



CITY COUNCIL AGENDA REPORT

MEETING DATE: JULY 21, 2015

ITEM NUMBER: **PH-2**

SUBJECT: APPEAL OF THE PLANNING COMMISSION'S DENIAL OF ZONING APPLICATION ZA-15-01 FOR A DEVIATION FROM PARKING REQUIREMENTS FOR A GROUP COUNSELING USE AT 657 W. 19TH STREET

FROM: PLANNING DIVISION/DEVELOPMENT SERVICES DEPARTMENT

PRESENTATION BY: MEL LEE, SENIOR PLANNER

DATE: JULY 9, 2015

**FOR FURTHER INFORMATION CONTACT: MEL LEE, AICP (714) 754-5611
mel.lee@costamesaca.gov**

RECOMMENDATION

Pursuant to the Planning Commission's action:

- Uphold the Planning Commission's denial of Minor Conditional Use Permit ZA-15-01 to deviate from parking requirements for a group counseling use (Solid Landings) in a 6,710 square foot building (67 parking spaces is required for the use, 24 on-site parking spaces will be provided (29 existing spaces minus 5 spaces that will be lost when the West 19th Street gate is reopened per the conditions of approval) based on unique operating characteristics.

The minor conditional use permit was originally approved by the Zoning Administrator on April 23, 2015, and was appealed to the Planning Commission by a Costa Mesa resident.

APPLICANT

The applicant and appellant Kristen Ford, authorized agent for John Morehart, the property owner.

BACKGROUND

Project Site/Environs

The project site is located on the south side of West 19th Street, mid-block between Pomona Avenue and Anaheim Avenue. The site is .36 acres (15,681 square feet) in size. The property is zoned C1 (Local Business District) and has a General Plan Land Use Designation of General Commercial. The site contains a two-story, 6,710 square foot commercial building originally constructed in 1961, a surface parking lot, and site fencing. The site is bounded by commercial uses to the west and north (across West 19th Street), a commercial use (restaurant) and a residential use to the east, and residential uses (across Plumer Street) to the south. The site currently provides 29 on-site parking spaces, which are accessed via a gated driveway Plumer Street. There is also an existing driveway approach on the West 19th Street frontage of the property, but it is not used because the paved driveway leading from the approach has been removed and is gated and blocked by 5 parallel van parking spaces provided adjacent to the building.

Prior land use actions on the property include a conditional use permit for a fraternal lodge on the second floor, approved in 1965 under Conditional Use Permit C-49-65, and a proposed conditional use permit for a manufacturing use under PA-87-07, which was denied by the Planning Commission on January 26, 1987.

The building is currently occupied by Solid Landings, DBA Rock Solid Recovery, which provides outpatient treatment programs and other services, including group counseling, for men with drug and alcohol addiction.

The use began operating at the site without an approved business license or minor conditional use permit for the use. Additionally, construction activity occurred at the site without the required building and fire safety permits and inspections.

Project Description

The applicant utilizes the building for the following services:

- State certified outpatient treatment programs for Rock Solid Recovery clients (men) residing in sober living group homes or state certified outpatient residential programs. The programs for women are a separate operation not conducted from this site.
- Individual and group counseling sessions, as well as educational sessions.
- Administrative offices.

According to the applicant's description of the use, the various programs and services offered at the site run from 6:00 am to 9:00 pm, Monday through Friday. Weekend operation is limited to one-on-one therapy appointments on an as-needed basis between 8:00 am and 5:00 pm. The maximum number of staff on site at any one time during the weekday is 17 and the maximum number of clients on the site at any one time during the weekday is 30. The clients come to the site by vans at various times of the day. The applicant states that the building will only be partially utilized for group counseling; the building will also house administrative offices and one-on-one therapy rooms. The applicant claims that at no time will the required on-site parking for the use

exceed 20 spaces; 3 spaces for the vans and 17 spaces for the staff that drive their cars to the site.

Minor Conditional Use Permit for Reduction in Required On-Site Parking for Group Counseling Use

The City's Zoning Code does not specify a parking requirement for group counseling uses. Zoning Code Section 13-90 (Parking For Uses Not Specified) allows the number of required parking spaces for uses not specified in the Zoning Code to be determined by the Zoning Administrator based upon the parking required for similar types of uses.

Zoning Administrator Determination No. 08-5, dated May 19, 2008, determined that the parking requirement for group counseling uses was to be classified the same as for trade and vocational schools, which is 10 parking spaces per 1,000 square feet of gross floor area. In the case of the subject property, this equates to a requirement of 67 on-site parking spaces based on the existing 6,710 square foot building area. The 10 spaces per 1,000 square foot parking requirement for group counseling uses is needed for the entire building because the other uses (i.e., administrative offices and therapy rooms) support the primary group counseling use.

Because the subject property currently provides 29 on-site parking spaces, a shortfall of 38 spaces required for the use, the applicant is requesting approval of a minor conditional use permit to allow for the reduction in the required parking amount based on their specific operation as discussed in the prior section of this letter and per Zoning Code Section 13-89.5 (Reduction in Parking Requirements).

Zoning Administrator Action

On April 23, 2015, ZA-15-01 was approved by the Zoning Administrator, subject to compliance with conditions of approval, including, but not limited to, obtaining the necessary building and fire safety permits, as well as restoring vehicular access to the site from West 19th Street to eliminate vehicle access and stacking on Plumer Street (Plumer would be used for vehicle exit only). A link to the Zoning Administrator's decision letter and attachments can be found on the City's website at the below link:

<http://www.costamesaca.gov/Modules/ShowDocument.aspx?documentid=18005>

Planning Commission Action

On April 30, 2015, an appeal of the Zoning Administrator's decision was filed by a City resident. The basis for the appeal was that the use was being operated in violation of City codes, including building and fire safety codes, and the conditions of approval for ZA-15-01.

On June 8, 2015, the appeal was considered by the Planning Commission. Based on the evidence presented by the appellant and testimony presented at the hearing, the Planning Commission reversed the Zoning Administrator's approval and denied ZA-15-01 on a 5-0 vote.

A link to the Planning Commission staff report can be found on the City's website here:

<http://www.costamesaca.gov/ftp/planningcommission/agenda/2015/2015-06-08/PH-1.pdf>

The excerpt of the Planning Commission meeting minutes for the item (unofficial until approved) are attached to this report (Attachment 7).

Appeal of Planning Commission Action

On June 12, 2015, the Planning Commission's denial of ZA-15-01 was appealed by the original applicant to the City Council. The basis for the appeal includes the following:

1. The findings of the Planning Commission supporting the decision cannot be justified in fact or in law.
2. The decision of the Planning Commission was based on unsubstantiated testimony and evidence introduced by the appellant without opportunity for the applicant to review or respond resulting in the denial of due process of the law.
3. The Planning Commission's decision resulted in a denial of the applicant's right's as a protected class under the American's with Disabilities Act and other state and Federal anti-discrimination laws.

De Novo Hearing

The City Council hearing is a **de novo hearing** in which the City Council may consider the project in its entirety. Council may consider all aspects of the proposed use and is not required to limit the discussion to the appellant's issues in the appeal.

ANALYSIS

The following analysis provides information intended to address the issues raised by the appellant in the appeal application. More detailed information is provided in the evidence presented at the June 8, 2015 Planning Commission meeting (Attachment 5):

- *Per the appellant, the findings of the Planning Commission supporting the decision cannot be justified in fact or in law.*

The Planning Commission findings, detailed in Attachment 9, were reviewed by the City Attorney's Office and were based on the evidence and testimony presented during the hearing, including, but not limited to, the following:

- As observed by Costa Mesa resident(s), the residential neighborhoods on Center Street and Plumer Street were being disrupted by the following activities related to the use:
 - Clients and employees were observed parking on Center Street and Plumer Street instead of in the parking lot and walking to the facility; additionally, clients were walking to the faculty rather than being dropped off as indicated in the applicants' business plan.

- Employees were observed parking in the nearby Costa Mesa Senior Center parking lot and walking to the facility.
- The client vans were observed blocking traffic on Plumer Street and parking in the nearby Senior Center parking lot.
- The above activities were inconsistent with the operations plan submitted by the applicants, which indicated that all employees park inside the property, all clients are to be dropped off by vans inside the property so as to ensure minimal impact on the neighboring properties and the adjacent residential neighborhoods.
- In light of the above, the Planning Commission considered the photographic evidence and public testimony related to the parking and traffic impacts of the current operations. The Planning Commission concluded that the proposed operating measures were inadequate to address the parking shortfall.

Evidence was provided that the use was not being operated in compliance of the following conditions of approval and code requirements for ZA-15-01:

- Conditions of Approval Numbers 3, 4, 5, 6, 8, 9, 11, 16, and 17.
- Code Requirement Numbers 1, 3, 4, 9, and 10.

The use as being operated constituted a public nuisance per the following sections of Title 20, Chapter III, Article 1 Section 20-12 (Conditions or Uses Qualifying as a Public Nuisance):

- Sections a, x, z, ff, gg, hh, jj, and ll.
- The facility has been operated for nine months without the necessary approvals as noted above.
- The findings upon which the ZA approval was granted are no longer applicable.

The property owner and applicant did not follow the correct procedures for obtaining the necessary building and fire safety permits and inspections for the use, including, but not limited to, the following:

- Permits for interior and exterior alterations to the building, fire safety inspections, certificates of occupancy, and business licenses.
- The addition of the security gate on Plumer Street.
- The removal of the driveway and the addition of a vehicle gate on West 19th Street.
- The addition of glass storefront windows along the building's West 19th Street frontage.
- Kitchen and kitchenette facilities were installed without the required OC Health Department permits and inspections.
- Electrical conduits and piping were installed on the exterior of the building without the required electrical permits and inspections.
- Rusted/damaged exterior stairs were installed without the required building permits and inspections.

- Per the appellant, the decision of the Planning Commission was based on unsubstantiated testimony and evidence introduced by the appellant without opportunity for the applicant to review or respond resulting in the denial of due process of the law.

The evidence presented at the hearing, as described above, was also presented to the appellant during the hearing and the appellant was given an opportunity to rebut the evidence and testimony that was submitted into the record.

New Information

Status of Building and Fire Code violations subsequent to the Planning Commission hearing

With regard to the Building and Fire Code violations, staff has attached memos from the Building Division and Fire Department regarding the status and progress of all pending work activities, including the legalization of certain construction work. This information was not provided to the Planning Commission at the hearing.

As of the date of the memo, the applicant has submitted plans into the City for Building Plan Check to obtain the necessary permits and inspections (see Attachment 10).

With regard to Fire Department requirements, the applicant is in the process of obtaining the “Knox Box” fire access for the vehicle gate and has not yet scheduled a Fire safety inspection (Attachment 11).

Status of Code Enforcement violations subsequent to the Planning Commission hearing

With regard to the violations observed by the resident(s) regarding the parking and queuing of vehicles on the surrounding streets, staff has attached a memo from the Code Enforcement Division. This information was not provided to the Planning Commission at the hearing.

According to the memo, on the two days that were observed by Code Enforcement (June 19, 2015 and June 25, 2015), several staff members were observed parking on Plumer Street instead of on-site and vehicles blocking the sidewalk and/or traffic on Plumer Street while the vehicle gate on Plumer Street was opening and closing (see Attachment 12).

- Per the appellant, the Planning Commission's decision resulted in a denial of the applicant's right's as a protected class under the American's with Disabilities Act and other state and Federal anti-discrimination laws.

The Deputy City Attorney, who was present at the Commission meeting, determined that the findings made by the Commission were lawful and did not result in a denial of the applicant's rights under anti-discrimination laws.

LEGAL REVIEW

The City Attorney has reviewed the draft resolutions and they have been approved as to form by the City Attorney's Office.

ALTERNATIVES

The City Council may take the following actions:

- Uphold the Planning Commission's decision and deny ZA-15-01; or
- Reverse the Planning Commission's denial and approve ZA-15-01. Any modifications to the conditions of approval, such as additions or deletions, can be made by the Council as part of this action.

CONCLUSION

De novo literally translates to "anew," "afresh" or "a second time." A de novo hearing is essentially a new proceeding where the proposal is presented to the City Council for final consideration. In its decision making, City Council is not restricted to the evidence that was previously presented to the Planning Commission.

MEL LEE, AICP
Senior Planner

GARY ARMSTRONG, AICP
Economic Development & Development
Services Director / Deputy CEO

Attachments: 1. [Location Map, Zoning Map, and 500' Radius Map](#)
2. [Site Photos](#)
3. [Appeal](#)
4. [Draft Resolutions and Exhibits](#)
5. [Correspondence From Public](#)
6. [Plans](#)
7. [Planning Commission Meeting Minute Excerpts](#)
8. [June 8, 2015 Planning Commission Staff Report and Attachments](#)
9. [Planning Commission Resolution](#)
10. [Building Safety Memo](#)
11. [Fire Safety Memo](#)
12. [Code Enforcement Memo](#)
13. [Additional Correspondence](#)

cc: Chief Executive Officer
Assistant Chief Executive Officer
Economic Development & Development Services Director / Deputy CEO
City Attorney
Public Services Director
Transportation Svs. Mgr.
City Engineer
City Clerk (9)
Staff (7)
File (2)

Solid Landings Behavioral Health
Attn: Kristen Ford
2900 Bristol Street, Suite B-300
Costa Mesa, CA 92626

Rock Solid Recovery
657 West 19th Street
Costa Mesa, CA 92627

John Morehart
126 East 16th Street
Costa Mesa, CA 92627

Dennis O'Neil
c/o O'Neil, LLP
19900 MacArthur Boulevard, Suite 1050
Irvine, CA 92612

Stacy W. Thomsen
c/o Peterson Law Group PC
19800 MacArthur Boulevard, Suite 290
Irvine, California 92612

RESOLUTION NO. 15-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA UPHOLDING THE PLANNING COMMISSION'S DECISION AND DENYING ZONING APPLICATION ZA-15-01 FOR A MINOR CONDITIONAL USE PERMIT FOR A REDUCTION IN ON-SITE PARKING SPACES FOR A GROUP COUNSELING USE AT 657 WEST 19TH STREET

THE CITY COUNCIL OF THE CITY OF COSTA MESA HEREBY RESOLVES AS FOLLOWS:

WHEREAS, an application was filed Kristen Ford, representing John Morehart, the property owner, requesting approval of the following:

Zoning Application ZA-15-01 is a Minor Conditional Use Permit to deviate from parking requirements for a group counseling use (Solid Landings) in a 6,710 square foot building (67 parking spaces is required for the use, 24 on-site parking spaces will be provided (29 existing minus 5 that will be lost when the West 19th Street gate is reopened per the conditions of approval) based on unique operating characteristics.

WHEREAS, on April 23, 2015, the Zoning Administrator approved the request; and

WHEREAS, on April 30, 2015, the Zoning Administrator's decision was appealed by a City resident; and

WHEREAS, a duly noticed public hearing held by the Planning Commission on June 8, 2015 with all persons having the opportunity to speak for and against the proposal; and

WHEREAS, the Planning Commission, based on the evidence and testimony presented during the hearing, voted to deny the project by a 5-0 vote; and

WHEREAS, on June 12, 2015, an appeal of the decision of the Planning Commission's denial of the project was filed; and

WHEREAS, a duly noticed public hearing was held by the City Council on July 21, 2015 with all persons having the opportunity to speak for and against the proposal; and

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit A, the City Council hereby upholds the Planning Commission's decision and **DENIES** Zoning Application ZA-15-01 with respect to the property described above.

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

PASSED AND ADOPTED this 21st day of July, 2015.

STEPHEN M. MENSINGER
Mayor, City of Costa Mesa

ATTEST:

APPROVED AS TO FORM:

CITY CLERK OF THE
CITY OF COSTA MESA

CITY ATTORNEY

STATE OF CALIFORNIA)

)SS

COUNTY OF ORANGE)

I, BRENDA GREEN, City Clerk and ex-officio Clerk of the City Council of the City of Costa Mesa, hereby certify that the above Council Resolution Number 15___ as considered at a regular meeting of said City Council held on the 21st day of July, 2015, and thereafter passed and adopted as a whole at the regular meeting of said City Council held on the 21st day of July, 2015, by the following roll call vote:

AYES:

NOES:

ABSENT:

IN WITNESS WHEREOF, I have hereby set my hand and affixed the Seal of the
City of Costa Mesa this ____ day of _____, 2015

EXHIBIT A

FINDINGS (DENIAL)

- A. The information presented does not comply with Costa Mesa Municipal Code Section 13-29(g)(2) in that:

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

Facts in Support of Findings: The applicant's request cannot be supported based on the following:

- The residential neighborhoods on Center Street and Plumer Street are being disrupted by the following activities related to the use.
- Clients and employees have been observed parking on Center Street and Plumer Street instead of in the parking lot and walking to the facility; additionally, clients are walking to the facility rather than being dropped off as indicated in the applicants' business plan.
- Employees have been observed parking in the nearby Costa Mesa Senior Center parking lot and walking to the facility.
- The client vans have been observed blocking traffic on Plumer Street and parking in the nearby Senior Center parking lot.
- The above activities are inconsistent with the plan submitted by the applicants, which indicated that all employees park inside the property, all clients are dropped off by vans inside the property so as to ensure minimal impact on the neighboring properties and the adjacent residential neighborhoods.
- In light of the above the Planning Commission found that, according to the applicant's submittals, the current operation should have little or no impact on parking and traffic. However, the current operation is spilling over into the neighborhood demonstrating that the proposed operating measures are inadequate to address the parking shortfall.

The approval of ZA-09-34 for a group counseling center at 1901 Newport Boulevard, Suite 149, as cited by the applicant as basis for approval for the subject use, does not establish a precedent for the approval of this application based on the following:

- The 1901 Newport property is zoned PDC, versus the C1 zoning for the subject property.
- The 1901 Newport property is surrounded by commercial properties and a parking structure, versus the subject property, which is abutting residential uses.
- The 1901 Newport property had a shortfall of 2 spaces, based on the shortfall of 38-43 spaces for the subject use.

- The 1901 Newport property has available overflow parking on-site, versus the subject property.
- The 1901 Newport property has no vehicle gates, versus the subject property.
- The 1901 Newport property has all required building and fire safety permits and inspections, versus the subject property.

The use is not being operated in compliance of the following conditions of approval and code requirements for ZA-15-01:

- Conditions of Approval Numbers 3, 4, 5, 6, 8, 9, 11, 16, and 17.
- Code Requirement Numbers 1, 3, 4, 9, and 10.

The use as being operated constitutes a public nuisance per the following sections of Title 20, Chapter III, Article 1 Section 20-12 (Conditions or Uses Qualifying as a Public Nuisance):

- Sections a, x, z, ff, gg, hh, jj, and ll.
 - The facility has been operated for nine months without the necessary approvals as noted above.
 - The findings upon which the ZA approval was granted are no longer applicable.

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

Facts in Support of Findings: The applicant's request cannot be supported based on the following:

The property owner and applicant did not follow the correct procedures for obtaining the necessary building and fire safety permits and inspections for the use, including, but not limited to, the following:

- Permits for interior and exterior alterations to the building, fire safety inspections, certificates of occupancy, and business licenses.
- The addition of the security gate on Plumer Street.
- The removal of the driveway and the addition of a vehicle gate on West 19th Street.
- The addition of glass storefront windows along the building's West 19th Street frontage.
- Kitchen and kitchenette facilities were installed without the required OC Health Department permits and inspections.
- Electrical conduits and piping were installed on the exterior of the building without the required electrical permits and inspections.
- Rusted/damaged exterior stairs were installed without the required building permits and inspections.

Finding: Granting the minor conditional use permit will allow a use, density, or intensity which is not in accordance with the General plan designation.

Facts in Support of Findings: The request is not consistent with the following goals and objectives of the General Plan:

- **Objective LU-1F.1:** *Protect existing stabilized residential neighborhoods from the encroachment of incompatible or potentially disruptive land uses and/or activities.*
- **Objective CIR-1A.14:** *Reduce or eliminate intrusion of commuter through traffic on local streets in residential neighborhoods.*

As noted earlier, the applicant's request cannot be supported based on the following:

- The residential neighborhoods on Center Street and Plumer Street are being disrupted by the following activities related to the use:
 - Clients and employees have been observed parking on Center Street and Plumer Street instead of in the parking lot and walking to the facility.
 - Employees have been observed parking in the nearby Senior Center parking lot and walking to the facility.
 - The client vans have been observed blocking traffic on Plumer Street and parking in the nearby Senior Center parking lot.
- B. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City's environmental procedures. Pursuant to Public Resources Code Section 21080(b)(5) and CEQA Guidelines Section 15270(a), CEQA does not apply to this project because it has been rejected and will not be carried out.
- C. The project is exempt from Chapter XII, Article 3, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

RESOLUTION NO. 15-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA REVERSING THE PLANNING COMMISSION'S DECISION AND APPROVING ZONING APPLICATION ZA-15-01 FOR A MINOR CONDITIONAL USE PERMIT FOR A REDUCTION IN ON-SITE PARKING SPACES FOR A GROUP COUNSELING USE AT 657 WEST 19TH STREET

THE CITY COUNCIL OF THE CITY OF COSTA MESA HEREBY RESOLVES AS FOLLOWS:

WHEREAS, an application was filed Kristen Ford, representing John Morehart, the property owner, requesting approval of the following:

Zoning Application ZA-15-01 is a Minor Conditional Use Permit to deviate from parking requirements for a group counseling use (Solid Landings) in a 6,710 square foot building (67 parking spaces is required for the use, 24 on-site parking spaces will be provided (29 existing minus 5 that will be lost when the West 19th Street gate is reopened per the conditions of approval) based on unique operating characteristics.

WHEREAS, on April 23, 2015, the Zoning Administrator approved the request; and

WHEREAS, on April 30, 2015, the Zoning Administrator's decision was appealed by a City resident; and

WHEREAS, a duly noticed public hearing held by the Planning Commission on June 8, 2015 with all persons having the opportunity to speak for and against the proposal; and

WHEREAS, the Planning Commission, based on the evidence and testimony presented during the hearing, voted to deny the project by a 5-0 vote; and

WHEREAS, on June 12, 2015, an appeal of the decision of the Planning Commission's denial of the project was filed; and

WHEREAS, a duly noticed public hearing was held by the City Council on July 21, 2015 with all persons having the opportunity to speak for and against the proposal; and

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

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

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit A, and subject to the conditions of contained within Exhibit B, the City Council hereby **APPROVES** Zoning Application ZA-15-01.

BE IT FURTHER RESOLVED that the Costa Mesa City Council does hereby find and determine that adoption of this Resolution is expressly predicated upon the activity as described in the staff report for Zoning Application ZA-15-01 and upon the applicant's compliance with each and all of the conditions in Exhibit B, and compliance of all applicable federal, state, and local laws. Any approval granted by this resolution shall be subject to review, modification or revocation if there is a material change that occurs in the operation, or if the applicant fails to comply with any of the conditions of approval and/or mitigation measures.

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

PASSED AND ADOPTED this 21st day of July, 2015.

STEPHEN M. MENSINGER
Mayor, City of Costa Mesa

ATTEST:

APPROVED AS TO FORM:

CITY CLERK OF THE
CITY OF COSTA MESA

CITY ATTORNEY

COUNTY OF ORANGE)

I, BRENDA GREEN, City Clerk and ex-officio Clerk of the City Council of the City of Costa Mesa, hereby certify that the above Council Resolution Number 15___ as considered at a regular meeting of said City Council held on the 21st day of July, 2015, and thereafter passed and adopted as a whole at the regular meeting of said City Council held on the 21st day of July, 2015, by the following roll call vote:

AYES:

NOES:

ABSENT:

IN WITNESS WHEREOF, I have hereby set my hand and affixed the Seal of the
City of Costa Mesa this ____ day of _____, 2015

EXHIBIT A

FINDINGS (APPROVAL)

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

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

Facts in Support of Findings:

Based on the applicant's description of the use, an adequate number of on-site parking spaces is provided. 67 parking spaces is required for the use, 24 on-site parking spaces are provided (29 existing minus 5 that will be lost when the West 19th Street gate is reopened), leaving a shortfall of 43 spaces required for the use. However, based on the information provided by the applicant, only 20 parking spaces will be needed (17 employee vehicles and 3 vans), thus an adequate number of on-site parking spaces can be provided for the use.

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

Facts in Support of Findings:

The current configuration of the parking area limits vehicle ingress and egress to the site from Plumer Street, creating additional commercial traffic on a local street adjacent to a residential neighborhood; therefore, vehicular access from West 19th Street will be required to be provided. Unlike other commercially-zoned properties on this block, which provide vehicular access from West 19th Street as well as Plumer Street, the subject property's sole vehicular ingress and egress is from Plumer Street. The Transportation Services Division has reviewed the applicant's proposal and has determined that to reduce the number of vehicles using Plumer Street to access the site, the driveway on West 19th Street should be restored, the gate and five van parking spaces blocking the access from West 19th Street should be removed, and West 19th Street used as the main access to the site, with Plumer Street being designated for egress of vehicles only. This has been incorporated as a condition of approval.

Finding: Granting the minor conditional use permit will not allow a use, density, or intensity which is not in accordance with the General plan designation.

Facts in Support of Findings:

The request is consistent with the following goals and objectives of the General Plan:

- **Objective LU-1F.1:** *Protect existing stabilized residential neighborhoods*

from the encroachment of incompatible or potentially disruptive land uses and/or activities.

Consistency: The measures described in the applicant's letter may address parking shortages. However, staff is recommending, as a condition of approval, that if parking shortages or other parking-related problems arise, the business operator shall institute appropriate operational measures necessary to minimize or eliminate the problem. Therefore, the request is consistent with this General Plan goal.

- **Objective CIR-1A.14:** *Reduce or eliminate intrusion of commuter through traffic on local streets in residential neighborhoods.*

Consistency: Unlike the other commercially-zoned properties on this block, which provide vehicular access from West 19th Street as well as Plumer Street, the subject property's sole vehicular ingress and egress is from Plumer Street. The Transportation Services Division has reviewed the applicant's proposal and has determined that to reduce the number of vehicles using Plumer Street to access the site, the driveway on West 19th Street should be restored, the gate and van parking spaces blocking the access from West 19th Street should be removed, and West 19th Street used as the main access to the site, with Plumer Street being designated for egress of vehicles only. This has been incorporated as a condition of approval. Therefore, the use is consistent with this General Plan goal.

- B. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City environmental procedures, and has been found to be exempt under Section 15301, Existing Facilities, of the CEQA Guidelines.
- C. The project is exempt from Chapter XII, Article 3, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

EXHIBIT B

CONDITIONS OF APPROVAL

- Plng. 1. The conditions of approval, code requirements, and special district requirements of ZA-15-01 shall be blueprinted on the face of the site plan as part of the plan check submittal package (if plan check is required).
2. The onsite activities shall be as follows:

SUMMARY OF ON-SITE ACTIVITIES (MON-FRI)	
6:00 AM	The first Rock Solid employee arrives in a company vehicle and parks in the gated lot.
7:30-9:30 AM	16 additional Rock Solid employees and/or therapists arrive in personal or company vehicles.
8:45-9:15 AM	Clients from 4 different sober living homes arrive via 3 12-seat passenger vans. The vans drop clients off within the gated parking lot and do not remain onsite. The total number of clients that arrive via the 3 passenger vans range from 21-30. The vans arrive at 15 minute intervals so as not to overlap.
9:15 AM-3:00 PM	Clients rotate through one-on-one therapy, group counseling, computer lab/library time, lunch, and free time.
3:00-3:30 PM	Three passenger vans arrive to transport clients to the gym. Clients not wishing to go to the gym are transported home. Clients do not return until the following day. The vans arrive at 15 minute intervals so as not to overlap.
3:00-5:00 PM	Staff remains until 5:00 PM
5:00-6:00 PM	A cleaning crew of 3-6 people arrive in 1 or 2 cars and stays for 1 hour.
6:00 PM-6:30 PM	Evening staff arrives to run group sessions attended by Rock Solid Clients. 10 employees are present representing 10 vehicles. Clients arrive via 3 vans at 15-minute intervals. The approximate number of clients is 30. The total vehicles on site is 13.
6:30-8:30 PM	Group sessions held during this time period.
8:30-9:00 PM	Passenger vans arrive to transport clients to their homes at 15-minute intervals. The employees leave at 9:00 PM once the last passenger van leaves the site.
SUMMARY OF ON-SITE ACTIVITIES (SAT-SUN)	
8:00 AM-5:00 PM	Therapist may schedule an appointment with a client on an as needed basis. If an appointment occurs the number of vehicles is 2 –one for the therapist and one for the client who is transported to the premises via a Rock Solid vehicle.

3. No employees, clients or visitors to the property shall park on City streets. All parking for the use shall take place on the property in designated parking spaces.
4. All clients shall be dropped off and picked up in the parking area. No pick-up or drop-off will occur in the driveways or public right-of-ways.
5. The use shall be limited to the type of operation as described herein. Any change in the operational characteristics shall require review by the Planning Division and may require an amendment to the minor conditional use permit, subject to either Zoning Administrator or Planning Commission approval, depending on the nature of the proposed change. The applicant is reminded that the Municipal Code allows the Planning Commission to modify or revoke any planning application based on findings related to public nuisance and/or noncompliance with conditions of approval [Title 13, Section 13-29(o)].
6. The zoning application herein approved shall be valid until revoked. The Development Services Director or his designee may refer the zoning application to the Planning Commission for modification or revocation at any time if, in his or her opinion, any of the following circumstances exist: 1) the use is being operated in violation of the conditions of approval; 2) the use is being operated in violation of applicable laws or ordinances or 3) one or more of the findings upon which the approval was based are no longer applicable.
7. If any section, division, sentence, clause, phrase or portion of this approval is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions.
8. If parking shortages or other parking-related problems arise, the business operator shall institute appropriate operational measures necessary to minimize or eliminate the problem.
9. The use shall be conducted, at all times, in a manner that will allow the quiet enjoyment of the surrounding neighborhood. The applicant and/or operator shall institute whatever security and operational measures may be necessary to comply with this requirement.
10. A copy of the conditions of approval for the conditional use permit must be kept on premises and presented to any authorized City official upon request. New business/property owners shall be notified of conditions of approval upon transfer of business or ownership of land.
11. The applicant shall contact the Planning Division to arrange a Planning inspection of the site. This inspection is to confirm that the Planning Division conditions of approval and code requirements have been satisfied.
12. No later than 90 days from the date of approval, the landscape setback areas along the West 19th Street frontage shall be landscaped with trees and vegetation. The landscape plan shall contain 24-inch box trees to the satisfaction of the Development Services Director.
13. Applicant shall defend, indemnify, and hold harmless the City, its elected and

appointed officials, agents, officers and employees from any claim, action, or proceeding (collectively referred to as "proceeding") brought against the City, its elected and appointed officials, agents, officers or employees arising out of City's approval of the project, including but not limited to any proceeding under the California Environmental Quality Act. The indemnification shall include, but not be limited to, damages, fees and/or costs awarded against the City, if any, and cost of suit, attorney's fees, and other costs, liabilities and expenses incurred in connection with such proceeding whether incurred by the applicant, the City and/or the parties initiating or bringing such proceeding. This indemnity provision shall include the applicant's obligation to indemnify the City for all the City's costs, fees, and damages that the City incurs in enforcing the indemnification provisions set forth in this section. City shall have the right to select the attorney defending it, if it elects to do so.

14. Applicant shall obtain Planning approval for the construction of the commercial driveway on West 19th Street, pursuant to condition 15, below.
- Trans. 15. No later than 45 days from the date of approval, revise the parking area and access gates as follows:
- a) Construct commercial driveway at the existing approach on West 19th Street leading to the parking area at the rear of the site, which shall be used for vehicle ingress, unless otherwise directed by the Transportation Services Division.
 - b) Eliminate any parking spaces which interfere with the driveway access to the parking area at the rear of the site to comply with the standard drive aisle dimensions per the City's Parking Design Standards.
 - c) Onsite vehicular circulation shall comply with the City's Parking Design Standards.
 - d) Existing Plumer Street access shall only be used as vehicle egress, unless otherwise directed by the Transportation Services Division.
16. No later than 30 days from the date of approval, existing and/or proposed vehicle gate locations shall be submitted to the Transportation Services Division for review and approval. If the existing/proposed gate locations cannot be approved, the applicant shall relocate and/or remove the vehicle gates as necessary.
- Fire 17. All vehicular access gates shall comply with the requirements of Sections 506.1 and 506.2 of the 2013 California Fire Code (or any successor provisions), so as to provide access to emergency crews. A Knox system for gate access must be obtained through the Costa Mesa Fire Department within 30 days from the date of approval for the existing gate on Plumer Street, and concurrently with the approval of the gate on West 19th Street.

CODE REQUIREMENTS

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

- PIng.
1. This use, as well as all contractors and subcontractors doing construction-related activity on the site, shall have valid business licenses to do business in the City of Costa Mesa. Final inspections, final occupancy and utility releases will not be granted until all such licenses have been obtained.
 2. Approval of the zoning application is valid for one (1) year from the effective date of this approval and will expire at the end of that period unless applicant establishes the use by one of the following actions: 1) obtains building permit(s) for the authorized construction and initiates construction; and/or 2) obtains a business license and/or legally establishes the business. If the applicant is unable to establish the use/obtain building permits within the one-year time period, the applicant may request an extension of time. The Planning Division must receive a written request for the time extension prior to the expiration of the zoning application.
 3. The project is subject to compliance with all applicable Federal, State, and local laws. A copy of the applicable Costa Mesa Municipal Code requirements has been forwarded to the Applicant and, where applicable, the Authorized Agent, for reference.
 4. Street address shall be visible from the fascia adjacent to the main entrance or on another prominent location. Numerals shall be a minimum twelve (12) inches in height with not less than three-fourth-inch stroke and shall contrast sharply with the background. Identification of individual units shall be provided adjacent to the unit entrances. Letters or numerals shall be four (4) inches in height with not less than one-fourth-inch stroke and shall contrast sharply with the background.
 5. Any mechanical equipment such as air-conditioning equipment and duct work shall be screened from view in a manner approved by the Planning Division.
 6. Two (2) sets of detailed landscape and irrigation plans, which meet the requirements set forth in Costa Mesa Municipal Code Sections 13-101 through 13-108, shall be required as part of the project plan check review and approval process. Plans shall be forwarded to the Planning Division for final approval prior to issuance of building permits.
 7. Landscaping and irrigation shall be installed in accordance with the approved plans prior to final inspection or occupancy clearance.
 8. Two (2) sets of landscape and irrigation plans, approved by the Planning Division, shall be attached to two of the final building plan sets.
- Bldg.
9. Comply with the requirements of the following adopted codes: 2013 California Building Code, 2013 California Electrical Code, 2013 California Mechanical Code, 2013 California Plumbing Code, 2013 California Green Building Standards Code, and 2013 California Energy Code (or the applicable adopted California Building Code, California Electrical

Code, California Mechanical Code, California Plumbing Code, and California Green Building Standards and California Energy Code at the time of plan submittal or permit issuance) and California Code of Regulations, also known as the California Building Standards Code, as amended by the City of Costa Mesa.

10. Requirements for accessibility to sites, facilities, buildings and elements by individuals with disabilities shall comply with chapter 11B of the 2013 California Building Code.



CITY COUNCIL

SUPPLEMENTAL MEMORANDUM

MEETING DATE: JULY 21, 2015

SUBJECT: APPEAL OF THE PLANNING COMMISSION'S DENIAL OF ZONING APPLICATION ZA-15-01 FOR A DEVIATION FROM PARKING REQUIREMENTS FOR A GROUP COUNSELING USE AT 657 W. 19TH STREET

FROM: PLANNING DIVISION/DEVELOPMENT SERVICES DEPARTMENT

PRESENTATION BY: MEL LEE, SENIOR PLANNER

DATE: JULY 17, 2015

FOR FURTHER INFORMATION CONTACT: MEL LEE, AICP, SENIOR PLANNER
(714) 754-5611 mel.lee@costamesaca.gov

The staff report dated July 9, 2015 referred to several conditions of approval related to ZA-15-01. Excerpts of the Zoning Administrator's Decision and related conditions of approval are attached for reference.

MEL LEE, AICP
Senior Planner

GARY ARMSTRONG, AICP
Economic Development & Development
Services Director / Deputy CEO

Attachment: ZA-15-01, Conditions of Approval

cc: Chief Executive Officer
Assistant Chief Executive Officer
Director of Economic & Development / Deputy CEO
City Attorney
Public Services Director
Transportation Svs. Mgr.
City Engineer
City Clerk (9)
Staff (7)
File (2)

Solid Landings Behavioral Health
Attn: Kristen Ford
2900 Bristol Street, Suite B-300
Costa Mesa, CA 92626

Rock Solid Recovery
657 West 19th Street
Costa Mesa, CA 92627

John Morehart
126 East 16th Street
Costa Mesa, CA 92627

Dennis O'Neil
c/o O'Neil, LLP
19900 MacArthur Boulevard, Suite 1050
Irvine, CA 92612

Stacy W. Thomsen
c/o Peterson Law Group PC
19800 MacArthur Boulevard, Suite 290
Irvine, California 92612

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

CONDITIONS OF APPROVAL

- Plng. 1. The conditions of approval, code requirements, and special district requirements of ZA-15-01 shall be blueprinted on the face of the site plan as part of the plan check submittal package (if plan check is required).
2. The onsite activities shall be as follows:

SUMMARY OF ON-SITE ACTIVITIES (MON-FRI)	
6:00 AM	The first Rock Solid employee arrives in a company vehicle and parks in the gated lot.
7:30-9:30 AM	16 additional Rock Solid employees and/or therapists arrive in personal or company vehicles.
8:45-9:15 AM	Clients from 4 different sober living homes arrive via 3 12-seat passenger vans. The vans drop clients off within the gated parking lot and do not remain onsite. The total number of clients that arrive via the 3 passenger vans range from 21-30. The vans arrive at 15 minute intervals so as not to overlap.
9:15 AM-3:00 PM	Clients rotate through one-on-one therapy, group counseling, computer lab/library time, lunch, and free time.
3:00-3:30 PM	Three passenger vans arrive to transport clients to the gym. Clients not wishing to go to the gym are transported home. Clients do not return until the following day. The vans arrive at 15 minute intervals so as not to overlap.
3:00-5:00 PM	Staff remains until 5:00 PM
5:00-6:00 PM	A cleaning crew of 3-6 people arrive in 1 or 2 cars and stays for 1 hour.
6:00 PM-6:30 PM	Evening staff arrives to run group sessions attended by Rock Solid Clients. 10 employees are present representing 10 vehicles. Clients arrive via 3 vans at 15-minute intervals. The approximate number of clients is 30. The total vehicles on site is 13.
6:30-8:30 PM	Group sessions held during this time period.
8:30-9:00 PM	Passenger vans arrive to transport clients to their homes at 15-minute intervals. The employees leave at 9:00 PM once the last passenger van leaves the site.
SUMMARY OF ON-SITE ACTIVITIES (SAT-SUN)	

8:00 AM-5:00 PM	Therapist may schedule an appointment with a client on an as needed basis. If an appointment occurs the number of vehicles is 2 –one for the therapist and one for the client who is transported to the premises via a Rock Solid vehicle.

- * 3. No employees, clients or visitors to the property shall park on City streets. All parking for the use shall take place on the property in designated parking spaces.
- * 4. All clients shall be dropped off and picked up in the parking area. No pick-up or drop-off will occur in the driveways or public right-of-ways.
- * 5. The use shall be limited to the type of operation as described herein. Any change in the operational characteristics shall require review by the Planning Division and may require an amendment to the conditional use permit, subject to either Zoning Administrator or Planning Commission approval, depending on the nature of the proposed change. The applicant is reminded that the Municipal Code allows the Planning Commission to modify or revoke any planning application based on findings related to public nuisance and/or noncompliance with conditions of approval [Title 13, Section 13-29(o)].
- * 6. The zoning application herein approved shall be valid until revoked. The Director of Economic & Development/Deputy CEO or his designee may refer the zoning application to the Planning Commission for modification or revocation at any time if, in his opinion, any of the following circumstances exist: 1) the use is being operated in violation of the conditions of approval; 2) the use is being operated in violation of applicable laws or ordinances or 3) one or more of the findings upon which the approval was based are no longer applicable.
- 7. If any section, division, sentence, clause, phrase or portion of this approval is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions.
- * 8. If parking shortages or other parking-related problems arise, the business operator shall institute appropriate operational measures necessary to minimize or eliminate the problem.
- * 9. The use shall be conducted, at all times, in a manner that will allow the quiet enjoyment of the surrounding neighborhood. The applicant and/or operator shall institute whatever security and operational measures are necessary to comply with this requirement.
- 10. A copy of the conditions of approval for the conditional use permit must be kept on premises and presented to any authorized City official upon request. New

business/property owners shall be notified of conditions of approval upon transfer of business or ownership of land.

- * 11. The applicant shall contact the Planning Division to arrange a Planning inspection of the site. This inspection is to confirm that the Planning Division conditions of approval and code requirements have been satisfied.
 - 12. No later than 90 days from the date of approval, the landscape setback areas along the W. 19th Street frontage shall be landscaped with trees and vegetation. The landscape plan shall contain 24-inch box trees to the satisfaction of the Development Services Director.
 - 13. Applicant shall defend, indemnify, and hold harmless the City, its elected and appointed officials, agents, officers and employees from any claim, action, or proceeding (collectively referred to as "proceeding") brought against the City, its elected and appointed officials, agents, officers or employees arising out of City's approval of the project, including but not limited to any proceeding under the California Environmental Quality Act. The indemnification shall include, but not be limited to, damages, fees and/or costs awarded against the City, if any, and cost of suit, attorney's fees, and other costs, liabilities and expenses incurred in connection with such proceeding whether incurred by the applicant, the City and/or the parties initiating or bringing such proceeding. This indemnity provision shall include the applicant's obligation to indemnify the City for all the City's costs, fees, and damages that the City incurs in enforcing the indemnification provisions set forth in this section. City shall have the right to select the attorney defending it, if it elects to do so.
 - 14. Applicant shall obtain Planning approval for the construction of the commercial driveway on W. 9th Street, pursuant to condition 15, below.
- Trans. 15. No later than 45 days from the date of approval, revise the parking area and access gates as follows:
- a) Construct commercial driveway at the existing approach on W. 19th Street leading to the parking area at the rear of the site, which shall be used for vehicle ingress, unless otherwise directed by the Transportation Services Division.
 - b) Eliminate any parking spaces which interfere with the driveway access to the parking area at the rear of the site to comply with the standard drive aisle dimensions per the City's Parking Design Standards.
 - c) Onsite vehicular circulation shall comply with the City's Parking Design Standards.
 - d) Existing Plumer Street access shall only be used as vehicle egress,

unless otherwise directed by the Transportation Services Division.

- * 16. No later than 30 days from the date of approval, existing vehicle gate locations shall be submitted to the Transportation Services Division for review and approval. If the existing gate locations cannot be approved, the applicant shall relocate and/or remove the vehicle gates as necessary.
- Fire * 17. All vehicular access gates shall comply with the requirements of Sections 506.1 and 506.2 of the 2013 California Fire Code (or any successor provisions), so as to provide access to emergency crews. A Knox system for gate access must be obtained through the Costa Mesa Fire Department within 30 days from the date of approval for the existing gate on Plumer Street, and concurrently with the approval of the gate on W. 19th Street.

CODE REQUIREMENTS

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

- Plng. * 1. This use, as well as all contractors and subcontractors doing construction-related activity on the site, shall have valid business licenses to do business in the City of Costa Mesa. Final inspections, final occupancy and utility releases will not be granted until all such licenses have been obtained.
2. Approval of the zoning application is valid for one (1) year from the effective date of this approval and will expire at the end of that period unless applicant establishes the use by one of the following actions: 1) obtains building permit(s) for the authorized construction and initiates construction; and/or 2) obtains a business license and/or legally establishes the business. If the applicant is unable to establish the use/obtain building permits within the one-year time period, the applicant may request an extension of time. The Planning Division must receive a written request for the time extension prior to the expiration of the zoning application.
- * 3. The project is subject to compliance with all applicable Federal, State, and local laws. A copy of the applicable Costa Mesa Municipal Code requirements has been forwarded to the Applicant and, where applicable, the Authorized Agent, for reference.
- * 4. Street address shall be visible from the fascia adjacent to the main entrance or on another prominent location. Numerals shall be a minimum twelve (12) inches in height with not less than three-fourth-inch stroke and shall contrast sharply with the background. Identification

of individual units shall be provided adjacent to the unit entrances. Letters or numerals shall be four (4) inches in height with not less than one-fourth-inch stroke and shall contrast sharply with the background.

5. Any mechanical equipment such as air-conditioning equipment and duct work shall be screened from view in a manner approved by the Planning Division.
 6. Two (2) sets of detailed landscape and irrigation plans, which meet the requirements set forth in Costa Mesa Municipal Code Sections 13-101 through 13-108, shall be required as part of the project plan check review and approval process. Plans shall be forwarded to the Planning Division for final approval prior to issuance of building permits.
 7. Landscaping and irrigation shall be installed in accordance with the approved plans prior to final inspection or occupancy clearance.
 8. Two (2) sets of landscape and irrigation plans, approved by the Planning Division, shall be attached to two of the final building plan sets.
- Bldg. * 9. Comply with the requirements of the following adopted codes: 2013 California Building Code, 2013 California Electrical Code, 2013 California Mechanical Code, 2013 California Plumbing Code, 2013 California Green Building Standards Code, and 2013 California Energy Code (or the applicable adopted California Building Code, California Electrical Code, California Mechanical Code, California Plumbing Code, and California Green Building Standards and California Energy Code at the time of plan submittal or permit issuance) and California Code of Regulations, also known as the California Building Standards Code, as amended by the City of Costa Mesa.
- * 10. Requirements for accessibility to sites, facilities, buildings and elements by individuals with disabilities shall comply with chapter 11B of the 2013 California Building Code.



CITY COUNCIL SUPPLEMENTAL MEMORANDUM

MEETING DATE: JULY 21, 2015

SUBJECT: APPEAL OF THE PLANNING COMMISSION'S DENIAL OF ZONING APPLICATION ZA-15-01 FOR A DEVIATION FROM PARKING REQUIREMENTS FOR A GROUP COUNSELING USE AT 657 W. 19TH STREET

FROM: PLANNING DIVISION/DEVELOPMENT SERVICES DEPARTMENT

PRESENTATION BY: MEL LEE, SENIOR PLANNER


DATE: JULY 21, 2015

FOR FURTHER INFORMATION CONTACT: MEL LEE, AICP, SENIOR PLANNER
(714) 754-5611 mel.lee@costamesaca.gov

Attached to this memo are the additional observations of the site by Code Enforcement staff conducted on July 16, 2015, and July 17, 2015. The highlighted text and photos indicates where employees or customers of Solid Landings were observed to not be parking within the on-site parking lot.



MEL LEE, AICP
Senior Planner



GARY ARMSTRONG, AICP
Economic Development & Development
Services Director / Deputy CEO

Attachment: Interoffice memos and photos

cc: Chief Executive Officer
Assistant Chief Executive Officer
Director of Economic & Development / Deputy CEO
City Attorney
Public Services Director
Transportation Svs. Mgr.
City Engineer
City Clerk (9)
Staff (7)
File (2)

Solid Landings Behavioral Health
Attn: Kristen Ford
2900 Bristol Street, Suite B-300
Costa Mesa, CA 92626

Rock Solid Recovery
657 West 19th Street
Costa Mesa, CA 92627

John Morehart
126 East 16th Street
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Dennis O'Neil
c/o O'Neil, LLP
19900 MacArthur Boulevard, Suite 1050
Irvine, CA 92612

Stacy W. Thomsen
c/o Peterson Law Group PC
19800 MacArthur Boulevard, Suite 290
Irvine, California 92612

City of Costa Mesa

Inter Office Memorandum

To: Mel Lee

From: Mike Tucker, Code Enforcement Officer *MT*

Date: July 20, 2015

Subject: 657 W. 19th St. – Solid Landings – Activity Update 7/16/15

Thursday, 7/16/15: I went out to property to observe activity:

- 12:45: I arrived at site from east bound 19th St. As I drove by, I observed that the room upstairs was filled with people (pictures 1 & 2). I pulled into the Senior Center parking lot and observed the Security Guard speaking with a male in the south, east corner of the lot. The security guard's name, at the senior Center, is Darius Pyles and he works Monday thru Friday, 7:30 am to 3:30 pm. He said that people from the recovery center park in the Senior Center parking lot regularly.
- 12:59: A large white passenger van approaches from eastbound Plumer St, pulls up to security gate, parks across sidewalk and the passenger gets out, enters gate code, gets back into van and proceeds into parking lot (picture 3).
- 13:00: White Prius backs out, parks on eastbound Plumer St, exits vehicle and walks onto property. (pics 5, 6 & 8)
- 13:02: Parking lot appears full, lots of activity in back, appears they are preparing for some type of camping trip.
- 13:03: 8 staff members walk out. One of the staff members got into a vehicle parked at the Senior Center.
- 13:05: 2 more female staff members walk out through the pedestrian gate.
- 13:06: 3 staff members leave. One gets in a car parked on Plumer St (picture 12).
- 13:09: A male staff member exits Plumer gate and walks eastbound down Plumer St.
- 13:10: Female staff member who had been outside walks westbound down Plumer and gets in a gold Buick parked on eastbound Plumer St.
- 13:16: A large passenger van was backing out of lot through security gate as a black car tried to pull in resulting in blocking westbound Plumer St. (pictures 13 thru 22)
- 13:17: Staff member approaches property from eastbound Plumer St, on foot, and enters property through security gate.

- 13:19: Approximately 25 people hanging out in parking lot near smoking area.
- 13:20: Blue Toyota Corolla backing out of parking lot, through security gate and onto Plumer St (pictures 23 thru 27)
- 13:20: Male staff member exits on foot and walks down eastbound Plumer St.
- 13:28: White Prius pulls up, to security gate and blocks sidewalk. Security Guard manually enters gate code and then the vehicle enters property (pictures 28 thru 31).
- 13:30: White van backs out (pictures 61 thru 66).
- 13:37: Silver Honda approaches security and blocks sidewalk (pictures 32 thru 37).
- 13:40: Five staff members, 3 male and 2 female, exit on foot through Plumer St. pedestrian gate, and walk down westbound Plumer St. One gets in a white Toyota Prius parked on westbound Plumer St. (picture 38). The other 4 staff members get in a Gray Honda CRV (6WFM463) parked on westbound Plumer.



7/16/15, 1:00 PM



7/16/15, 1:01 PM

-6-



-7-

7/16/15, 1:01 PM



-8-

7/16/15, 1:06 PM



-9-

7/16/15 1:22 PM

City of Costa Mesa

Inter Office Memorandum

To: Mel Lee

From: Mike Tucker, Code Enforcement Officer *MT*

Date: July 21, 2015

Subject: 657 W. 19th St. – Solid Landings – Activity Update 7/17/15

Thursday, 7/17/15: I went out to property to observe activity:

- 13:57: I arrived at site. Parking lot had at least 3 open spaces. (pics 1 & 2)
- 13:58: There is a security officer set up in the south east corner of the lot. The security guard area has taken up the parking space with a canopy, desk, chair and a bicycles. (pic 3)
- 14:00: After my arrival, the security guard came outside of the gate and posted himself outside on the sidewalk. (pic 4)
- 14:12: A silver, suv type vehicle, approached gate, security guard opens gate and has a conversation with driver while the vehicle is blocking sidewalk. Another vehicle approached from westbound Plumer St. and was parked in the street waiting for the silver suv to enter. (pic 5)
- 14:16: 2 staff members walk out, walk down eastbound Plumer St and get into a maroon car, parked on westbound Plumer St. (pic 6)
- 14:17: White car approaches gate and blocks sidewalk as security guard operates electric gate. (pic 7)
- 14:38: White Kia approaches gate and blocks sidewalk as security guard operates electric gate. (pic 8)
- 14:54: Gold/bronze colored car backing out onto eastbound Plumer St. (pic 9)



7/17/15, 1:57 PM



7/17/15, 1:57 PM

-12-



-13-

7/17/15, 1:57 PM



-14-



7/17/15, 2:16 PM