

TO: Newport Beach Planning Commission

We respectfully request the assistance of the city Planning Commission regarding a major community concern.

AT ISSUE

The city of Newport Beach has failed to implement its own Zoning Code. The result has been:

- √ a dramatic increase in the number of Residential Treatment Centers for drug and alcohol addicts in local residential neighborhoods without the required Conditional Use Permits and Planning Commission approval;
- √ overwhelming negative impact in the neighborhoods where these treatment centers are establishing businesses including noise, traffic, insufficient parking, increased occupancy/density, delivery trucks, trash problems, etc.
- √ the increasingly aggressive pattern of these ‘treatment centers’ to use additional neighboring residential properties to expand their ‘business operations’, while the city remains passive in refusing to enforce any/all zoning regulations

DETAILS

Six residential properties are Residential Treatment Centers (businesses providing recovery, counseling, detoxification services) to drug/alcohol addicts without the enforcement of the current city zoning code. This requires a ‘Conditional Use Permit’ application, notification to neighbors within 300 ft. of a Public Hearing with the city Planning Commission, review and approval by the city Planning Commission= ALL required in the city's Zoning Code. The Newport Beach Zoning Code states, "Use permits are required for use classifications typically having unusual site development features or operating characteristics requiring special consideration so that they may be designed, located, and operated compatibly with uses on adjoining properties and in the surrounding area." (Newport Beach Zoning Code 20.91.010)

The city issued 'business licenses' to operators IN RESIDENTIAL PROPERTIES without regard to zoning requirements of a ‘Conditional Use Permit’. Newport Beach Zoning Code specifically requires Use Permits with Planning Commission approval (and public hearings, and consideration and review of residential and neighborhood impact) for "Residential Care, General" businesses. Each of these six businesses ARE "Residential Treatment Centers", considered ‘Residential Care, General’; and licensed by the State of California. These are WITHIN the current, legal and LOCAL AUTHORITY of the city. (Newport Beach Zoning Code 20.10.3)

<u>Residential Address</u>	<u>Business Name</u>	<u>Addicts residing on the property</u>	<u>Employees, Staff & Volunteers</u>	<u>Total Persons</u>	<u>Parking Spaces On Site</u>
1810 W. Oceanfront	So. Cal. Headqtrs. of Narconon	27	29	56	3
1601 W. Balboa Blvd.	Ocean Recovery/ Solutions by Sea	18	10(?)	18+	3
1216 W. Balboa Blvd.	Pat Moore Found.	27	15(?)	42+	8
4500 Seashore Dr./ 4504 Seashore	Sober Living by the Sea	14	7(?)	21+	3
4800 Seashore Dr.	Sober Living by the Sea	11	5(?)	16+	3

TOTALS		102	71(?)	163+	20
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? Note on employees, staff & volunteers: This is a conservative estimate on the number of employees. These businesses operate as Residential Treatment Centers providing one-to-one counseling, group counseling, non-medical services, drug testing, food services, facility supervision, business services including detoxification, saunas, weigh rooms, etc. ALL services are conducted ON SITE.

Additional halfway houses: At least three of these businesses have leased additional neighboring 'residences' to expand their business operations. One has leased more than five more homes. These additional properties are not recognized by the state-licensing agency and have no city business licenses. Since the city has failed and turned its head as these businesses blossom, more un-regulated, non-licensed businesses are opening each month; and we can only 'guess' at how are operating without city business licenses, let alone without use permits, in the city.

Criminal Element: Addicts/clients in these residential treatment centers represent a criminal element unregulated by the city. Many of the addicts residing in Residential Treatment Centers in our city are there as a result of a criminal justice placement or court order. In November, an administrator with the state licensing agency admitted that 90% of addicts in these facilities have been criminally convicted. A recent L.A. Times article (10/12/03) focused on one such client in a Newport Beach halfway house. She had been convicted of drug use, dealing drugs, and other related crimes. In the article, she also described her association with parolees and criminals, and her dealing drugs to fund the Nazi Low Riders- a prison and street gang. Addicts stay at these residences between 1-5 months. So the turnover of clients/addicts in these facilities is dizzying. The City has allowed these centers to multiply in the Newport Beach (specifically on the Newport Peninsula) without any review of impact to residents, neighborhoods, and their safety. Neither City Hall, the NB Police Department, nor the NB Fire Department keeps a listing/addresses of licensed Residential Treatment Centers in the city. Yet these represent a concentration of individuals criminally convicted of drug use, dealing drugs and other crimes, usually theft to pay for their drug habit. Their association with parolees, criminals and others doesn't stop with their placement in a Halfway House. It just means their 'associates' now come to Newport to visit them. How can the city treat residents/owners, our neighborhoods, schools, and safety so lightly, and allow these facilities to multiple without local regulatory/zoning procedures?

Peninsula Overload: Currently, there are six state-licensed 'Rehab houses' in Newport Beach. ALL are located on the Balboa Peninsula. TWO are within only 2 residential blocks of one another. And three are within blocks of an elementary school and two pre-schools. Most are directly on the beach, or close to the sand. (The location serves operators with their national marketing/advertisement to bring more addicts to the city.)

Big Corporation Profits: We continue to marvel at the 'protection' these businesses seem to enjoy in Newport Beach. Of particular interest is the fact that most bring in NO FINANCIAL DOLLARS to the city. The \$114 annual fee for a business license in Newport Beach is waived since most operate as non-profit organizations. They pay NO city taxes, since they 'sell no product'. They pay NO city 'bed tax' or 'transient accommodation tax' (as those with weekly vacation rentals, or hotels/motels) since their addicts/clients stay a minimum of 2 months. They may pay NO state taxes, if they are a non-profit organization. All around, this is a great deal for these business operators. Narconon, Inc, (1810 W. Oceanfront) for example is making \$20,000 per client for a two to five month stay. They operate 27 beds. This means almost a QUARTER OF A MILLION DOLLARS PER MONTH IN THIS SINGLE PROPERTY. And no state or local taxes are paid? No wonder Narconon, Inc. and others come to Newport Beach and want to stay-- and no wonder residents are furious over the peaceful enjoyment of their homes and neighborhoods being compromised in this way.

Irvine's Admirable Leadership: The city of Irvine maintains the SAME city zoning ordinances as the city of Newport Beach. However, Irvine enforces their zoning code, and has developed a comprehensive process! The required 'Use Permit' in Irvine requires the applicant organization to pay a \$12,000 deposit fee, pay the city \$114 per hour for city staff time to process the Use Permit Application- which takes almost 16 weeks. The Use Permit process includes a detailed review of parking, traffic, noise, neighborhood impact, and even the turning radius/proximity of delivery trucks/traffic to other residences! And a public hearing is conducted, and city Planning Commission approval is required. The result is Irvine has effectively ensured the peaceful enjoyment of their citizens' homes and neighborhoods; and NO Residential Treatment Centers are in the city of Irvine! Only *non*-residential treatment centers on commercial properties have been permitted in the city of Irvine. No wonder these halfway houses are coming to Newport; the city is just giving up our neighborhoods without a word!

What will our city's failure to act, cost us? Is the profit of independent corporations more valuable than preserving our residential neighborhoods, the safety of our children and residents, and citizens' right to the peaceful enjoyment of their homes? And how long will the city allow this problem to continue and grow? These 'Rehab businesses' have made big profits while citizens/residents complaints have been ignored for years. We urge all related agencies and individuals to investigate the reason the City of Newport Beach has ignored it's own zoning code and allowed Residential Treatment Centers to operate, and expand, without the required Use Permit application, public hearing, and City Planning Commission approval.

REQUEST FOR REVIEW

We believe action by the Newport Beach Planning Commission is necessary. The operation of these 'Rehab businesses, un-zoned and un-regulated by the city, has a tremendously negative impact on local neighborhoods, residents, and property owners. The City of Newport Beach's has failed. The city has created and contributed to this growing problem- by not implementing the city Zoning Code requiring a 'Use Permit' for these businesses to operate from residential properties.

We believe the Planning Commission has the responsibility to IMMEDIATELY comply with the legal-binding city zoning code. We urge the Planning Commission to:

- √ ***Require city management/staff to comply with the legal requirement of a Conditional Use Permit (with Planning Commission approval) for all 'Residential Treatment Centers' in the city;***
- √ ***Require a Use Permit for existing 'Residential Treatment Centers' as legally-required in the zoning code. This would include, but is not limited to, a residential impact review, public hearing and Planning Commission approval.***
- √ ***Require a process of 'checks and balances' to assure ALL city departments are aligned with Conditional Use Permits approved by the Planning Commission. This includes the Revenue Dept. (responsible for business licenses), the Fire Marshall (responsible for Fire Safety Clearances), the Building Dept. (responsible for Certificates of Occupancy), and the Planning Dept. (responsible for Conditional Use Permits).***

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Attachments: Map, City Zoning- selected pages, background information regarding 8 myths/truths, packet of citizen complaint letters.