

**MINUTE EXCERPT FROM THE
JANUARY 8, 2018 PLANNING COMMISSION MEETING
REGARDING NORTHBOUND TREATMENT SERVICES
(Public Hearing No. 1 – PA-16-25)**

1. **CONDITIONAL USE PERMIT PA-16-25 TO OPERATE A STATE LICENSED DRUG AND ALCOHOL TREATMENT FACILITY SERVING 21 RESIDENTS; INCLUDING AN APPEAL OF DENIAL OF REASONABLE ACCOMMODATION REQUEST FOR A LAND USE REQUIREMENT; OPERATED BY NORTHBOUND TREATMENT SERVICES AT 2417 ORANGE AVENUE**

Project Description: Conditional Use Permit (CUP) PA-16-25 is a request to operate a state-licensed alcohol and drug treatment facility housing 21 residents. The applicant also submitted a request for reasonable accommodation to allow this facility to be within 502 feet of three state-licensed drug and alcohol treatment facilities, and for relief from other land use requirements. The application for accommodation was denied. The applicant has appealed that decision to the Planning Commission.

Environmental Determination: The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15301 (Class 1), Existing Facilities.

No ex-parte communications to report.

Sheri Vander Dussen, Consultant, presented the staff report.

PUBLIC COMMENTS

Chair Andranian asked Steven Polin, applicant's attorney, if all his general statements pertaining to this item could be used on all of the other public hearing items tonight. Mr. Polin responded yes; for all of the Northbound Treatment Services items. The Chair also asked Mr. Polin to understand that the Commission will not be making any decisions tonight based on case law. Mr. Polin responded that he understood and stated he will not get into the appellant arguments.

Mr. Polin stated that the applicant will do one presentation on all three Northbound Treatment Services applications for tonight's meeting. He provided his opening statements and explained how institutionalization does not apply to Northbound Treatment Services; how this item is a treatment facility; how it was in operation before Ordinance 15-11 was created; stated concerns with the denial of the application being based on the compatibility with the neighborhoods; talked about reasonable accommodation factors; and HUD's Keating Memo on occupancy standards.

Devon Wayt, Chief Operating Officer for Northbound Treatment Services, presented a slideshow on Northbound Treatment Services; explained the differences between a treatment facility versus a sober living home; treatment programs; legacy of

leadership; the company's mission; good neighbor policy; success rate; and average length of stay.

Paul Alexander, President and Founder of Northbound Treatment Services, gave a background on his own recovery; why their program is a quality treatment program; and reasons to approve the application.

Michael Neatherton, Chief Executive Officer of Northbound Treatment Services, talked about his own sobriety; the model that Northbound delivers; and his own daughter's sobriety success through Northbound Treatment Services.

Commissioners, Mr. Wayt, and Mr. Polin, discussed the client to staff ratio; whether clients park on-site; how the information in their satisfaction survey was compiled; clients daily schedule; if locking clients out during particular times of the day occurs; treatment facilities viewed as residential facilities under Federal law; length of stay for patients; what happens after the residents finish with their treatment; and whether overconcentration complicates treatment of their patients.

Flo Martin, Costa Mesa resident, commented on who owns the property and stated concerns with the high density of the application.

An unidentified speaker asked what percentage of the clients are from Orange County and what efforts have they made to spread their treatment facilities to other cities.

An unidentified speaker spoke on this item.

Jay Humphrey, Costa Mesa resident, stated concerns with setting a precedent of allowing additional facilities within the 650-foot separation distance if this application is approved and whether the garage space is going to be used for a meeting room.

Barrie Fischer, Costa Mesa resident, asked how many of the residents are from Costa Mesa; how many residents are from out-of-state; cost of the program per month; how the applicant claims the benefits of a residential area but hold the clients to an institutionalized schedule; and if the clients walk in between the houses.

Tom Johnson, President of Costa Mesa Chamber of Commerce, stated he toured the facility and suggested that the City work with the good operators.

Warren Franklin asked how could the neighbors of these facilities know if they are a bad operator or not; stated concerns with the clients not connected to the community; asked that Public Hearing Item No. 2 be considered as two separate facility applications; not as one.

Emily Blynn, Costa Mesa resident, stated that she lives near the Northbound Treatment Services facility and spoke in support of the facility.

An unidentified speaker lives near a couple of the Northbound facilities on tonight's agenda and spoke in opposition to these items.

Melanie Trapp stated she is an alumna of Northbound Treatment Services and RAW Recovery and spoke about her recovery success.

Andrea Mar, Costa Mesa resident, spoke about preserving neighborhoods and not have them overrun by institutions and facilities; and stated concerns with the increase in density.

Rene Genovese, Costa Mesa resident, spoke about her own sobriety and support for the recovery community in Costa Mesa.

Loni Grovum, Costa Mesa resident, stated concerns with the sober living facilities near her and suggested working with the good operators.

Jennifer Mathews, Costa Mesa resident, spoke about her own son's sobriety with Northbound Treatment Services and spoke in support of this item.

Richard Kelly Austin stated his concerns about Public Hearing Item No. 4.

Chris Shimmels spoke about his recovery at Northbound Treatment Services and spoke in support of this item.

Emily Barber, Costa Mesa resident, spoke about her own sobriety and spoke in support of this item.

Les Fisher, Costa Mesa resident, spoke in opposition to this item.

Zac Spowart, Director of Compliance for Northbound Treatment Services, spoke in support of this item.

Bill Klosiski stated it is a zoning problem and asked to preserve the neighborhoods.

An unidentified speaker spoke in opposition to Public Hearing Item No. 2.

Dennis O'hearn, resident of the area, asked that the Commission comply with the 650-foot separation rule.

Robert Long talked about his sobriety at this location.

Robert (did not say his last name) stated he would like there to be a public notice that goes out to a homeowner when a treatment facility is going to buy a property near them.

Leslie Brennan, Costa Mesa resident, stated concerns with there being too many.
3:00:10.

An unidentified speaker read a letter from someone that could not be here; asked if Mr. Polin can practice law in California; and spoke in opposition to this item.

An unidentified speaker stated his comments apply to all of tonight's applications and asked if they are in ADA compliance; and asked that 650-foot separation rule be upheld.

Mr. Wayt responded to public comments.

The Chair closed the public hearing.

Vice Chair de Arakal asked if the Commission has the ability to limit how many patients they can serve at a facility. Tarquin Preziosi, Assistant City Attorney, responded that the Commission can put conditions on the property that might limit the number of occupants.

Vice Chair de Arakal stated is he willing to overturn the director's denial if the resident count at the facility is less than 20.

MOTION: Move that the Planning Commission adopt the Resolution upholding the director's denial of request for reasonable accommodation and adopt Resolution denying the Conditional Use Permit PA-16-25, incorporating the reasons as outlined in the findings for denial in Exhibit A, beginning on handwritten page 81.

Moved by Chair Andranian, seconded by Commissioner Harlan with discussion.

Chair Andranian stated it is a land use decision based on the City's Ordinance and there is a 650-foot separation issue.

Commissioner Harlan stated this item is a land use and zoning issue and will be supporting the motion.

Vice Chair de Arakal stated he will support the motion since there is not an interest in regulating the number of patients at the facility.

Commissioner Kerins thanked the public for their comments and will be upholding the laws of Costa Mesa and supports the motion.

Commissioner Navarro Woods thanked everyone that came out to speak on this item and will be supporting the motion.

Mr. Preziosi asked to set the record straight on a comment made by Mr. Polin on the applicable standard for reasonable accommodation and clarified that the staff report does discuss the current legal standard on reasonable accommodation as amended by the most recent ordinance.

Ms. Vander Dussen asked that the resolution in the supplemental memo be used as the basis for the Commission's action tonight. Chair Andranian stated that was the intent of the maker of the motion.

RESOLUTION PC-18-01 – A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA UPHOLDING THE DENIAL OF A REQUEST FOR REASONABLE ACCOMMODATION TO ALLOW A STATE LICENSED DRUG AND ALCOHOL FACILITY TO DEVIATE FROM VARIOUS REQUIREMENTS OF THE ZONING CODE; AND DENYING CONDITIONAL USE PERMIT PA-16-25 TO ALLOW A STATE LICENSED DRUG AND ALCOHOL TREATMENT FACILITY OPERATED BY NORTHBOUND TREATMENT SERVICES HOUSING 21 OCCUPANTS WITHIN SIX EXISTING UNITS AT 2417 ORANGE AVENUE

The motion carried by the following roll call vote:

Ayes: Andranian, de Arakal, Harlan, Kerins, Navarro Woods
Noes: None
Absent: None
Abstained: None

The Chair explained the appeal process.