



DIRECTOR HEARING REPORT

MEETING DATE: OCTOBER 24, 2016

ITEM NUMBER: No. 1

SUBJECT: COMMUNITY IMPROVEMENT APPLICATION SL-15-0038 SPECIAL USE PERMIT TO ALLOW A SOBER LIVING HOME WITH SIX (6) OR FEWER PERSONS AT 582 PIERPOINT DRIVE

DATE: OCTOBER 6, 2016

FROM: COMMUNITY IMPROVEMENT DIVISION/DEVELOPMENT SERVICES DEPARTMENT

**FOR FURTHER INFORMATION CONTACT: KATIE ANGEL (714) 754-5618
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Description

Application SL-15-0038 is a Special Use Permit (SUP) filed pursuant to City of Costa Mesa Municipal Code, Title 13 Section 13-311, for a single-unit sober living home with 6 occupants (not including one live-in house manager) in an R1 zone.

Applicant

The applicant is Kurt Schneider.

Project Description

The subject property is a single family residence located in central Costa Mesa and surrounded by other homes with an R1 zoning designation. The applicant describes the facility as a sober living home. According to the City's records, this facility was existing when Ordinance 14-13 became effective.

Background/Analysis

On October 21, 2014, the City Council adopted Ordinance 14-13 revising Title 13 of the Costa Mesa Municipal Code (CMMC) to add Chapter XV which established conditions for granting a SUP to group homes with six or fewer residents in an R1 (single family residential) zone. In enacting the ordinance, the City Council made the finding that housing inordinately large numbers of unrelated adults in a single-family home or congregating sober living homes in close proximity to each other does not provide the disabled with an opportunity to "live in normal residential surroundings," but rather

places them into living environments bearing more in common with types of institutional/campus/ dormitory living. Further, the City Council found that a 650-foot distance requirement between sober living facilities provides a reasonable market for the purchase and operation of sober living homes within the City and still results in preferential treatment for sober living homes in that non-disabled individuals in a similar living situation (i.e., in boardinghouse style residences) cannot reside in the R1 zone. Specifically, CMMC section 13-311(b)(6) provides in relevant part:

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

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

There is an existing state licensed alcoholism and drug abuse recovery treatment facilities with six or fewer residents located at 598 Pierpont, approximately 187 feet from the facility. The state licensed facility is operated by New Life Treatment Center, Inc. and provides residential detoxification services to a co-ed population.

In addition, the application submitted by Mr. Schneider on May 14, 2015 is incomplete. CMMC section 13-311(a) lays forth the following requirements:

1. An application for a group home is submitted to the director by the owner/operator of the group home. The application shall provide the following: (1) the name, address, phone number and driver's license number of the owner/operator; (2) the name, address, phone number and driver's license number of the house manager; (3) a copy of the group home rules and regulations; (4) written intake procedures; (5) the relapse policy; (6) an affirmation by the owner/operator that only residents (other than the house manager) who are handicapped as defined by state and federal law shall reside at the group home; (7) blank copies of all forms that all residents and potential residents are required to complete; and (8) a fee for the cost of processing of the application as set by Resolution of the City Council.

The application does not include the written intake procedures and the relapse policy. On July 20, City staff provided Mr. Schneider with a checklist of missing items that included the intake procedures and relapse policy; however, Mr. Schneider never provided any additional application materials. All existing group homes were required to comply with all provisions of Ordinance 14-13 by November 21, 2015. On November 28, staff left a voice message with Mr. Schneider to provide clarification regarding application deficiencies; however, the call was never returned. On December 4, 2015, staff followed up with an email to Mr. Schneider and provided him with 7 days to contact staff and submit the missing items. Staff never received a response.

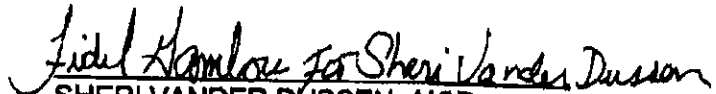
ENVIRONMENTAL DETERMINATION

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

Recommendation

Staff recommends that the Director of Economic and Development Services/Deputy CEO deny the application due to the current operation of a state licensed alcoholism or drug abuse recovery or treatment facility within 650 feet of the subject facility.


KATIE ANGEL
Management Analyst
Development Services Department
Community Improvement Division


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

Attachments: 1. 650 foot Radius Map
2. Special Use Permit Application

cc: Deputy City Attorney
File (2)

Kurt Schneider
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