court decisions allow a city to impose such a condition. This condition is being imposed for the sole reason that Summit Coastal Living is a a sober house out of concern that the City will be sued by neighbors who would take an appeal to Superior Court in opposition to the granting of the

conditional use permit. The City always runs the risk of a lawsuit in any CUP application it approves or denies. Finally, this conditions is coercive and constitutes a contract of adhesion.

The same holds true for condition number 5, which states"

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

This condition should be reworded to state the following:

Authorized City officials must provide a minimum of 24 hours notice before coming to the house for any reason.

Summit should only have to present its CUP to a duly authorized representative upon request only if the City requires all holders of a CUP to present it any duly authorized City official upon request. Again, this is a term or condition that violates the Fair Housing Act unless applied to all CUP holders.

Under the Fair Housing Act, this type of condition is illegal. 42 U.S. C.§ 3604(f) (2) makes it unlawful to discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection with such dwelling, because of a handicap of--( A) that person; or (B) a person residing in or intending to reside in that dwelling after it is so sold, rented, or made available; or (C) any person associated with that person.

42 U.S.C.§ 3604(f)(3) states that for purposes of this subsection, discrimination includes-(B) a refusal to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford such person equal opportunity to use and enjoy a dwelling. 24 C.F.R. § 100. 70(b) provides that it shall be unlawful, because of race, color, religion, sex, handicap, familial status, or national origin, to engage in any conduct relating to the provision of housing or of services and facilities in connection therewith that otherwise makes unavailable or denies dwellings to persons. 24 C.F.R. § 100.70(d)(4) states that prohibited activities relating to dwellings under 24 C.F .R. § 100. 70(b) include, but are not limited to, refusing to provide municipal services or property or hazard insurance for dwellings or providing such services or insurance differently because of race, color, religion, sex, handicap, familial status, or national origin.

If you would like to discuss the issues prior to the Planning Commission hearing, please email me at spolin2@earthlink.net.

Sincerely yours,

Steven G. Polin

cc: Keith Randle

PH-8

November 13, 2016

**To:** **City of Costa Mesa Planning Commission**

**From:** **Mesawoods Townhome Association**

**Subject:** **Opposition to Proposed Planning Application 16-04 for an All Male Sober Living Facility at 2041 Tustin Avenue.**

**Request of the Commission:**

Mesawoods requests that if a Sober Living Home is approved for the site at 2041 Tustin Avenue that it be limited to one (1) person per bedroom for a maximum seven (7) clients, including an on-site manager.

Alternatively, if the only options available to the Commission are to approve the application as submitted or deny the application, Mesawoods requests that the application be denied.

**Background:**

In a communication I received from the applicant relative to the Mesawoods Homeowner's Association position on the proposed Sober Living Home at 2041 Tustin Avenue, I was asked:

*"Do you think that people like you should be able to discriminate against me because my residents choose not to ingest mind altering substances into their bodies [?]"*

For the Commission's consideration and public response, and to be clear, this is not that.

First, many people <u>choose not to ingest mind altering substances</u> and do so without the need for a group home. But for those who do need such a facility, the issue at hand here, for this specific site, is simply whether or not the intensity of use proposed is appropriate given the circumstances that we noted in our letter to the Commission dated April 20, 2016.

To summarize here, as our full letter is a part of the current staff report, our concerns were that too many adult persons were being proposed on a substandard lot, with a unit count that exceeds current density allowances, and on a site without adequate parking.

Additionally, as we noted in our letter, while we would prefer that such uses not be needed at all, if an application is to be approved for this site it should certainly be for less than 13 adults.

In sum, the issue is not who will reside at this location but how many.

In that regard, we were somewhat encouraged by the Planning Department's recommendation to the Planning Commission in a report prepared for one of the several prior meeting dates that were continued (report dated May 9, 2016), where many of our concerns were specifically addressed and that the staff's recommendation was for only seven (7) clients and one (1) on-site manager.

Unfortunately that report was not included in the current agenda package.

More to the issue relative to the capacity of the site, it is understood that the applicant might claim, as articulated in an e-mail included with the current staff report from the owner of the property at 2040 Garden Lane, that to limit the number of clients would be impermissible, as similar restrictions are not imposed for other residential uses.

While admittedly not versed in what appears to be a complicated and complex web of legal considerations, as lay people, it is difficult for us to reconcile seemingly contradictory elements established thus far in the record relative to the precise nature of this use.

For example, in Summit Coastal Living's own "project discussion" those living in the applicant's homes are referred to as "clients" and according to Summit Coastal Living House Rules posted on applicant's website those clients are also referred to as "guests." Additionally, the guests to be served at this home are limited to male clients only, a requirement that would not be permitted in the typical residential housing market and as such it is hard to see how the proposed use is the same as a traditional residential use. Moreover, unlike typical tenant/landlord relationships these "guests" are subject to "immediate removal and termination" of residency for violation of certain rules. Again, this disparity seems to indicate that the proposed use is not identical to a traditional residential use but rather more of a business enterprise.

These types of distinctions certainly bring into question whether or not the nature of the proposed use is the same as other residential uses.

With all of that said, it seems to us that either the City has the ability to regulate this particular type of use or it does not.

In other words, if the proposed use is really just another residential use, why is there a need for a Conditional Use Permit? Moreover, if prudent intensity of use limitations cannot be imposed at this site, how could the city refuse to grant another similar permit for another home in the area, even if a new site would be within 650 feet of the subject address as required by ordinance?

Finally, it seems to defy logic that if as presented in the current staff report the Commission can in fact deny the application, how is it that a limitation of the number of clients served could not also be an option?

In conclusion, and based on observations noted above it is clear that a valid Ordinance has been adopted by the Costa Mesa City Council requiring a Conditional Use Permit for the type of home proposed for 2041 Tustin Avenue. That Ordinance in turn gives the Planning Commission authority to approve, conditionally approve, or deny the subject application. Within that range of discretion it would seem that the Commission has the ability to limit the intensity proposed for the site. As such, Mesawoods requests that if a Sober Living Home is approved for the site that it be limited to one (1) person per bedroom for a maximum seven (7) clients, including an on-site manager.

This action would allow the use proposed by the applicant while at the same time mitigating concerns relative to parking, noise, and second-hand smoke resulting from the proposed adult only use on a substandard residential lot.

At the same time it should be noted that the result of this action would still provide the applicant with options for the economic use of the property either as a Sober Living Home or a more customary tenant/landlord arrangement.

Finally, our recommended action would allow for the type of facility that addresses the special needs for these types of homes, thus not discriminating against clients.

Furthermore, in our opinion, it seems that a one (1) person per bedroom plan would provide even a better living condition for those being served, including the dignity of having their own individual and personal living space and thus an even healthier living environment promoting more rapid and long lasting recovery.

Alternatively, if the only options available to the Commission are to approve the application as submitted or deny the application, Mesawoods requests that the application be denied.

PH-8

Nov 14, 2016

Costa Mesa Planning Commission

77 Fair Dr.

Costa Mesa, Ca 92627

Application No.: PA-16-04

Site Address : 2041 Tustin Ave. Costa Mesa, Ca 92627

To whom it mat concern,

My name is Richard Adams. My wife and I own the property located at 2045 Tustin Ave. Costa Mesa, which is next door to the property in question. We find that the sober living facility has greatly affected this neighborhood in a negative way. Our tenants have complained of people loitering, smoking, leaving cigarette butts all over the grounds. Cars are parked everywhere up and down Tustin Ave. and strange guys coming and going every day. This facility also lowers property values, rent values, and makes it almost impossible to find a tenant family who wants to live next to this behemoth institution, thus making our property very difficult to rent. We think that Tustin Ave. is one of the great streets in the city of Costa Mesa, and to allow such an establishment in our quiet family neighborhood contradicts all that we feel about this wonderful community. However, we remain confident and have great faith in the leaders of our community to do the right thing in the best interest of our great city, and not permit any further degradation to our neighborhood communities.

Sincerely,

Richard Adams

PH-8

## COLGAN, JULIE

**From:** Barbara Morihiro <barb_mor@yahoo.com>
**Sent:** Monday, November 14, 2016 2:48 PM
**To:** PLANNING COMMISSION
**Subject:** 2041 Tustin Avenue PA-16-04 Public Hearing tonight Nov 14, 2016
**Attachments:** 2041 Tustin SLH Nov2016c.docx

My family is very concerned about the potential impact of granting a CUP, permanent status, to the above named property as a SLH. Please do not approve this request for a CUP.

I've attached a letter detailing our family's concerns. If you have any problems opening the attachment please contact me.

Thank you,

Barbara Morihiro
Costa Mesa homeowner and resident

**REGARDING APPLICATION PA-16-04 FOR 2041 TUSTIN AVENUE**
Submitted by Keith Randle

**TO:** Chairman Robert L. Dickson, Jr.,
Vice Chairman Jeff Mathews,
Commissioners Stephan Andranian, Colin McCarthy and Tim Sesler

Dear Chairman Dickson and Costa Mesa Planning Commissioners:

- The Conditional Use Permit process needs to be carefully explained and examined regarding this property. If approved the CUP remains with the property, "runs with the land", even if sold to other owners. No matter how well this current property is managed there is absolutely no guarantee that would continue with different management. Research and data regarding sober living facilities conclude it is an extremely challenging operation and very few appear to be successful. This property is not the ideal layout or location for continual success of such a large scale, risky operation and may not provide the best opportunity of recovery from addiction for so many men.
- From the street this property appears to be a single family home, but it is actually 3 completely separate units. Furthermore, this property is overbuilt for its size. The city analysis shows that currently only 2 units would be allowed on the property which has 3 units, with less open space than would be required today. As stated in the research by the Costa Mesa city staff this exceeds the average household size in the General Plan: "(According to the General Plan,) the average household size in the City is 2.68 occupants per dwelling unit. The applicant's facility proposal to house 5 occupants in Unit A is 1.87 times the City's average...and the inclusion of 4 occupants each in Unit B and Unit C is 1.49 times the City's average household size...According to the most recent federal census date, the average household has 2.2 individuals over the age of 18." (handwritten page 8, May 9, 2016). Housing 13 adult men on this property would be exceed the city occupancy average by at least 150 percent and even more for the national household average. For example, this would be akin to having 12 adult men sharing a 3000 square foot home, which would feel very over-crowded.
- Expecting one manager to supervise 12 adult men, in various stages of recovery from addiction to drugs and/or alcohol is pretty challenging. Expecting this one manager to effectively supervise the health and safety of these vulnerable men 24 hours a day, 7 days a week is even more daunting. Housing these same vulnerable men in three separate apartments, spread out in two separate buildings, on separate floors, is pretty much impossible. This manager may have the best intentions and training, but the reality is that one person cannot physically be in three places at one time. It is extremely unrealistic to present this property as being manageable by one live-in supervisor. No matter how it is presented in words or pictures, this property remains three very separate units where one person cannot possibly effectively manage 12 adult men navigating the challenge of fighting addiction.

- Also there are not enough parking spaces as required: "...if developed today, only a maximum of two units would be permitted on the lot with a minimum of 10 onsite parking spaces...an all adult dwelling unit would likely cause a disproportionate number of cars and traffic than would typically be associated with a single housekeeping unit." (handwritten page 8, May 9, 2016). Currently the property offers seven parking spaces, four are "tandem" with two spaces in the garage and two on the driveway outside the garage. There are three spaces in the back part of the property near the two-story building. There is a long driveway leading to the back of the property but allowing tandem parking on this long driveway would severely limit emergency access to the property. There is the possibility of street parking, but only a couple cars could park in the street in front of 2041 Tustin. As a long-time resident in this neighborhood I am very aware of some of the parking problems.
    - Most of the homeowners need the curb space in front of their own homes for their own vehicles and guests. Out of courtesy to our neighbors it is customary in our neighborhood to respect their privacy and only park our cars on, or in front of our own property. The owner of this proposed sober living home cannot assume that the residents can regularly park their cars in front of adjacent homes.
    - Our neighborhood has curb side mail boxes, so parking is also limited since the postal delivery people need access to the mail boxes.
    - Furthermore, on trash pick-up days the numerous trash cans take up even more curb space, since every property now has cans for regular waste and a green can for recyclable waste. The adjacent triplexes have at least two cans per unit, meaning there needs to be room for 6 trash cans, in the street, in front of each unit (since our trash trucks have the robotic device to pick up the trash cans).
    - There is also one day a week for street cleaning, so curbs need to be free of cars for the street sweeper. Clean streets are not only visually appealing but safer and healthier for our city.
    - The biggest impact on street parking is the number of cars arriving for Woodland Elementary School, on Garden Lane, less than 200 feet away from 2041 Tustin Avenue location. There are over 500 students enrolled at Woodland, and that number increases every year. Woodland Elementary is actually a primary school with classes for Pre-Kindergarten, Kindergarten, 1st and 2nd Grades, ages 4-8 years old. These children are very young and parents are required to accompany them back and forth to school. There are no crossing guards at Tustin, Woodland or Garden Avenues, so it is crucial that the parents and their children have safe access on all the streets surrounding the school. These children are very young, very small, so traveling long distances to get to class can be a hardship to these families, especially since many of these parents are also juggling toddlers or babies as well. The school parking is barely adequate for the staff so many parents seek parking on the adjacent streets, preferring to park as close to the school as possible to minimize crossing streets. If you have ever had to escort small children, possibly pushing a stroller or holding a baby, you can appreciate the challenge and preference for staying on a sidewalk as long as possible to get

to your destination. This is the challenge faced every school day by these hundreds of parents in our neighborhood. These young families deserve safe access to school and almost all the streets near Woodland Elementary are impacted by this necessity on school days and over-crowding this triplex could severely jeopardize the access our young families need and deserve.

- One reason the student population increases at Woodland Elementary is the increasing density of residential construction in the Eastside area of Costa Mesa. Also these schools, Woodland Elementary, and nearby Kaiser Elementary School (grades 3-6), are highly regarded by our community. Our neighbors and the school community are very involved and supportive of these schools. Home ownership, and rental properties, in these school zones are very desirable and more appropriate for our neighborhood and ultimately benefit the city by their involvement and dedication to our community.

We realize the challenge of successful recovery from addiction but if the applicant truly wants what is best for these vulnerable individuals than creating the best possible environment should be the goal for success. As Dr. Michael Brant-Zawadzki, the Executive Medical Director of Hoag Neurosciences Institute stated, in response to an inquiry from our city staff regarding this sober living proposal that **"a boardinghouse-style residential facility with 15 individuals who have no communal relationship, living under individual contracts with an operator for varying short lengths of stay is more of a commercial or institutional setting, one that may be counter-therapeutic to reintegration into a sober living lifestyle."** (from the staff report for May 9, 2016, handwritten page 84-85). Dr. Brant-Zawadzki continues to state that so many "recovering addicts living together could potentially be detrimental to these individuals' recovery by fostering a 'labeling' function, one that unnecessarily creates an 'addict' victim mentality..." These are important facts from a highly respected expert in our community. Another letter ("Attachment 14" from agenda 2016-05-09) your Planning Commission received from Joan Ellen Zweben, Ph.D addressed questions from your staff about a large-scale Sober Living Facility: **"...Larger size does not necessarily bring more benefits, especially in a boarding house model...Under certain circumstances, 15 people in supportive housing could even be detrimental to recovery...Having 15 people and minimal structure is a recipe for problems...Sober Living Environments are challenging with any number of residents."** Another expert expressing concerns that a proposal of this nature may actually inhibit a successful recovery.

After carefully examining the many facts regarding this property it is apparent that this is not the best use of this existing triplex, nor what is best for the many residents, families and children in our neighborhood. Please do not approve this potentially permanent change to the nature of our family friendly neighborhood.

Thank you,

The Morihiro Family
Woodland Place
Costa Mesa