



College Park Community Meeting

March 4, 2015

Questions and Answers

**Economic and Development Services Department -
Community Improvement Division**

Posted by:

Jerry Guarracino, AICP

Assistant Director – CID

jerry.guarracino@costamesaca.gov

(714) 754-5631



Question No.	SUBJECT	QUESTION	*
1	Finance	Can we expect a drop in property tax since we are now short of a full compliments of police and fire? I believe we are paying for those services and not receiving them.	
	1-A	<i>Property tax is set by law at a fixed percentage rate applied to the property's assessed value. It is unaffected by the City's number of filled or vacant positions. (Steve Dunivent)</i>	
2	CID	How can you request a Social Security Number of anyone? Is my understanding it's for Tax Purposes only!	
	2-A	<i>Social Security Numbers are use for tracking purposes for any number of uses and are not restricted to Tax purposes only. (Jerry Guarracino)</i>	
3	CMPD	Are felons on probation or parole being housed in Costa Mesa residential neighborhoods without the neighbors' knowledge?	
	3-A	<i>Supervised offenders reside in the county of residence on record. It is largely the responsibility of the supervised offender to provide CDCR (Parole) or Probation with a residence they will be living. Very few supervised offenders are "placed" into a residence unless it is related to a specific condition of their parole/probation (Captain Manley).</i>	
4	CMPD	Are there felons living in these homes?	
	4-A	<i>Felons' is a broad term referring to someone who has been convicted of a felony. It is reasonable to suspect some residents of group homes may fit this description (Captain Manley).</i>	
5	CMPD	Are Sober Living homes bringing crime into the neighborhoods?	
	5-A	<i>Unaware of data or empirical evidence yet to draw this conclusion. Group homes can present a unique dynamic for a neighborhood. Not all group homes are managed the same and they may have differing impacts on a neighborhood (Captain Manley).</i>	
6	CMPD	Does the police department have information the number or % of crimes that are committed by people residing in Costa Mesa versus non-residents? Also, can they quantify those attributed to group home residents and/or early release parolees?	
	6-A	<i>These are not statistics routinely maintained. Accuracy of crimes committed by group home residents is challenging based on quality of self-reported address info by arrestee and the City's ability to identify which addresses are operating group homes (Captain Manley).</i>	
7	CMPD	With the realignment for the overflow in jails and prisons, are there felons now being housed in our neighborhoods?	
	7-A	<i>See answer to 3A.</i>	

8	CMPD/CID	What about domestic violence offenders? Can they live in SL homes? Animal cruelty offenders?	*
	8-A	<i>Except as ordered by the Courts there is no prohibition on residency in the City as a result of domestic violence or animal cruelty. Court ordered restrictions would apply to all affected persons regardless of their choice of housing type. (Jerry Guarracino)</i>	
9	CMPD	Why can't they disclose if they have felons and comply with Megan's law?	
	9-A	<i>Aside from certain high-risk sex offenders under Megan's Law, there is no statutory law requiring a duty to disclose criminal history information to the general public (Captain Manley).</i>	
10	CMPD	Please take a look at the homeless along the south side of Newport Boulevard between Victoria and East Bay street in the oleander bushes along the side of Newport Boulevard, heading south.	
	10-A	<i>Comment Noted. (Captain Manley)</i>	
11	CMPD	Has Stacy Overton [transient that attacked a woman] been re-arrested?	
	11-A	<i>Disclosure of arrest information is regulated. Refer inquiries to the City Clerk's office (Captain Manley).</i>	
12	CMPD/CID	How are you addressing the transient population that has failed their Sober Living Program and have no home to go to anymore because they are from our of state?	
	12-A	<i>Ordinance 14-13 requires sober living homes in the R1 zone to have a relapse policy that requires them to identify a guest's point of origin, identify financial resources to return the individual to their point of origin and obligates the operator to facilitate the return of the guest to their point of origin. This process should reduce the number of relapsed individuals being released in the City. (Jerry Guarracino)</i>	
13	CMPD	As a transient resident in a group home does our PD have that record?	
	13-A	<i>The Police Department does not maintain records of group home residents. (Captain Manley)</i>	
14	CMPD/CEO	How many staff do we need to be able to handle the major increase in transient population (over 12% add)?	
	14-A	<i>There is no reasonable determination if staffing levels at City Hall/Police Department have an impact on the homeless population (Captain Manley).</i>	
15	CMPD	Lack of staff for police	
	15-A	<i>Comment Noted (Jerry Guarracino)</i>	
16	CMPD	How many police officers are on patrol, and is this the staffing recommended by the police department? How many police officers are on staff today? How many are we budgeted for?	

	16-A	<i>CMPD has a Hybrid Patrol Deployment Model that calls for 52 police officers to cover 7 days per week/24 hours per day. Staffing levels vary slightly depending on attrition and hiring. As of June, there are 111 sworn officers from the Chief of Police down. CMPD is budgeted for 136 sworn officers (Captain Manley).</i>	
17	CMPD	In the spirit of moving forward to provide an adequately staffed police force, and to move forward with positivity, when can we get back to the table and negotiate with the police?	
	17-A	<i>These are confidential MOU matters subject to the public COIN ordinance (Captain Manley).</i>	
18	CMPD	What are you doing to attract experienced police officers, Not just recruits? Huntington Beach just hired four (4) lateral officers, why are we not attracting laterals?	
	18-A	<i>CMPD has been maintaining an aggressive recruitment plan, which includes ongoing Lateral Officer recruitments. We are currently processing applications from experienced officers. We have been hiring new police officers at a steady rate that allows for maximum quality-control through the police academy and subsequent field training program (Captain Manley).</i>	
19	CMPD	When calling 911 while under siege by a very dangerous person in a neighborhood you're put on hold for over 13 minutes?	
	19-A	<i>Comment noted. Need more context to respond (Captain Manley).</i>	
20	CMPD	How much has the crime rate increased in Costa Mesa over the last year?	*
	20-A	<i>FBI Uniform Crime Reports (UCR) detailing Part I crimes in Costa Mesa are posted every month on the Costa Mesa Police Department webpage. Year-to-date reporting is included (Captain Manley).</i>	
21	CMPD	How are you combatting the uptick in crime which includes home invasions, car break-ins, drug dealers selling in the neighborhoods and prostitution? All of which have occurred recently in College Park and are documented in the neighborhood website.	
	21-A	<i>CMPD addresses crime trends through strategic deployment of resources and community policing efforts that require timely and proactive reporting of crimes and suspicious activity by the public (Captain Manley).</i>	
22	CMPD	Has there been a noted spike or correlation of crime increase surrounding Costa Mesa SLH facilities?	*
	22-A	<i>See answer to 5A.</i>	
23	CMPD	23. a.: We want additional patrol in the neighborhoods, how do we get them? 23. b.: - How can we get more patrols in our neighborhood?	

	23-A	<i>While additional patrols in certain parts of the city are not a guarantee and are often dependent on calls for service workload, residents can certainly reach out to the Police Department to discuss concerns. The Police Department's webpage on the City's website lists the Lieutenant Area Commanders assigned to the two geographic areas of Costa Mesa and their contact information. This is a great starting point for dialogue (Captain Manley).</i>	
24	CMPD	Do we have a gang and drug unit of the CMPD?	
	24-A	<i>Yes (Captain Manley)</i>	
25	CMPD	Why did Costa Mesa dissolve the K-9 units and the Drug Task Force?	
	25-A	<i>CMPD organizationally contracted over the past few years, during which time CMPD did not fill K9 vacancies as each of the two K9 dogs were retired from service. Those K9 positions remain in the Department's organizational structure and are subject to fill at the discretion of the Chief of Police. CMPD still maintains personnel assigned to narcotics related investigations (Captain Manley).</i>	
26	CMPD	On numerous occasions, we have reported “drug exchange” being transacted on our residential corner. We have been told unless the police actually see the act, they can’t do anything – even though we provide license plates, descriptions, etc. How are we supposed to feel safe if we can’t get police response?	
	26-A	<i>If this type of suspicious activity is observed, please call CMPD Communications dispatch at (714) 754-5255 to report the activity as it is happening or as soon as possible. Officers will assess the ability to take enforcement action on a case-by-case basis. Generally, officers will take preliminary steps to investigate suspicious activity reported to our dispatchers (Captain Manley).</i>	
27	CMPD	Why doesn't Costa Mesa communicate with its resident regarding crime trends? Newport Beach has an app, Santa Ana regularly uses NIXLE. How can we be aware of real-time crime?	
	27-A	<i>CMPD has been utilizing Facebook and NIXLE for several years and pushes advisories and pertinent information out to the public quite often. Refer to the CMPD webpage for further information (Captain Manley).</i>	
28	CMPD	What are you doing about the Prostitution on Carnegie	
	28-A	<i>Information on prostitution activity should be directed to the Investigative Services Bureau. Contact information can be found on the CMPD webpage (Captain Manley).</i>	
29	CMPD/Code	Are we doing anything about the increase of questionable massage places on the corner of Fair and Harbor?	
	29-A	<i>Concerns regarding massage establishments should be directed to the Investigative Services Bureau. Contact information can be found on the CMPD webpage (Captain Manley).</i>	
30	CID	How are residents vetted for safety?	*

	30-A	<i>Residents in homes in Costa Mesa are not vetted for safety, this would include residents of Group Home. (Jerry Guarracino)</i>	
31	City Attorney	Is the City of Costa Mesa able to legally set a limit or maximum number of massage parlors?	
	31-A	<i>The City can impose reasonable limitations on massage establishments, and the City Attorney's Office is working with CMPD to adopt a new ordinance. State law has changed several times in the last few years. (Elena Gerli)</i>	
32	CID	Massage Parlors? Too many	
	32-A	<i>Comment Noted (Jerry Guarracino)</i>	
33	CID	How many times do we have to report excessive traffic, noise, cigarette smoke, threatening behavior, etc. before these homes are considered a nuisance?	
	33-A	<i>Nuisance properties are generally identified by a pattern of nuisance behaviors for which there is documented evidence and people willing to come forward to provide affidavits and testimony of having seen or heard the offending behaviors. There is no set number of reports that constitutes a nuisance. The City Prosecutor is looking for a body of evidence that will be compelling to a judge and sufficient to warrant the corrective measures being sought. (Jerry Guarracino)</i>	
34	CID	34. a.: 183 homes x 6 residents x 12 months (typical stay is 30 days) = 13,176 add to the population, which is a 12% increase to the 114K people that live in CM. at a 70% failure rate for first timers = 9,223.	
		Where are those people going, especially if they can't afford to get back to the state they came from? 34. b.: The residents that fail the program (statistics say 70% for first timers), where are you sending them? 34. c.: How is Costa Mesa handling the homes population of people who have failed their Sober Living Program?	
	34-A	<i>Our research indicates that the relapse rate for first time sober living residents is significant. Residents who relapse take many different paths once they leave the sober living environment. Ordinance 14-13 requires sober living homes in the R-1 zone to have a Relapse Policy, this policy is discussed in the answer to question No. 12-A above. The city does not play a direct role in where individuals go once they leave a sober living environment. The city has allocated significant resources to address the homeless population regardless of the precipitating cause. Our outreach offices provide information to the homeless about emergency shelter beds and transitional housing and work closely with Code Enforcement and the CMPD to enforce anti-camping ordinances. (Jerry Guarracino)</i>	
35	CID	Does the Operator have any out of pocket costs if an addict decides to use again? If they run out of money and have failed the program, where do they go?	

	35-A	<i>Each home operates independently so the City is unable to say what out of pocket costs the operators may incur when a guest relapses or leaves the program due to lack of funds. Some operators indicate they may offer scholarship opportunities in some cases. Ordinance 14-13 requires sober living homes to have a relapse policy, which is discussed in the answered to Questions No. 12-A, above. (Jerry Guarracino)</i>	
36	CID	How is the city going to maintain oversight of the discharge procedure of relapsed SLH resident? How will the city make sure they are receiving this information and all in real time from the individual SLH?	
	36-A	<i>In the case of City Licensed sober living homes the City does not monitor individual residents' intake or discharge or progress. The City would take enforcement action when it obtains evidence that the SLH is not adhering to their relapse policy. This would come to our attention as a result of outreach offices or CMPD contacts with recently released sober living guests. (Jerry Guarracino)</i>	
37	Homeless Taskforce	The clients that relapse end up on the Westside due to the soup kitchens. Could we relocate some of the soup kitchens to other parts of Costa Mesa (Mesa Verde) so that my property value is not affected?	
	37-A	<i>The city cannot force the soup kitchen (there is only one) to relocate. We have asked if they'd be interested in relocating, but they are not. (Rick Francis)</i>	
38	Homeless Taskforce	We have 1 neighborhood park in the College Park area. During the hours of 8-5, Monday through Friday, the park is overrun with adults and is not a family friendly place. The problem is especially glaring when a different organizations, faith based and charitable, deliver food and other necessities. While it is our responsibility to give a hand, giving a hand-out is not a solution to the homes problem. Question: can Costa Mesa put forward legislation that prohibits organizations from bringing their aide to public places?	
	38-A	<i>The group in question has been asked repeatedly not to feed in Wilson Park. They have been offered alternative venues on church property, but have rejected those offers. The City may be able to legislate no feeding in parks, as over 20 cities in the U.S. have done, but those efforts have been met with litigation and protests. One such law was struck down in Orlando, FL in 2008 and a similar ordinance is under judicial review in Fort Lauderdale, FL. With a host of issues being litigated in this city, there may be little resolve to introduce another ordinance that would likely spark another lawsuit. (Rick Francis)</i>	
39	Homeless Taskforce	39. a.: What can be done to clean up Wilson Park and make it safe for our children? Problem with homeless! 39. b.: What is the City of Costa Mesa doing about the Wilson Park, it is full of bums.	

	39-A	<i>Many of these homeless were displaced from Lions Park. The best long-term solution to "cleaning up the park" is to house the folks in question. We are also looking at landscape design solutions in the back corner of the park that would make camping out back there less desirable. (Rick Francis)</i>	
40	CEO	Plans to add code enforcement officers?	
	40-A	<i>The City currently has three proactive Code Enforcement Officers assigned to monitor and enforce the Costa Mesa Municipal Code in three target areas, these include: group homes, motels and apartment neighborhoods. They are supported and managed by a full time Contract Assistant Director. The proposed FY-2015-16 budget recommendation is for three additional Code Enforcement Officers and the creation of a permanent management level position, to provide support and supervision for this team. These resources would be allocated as follows: two - Code Enforcement Officers assigned to monitor group homes, two - Code Enforcement Officers assigned to apartment stabilization activities, one - Code Enforcement Office for motel inspections and monitoring, and one - Code Enforcement Officer to work with the Police on homeless issues. (Tom Hatch)</i>	
41	CID	How many staff members are dedicated to enforcement of this new ordinance?	
	41-A	<i>There are three full time positions assigned to this task, they include 1&1/2 full time Code Enforcement Offices, a 1/2 time Planner, and an Assistant Director. In addition this team is supported by staff from various City Department, including City Attorney's Office, Planning, Code Enforcement, Homeless Outreach and CMPD. (Jerry Guarracino)</i>	
42	CID	After the application period expires on April 8, 2015, how will the city handle those SLH's that haven't applied and when will those actions actually commence?	
	42-A	<i>As of the deadline to apply for a Special Use Permit (April 8, 2015) the City has received 37 application from sober living homes in the R1 zone. The remaining 7 sober living homes are being sent notices of violation for non-compliance with the Ordinance 14-13. Those Notice will start an escalating enforcement process intended to achieve 100% compliance with the Ordinance. (Jerry Guarracino)</i>	
43	CID	How can you pick who stays and who goes, who applies successfully when we as their neighbor complain continually and call Tucker to document it as issues and as some of us have a good, real good standing with a "group home show works to please us as neighbors and is not going to apply because his house is a Christian non-profit.	

	43-A	<i>The Special Use Permits are ministerial in nature and will be issued to any facility meeting the criteria for the permit, subject to property certification and acceptable back ground screening. Applications are reviewed on a first come first serve basis. Sober living homes that are less than 650 feet from another state or city licensed sober living home will not be able to satisfy the property certification requirements and will have to close or relocate by January 8, 2016. Being a Christian Non-Profit sober living home does not by itself make a sober living home exempt from Ordinance 14-13. (Jerry Guarracino)</i>	
44	CID	44. a.: Under the new ordinance, what is/are the next step(s) if Sober Living Home operators have not submitted an application? 44.b.: Does the city have a plan for closing the homes that don't comply with the new ordinance?	
	44-A	<i>The next steps for sober living homes that have not applied for a Special Use Permit are discussed in question No. 42-A. The City will first attempt to get operators to comply with the ordinance, by completing an application and operating consistent with the requirements for Ordinance 14-13. However if those efforts fail, the City will pursue legal action that could include closing operations that are not in compliance with the ordinance. (Jerry Guarracino)</i>	
45	CID	How is the city regulating these homes?	
	45-A	<i>For the most part cities are very limited in their ability to regulate group homes that are 6 or fewer in size. The City of Costa Mesa has one of the only ordinances to survive a court challenge, and the court ruling will no be final until a court of appeal decision. Ordinance 14-13 requires group homes in the R-1 zone to get a Special Use Permit and have House Rules that meet certain city standards. It further requires sober living homes to adopt a Good Neighbor Policy and a Relapse Policy, and to comply with a 650 foot separation requirement from other state or city licensed sober living homes. the City has provided sample policies to ensure that group homes operate at a consistent standard through out the R-1 zone. (Jerry Guarracino)</i>	
46	SLH	What will the city of Costa Mesa do to the repeat offenders – operators who do not follow the rules? Meeting daily – not following the rules.	
	46-A	<i>Group home that do not operate in compliance with the ordinance or their approved house rules, or in the case of sober living homes their good neighbor and relapse policies, will be subject to code enforcement action, which could include citations, fines and/or criminal prosecution. (Jerry Guarracino)</i>	
47	CID	Who is in charge of monitoring compliance and enforcement?	

	47-A	<i>The Community Improvement Division is responsible for compliance and enforcement of the municipal code for all group home issues. Code Enforcement Office Mike Tucker is the primary contact person for reporting and monitoring complaints. Mr. Tucker's contact information is: (714) 754-5209 or Mike.tucker@costamesaca.gov (Jerry Guarracino)</i>	
48	Trans	Do you agree traffic has increased – especially on Harbor? Why and what are you doing about it?	
	48-A	<i>Traffic volumes on Harbor Boulevard have not changed significantly over the past few years. The City conducts annual traffic data collection at major intersections as well as roadway segments. Based on review of the traffic volumes, the change over the past three years is nominal.</i> <i>However, there are areas where improvements are required and the City has either implemented or is in the process of constructing those improvements. Examples include the improvements at Harbor-Adams, Harbor-Wilson and Harbor-Victoria intersections. Improvements are now underway on Harbor Boulevard north of I-405 and at the Harbor-Gisler intersection. (Raja Sethuraman)</i>	
49	CID	The house manager should manage, right? The group home manager is never on site, so who is the go-to person to speak with about issues at the group home?	
	49-A	<i>It is often effective to speak with the house manager to resolve day to day concerns, however if you are not able to reach the house manager or the issue has not been resolved satisfactorily you can contact the Mike Tucker, Community Improvement Division (see Question No. 47-A for contact information) if it is a Code Enforcement issue. Also, for most sober living homes we have numbers for the operators that may result in a return call. If you are calling about criminal activity at the group home please call the Costa Mesa Police Department to report the issue. Remember that timely calls to the CMPD are important to their ability to determine that a crime has occurred and to investigate the incident. (Jerry Guarracino)</i>	
50	CID	50. a.: What is the Gold Star Standard in Best Practices that all Operators should be holding themselves to? 50. b.: Can you give us an example of a facility that Operates well?	
	50-A	<i>The City's Special Use Permit Application package describes in detail what should be include in a Group Home's House Rules, Relapse Policy and Good Neighbor Policy. These requirements were pulled form the best policies we could find and represent a gold standard for operations. This package can be found on the City's web site at the following address: http://www.costamesaca.gov/grouphomes We would prefer not to express any bias toward a specific operator. (Jerry Guarracino)</i>	

51	Group Home Operator	For any sober-living home manager company here: What services do you provide? What do resident of your facilities get for their money?	
	51-A	<i>This is a questions for the Group Home Operators and can not be answered by the City. (Jerry Guarracino)</i>	
52	CID/CA	Has an addict gone through a rehabilitation program successfully before they become a resident in a residential Sober Living Home?	
	52-A	<i>Not sure what is meant by rehabilitation program, however, if the question is if the resident have been through detoxification before they become a resident of a sober living home, the answer is it depends on the type of sober living home. For City licensed sober living homes and single house keeping units there should not be any detox services being provided in the home so residents are supposed to be clean and sober when admitted to the facility. Some State licensed homes are approved for residential detoxification. Residents in those homes are still getting clean and sober. (Jerry Guarracino)</i>	
53	CMPD	If we know where the Sober Living Homes are so do the dealers. How are you protecting the disabled that are vulnerable?	
	53-A	<i>Information of narcotics activity involving at a specific residence or group home should be directed to the Investigative Services Bureau. Contact information is on the CMPD webpage (Captain Manley.</i>	
54	CID/CA	54. a.: There are apparently different types of group homes that fall under different regulations. Can you explain the differences? 54. b.: How do these homes prove they are not businesses? 54. c.: What is an integral facility mentioned on Group Homes Program Accomplishment sheet. 54. d.: What criteria is there for running a business in a residential neighborhood in Costa Mesa? 54. e.: What exactly is the city committed to do about these businesses being put in our neighborhoods? 54.f.: Shouldn't sober living businesses be in commercial zoning where motels are? 54. g.: Why don't they need to comply with taxes and regulations of regular businesses? 54. h.: Some homes rent by the week. Why is that not considered a business? 54. i.: Tell us how these Operators of multiple homes are not considered a business required to have a permit, pay sales tax and business taxes accordingly?	

	54-A	<p><i>a.: There are three different types of group homes. One is a group home that operates like a family, what we define as single housekeeping units in Section 13-6 of the CMMC. The residents of these homes are responsible for their finances, the upkeep of the home, and to decide who lives at the home, among other things. These homes may have rules that the residents have to follow, such as attending sobriety programs in the case of individuals in recovery. These homes are not regulated by Ordinance 14-13, California privacy laws prevent us from regulating groups of unrelated individuals who choose to live together like a family. The second type is a residential care facility, i.e., residential facilities for the disabled that are licensed by the state. An example is the residential (and residential/detox) state licensed drug and alcohol treatment facilities. These are licensed by the state, and per state law such facilities of 6 or fewer residents must be treated like single family uses and cannot in any way be considered businesses. State law does not permit the licensing agency to consider overconcentration or clustering as a factor in its decision to grant or deny a license. Other types of state licensed facilities are subject to a separation requirement of between 300 to 1000 feet between facilities.</i></p> <p><i>The third type is the operator-run group home. These homes are more like boardinghouses – the operator is paid by the residents, runs the home and decides who lives at the home, and usually provides services. This is the type of group home that the City’s ordinance regulates.</i></p>
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		<p><i>g.: Why don't they need to comply with taxes and regulations of regular businesses? Without addressing the tax issue, group homes are considered residential uses.</i></p> <p><i>h.: It depends to whom they are renting. Boardinghouses are not permitted in the R1 zone. Group homes (housing for the disabled) do not have a minimum requirement on how long each resident can stay at the group home, and they are not considered business for our purposes. Group homes provide housing opportunities to the handicapped that would otherwise not be available to them. Applicable laws recognize that such facilities must be financially viable in order to provide these services, and such facilities must be allowed in residential zones to ensure housing for the handicapped.</i></p> <p><i>i.: See above responses. (Jerry Guarracino/ City Attorney)</i></p>	
55	CID/CA	How do these sober living homes differ from boarding houses?	

	55-A	<i>Residents of a sober living home are availing themselves of a boarding house style living arrangement. Our ordinance makes that similarity very clear. Ordinance 14-13 survived the court challenge brought by Solid Landings Behavioral Health because our zoning code provides greater opportunity for the handicapped to live in a boarding house style environment than is available to non-handicapped individuals. Because the Ordinance favors the handicapped we were able to place reasonable regulations on the group home facilities to ensure compatibility with the R1 neighborhoods. For sober living homes these regulation include obtaining a Special Use Permit; submitting employees to background screening; requiring a property certification and 650 foot separation; and requiring House Rules, Relapse and Good Neighbor Policy's that meet or exceed the City's expectations. (Jerry Guarracino)</i>	
56	CID/CA	You compared sober living to a family. My family does not pay me rent up to \$1,500/month and my family does not change every 30-60 days.	
	56-A	<i>Comment Noted (Jerry Guarracino)</i>	
57	CID/CA	Why are these businesses not under the same licensing and insurance requirements that are imposed on elderly care homes?	
	57-A	<i>Elderly Care facilities are regulated by the California Department of Social Services (CDSS) and Sober Living facilities are regulated by the Department of Health Care Services (DHCS). Cities are preempted by state law from establishing the licensing and insurance requirements for either of these two types of facilities. (Jerry Guarracino)</i>	
58	CID/CA	Why can't sober living homes not be regulated and certified by state and/or local authorizes as are the Senior Living homes?	
	58-A	<i>In some cases they are regulated by the state. Sober living homes are not required to be state licensed if they are only providing a sober living environment to individuals in recovery. However, some facilities provide rehabilitation/detoxification services that require a state license. Also, the City's Ordinance 14-13 requires a City license to operate a sober living home in the R-1 zone. (Jerry Guarracino)</i>	
59	CID/CA	59.a.: What is the difference that makes these "single housekeeping units" instead of businesses? 59.b.: What constitutes a "family" for the unregulated homes? Is there a time frame?	

	59-A	<p><i>a. Not all group homes qualify as single housekeeping units. See definition of single housekeeping unit in Costa Mesa Municipal Code 13-6. These households are self-regulated, not run by an outside operator, and the residents choose who can move in. In essence, a single housekeeping unit is a group of unrelated adults who choose to live together as a family. Under California law they have a right to do that, whether the residents are handicapped or not, and are not considered a business.</i></p> <p><i>b. See response to (a). Not sure to what the time frame question refers. (Jerry Guarracino/ City Attorney)</i></p>	
60	CID/CA	buy one-way ticket back to original source.	*
	60-A	<i>Comment Noted. (Jerry Guarracino)</i>	
61	CID/CA	What is 14-13 Ordinance?	
	61-A	<i>Ordinance 14-13 is a City of Costa Mesa Ordinance that regulates non-state licensed group homes in the City's R-1 (Single-Family Residential Zone). It requires group homes that are non-licensed and/or not single house keeping units, to get a Special Use Permit (SUP). Group homes applying for a SUP are required to have house rules and sober living homes are required to have both a good neighbor policy and relapse policy, must be 650 feet from another licensed sober living home, the properties need to be certified as being free of building code violations and in compliance with community maintenance standards and the staff need to pass a live-scan background screening. (Jerry Guarracino)</i>	
62	CID/CA	What's the difference between a licensed and non-licensed facility?	*
	62-A	<i>State licensed alcohol and drug treatment facilities can provide a wide range of rehabilitation and detoxification services. Non-licensed facilities should only be providing a sober living environment for its residents. For residents of non-licensed sober living homes, other support services are often provided at off-site facilities. The state also licenses other types of facilities for the handicapped, the elderly and juveniles, for example. (Jerry Guarracino)</i>	
63	CID/CA/ CMPD	63.a.: Are felons eligible? 63.b.: If a person in group home is an out of state convicted of child abuse, how do we know?	*
	63-A	<i>Residents of group homes, including sober living homes have the same right to the housing of their choice as anyone not living in a group home situation. If as a condition of parole certain individuals are subject to limitations on where they can live, those restrictions would also apply to residency in a group home environment. Information on sex offenders can be found on Megan's Law website. Many sex offenders do not live in group homes, and we have no evidence to suggest that individuals in group homes are more likely to be sex offenders than people not living in group homes. (Jerry Guarracino)</i>	

64	CID/CA	Under the old City Ordinance, the neighbors had to be notified if a resident was Court referred has that requirement changed and why?	
	64-A	<i>Prior to the adoption of Ordinance 14-13 there was no such requirement for the neighbors to be notified if a resident was a court ordered referral. The notification is an urban myth. In any event, Ordinance 14-13 makes no reference to notification one way or the other. (Jerry Guarracino)</i>	
65	CID	Will Sober Living Homes be more secure?	
	65-A	<i>It is unclear what is meant by the questions. (Jerry Guarracino)</i>	
66	CID/CA	Shouldn't my child who fits the ADA parameters take precedence of the sober living residents?	
	66-A	<i>It is unclear what is meant by the questions; in both cases the individuals would be considered handicapped and our ordinances need to accommodate their housing choices. (Jerry Guarracino)</i>	
67	CID/CA	Who is responsible for monitoring residents?	*
	67-A	<i>The group home operators are responsible for monitoring their residents. (Jerry Guarracino)</i>	
68	CID/CA	Has the staff reviewed the Sober Living Network website?	
	68-A	<i>Yes, staff has reviewed the Sober Living Network website. (Jerry Guarracino)</i>	
69	Trans	What can we do to start a parking permit in our community to reduce the traffic (cars) of any source? (Sober Living, Ride along, visitors)	
	69-A	<i>Permit parking program is implemented by the City based on documented need for such program. The guidelines for implementing a permit parking program are located on the City's website at the following link. (Raja Sethuraman) http://costamesaca.gov/modules/showdocument.aspx?documentid=6923</i>	
70	Trans	Excessive Parking! 7 people = 7 cars. Excessive foot traffic and trash unsafe for residents to exit our driveways parking permits!!! Are you going to issue parking permits?	
	70-A	<i>Pedestrian and vehicular traffic laws are to be followed per California Vehicle Code. Please see response to permit question provided in Question No. 69-A. (Raja Sethuraman)</i>	
71	CID/CA	What about a situation where the operator has lied through their teeth, saying they are sober living but in fact are: 1) transporting between homes 2) doing full detox 3) providing numerous therapies 4)cooking food and transporting to other homes 5) over 20 employees per day in/out and more?	

	71-A	<i>If you have evidence that these activities are occurring you should report them to Mike Tucker, Code Enforcement Officer (contact information is provided in questions 47-A), as this may be an integral facility and is not permitted under the Code. Officer Tucker will document the complainant's information and relevant evidence and open an investigation. Code enforcement procedures will be followed. (Jerry Guarracino)</i>	
72	CID	Buy one-way ticket back to original source.	
	72-A	<i>Comment Acknowledged (Jerry Guarracino)</i>	
73	CID	What do you do when the contact person's phone number goes to a message, and when you leave a message, they have a law firm call you back and accuse you of be prejudiced?	
	73-A	<i>This is an unfortunate response to a good neighbor complaint. City Licensed Group Homes are required to have onsite managers and to provide immediate neighbor's (or anyone requesting such information at the home) with a 24/7 number to the manager. They are required to respond to the complaint within 12 hours even if it's not possible to resolve the complaint within that time period. Each home is required to submit to the City a written protocol/procedures for the staff and clients to follow when a complaint is received. If that protocol is not followed by the operator, Code Enforcement can cite the facility for violation of their Good Neighbor Policy. Depending on the nature of the complaint you may need to call Costa Mesa Police Department to report criminal behavior or for code related complaints you should call Mike Tucker, Code enforcement Officer (contact information is provided in question No. 47-A). (Jerry Guarracino)</i>	
74	CID/CA	If these homes are protected under ADA and Fair Housing law, who makes sure they are in compliance with all those laws?	
	74-A	<i>Those laws were written to protect handicapped individuals from discriminatory treatment and to preserve and enhance the ability to live in the housing of their choice. Generally these laws do not place regulatory restrictions on the handicapped or those that provide housing to them. (Jerry Guarracino)</i>	
75	CID	75.a.: What is the length of time each resident can stay at the sober living facility? 75.b.: What is the turnover going to be per group home?	
	75-A	<i>There is no limit on the length of time a resident can stay in a sober living facility. Our research indicates that the average stay is between 30-90 days but some stays are shorter and some residents particularly in Single House Keeping Units choose to live in a sober environment of an extended period of time. (Jerry Guarracino)</i>	
76	CID	How do we avoid retaliation if reporting issues anonymously doesn't have an impact?	

	76-A	<i>It's true that what we can do with anonymous reports is very limited and the fear of retaliation can discourage reporting. However, we can keep the complainants name confidential during the investigation phase of the process. The city prosecutor may need complaining residents to submit affidavits regarding the things they witnessed and or heard and quite possibly you may be required to provide testimony at trial if the issue can not be resolved in an alternative manner. As with all code enforcement cases, the City will investigate and seek to obtain direct evidence of any violation, thus avoiding the need for complaining witnesses to testify. (Jerry Guarracino)</i>	
77	CID	Is there a phone number or email address to report the violations of the ordinance?	
	77-A	<i>Yes see Questions No. 47-A (Jerry Guarracino)</i>	
78	CID	If a resident has an issue with those residing in a sober living facility who is contacted? City or Police	
	78-A	<i>The answer depends on the issue you are encountering. If you observe any criminal behavior you should call the police immediately. These types of activities may also be reported to the Community Improvement Division (CID) but only after the police have been contacted. For municipal code violations, property maintenance issues or resident behavioral issues you should contact Mike Tucker of the CID, for his contact information see question No. 47-A. (Jerry Guarracino)</i>	
79	CID	We all know someone – a friend, family member – who has needed rehab at some point. Why are the residents of SLH “shipped in” from out of State? Doesn’t this contradict the community nature of SLH’s?	
	79-A	<i>People are free to seek treatment wherever they like. They are choosing to come here to facilitate their recovery. We are not aware of any program that "ships in" people in recover. (Jerry Guarracino)</i>	
80	CID	Can the ordinance be re-written on Sober Living residences – State and Federal?	
	80-A	<i>The avoid being found invalid by the Courts, Ordinance 14-13 was written to comply with State and Federal Law. Changes to State and Federal law are needed that would allow cities and counties more discretion to regulate sober living homes. If the state and federal laws change, the City will revise its Ordinance to comply with the changes. (Jerry Guarracino)</i>	
81	CID/CA	Are non-licensed facilities legal?	*
	81-A	<i>In most California Cities it is legal to operate a non-state licensed sober living facility. In Costa Mesa, because of Ordinance 14-13, most non-state licensed facilities now require a City license to operate. However, there is a type of sober living home which is exempt form both City and State Licensing requirements; these homes are referred to as "Single Housekeeping Units." Ordinance 14-13 defines Single Housekeeping Units in Section 13-6 of the CMMC. (Jerry Guarracino)</i>	

82	CID	Are sober living homes required to comply with the same regulations as elderly care home?	
	82-A	<i>No sober living homes are not required to comply with the same regulations as elderly care homes. (Jerry Guarracino)</i>	
83	CID	How do we find which homes are sober living homes/rehab homes?	
	83-A	<i>The City maintains a roster of group homes including sober living homes if you have want to know if a particular address is a sober living home you can contact Mike Tucker, Code Enforcement office, Community Improvement Division at: Mike.tucker@costamesaca.gov. Please provide the address of the home in questions and the reason for requested information. (Jerry Guarracino)</i>	
84	CID	Will there be a database for the public to determine which group homes have received a permit?	
	84-A	<i>The Community Improvement Division (CID) maintains a database of all the group home we are aware of in the City. This data base indicates the type of group home that is being operated at each address. The database is not provided online because it is continuously being updated as new information is learned about the individual facilities. However, you can contact the CID to inquire about a particular address, or obtain a current copy of the list pursuant to a request under the California Public Records Act. For CID contact information see Questions No. 47-A. (Jerry Guarracino)</i>	
85	CID	85.a.: Will homeowners nearby be notified prior to an approval of such an establishment? 85.b.: Is there a responsibility on the part of the owner, city or county to notify residents of area when a new facility is licensed?	*
	85-A	<i>Homeowners will not be notified prior to issuance of a City of Costa Mesa group home special use permit. However the adjacent neighbors next to, behind and across the street from a sober living home will be contacted by the operator as part of their required Good Neighbor Policy and provided with the house manager's name and a 24/7 contact number in case of problems. There is no requirement for neighbor notification prior to issuance of a State License for a Sober Living Home. (Jerry Guarracino)</i>	
86	CID	I have a Sober living home behind by home, I was not notified that it was coming. It is on Minorca, corner of Minorca and Mesa Verde East.	*
	86-A	<i>Advanced notification is not required for any sober living home in the R-1 zone. (Jerry Guarracino)</i>	
87	CID	May a resident determine if there is such a residence in their neighborhood?	*
	87-A	<i>Yes you can contact the Community improvement Division to find out this information. See information about the Group Home data base in Question No. 84-A. (Jerry Guarracino)</i>	

88	CID	I heard tonight that if a group home is unregistered and living like a large family, there is nothing the city will do! What good is the ordinance if there is this loophole?	
	88-A	<i>This is not a loophole, it's a constitutional mandate. Privacy rights under the California Constitution provide that unrelated adults who live together as a family shall not be treated differently than families. The value of the Ordinance is that we do get to regulate those business that operate multiple facilities and are generally responsible for the closely clustered groups of sober living homes. (Jerry Guarracino)</i>	
89	CID	If a “sober” living home has less than 6 people, do they get to fly beneath the radar?	
	89-A	<i>No sober living homes in the R1 zone that are not State Licensed or Single Housekeeping Units are subject to Ordinance 14-13. This ordinance limits the size of group homes including sober living homes in the R1 zone to six or fewer plus a house manager. (Jerry Guarracino)</i>	
90	CID	So the 3 rd type is the only type that falls in the 200+ Home count that was mentioned?	
	90-A	<i>It's not clear from the questions which category of sober living homes is being asked about . Provided below, for your information, is the break down of all sober living facilities in the residential zones. The information includes first the number of facilities in each category, followed by the number of beds. Finally a total for all of the residential zones is provided. This does not include single housekeeping units, which are not tracked by the City.</i> <i>State Licensed - 38 facilities; 369 Beds</i> <i>City Permitted (including pending applications) - 38 Facilities; 228 Beds</i> <i>R1 - SLH in violation of 90-day application period - 24 Facilities; 156 Beds</i> <i>Un-licensed Sober Living Homes - 57 Facilities; 509 Beds (these are outside the R1 zone and are not yet subject to the City permitting requirement)</i> <i>Total Residential Facilities - 157</i> <i>Total Beds - 1,262</i> <i>(Jerry Guarracino)</i>	
91	CID	91.a.: How do I know whether or not the 2 sober living homes next door and across the street from me falls into the type that require a permit? 91.b.: How do we know what type of sober living home is near us? We have 4 sober living within 650’ of our home.	
	91-A	<i>If you want to know what type of group home is located adjacent to your home please contact the Community Improvement Division (CID) and we can look up the address for you. See Questions 47-A for CID contact information. (Jerry Guarracino)</i>	*

92	CID	154 East Bay Street – Yellowstone Revolving door of meetings at this location. More than 7 people coming and going. Parking nuisance continually – the city of Costa Mesa “must” regulate this property.	
	92-A	<i>Comment noted (Jerry Guarracino)</i>	
93	CID	154 East Bay street/Yellowstone. Recurring problems – ongoing meetings. “The City” is not holding the recovery homes accountable (density) Parking/Loitering/Smoke/noise. Start citing these homes if they do not obey rules.	
	93-A	<i>Comment noted (Jerry Guarracino)</i>	
94	CID	Are there any limits to # of homes per population in an area?	*
	94-A	<i>There is no limit on the number of group homes based on population. The courts have shown some support for reasonable regulations that are intended to address impacts to the community caused by overconcentration and clustering of group homes. An example of this type of regulation is the 650 foot separation between licensed sober living homes. (Jerry Guarracino)</i>	
95	CID	What is the density rating for state facilities How many per block/per 650 feet?	
	95-A	<i>There is no such density limit for state facilities. The Director of the Department of Health Care Services, which licenses sober living homes confirmed that they have no authority to consider overconcentration or clustering in they decision to not issue a license for a sober living home. (Jerry Guarracino)</i>	
96	CID	Why are R1, R2 zones given separate consideration for group home density? There are many R23 lots with single family residences. When will this change?	
	96-A	<i>The issues caused by people living in a group home environment such as overcrowding and transient residents were more clear cut in the R1 zone, which is why we addressed that area of the city first. While there are some single family homes in the R2 zone, higher density residential areas present different challenges from a regulatory perspective, and thus a differently tailored ordinance is required for those zones.</i> <i>Learning for our experience in the R1 zone we have developed a draft ordinance for the city's multi-family zones that is undergoing internal review at the current time. A number of complicated issues still need to be addressed before that ordinance can be considered by the Planning Commission and City Council but substantial progress has been made to move that ordinance forward. (Jerry Guarracino)</i>	
97	CID	97.a.: Is there a regulation or distance they must be from a school? 97.b.: Why are rehab homes adjacent to schools? [Why can they] share a fence?	

	97-A	<i>Neither the State or the City have a minimum distance requirement between sober living homes and schools, because there is no evidence to suggest that people living in a sober living environment are any more of a threat to students or school operations than the general public. (Jerry Guarracino)</i>	
98	CID	How long will it take to rebalance the City and enforce the 650' radius restriction?	
	98-A	<i>It may take some time and patience to see that redistribution come about. Ordinance 14-13 allows one year for sober living homes to come into compliance with the 650 foot separation. However, it also allows for a financial hardship extension that could allow an additional one year for the home to come into compliance with the Ordinance, including the 650 foot separation. Operators would have to comply with other aspects of the Ordinance such as the occupancy limit of 6 or fewer persons and implementing acceptable House Rules, Good Neighbor, and Relapse Policies. It should be noted that state licensed facilities of 6 or fewer are permitted by right in the R1 zone, per state law, and unless and until the state law changes, the City cannot address overconcentration or clustering of these facilities. (Jerry Guarracino)</i>	
99	CID	Can a Sober living Home be placed within the 650 foot regulating of a state licensed home?	
	99-A	<i>A sober living home, which requires a Special Use Permit from the City can not be placed within 650 feet of a state licensed facility. However, if a State Licensed Facility is approved within 650 feet of a SLH with a valid Special Use Permit from the City it will not have to relocate. (Jerry Guarracino)</i>	
100	CID/CA	Can we increase the distance between houses?	
	100-A	<i>The distance between sober living homes was established at 650 feet in an effort to strike a balance between neighborhood integrity and availability of housing for the handicapped. Courts generally disfavor separation requirements. Increasing the separation requirement will decrease housing availability and make the Ordinance more vulnerable to challenge.</i>	
101	CID	I have two SLH's right next door to me, how does the new ordinance affect those two SL homes?	
	101-A	<i>There is not enough information provided here to answer this questions. However, if you contact the CID with the address of these two properties we can determine their status and let you know if they are affected by Ordinance 14-13. For CID contact information, see Questions No. 47-A. (Jerry Guarracino)</i>	

102	CID	<p>102.a.: With the current ordinance how many SLH's can be housed in R-1 area? What is the tap out number?</p> <p>102.b.: With the new ordinance, what is the maximum number of group homes area allowed in Costa Mesa?</p> <p>102.c.: With the New Ordinance what is the maximum number of Sober Living Homes of all types that are allowed in the City of Costa Mesa? Is this an overconcentration?</p>	
	102-A	<p><i>Ordinance 14-13 does not set and absolute cap on the number of SLH that would be allowed. We have done some theoretical modeling of the 650' separation and estimate there are approximately 250 potential SLH sites in the R1 zone. This potential number assumes SLH that are all exactly 650 feet apart, which is not likely in practical application so we expect the actual number will be less. It should be noted, however, that state licensed drug and alcohol treatment facilities have no such limitation, so irrespective of how many City-licensed facilities are allowed, there is no limit to the number of state licensed drug and alcohol facilities of 6 or fewer residents that can locate in the City. Other state licensed facilities do have separation requirements.</i></p> <p><i>At this time we have no separation requirement or other such limiting factor in the multi-family zone so there is not way to estimate the total number of SLH that could locate in the City. (Jerry Guarracino)</i></p>	
103	CID/CA	If you have no intent to be one, can I apply to be one so the distance is greater?	
	103-A	<i>The City does not encourage this practice. (Jerry Guarracino)</i>	
104	CID	<p>104.a.: You have received a list from citizens of group homes in Costa Mesa. Have any of those houses been actively (i.e. site visit) investigated by staff? And if so, how many?</p> <p>104.b.: Why the discrepancy between the numbers of SLH's in our city that the city claims are here vs. the number that TBON and other individuals have been able to locate?</p> <p>104.c.: Is there a discrepancy in actual number of homes? Since there are only 2 code enforcement people, can the citizens assist by pointing out which homes are SLH/Group homes and can code enforcement to come and verify that it is a home and give them a permit application?</p>	

	104-A	<p><i>The citizens of Costa Mesa and members of TBON have been very active in reporting suspected SLH to the city. The City has received multiple lists of potential group homes from TBON that included well over 200 unique addresses. A review of the TBON list identified about 90 properties that were not already on the City's roster. Each of those properties were investigated and 20 additional properties were added to the City's roster. The other properties were rejected for a variety of reasons including: being located outside the City boundaries, no SLH operations found, or the addresses provided did not exist. In addition to these lists, we receive notification regularly from citizens about individual homes in their neighborhood they suspect are group homes, these reports are all investigated and the roster is updated accordingly. (Jerry Guarracino)</i></p>	
105	CID	<p>105.a.: Why are the amount of group homes concentrated in Costa Mesa? 105.b.: Why is Costa Mesa the center for SLH's? 4% of population & 27% of SLH's? 105.c.: The media report that 25% of sober living homes in Orange County are located in Costa Mesa. If this is even remotely correct, to what do you attribute this situation? 105. d.: Costa Mesa is 4% of population of Orange County yet has 27% of the Sober Living Homes. Is this in line with other communities in relation to overall population? 114k people in Costa Mesa per recently pulled demos. 105. e.: How did Costa Mesa become so impacted with these homes versus other cities? 105.f.: Despite the protections of the Federal Americans with Disabilities Act, how did the Planning Department of Costa Mesa allow 4% of the OC population have 26% of the group homes? What were the planning departments of the other cities doing to protect their tax payers?</p>	

	105-A	<p><i>The City of Costa Mesa has a disproportionate number of state licensed residential drug and alcohol treatment facilities compared to other Orange County Cities. The report share correct that we represent less than 4% of the Orange County Population and are home to 27% of the state licensed facilities in the County. We do not have comparative figures relative to sober living homes but it is reasonable to infer that the City has more than its fair share of such homes. There does not appear to be a similar imbalance related to other residential care facilities (see definition CMMC 13-6)</i></p> <p><i>The City is often asked, why do you keep letting SLH come into the City? As you heard at the College Park community meeting and again in the answers to these questions <u>all cities</u> are required to affirmatively further fair housing opportunities for the handicapped. The Federal Fair Housing Act Amendments (FHAA) and the California Fair Employment Housing Act (FEHA) prohibit enforcement of zoning ordinances that would have the effect of discriminating against equal housing opportunities for the handicapped. A core purpose of the FHAA, FEHA and California's Lanterman Act is to ensure access to a broad range of housing opportunities to the handicapped; to free the handicapped, to the extent possible, from institutional-style living; and to ensure that handicapped persons have the opportunity to live in normal residential surroundings and use and enjoy a dwelling in a manner similar to the way a dwelling is enjoyed by the non-handicapped.</i></p>	
		<p><i>To fulfill this purpose the FHAA and FEHA also require that cities provide reasonable accommodations to their zoning ordinances if such accommodations are necessary to afford handicapped persons an equal opportunity to use and enjoy a dwelling. The Lanterman Act fulfills the equal access provisions in part by requiring cities to treat state licensed residential care facilities serving six or fewer as a residential use. As a result of these Federal and State regulations cities have for the most part been unsuccessful in establishing ordinances that limit the number of SLF in their jurisdiction.</i></p> <p><i>In compliance with these Federal and State laws, most Cities in the county have no ordinances on the books to regulate or limit the number of SLH in their cities. The City's Ordinance has been upheld by a federal district court as being valid under the FHAA and the ADA. The city is working to adopt a second ordinance to regulate group homes in the City's multi-family residential zones.</i></p>	

		<p><i>The other question we are often asked is why are so many SLH coming to Costa Mesa? The answer to this questions requires some degree of speculation since the decision where to locate a group home is an individual one made by independent business with no input or encouragement from the City. However, several factors may account for the higher numbers of SLH in Costa Mesa, these include:</i></p> <ul style="list-style-type: none"> <i>* Proximity to medical detoxification hospital facilities</i> <i>* Location near the beaches and good year-round weather</i> <i>* Large supply of single family rental property</i> <i>* Fewer developments with Homeowner Associations to deal with</i> <i>* Large supply of independently owned and operated apartment buildings in the 2-8 units size range</i> <i>* A ready pool of home flippers choosing to rehab homes and sell them at a premium to group home operators.</i> <p style="text-align: right;"><i>(Jerry Guarracino)</i></p>	
106	CID	<p>How did you determine Costa Mesa's need for these supportive housing per California's definition: HSC 11834.20-11834.25?</p>	
	106-A	<p><i>These Health and Safety Codes sections represent the policies of the State Legislature as they relate to cities, counties and other public entities such as the State Department of Health Care Services (DHCS), which issues state licenses to drug and alcohol treatment facilities. Much attention is often given to the first paragraph of Section 11834.20 (shown in red), which suggests that cities need to permit and encourage development of sufficient numbers and types of alcoholism or drug abuse recovery or treatment facilities as are commensurate with local need. However, legislative intent language is not enforceable unless it is reflected in an operative provision of the statute, which in the case of these sections, it is not. Thus, overconcentration is not one of the factors that DHCS can consider in their decision to grant or deny a permit. This was confirmed by a December 2007 Attorney General Opinion, by then Attorney General Edmund G. Brown Jr., which states that overconcentration can't be consider as a factor in licensing decisions for drug and alcohol treatment facilities.</i></p> <p><i>A more complete reading of these HSC Sections provides answer to several of the other questions asked by the College Park Community particularly as it relates to why SLH of 6 or fewer people are not regulated and treated as business. Please refer to Sections 11834.22; 11834.23 (a), (b), (d), & (e); and 11834.25 (attached). The reading of this policy demonstrates quite dramatically the intent of the state legislature to ensure that residential drug and alcohol treatment facilities of 6 or fewer residents are considered and treated just like a single family residential uses and not as a business entity, irrespective of how they may operate in fact. (Jerry Guarracino)</i></p>	

107	CEO	On the topic of “Why are so many SLH’s in Costa Mesa?” Isn’t an obvious part of the answer because we are upside down with renters vs. homeowners in Costa Mesa? We are 60:40 renters: owners whereas all the rest of OC is 40:60. The city council and their appointed planning Commission is partially responsible for this! Costa Mesa is overwhelmed with renter mentality. Why aren’t we encouraging more single family homes?	
	107-A	<p><i>From 1990 to 2010 Single Family Residential (SFR) units in the City increased from 47.6% to 49.6% of all housing units, according to the City's 2013-2021 Housing Element. During that same period, the total number of multi-family units fell from 49.3% to 48.3% of all housing units. Many of the for-sale properties that include single family residential units, townhomes and condominiums are held by investors who rent them out. These are private business decisions that are not subject to City regulations.</i></p> <p><i>The City is encouraging new developments that provide homeownership opportunities through implementation of our Urban Plans and the recently adopted Small Lot Ordinance. These strategies are generating infill for-sale housing that is replacing obsolete industrial and residential apartments. These new developments have recently resulted in Costa Mesa posting the largest sales price increase for new home of any Orange County City. (Tom Hatch)</i></p>	
108	CID	How many Sober Living Homes of all types, licensed and unlicensed, single housekeeping homes, halfway homes and group homes are operating today?	
	108-A	<i>See reply to Questions 90-A (Jerry Guarracino)</i>	
109	CID	Is this an over concentration [in Costa Mesa] based on “need”?	
	109-A	<i>There certainly appears to be an over concentration of SLH in Costa Mesa assuming the City has the same percentage on individuals in recovery as the general population. (Jerry Guarracino)</i>	
110	CID	Per the Feb 2015 DHCS report, there are 21 pending licenses for Costa Mesa. Why is Costa Mesa #8 in total population but #1 licensed homes (in the state)?	
	110-A	<p><i>The decision to locate a state licensed sober living facility in Costa Mesa is a private business decision, over which the City and State have no control. There are a number of factors that may contribute to the larger number of SLH in Costa Mesa, they include:</i></p> <ul style="list-style-type: none"> <i>* Proximity to hospitals/medical facilities for detoxification</i> <i>* Location near the beach and year-round good weather</i> <i>* A large supply of single family rental property (low homeownership rates)</i> <i>* A large supply of individually owned small (2-8 unit) apartment blocks</i> <i>* Few Homeowner Associations (HOA's) (Jerry Guarracino)</i> 	

111	CID	How will the steps the city is taking result in a more equitable distribution of Sober Living Homes in OC?	
	111-A	<i>The City has no control over the distribution of SLH throughout the County. The goal of Ordinance 14-13 is to achieve a balance between our obligation to preserve housing choices for the handicapped and to protect the character of our single family residential neighborhoods. (Jerry Guarracino)</i>	
112	CID	Why is there such a large demand for “Sober” Living homes? a) Is it because of legalization of Drugs b) court driven?	*
	112-A	<p><i>This is a difficult questions to answer, but we did acknowledge the recent uptick in demand in the findings make in support of Ordinance 14-13. These findings indicate that over the past several years the City, County and State have seen a significant increase in the number of single-family homes being utilized as alcohol and drug recovery facilities for large numbers of individuals, referred to as sober living homes (SLH).</i></p> <p><i>The increase appears to be driven in part by the Substance Abuse and Crime Prevention Act of 2000 , adopted by California Voters, which provides that specified first-time drug and alcohol offenders are to be afforded the opportunity to receive substance abuse treatment rather than incarceration.</i></p> <p><i>Finally the Affordable Care Act has significantly expanded the availability of health care coverage for substance abuse treatment. (Jerry Guarracino)</i></p>	
113	CID	Does the new ordinance bring our zoning codes up to other cities’ standards?	
	113-A	<p><i>Most Cities do not have ordinances to regulate group homes within their City. With the adoption of Ordinance 14-13 Costa Mesa is one of the only cities in the country to have adopted a regulatory ordinance for group homes that has been upheld by the courts. The new ordinance does not bring us up to par with other cities, but rather may have set the bar for other cities.</i></p> <p><i>The City's legal team and CID have been contacted by State and Federal elected representatives from all over California as well as Florida, Wisconsin and New Jersey. We have fielded inquires from representatives from the cities of San Clemente, Fountain Valley, Long Beach and Santa Ana, as well the counties of Orange and Sacramento. We are working with legislators and staff in the California Assembly, Florida and California State Senate and LA's Reseda Neighborhood Council, and the City of Malibu. (Jerry Guarracino)</i></p>	

114	CID/CEO	Why did the other cities, such as Huntington Beach, Newport Beach, Irvine, Orange, and Laguna Beach, fight the influx of these homes after 2008, while Costa Mesa did nothing?	
	114-A	<p><i>We are unaware of any specific action being taken by Huntington Beach, Irvine or Laguna Beach to prevent the influx of SLHs into those communities. The City of Orange passed an ordinance similar to the Costa Mesa Ordinance, but has not faced the same degree of overconcentration.</i></p> <p><i>Back in 2008 the City was getting few complaints about SLHs. Further, the huge proliferation of SLHs, as a result of the voter approved Substance Abuse and Crime Prevention Act of 2000 (See Question No. 112-A) and funding for care as a result of the Affordable Care Act, were not anticipated to effect Costa Mesa disproportionately, as they have. (Jerry Guarracino) In addition, fair housing laws do not permit a city to take preventive measures to avoid overconcentration before it occurs. The City, under current law, had to wait until the problem presented itself. (Elena Gerli)</i></p>	
115	CID	Why isn't Costa Mesa coordinating with other cities to effect changes to protect residents?	
	115-A	<i>The City has become a leader in this area for legislation and is coordinating with cities locally and nationally, see response to Questions No. 113-A. (Jerry Guarracino)</i>	
116	CEO	Who is ultimately responsible for impact on home values for the remaining residents within the 650' radius due to overconcentration of short timers?	
	116-A	<i>The ultimate responsibility for impacts to property values needs to rest with the Federal and State Governments for adopting the legislation that has limited the ability of city governments to regulate SLH. The City will continue to protect the character of our residential neighborhoods, within the confines of adopted State and Federal law. (Tom Hatch) However, it should be noted that it is not clear that sober living homes affect property values negatively. (Elena Gerli)</i>	
117	CEO	Who shall we hold financially responsible for the devaluations of our home values, the city, the property owners, or the businesses?	
	117-A	<i>See the response to Questions No. 116-A. (Tom Hatch)</i>	
118	CA	If I go to sell my home, do I have to disclose that I have a SLH next door? Or is that discrimination?	
	118-A	<i>This is a legal questions that the City can not answer. You should consult appropriate legal counsel and discuss the particular relevant issue. (Jerry Guarracino)</i>	
119	CID	Does the property owner have any obligations under this new ordinance?	

	119-A	<i>Property owners of any group homes applying for a Special Use Permit are required to provide a Notarized Acknowledgement that the property is going to be used as a group home. If the property is declared to be a public nuisance while being operated as a group home (or for any other operation that constitutes a public nuisance), the City can recover the cost of abatement from the operator and/or from the property owner. (Jerry Guarracino)</i>	
120	CID	Does the property owner have any liability under this new ordinance?	
	120-A	<i>See reply to Questions 119-A (Jerry Guarracino)</i>	
121	CEO	121.a.: For Mr. Hatch or Mr. Righeimer: How is or where is the city going to get the money to pay for the legal fees they will incur for the many lawsuits? They burned through \$6,000,000 over 30 months of our taxpayer money. Now what? 121.b.: How much per group home is the regulating costing the people of Costa Mesa? Maple/Bernard/Charle Street Area.	
	121-A	<i>The City Council has made it a priority to fight the lawsuits & maintain staff to protect the character of our residential neighborhoods. We have attempted to learn from watching the experience of Newport Beach and we hope to be more cost effective in our approach. (Tom Hatch)</i>	
122	CEO/MPT	For Mr. Righeimer: Are you Scott Baugh's office partner, who was the key lobbyist against an opportunity to rope In the sober living homes in 2008? Who was also the consultant for Morningstar and Sober Living by the Sea, now outside Hotel California?	
	122-A	<i>Although both parties are located in the same office building they have separate lease agreements for the use of their office space. (Tom Hatch)</i>	
123	CEO	Has anyone profited from, invested in, benefitted financially from, has or previously had, a relationship with or associated with any sober living Home owner and or operators?	
	123-A	<i>This was asked and answered as <u>no</u> by all staff and elected officials attending the College Park Community Meeting on March 4, 2015. (Jerry Guarracino)</i>	
124	CID	How many on this panel have sober living homes in their neighborhood?	
	124-A	<i>The panel is no longer in session so it's not possible to answer this questions. (Jerry Guarracino)</i>	
125	CEO/CA	Why did a member of planning commission threaten a group of women they were going to be sued and the next day 8 women were served a cease and desist order – what was the city involvement? Why did a planning commissioner threaten 8 women with a law suit for gathering SLH information and the next day they were served cease and desist? How did the city come to play in this scenario?	

	125-A	<i>The City had no involvement in this scenario. Any actions, if taken, in this matter were initiated by an individual citizen and were not taken by anyone acting on behalf of the City. (Tom Hatch)</i>	
126	CID	If we were a charter city, would that make a difference?	
	126-A	<i>The Federal and State laws that limit our ability to regulate group homes would apply to us equally, even if we were a Charter City. (Jerry Guarracino)</i>	
127	Planning	Is it true a 100 bed facility for recovery drug & alcohol is being planned in an industrial area of Costa Mesa?	
	127-A	<i>The Development Services Division is not aware of any proposed 100 bed drug and alcohol recovery facility being planned in the Industrial area of the City. (Gary Armstrong)</i>	
128	Public Serv.	Why do we allow cars/trash cans to be on the street on street sweeping days?	
	128-A	<i>Vehicles are allowed to be parked on residential streets on street sweeping day unless it is a posted street. We only post streets upon requests by the residents, or via a street sweeping survey that shows less than 50% of the curb line can be swept. Normally the City sweeps streets the day after trash has been collected. Trash receptacles should be removed by the residents in a timely manner to allow for effective street sweeping. On holiday weeks the conflict of trash receptacles in the street while street sweeping is in progress is at times caused by the sanitary district adjusting the trash day forward to accommodate for the holiday. Street sweeping schedules cannot be adjusted due to the high number of streets posted for no parking on street sweeping day, moving the day would invalidate the signs and cause confusion. The City traditionally does not sweep the week of Thanksgiving and the week before and after Christmas (Depending on what day Christmas falls) due to the number of people off of work, school and visiting Costa Mesa. (Ernesto Munoz)</i>	
129	CID	[I am a] Neighbor living next to group home on Orange Avenue [you] are invited [to be a] guest, free room, board for 1 week to witness the behavior and disruption.	*
	129-A	<i>Comment Noted (Jerry Guarracino)</i>	

* name and/or address was provided with this question.

Attachments:

Health and Safety Code Sections: 11834.20 - 11834.25

Article 6: Home Occupations

Contact Information for Respondent

Tom Hatch 714-754-5328 TOM.Hatch@costamesaca.gov

Rick Francis 714-754-5688 Rick.Francis@costamesaca.gov

Gary Armstrong 714-754-5182 GARY.ARMSTRONG@costamesaca.gov

Ernesto Munoz 714-754-5343 ERNESTO.MUNOZ@costamesaca.gov

Jerry Guarracino	714-754-5631	Jerry.GUARRACINO@costamesaca.gov
Raja Sethuraman	714-754-5032	RAJA.SETHURAMAN@costamesaca.gov
Elena Gerli	714-446-1400	EQG@jones-mayer.com
Steve Dunivent	714-754-5631	STEVE.DUNIVENT@costamesaca.gov
Mark Manley	714-754-5043	MMANLEY@costamesaca.gov

HEALTH AND SAFETY CODE

SECTION 11834.20-11834.25

11834.20. The Legislature hereby declares that it is the policy of this state that each county and city shall permit and encourage the development of sufficient numbers and types of alcoholism or drug abuse recovery or treatment facilities as are commensurate with local need.

The provisions of this article apply equally to any chartered city, general law city, county, city and county, district, and any other local public entity.

For the purposes of this article, "six or fewer persons" does not include the licensee or members of the licensee's family or persons employed as facility staff.

11834.21. Any person licensed under this chapter who operates or proposes to operate an alcoholism or drug abuse recovery or treatment facility, the department or other public agency authorized to license such a facility, or any public or private agency which uses or may use the services of the facility to place its clients, may invoke the provisions of this article.

This section shall not be construed to prohibit any interested party from bringing suit to invoke the provisions of this article.

11834.22. An alcoholism or drug abuse recovery or treatment facility which serves six or fewer persons shall not be subject to any business taxes, local registration fees, use permit fees, or other fees to which other single-family dwellings are not likewise subject. Nothing in this section shall be construed to forbid the imposition of local property taxes, fees for water service and garbage collection, fees for inspections not prohibited by Section 11834.23, local bond assessments, and other fees, charges, and assessments to which other single-family dwellings are likewise subject. Neither the State Fire Marshal nor any local public entity shall charge any fee for enforcing fire inspection regulations pursuant to state law or regulation or local ordinance, with respect to alcoholism or drug abuse recovery or treatment facilities which serve six or fewer persons.

11834.23. (a) Whether or not unrelated persons are living together, an alcoholism or drug abuse recovery or treatment facility that serves six or fewer persons shall be considered a residential use of property for the purposes of this article. In addition, the residents and operators of the facility shall be considered a family for the purposes of any law or zoning ordinance that relates to the residential use of property pursuant to this article.

(b) For the purpose of all local ordinances, an alcoholism or drug abuse recovery or treatment facility that serves six or fewer persons shall not be included within the definition of a boarding house, rooming house, institution or home for the care of

minors, the aged, or persons with mental health disorders, foster care home, guest home, rest home, community residence, or other similar term that implies that the alcoholism or drug abuse recovery or treatment home is a business run for profit or differs in any other way from a single-family residence.

(c) This section shall not be construed to forbid a city, county, or other local public entity from placing restrictions on building heights, setback, lot dimensions, or placement of signs of an alcoholism or drug abuse recovery or treatment facility that serves six or fewer persons as long as the restrictions are identical to those applied to other single-family residences.

(d) This section shall not be construed to forbid the application to an alcoholism or drug abuse recovery or treatment facility of any local ordinance that deals with health and safety, building standards, environmental impact standards, or any other matter within the jurisdiction of a local public entity. However, the ordinance shall not distinguish alcoholism or drug abuse recovery or treatment facilities that serve six or fewer persons from other single-family dwellings or distinguish residents of alcoholism or drug abuse recovery or treatment facilities from persons who reside in other single-family dwellings.

(e) No conditional use permit, zoning variance, or other zoning clearance shall be required of an alcoholism or drug abuse recovery or treatment facility that serves six or fewer persons that is not required of a single-family residence in the same zone.

(f) Use of a single-family dwelling for purposes of an alcoholism or drug abuse recovery facility serving six or fewer persons shall not constitute a change of occupancy for purposes of Part 1.5 (commencing with Section 17910) of Division 13 or local building codes. However, nothing in this section is intended to supersede Section 13143 or 13143.6, to the extent those sections are applicable to alcoholism or drug abuse recovery or treatment facilities serving six or fewer residents.

11834.24. No fire inspection clearance or other permit, license, clearance, or similar authorization shall be denied to an alcoholism or drug abuse recovery or treatment facility because of a failure to comply with local ordinances from which the facility is exempt under Section 11834.23, if the applicant otherwise qualifies for a fire clearance, license, permit, or similar authorization.

11834.25. For the purposes of any contract, deed, or covenant for the transfer of real property executed on or after January 1, 1979, an alcoholism or drug abuse recovery or treatment facility which serves six or fewer persons shall be considered a residential use of property and a use of property by a single family, notwithstanding any disclaimers to the contrary.

ARTICLE 6. - HOME OCCUPATIONS

Sec. 13-163. - Purpose.

The city council hereby finds and declares that residential use of residentially zoned property is the primary use. That subject to regulation and control, the property may have a secondary use of a business or commercial nature so long as the secondary use is compatible with a residential environment.

(Ord. No. 97-11, § 2, 5-5-97)

Sec. 13-164. - Permits required.

No person shall engage in a home occupation, as defined in this Zoning Code, within any residentially zoned area of the city without first applying for and securing a permit. No business license shall be issued until a home occupation permit has been approved and issued. Home occupations that generate customer traffic and do not involve more than one customer/client at a time and no more than eight (8) customers/clients per day require the approval of a minor conditional use permit pursuant to Chapter III, Planning Applications.

(Ord. No. 97-11, § 2, 5-5-97)

Sec. 13-165. - Application procedures.

- (a) Applications for home occupation permits shall be filed with the finance division on forms provided and must be accompanied by an application for a business license for the work anticipated and the required fee.
- (b) The planning division shall review all such permit applications within four (4) days of the proper filing to determine compliance with the purpose and intent of this article and the standards set forth in section 13-168, Evaluation standards. The planning division may require additional information from the applicant in order to make the determination.
- (c) The planning division shall approve, approve with modifications, or deny any application for a permit, based upon determination in accordance with the standards set forth in section 13-168, Evaluation standards.

(Ord. No. 97-11, § 2, 5-5-97)

Sec. 13-166. - Permit fee.

Fees due, if any, shall be under the business license provisions of this Municipal Code.

(Ord. No. 97-11, § 2, 5-5-97)

Sec. 13-167. - Term of permit.

Any issued home occupation permit shall remain valid until revoked and shall not be transferred, assigned or used by any person other than the original permittee, nor shall such permit authorize any home occupation at any location other than the designated one for which the permit was issued.

(Ord. No. 97-11, § 2, 5-5-97)

Sec. 13-168. - Evaluation standards.

The planning division shall apply the following standards in evaluating each application to determine if the anticipated home occupation may be allowed:

- (a) There shall be no employment of persons other than permanent residents of the premises.
- (b) There shall be no direct sale of products, either wholesale or retail on the premises.
- (c) No more than one (1) room in the dwelling may be used for the home occupation.
- (d) No building, space outside of the main building, or garage, attached or detached, shall be used for the home occupation. Storage of necessary supplies or equipment used in the home occupation may be permitted in a garage if the storage does not diminish the usable parking space in the garage.
- (e) There shall be no use of utilities or community facilities beyond that normal to the residential use of the property.
- (f) No use of material or mechanized equipment not recognized as being associated with a normal household use or hobby is permitted.
- (g) The structure or appearance of the exterior of the dwelling shall not be altered or remodeled for home occupational purposes either by color, materials, construction, lighting, or in any other way. No part of the interior of the structure shall be remodeled for home occupation purposes other than the interior of the room where the home occupation is being conducted.
- (h) No signs shall be displayed in connection with the home occupation, and there shall be no advertising using the home address, with the exception of advertising in the telephone directory.
- (i) The home occupation shall not involve the use of commercial vehicles for delivery of materials to or from the premises, other than a vehicle of no more than one-ton capacity, owned by the operator of the home occupation, which shall be stored in an entirely enclosed garage. The storage of equipment such as trailers, tractors, trucks in excess of one (1) ton, wheeled construction equipment, etc. is not permitted.
- (j) The home occupation shall not generate pedestrian or vehicular traffic beyond that normal to the neighborhood where it is located.
- (k) The home occupation shall not result in or generate parking or storing of commercial vehicles on public streets. Commercial vehicles are defined in the State Vehicle Code and, in addition, shall include construction equipment and any other mobile paraphernalia used in connection with the home occupation.

(Ord. No. 97-11, § 2, 5-5-97)

Sec. 13-169. - Revocation and appeal procedures.

- (a) Any home occupation permit may be revoked by the planning division at any time after its issuance if the planning division notifies the permittee, in writing, of the decision to revoke the permit. The notice shall state the reasons for the action and shall refer to the appeal procedures prescribed in Title 2, Chapter IX, Appeal, Rehearing and Review Procedure. The existence of any one (1) or more of the following factors shall be sufficient grounds for revocation of the permit:
 - (1) Violation of any requirement of section 13-168, Evaluation standards;
 - (2) That the use has become detrimental to the public health or safety, or is deemed to constitute a nuisance;

- (3) That the permit was obtained by misrepresentation;
 - (4) That the use for which the permit was granted has ceased or has been suspended for six (6) consecutive months or more; or
 - (5) That the conditions of the premises, or of the district of which it is a part, have changed so that the use may no longer be justified under the purpose of this article.
- (b) The decision of the planning division may be appealed pursuant to Title 2, Chapter IX, Appeal, Rehearing and Review Procedure.

(Ord. No. 97-11, § 2, 5-5-97; Ord. No. 98-5, § 26, 3-2-98)