



**AGENDA NO: A-3**

**MEETING DATE: June 8, 2021**

**AGENDA CORRESPONDENCE  
RECEIVED BY THE CITY COUNCIL FOR  
PUBLIC REVIEW PRIOR TO THE MEETING**

**Dana Swanson**

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**From:** betty winholtz <[REDACTED]@[REDACTED]>  
**Sent:** Monday, June 07, 2021 10:26 PM  
**To:** John Heading; Robert Davis; Jeffrey Heller; Dawn Addis; Laurel Barton  
**Cc:** Greg Kwolek; Dana Swanson  
**Subject:** agenda item a-4

Dear City Council:

According to the the Staff Report "the City's estimated demand [is] 1,080 AF" (acre feet). "The City has approximately 1019 acre-feet (AF) of water stored in San Luis Reservoir." (page2) If Morro Bay is allotted 5% of our 1313 acre feet that equals 65.65 acre feet. If the City receives 5% of its buffer, the total allocation from the State is just under 200 acre feet. It appears the City would consume most of its San Luis Reservoir in one year.

The article below states, "California's reservoirs, more than 1,500 in all, now contain 50 percent less water than they normally do at this time of year. My question to Staff is: how many acre feet are in San Luis Reservoir, how many of those acre feet are Morro Bay's, how much will they release to us, and under what circumstances?"

Sincerely,  
Betty Winholtz

## California and much of the American West face mega-drought brought on by climate change

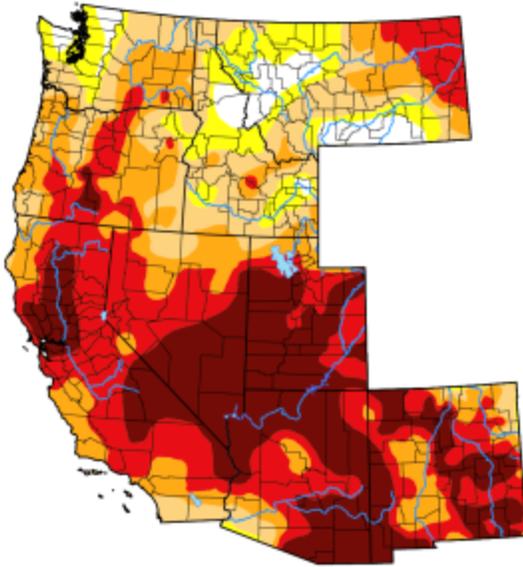
[David Knowles](#) Mon, June 7, 2021, 12:08 PM

Thanks in part to rising temperatures [due to climate change](#), "extreme" or "exceptional" drought conditions are now occurring in 74 percent of the state of California, while 72 percent of the Western U.S. is classified as experiencing "severe" drought, according to data from the [U.S. Drought Monitor](#).

With the risk of wildfires growing with every passing day in states like California, which receives only minimal precipitation during the summer months, temperatures last week continued to trend 3 to 6 degrees above normal, the Drought Monitor said on its website.

In May, California Gov. Gavin Newsom declared a drought emergency in 41 of the state's 58 counties, putting in place water conservation restrictions.

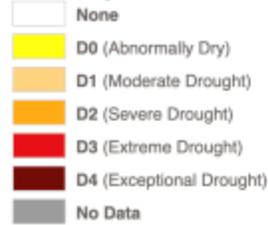
"We're working with local officials and other partners to protect public health and safety and the environment, and call on all Californians to help meet this challenge by stepping up their efforts to save water," Newsom said.



**Map released: Thurs. June 3, 2021**

Data valid: June 1, 2021 at 8 a.m. EDT

### Intensity



### Authors

United States and Puerto Rico Author(s):  
**Brian Fuchs**, National Drought Mitigation Center

Pacific Islands and Virgin Islands Author(s):  
**Ahira Sanchez-Lugo**, NOAA/NCEI

*The Drought Monitor focuses on broad-scale conditions. Local conditions may vary. See accompanying [text summary](#) for forecast statements.*

A map provided by the U.S. Drought Monitor shows the extent of severe drought now gripping the Western portion of the country. (U.S. Drought Monitor)

Back-to-back dry years in conjunction with above-average temperatures have exacerbated drought conditions across the American West, the National Oceanic and Atmospheric Administration said [on its website](#). The extent of the drought is unprecedented in recorded history, with 100 percent of both California and Nevada now classified as experiencing “moderate to exceptional drought.”

“Snowpack since April 1 has rapidly decreased earlier than normal to near zero, with run-off going into parched soils,” the NOAA said. “Reservoir levels are low throughout the region.”



Low water levels at Lake Oroville in California. (Justin Sullivan/Getty Images)

In fact, California's reservoirs, more than 1,500 in all, now contain 50 percent less water than they normally do at this time of year, according to Jay Lund, co-director of the Center for Watershed Sciences at the University of California, Davis. With water levels falling precipitously, the dry, exposed shorelines and boat slips attest to the severity of mounting water shortages.

## Dana Swanson

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**From:** betty winholtz [REDACTED]  
**Sent:** Monday, June 07, 2021 9:50 AM  
**To:** John Headding; Robert Davis; Jeffrey Heller; Dawn Addis; Laurel Barton  
**Cc:** Dana Swanson; Greg Kwolek  
**Subject:** agenda item a-3

Dear City Council:

To approve the "normal" number of 115 Water Equivalency Units (WEU) at this time is irresponsible.

It is irresponsible in the sense you are giving our limited, stored water supply to new construction while requiring residents to live with mandatory severe water restrictions.

The majority, 57%, of the new construction is for commercial use (hotels/vacation rentals?). Of the remaining 43%, 60% is allocated for single family construction, while only 40% is for multi-family residents. The City has a mandate from the State and a self-imposed direction to build more low and very low income units. Historically, the City has never achieved its low/very low requirement. Low/very low housing is not achieved through single family residents, only multi-family units. What you are asked to allocate this year does not prioritize the City to meet its fair share.

The majority of Public Works Advisory Board and Planning Commission members are new to their respective assignments. They may not have understood the implications of supporting this year's proposed numbers.

It is more than likely that the Governor will declare a state of water emergency for SLO County. Do not make current residents tighten-the-belt for those who come to make money here. Greatly reduce or postpone approving these levels of WEUs. If the City still allocates from past approved levels, then it is unnecessary to approve these WEUs. Who knows what water level CA will have next year, so we need to be thrifty now.

Sincerely,  
Betty Winholtz



**AGENDA NO: B-1**

**MEETING DATE: June 8, 2021**

**AGENDA CORRESPONDENCE  
RECEIVED BY THE CITY COUNCIL FOR  
PUBLIC REVIEW PRIOR TO THE MEETING**

**From:** [Chris Kostecka](#)  
**To:** [Council](#)  
**Subject:** MBTBID Transition  
**Date:** Monday, June 7, 2021 2:20:02 PM

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## Morro Bay City Council:

This quick note is to voice our support for the TBID transition. We have had many dealings with SLOCAL and Michael Wambolt. We believe MBTBID is doing an adequate job currently. But, the level of professionalism, streamlined processes, scope and effectiveness of SLOCAL is something we should be striving to emulate. This next step is vital in this process and should only more unite us with SLOCAL and their incredible reach and resources.

Thank you for your good work,

Chris Kostecka  
Estero Inn  
Anderson Inn  
MBTBID Board Member



**AGENDA NO: B-2**

**MEETING DATE: June 8, 2021**

**AGENDA CORRESPONDENCE  
RECEIVED BY THE CITY COUNCIL FOR  
PUBLIC REVIEW PRIOR TO THE MEETING**

## Dana Swanson

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**From:** Carolyn R Brinkman [REDACTED]  
**Sent:** Tuesday, June 08, 2021 3:06 PM  
**To:** Dana Swanson  
**Cc:** Scott Collins  
**Subject:** For correspondence on hearing on appeal regarding Rehab Center

Dear Dana,

Could you make sure that this letter gets posted in correspondence for the agenda Item 2B, the appeal regarding approval of the rehab center.

Thanks much

6/8/2021

Comment regarding Item 2B

Dear Mayor and City Council Members,

I sincerely hope that you either postpone the hearing for the rehab center on Main Street in Morro Bay or carefully answer all the questions that have been raised in the correspondence about the center. Perhaps a Council meeting could be scheduled where the chair of the Planning Commission or someone from Community Development could be present to address the questions in more detail.

I'm not against a rehab center in our community, and I realize that the state has given Councils little say in the placement of such centers. However, there's enough in the material being presented in the correspondence on the appeal to suggest that some of the players who would be involved in sponsoring and running the Center might lead to problems down the road and also suggests that the City would have a right to deny the permit on the basis of some of the details presented in the appeal.

Thanks for considering my comment.

Have a good meeting.

Sincerely,  
Carolyn Brinkman  
Resident of Morro Bay

**From:** [Rigmor Samuelson](#)  
**To:** [Council](#)  
**Subject:** Re: B2 -----Could you please clarify what supporting housing is???? Some us worry that is housing for the many convicts California so freely lets loose in our communities. . .  
**Date:** Monday, June 7, 2021 2:59:12 PM

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Be careful --- Bad seeds grow quickly. We see more and more seedy people hanging around here in Morro Bay already. Thank you. rigmor

## Heather Goodwin

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**From:** Heather Barbis [REDACTED]  
**Sent:** Monday, June 7, 2021 9:38 AM  
**To:** Council; Scott Collins; Nancy Hubbard; Chris Neumeyer; Ashley Smith; Evan Barbis; Jody Cox; Scot Graham  
**Subject:** Appeal for MUP 20-02  
**Attachments:** <httpswww.cacities.orgResources-DocumentsPolicy-Advocacy-SectionHot-IssuesGroup-HomesCalifornia-Land-Use-Laws-Related-to-Recovery-Facil.pdf>

To the Morro Bay City Officials,

At tomorrow's meeting, please take the time to consider the MUP 20-02 Appeal carefully. Though the project might merely fall within a Miner Use Permit's scope, there is a much bigger picture to take in to account here. Our City needs to properly lay out a plan on how to deal with location, quantity and proximity of facilities like this and should stop and take the time to do so now before moving this project forward. Information I provided in April was not included in the staff report, and that should give you pause.

### Current Residents and City's Future

Morro Bay's Main Street should not be the location of a Rehab Facility. When considering the look, feel and function of our community, how we can develop that area of town once this facility sits in the middle of it? This is a reckless location for our town's future and for the safety of our current residents and school children. Not only is this location sitting directly in front of a highly-populated residential neighborhood, it is also located very close to two schools and sits on the main path for all high school students in north Morro Bay on the east side of the highway to walk to and from school.

### Criminals at the Helm

Location aside, the people involved with this facility are criminals. They've run facilities and organizations similar to these before with horrific results. So far, they have done nothing to address neighborhood concerns and implement safety measures for our town. They have zero ties to this community. Once the insurance and state-funded money runs out, the patients they bring into our town will be turned out on our city's streets to become our city's problem.

- **Brian Der Vartanian**, the person listed on the Minor Use Permit Morro Bay issued, is the listed representative of what is called Building Unique Youth Alternatives (BUYA). BUYA forced children to vomit, tried to get them to eat their vomit, physically assaulted them, and more. He is listed on the permit, yet said in the Planning Commission hearing he has no experience with these programs and will not be running it. He'll probably assume the same "accountant" role, yet his is listed on the permit.

- Link citing him as the BUYA Representative: [Building Unique Youth Alternatives in La Puente, California \(CA\) - NonProfitFacts.com](#)).

- Link of BUYA First-person account: [Woman recalls experience in Bassett-based youth boot camp](#)

- **Oganes Nardos** is the point of contact listed for the project and the person who said he will be running everything in the Planning Commission hearing. He was arrested in an undercover Homeland Security bust for forging government documents and selling them to convicted felons, including murderers and rapists.

- <https://www.ocweekly.com/armenian-immigration-bribery-schemer-gets-punished-6457588/>

- [Former Armenian Consulate worker pleads guilty](#)

## **How to Move Forward**

I'm attaching a very interesting document that summarizes California Land-Use Requirement Laws in relation to Recovery Facilities. It spells a few things out quite well. I would hope our City Attorney has put together a similar document specifically on this topic to serve as a decision-guiding document. If he hasn't, he should. Our City needs it to help guide our community forward.

In the document's conclusion, it states, which I completely agree with exploring:

***“Cities should modify their zoning ordinances to address unlicensed group homes and decide on a strategy for dealing with group homes with seven or more persons (use permit and reasonable accommodation). State legislation requiring some minimal licensing for sober living facilities would also be beneficial to set standards for minimal levels of care. Cities need also to avoid the kind of incidents that result in the Legislature's willingness to further constrain local control of these homes.*”**

Now is the time for our City to put into place a structured plan on location, quantity and proximity of this type of facility. Bad zoning from years ago should be addressed before moving any facility forward. I provided this document in April. I'm not sure why it wasn't included in the staff report or why my earlier comments were not included in the public comment section. It begs the question what other provided information and submitted public concerns were not included.

Thank you all for your time, careful consideration, and the hard work you do. I appreciate it and so does our community.

Thanks again,

Heather Barbis  


# Select California Laws Relating to Residential Recovery Facilities and Group Homes

State Bar of California  
Real Property Law Section  
Fair Housing and Public Accommodations Section

Third Annual Fair Housing and Public Accommodations Symposium  
Golden Gate University  
April 22, 2011

Presented by:

**Barbara Kautz**  
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1300 Clay Street, Ninth Floor  
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## **I. Introduction**

This paper summarizes California statutes and case law regarding planning and zoning requirements applicable to group homes and supportive housing that impose limitations on local governments beyond those imposed by the federal Fair Housing Act and state Fair Employment and Housing Act. The paper first reviews state statutes that protect certain *licensed* group homes and describes provisions of State Planning and Zoning Law that are applicable more generally to both licensed and unlicensed homes. It then explains California case law relating to the right of privacy, which prevents local governments from discriminating between households containing related persons and those comprised of unrelated individuals. It concludes by discussing local regulations that appear to be permissible under State law and fair housing law.

## **II. Statutes Protecting Licensed Facilities**

A complex set of statutes requires that cities and counties treat small, licensed group homes like single-family homes. Inpatient and outpatient psychiatric facilities, including residential facilities for the mentally ill, must also be allowed in certain zoning districts.

### **A. California Licensing Laws**

California has adopted a complicated licensing scheme in which group homes providing certain kinds of care and supervision must be licensed. Some licensed homes cannot be closer than 300 feet to each other, while other licensed homes have no separation requirements. All licensed facilities serving six or fewer persons must be treated like single-family homes for zoning purposes.

While this section discusses some of the most common licensed facilities, it does not include every type of license or facility regulated in this complex area of law.

#### **1. Community Care Facilities**

Community care facilities must be licensed by the California Department of Social Services (CDSS).<sup>1</sup> A "community care facility" is a facility where non-medical care and supervision are provided for children or adults in need of personal services.<sup>2</sup> Facilities serving adults typically provide care and supervision for persons between 18-59 years of age who need a supportive living environment. Residents are usually mentally or developmentally disabled. The services provided may include assistance in dressing and bathing; supervision of client activities; monitoring of food intake; or oversight of the client's property.<sup>3</sup>

CDSS separately licenses residential care facilities for the elderly and residential care facilities for the chronically ill. Residential care facilities for the elderly provide varying levels of non-

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<sup>1</sup> Cal. Health & Safety Code 1500 *et seq.*

<sup>2</sup> Cal. Health & Safety Code 1502(a).

<sup>3</sup> 22 Cal. Code of Regulations 80001(c)(2).

medical care and supervision for persons 60 years of age or older.<sup>4</sup> Residential care facilities for the chronically ill provide treatment for persons with AIDS or HIV disease.<sup>5</sup>

## 2. Drug and Alcohol Treatment Facilities

The State Department of Drug and Alcohol Programs ("ADP") licenses facilities serving six or fewer persons that provide residential non-medical services to adults who are recovering from problems related to alcohol or drugs and need treatment or detoxification services.<sup>6</sup> Individuals in recovery from drug and alcohol addiction are defined as disabled under the Fair Housing Act.<sup>7</sup> This category of disability includes both individuals recovering in licensed detoxification facilities and recovering alcoholics or drug users who may live in "clean and sober" living facilities.

## 3. Health Facilities

The State Department of Health Services and State Department of Mental Health license a variety of residential health care facilities serving six or fewer persons.<sup>8</sup> These include "congregate living health facilities" which provide in-patient care to no more than six persons who may be terminally ill, ventilator dependent, or catastrophically and severely disabled<sup>9</sup> and intermediate care facilities for persons who need intermittent nursing care.<sup>10</sup> Pediatric day health and respite care facilities with six or fewer beds are separately licensed.<sup>11</sup>

### **B. Protection from Land Use Regulations for Certain Licensed Facilities**

Small facilities licensed under these sections of California law and serving six or fewer residents must be treated by local governments identically to single-family homes. Additional protection from discrimination is provided to certain psychiatric facilities. However, some group homes may be subject to spacing requirements.

#### 1. Limitations on Zoning Control of Small Group Homes Serving Six or Fewer Residents

Licensed group homes serving six or fewer residents must be treated like single-family homes or single dwelling units for zoning purposes.<sup>12</sup> In other words, a licensed group home serving six or fewer residents must be a permitted use in all residential zones in which a single-family home is

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<sup>4</sup> Cal. Health & Safety Code 1569.2(k).

<sup>5</sup> 22 Cal. Code of Regulations 87801(a)(5).

<sup>6</sup> Cal. Health & Safety Code 11834.02.

<sup>7</sup> 24 C.F.R. 100.201.

<sup>8</sup> Cal. Health & Safety Code 1265 – 1271.1.

<sup>9</sup> Cal. Health & Safety Code 1250(i).

<sup>10</sup> Cal. Health & Safety Code 1250(e) and 1250(h).

<sup>11</sup> Cal. Health & Safety Code 1760 – 1761.8.

<sup>12</sup> This rule appears to apply to virtually all licensed group homes. Included are facilities for persons with disabilities and other facilities (Welfare & Inst. Code 5116), residential health care facilities (Health & Safety Code 1267.8, 1267.9, & 1267.16), residential care facilities for the elderly (Health & Safety Code 1568.083 - 1568.0831, 1569.82 – 1569.87), community care facilities (Health & Safety Code 1518, 1520.5, 1566 - 1566.8, 1567.1, pediatric day health facilities (Health & Safety Code 1267.9; 1760 – 1761.8), and facilities for alcohol and drug treatment (Health & Safety Code 11834.23).

permitted, with the same parking requirements, setbacks, design standards, and the like. No conditional use permit, variance, or special permit can be required for these small group homes unless the same permit is required for single-family homes, nor can parking standards be higher, nor can special design standards be imposed. The statutes specifically state that these facilities cannot be considered to be boarding houses or rest homes or regulated as such.<sup>13</sup> Staff members and operators of the facility may reside in the home in addition to those served.

Homeowners' associations and other residents also cannot enforce restrictive covenants limiting uses of homes to "private residences" to exclude group homes for the disabled serving six or fewer persons.<sup>14</sup>

The Legislature in 2006 adopted AB 2184 (Bogh) to clarify that communities may fully enforce local ordinances against these facilities, including fines and other penalties, so long as the ordinances do not distinguish residential facilities from other single-family homes.<sup>15</sup>

Because there are no separation requirements for drug and alcohol treatment facilities, ADP has in practice been willing to issue separate licenses for 'small' drug and alcohol treatment facilities whenever a dwelling unit or structure has a separate address. For instance, ADP has issued a separate license for each apartment in one multifamily building, for each single-family home in a six-home compound, and for each cottage in a hotel, in each case creating facilities that in fact serve many more than six residents. No local effort to regulate these facilities as 'large' residential care facilities has been successful in a published case; in other contexts, the courts have determined that the State has completely preempted local regulation of small residential care facilities.<sup>16</sup>

## 2. Facilities Serving More Than Six Residents

Because California law only protects licensed facilities serving six or fewer residents, many cities and counties restrict the location of facilities housing seven or more clients. They may do this by requiring use permits, adopting special parking and other standards for these homes, or prohibiting these large facilities outright in certain zoning districts. While this practice may raise fair housing issues, no published California decision prohibits the practice. Some cases in other federal circuits have found that requiring a conditional use permit for large group homes violates the federal Fair Housing Act.<sup>17</sup> However, the federal Ninth Circuit, whose decisions are binding in California, found that requiring a conditional use permit for a building atypical in size and bulk for a single-family residence does not violate the Fair Housing Act.<sup>18</sup>

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<sup>13</sup> For example, *see* Health & Safety Code 1566.3 & 11834.23.

<sup>14</sup> Government Code 12955; Hall v. Butte Home Health Inc., 60 Cal. App. 4<sup>th</sup> 308 (1997); Broadmoor San Clemente Homeowners Assoc. v. Nelson, 25 Cal. App. 4<sup>th</sup> 1 (1994).

<sup>15</sup> Health & Safety Code 1566.3; Chapter 746, Statutes of 2006.

<sup>16</sup> City of Los Angeles v. Department of Health, 63 Cal. App. 3d 473, 479 (1976).

<sup>17</sup> ARC of New Jersey v. New Jersey, 950 F. Supp. 637 (D. N.J. 1996); Assoc. for Advancement of the Mentally Handicapped v. City of Elizabeth, 876 F. Supp. 614 (D. N.J. 1994).

<sup>18</sup> Gamble v. City of Escondido, 104 F.3d 300, 304 (9th Cir. 1997); *see also* United States v. Village of Palatine, 104 F.3d 300, 304 (9<sup>th</sup> Cir. 1997).

A city or county cannot require an annual review of a group home's operations as a condition of a use permit. The Ninth Circuit has held that an annual review provision adopted as a condition of a special use permit was not consistent with the Fair Housing Act.<sup>19</sup>

In 2006, the Legislature passed a bill (SB 1322) sponsored by State Senator Cedillo that would have required all communities to designate sites where licensed facilities with seven or more residents could locate either as a permitted use or with a use permit. It was motivated by newspaper reports of suburban communities' "dumping" the mentally ill and homeless in big cities. Although SB 1322 was vetoed by the Governor, changes were later made in Housing Element law to protect certain transitional and supportive housing, as discussed further below.

### 3. Siting of Inpatient and Outpatient Psychiatric Facilities

Cities must allow health facilities for both inpatient and outpatient psychiatric care and treatment in any area zoned for hospitals or nursing homes, or in which hospitals and nursing homes are permitted with a conditional use permit.<sup>20</sup> "Health facilities" include residential care facilities for mentally ill persons. This means that if a zoning ordinance permits hospitals or nursing homes in an area, it must also permit all types of mental health facilities, regardless of the number of patients or residents. This is important because most cities are supportive of hospitals and nursing zones and may allow them in areas where they would normally not wish to allow large facilities for the mentally ill.

In one case, a residential care facility for 16 mentally ill persons was refused a permit in an R-2 zoning district where "rest homes" and "convalescent homes" were permitted, but not "nursing homes." Since the zoning district did not permit "nursing homes" or hospitals, the City believed that it was able to forbid the use in that zoning district. However, the court found that the City's definitions of "rest homes" and "convalescent homes" were very similar to its definition of "nursing homes"—rest homes and convalescent homes were, in effect, nursing homes—and so held that the City must allow the residential facility for mentally ill persons within that zoning district.<sup>21</sup>

### 4. Separation Requirements for Certain Licensed Facilities

CDSS must deny an application for certain group homes if the new facility would result in "overconcentration." For community care facilities,<sup>22</sup> intermediate care facilities, and pediatric day health and respite care facilities,<sup>23</sup> "overconcentration" is defined as a separation of less than 300 feet from another licensed "residential care facility," measured from the outside walls of the structure housing the facility. Congregate living health facilities must be separated by 1,000 feet.<sup>24</sup>

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<sup>19</sup> Turning Point, Inc. v. City of Caldwell, 74 F.3d 941 (9th Cir. 1996).

<sup>20</sup> Cal. Wel. & Inst. Code 5120.

<sup>21</sup> City of Torrance v. Transitional Living Centers, 30 Cal. 3d 516 (1982).

<sup>22</sup> Cal. Health & Safety Code 1520.5.

<sup>23</sup> Cal. Health & Safety Code 1267.9.

<sup>24</sup> Cal. Health & Safety Code 1267.9(b)(2).

These separation requirements do *not* apply to residential care facilities for the elderly, drug and alcohol treatment facilities, foster family homes, or "transitional shelter care facilities," which provide immediate shelter for children removed from their homes. None of the separation requirements have been challenged under the federal Fair Housing Act, although separation requirements have been challenged in other states.<sup>25</sup>

CDSS must submit any application for a facility covered by the law to the city where the facility will be located. The city may request that the license be denied based on overconcentration or may ask that the license be approved. CDSS cannot approve a facility located within 300 feet of an existing facility (or within 1,000 feet of a congregate living health facility) unless the city approves the application. Even if there is adequate separation between the facilities, a city or county may ask that the license be denied based on overconcentration.<sup>26</sup>

These separation requirements apply only to facilities with the same type of license. For instance, a community care facility would not violate the separation requirements even if located next to a drug and alcohol treatment facility.

### **C. Facilities That Do Not Need a License**

Housing in which some services are provided to persons with disabilities may not require licensing. In housing financed under certain federal housing programs, including Sections 202, 221(d)(3), 236, and 811, if residents obtain care and supervision independently from a third party that is not the housing provider, then the housing provider need not obtain a license.<sup>27</sup> "Supportive housing" and independent living facilities with "community living support services," both of which provide some services to disabled people, generally do not need to be licensed.<sup>28</sup> Recovery homes providing group living arrangements for people who have *graduated* from drug and alcohol programs, but which do not provide care or supervision, also do not need to be licensed.<sup>29</sup>

The result is that many situations exist where persons with disabilities will live together and receive some services in unlicensed facilities. Because State law does not require that these facilities be treated as single-family homes, some communities have attempted to classify them as lodging houses or other commercial uses and require special permits. Distinguishing a "lodging house" from a "residence" is discussed in more detail in the next section. However, courts in other jurisdictions have found that when the state does not provide a license for a type of facility, cities cannot discriminate against facilities merely because they are unlicensed.<sup>30</sup> Although there is no case on point in California or the Ninth Circuit, ordinances requiring greater regulation for *unlicensed* homes with fewer services than *licensed* homes providing more services could raise fair housing issues, although an argument can also be made that unlicensed facilities are completely unregulated and hence require more local supervision. Some

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<sup>25</sup> Based on cases from other states, the 1,000-foot limit for congregate living health facilities is unlikely to be upheld. Spacing requirements that have been challenged have required 500-foot separations or more.

<sup>26</sup> See, e.g., Cal. Health & Safety Code 1520.5(d).

<sup>27</sup> Cal. Health & Safety Code 1505(p).

<sup>28</sup> Cal. Health & Safety Code 1504.5.

<sup>29</sup> Cal. Health & Safety Code 1505(i).

<sup>30</sup> North-Shore Chicago Rehabilitation Inc. v. Village of Skokie, 827 F. Supp. 497 (1993).

communities have explicitly adopted ordinances stating that unlicensed group homes serving six or fewer clients are permitted in residential zones.<sup>31</sup>

Legislation was introduced in California in 2006 to make clear that communities *could* regulate *unlicensed* facilities with six or fewer residents. This provision was ultimately removed after receiving fierce opposition from advocates for the disabled and State agencies responsible for finding placements for foster children and recovering drug and alcohol abusers.

### **III. California Planning and Zoning Laws**

California Planning and Zoning Law has long contained provisions prohibiting discrimination in land use decisions based on disability. Effective January 1, 2002, state housing element law was amended to require an analysis of constraints on persons with disabilities and to require programs providing reasonable accommodation. Additional protections for supportive and transitional housing became effective on January 1, 2008.

#### **A. Protection from Discrimination in Land Use Decisions**

California's Planning and Zoning Law prohibits discrimination in local governments' zoning and land use actions based on (among other categories) race, sex, lawful occupation, familial status, disability, source of income, method of financing, or occupancy by low to middle income persons.<sup>32</sup> It also prevents agencies from imposing different requirements on single-family or multifamily homes because of the familial status, disability, or income of the intended residents.<sup>33</sup>

In general, the statute serves the same purposes and requires the same proof as a violation of the federal Fair Housing Act.<sup>34</sup> However, federal fair housing law does not specifically limit discrimination based on *income level*,<sup>35</sup> and Section 65008 makes clear that discrimination based on disability is prohibited in local planning and zoning decisions.

#### **B. Housing Elements**

California requires that each city and county adopt a 'housing element' as part of its general plan for the growth of the community.<sup>36</sup> The housing element governs the development of housing in the community. It must identify sites for all types of housing, including transitional housing, supportive housing, and emergency shelters. Beginning in 2002, local housing elements were required to analyze constraints on housing for persons with disabilities and to include programs

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<sup>31</sup> For instance, one community adopted zoning provisions stating that “residential service facilities” serving 6 or fewer clients could be permitted in any residential zone, defining such uses as: “A residential facility, other than a residential care facility or single housekeeping unit, designed for the provision of personal services in addition to housing, or where the operator receives compensation for the provision of personal services in addition to housing. Personal services may include, but are not limited to, protection, care, supervision, counseling, guidance, training, education, therapy, or other nonmedical care.”

<sup>32</sup> Cal. Gov't Code 65008(a) and (b).

<sup>33</sup> Cal. Gov't Code 65008(d)(2).

<sup>34</sup> Keith v. Volpe, 858 F.2d 467, 485 (9<sup>th</sup> Cir. 1987).

<sup>35</sup> Affordable Housing Development Corp. v. City of Fresno, 433 F.3d 1182 (2006).

<sup>36</sup> Cal. Gov't Code 65580 *et seq.*

to remove constraints or to provide reasonable accommodations for housing designed for persons with disabilities.<sup>37</sup> The California Attorney General also sent a letter to local planning agencies in May 2001 urging them to adopt reasonable accommodation ordinances. As a consequence, many cities and counties in the State now have a separate reasonable accommodation ordinance that may be applicable to group homes serving disabled persons, whether licensed or unlicensed.

Amendments to housing element law effective January 1, 2008<sup>38</sup> specifically require cities and counties to include in their housing elements a program to remove constraints so that 'supportive housing,' as defined in the bill, is treated like other residences of the same type. This means that communities must revise their zoning so that the only restrictions that may be applied to supportive housing, as defined in the statute, are those that apply to other residences of the same type (single-family homes, duplexes, triplexes, or fourplexes) in the same zoning district; no conditional use permit or other permit is required unless other residences of that type in the same zone also must obtain the same permit.

However, to qualify for this protection, the supportive housing must meet the definition of "supportive housing" contained in Health & Safety Code Section 50675.14, which is housing that:

- Has no limit on the length of stay.
- Is linked to onsite or offsite services that assist residents in improving their health status, retaining the housing, and living and working in the community.
- Is occupied by the "target population," defined as adults *with low incomes* having one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health problems; and persons eligible for services under the Lanterman Development Disabilities Act, which provides services to persons with developmental disabilities that originated before the person turned 18.

Should a group home meeting this definition of "supportive housing" require a permit of any type, California's "Housing Accountability Act" will allow it to be denied only under very limited circumstances.<sup>39</sup>

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<sup>37</sup> Cal. Gov't Code 65583(a)(4); 65583(c)(3).

<sup>38</sup> Cal. Gov't Code 65583(a)(5).

<sup>39</sup> Cal. Gov't Code 65589.5(d). Local governments cannot deny supportive housing, or add conditions that make the housing infeasible, unless they can make one of five findings:

- The jurisdiction has met its low income housing needs.
- The housing would have a specific, adverse impact on public health or safety, and there is no feasible way to mitigate the impact.
- Denial is required to comply with state or federal law, and there is no way to comply without making the housing unaffordable.
- The housing is proposed on land zoned for agriculture and is surrounded on two sides by land being used for agriculture, or there is inadequate water or sewer service.
- The housing is inconsistent with both the zoning and the land use designation of the site and is not shown in the housing element as an affordable housing site.

Many privately operated group homes have limitations on the length of stay and are not occupied by adults with low incomes and so do not qualify as "supportive housing" under this definition; but many group homes funded under California's Mental Health Services Act do so qualify.

#### **IV. Protections Provided by the California Right to Privacy**

Unlike the federal Constitution, California's Constitution contains an *express* right to privacy, adopted by the voters in 1972. The California Supreme Court has found that this right includes "the right to be left alone in our own homes" and has explained that "the right to choose with whom to live is fundamental."<sup>40</sup> Consequently, the California courts have struck down local ordinances that attempt to control *who* lives in a household—whether families or unrelated persons, whether healthy or disabled, whether renters or owners. On the other hand, the courts will support ordinances that regulate the *use* of a residence for commercial purposes.

Consequently, communities that desire to regulate group homes have attempted to define them as commercial *uses* similar to boarding houses rather than restricting *who* lives there.

##### **A. Families v. Unrelated Persons in a Household**

In many states, local communities can control the number of unrelated people permitted to live in a household. However, based on the privacy clause in the State Constitution, California case law requires cities to treat groups of related and unrelated people identically when they function as one household.<sup>41</sup> Local ordinances that define a "family" in terms of blood, marriage, or adoption, and that treat unrelated groups differently from "families," violate California law. California cities cannot limit the number of unrelated people who live together while allowing an unlimited number of family members to live in a dwelling.

In the lead case of *City of Santa Barbara v. Adamson*, Mrs. Adamson owned a very large 6,200 sq. ft., 10-bedroom single-family home that she rented to twelve "congenial people." They became "a close group with social, economic, and psychological commitments to each other. They shared expenses, rotated chores, ate evening meals together" and considered themselves a family.

However, Santa Barbara defined a family as either "two (2) or more persons related by blood, marriage or legal adoption living together as a single housekeeping unit in a dwelling unit," or a maximum of five unrelated adults. The court considered the twelve residents to be an "alternate family" that achieved many of the personal and practical needs served by traditional families. The twelve met half the definition of "family," because they lived as a single housekeeping unit. However, they were not related by blood. The court found that the right of privacy guaranteed them the right to choose whom to live with. The purposes put forth by Santa Barbara to justify the ordinance—such as a concern about parking—could be handled by neutral ordinances applicable to all households, not just unrelated individuals, such as applying limits on the number of cars to *all* households. "*In general, zoning ordinances are much less suspect when they focus on the use than when they command inquiry into who are the users.*"<sup>42</sup>

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<sup>40</sup> *Coalition Advocating Legal Housing Options v. City of Santa Monica*, 88 Cal. App. 4<sup>th</sup> 451, 459-60 (2001).

<sup>41</sup> *City of Santa Barbara v. Adamson*, 27 Cal. 3d 123, 134 (1980).

<sup>42</sup> *Adamson*, 27 Cal. 3d at 133.

Despite this long-standing rule, a 2002 study found that *one-third* of local zoning ordinances, including that of the City of Los Angeles, still contained illegal definitions of "family" that included limits on the number of unrelated people in a household.<sup>43</sup> While most cities were aware that these limits were illegal and did not enforce them, interviews with staff members in the City of Los Angeles, for example, found that many did attempt to enforce the limits on the number of unrelated persons.<sup>44</sup>

If a group of people living together can meet the definition of a "household" or "family," there is no limit on the number of people who are permitted to live together, except for Housing Code limits discussed in the next section. By comparison, many ordinances regulate licensed group homes more strictly if they have seven or more residents, by defining such licensed facilities as a separate *use*.

Since *Adamson*, the California courts have struggled to determine when zoning ordinances are focusing on the *occupants* of the home and when they are focusing on the *use* of the home. In particular, courts have struck down ordinances that:

- Limited the residents of a second dwelling unit to the property owner, his/her dependent, or a caregiver for the owner or dependent.<sup>45</sup>
- Allowed owner-occupied properties to have more residents than renter-occupied properties.<sup>46</sup>
- Imposed regulations on tenancies-in-common that had the effect of requiring unrelated persons to share occupancy of their units with each other.<sup>47</sup>

On the other hand, the courts have upheld regulations when they were convinced that the city's primary purpose was to prevent non-residential or commercial *use* in a residential area. In particular, the courts have upheld ordinances that:

- Regulated businesses in single-family residences ("home occupations") and limited employees to residents of the home.<sup>48</sup>
- Prohibited short-term transient rentals of properties for less than thirty days.<sup>49</sup>

## **B. Occupancy Limits**

The Uniform Housing Code (the "UHC") establishes occupancy limits—the number of people who may live in a house of a certain size—and in almost all circumstances municipalities may

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<sup>43</sup> Housing Rights, Inc., *California Land Use and Zoning Campaign Report 27-28* (2002). Los Angeles is now considering amendments to its ordinance.

<sup>44</sup> Kim Savage, *Fair Housing Impediments Study 37* (prepared for Los Angeles Housing Department) (2002).

<sup>45</sup> *Coalition Advocating Legal Housing Options v. City of Santa Monica*, 88 Cal. App. 4<sup>th</sup> 451 (2001).

<sup>46</sup> *College Area Renters and Landlords Assn. v. City of San Diego*, 43 Cal. App. 4<sup>th</sup> 677 (1996). However, this case was decided primarily on equal protection grounds, rather than on the right of privacy.

<sup>47</sup> *Tom v. City & County of San Francisco*, 120 Cal. App. 4<sup>th</sup> 674 (2004).

<sup>48</sup> *City of Los Altos v. Barnes*, 3 Cal. App. 4<sup>th</sup> 1193 (1992).

<sup>49</sup> *Ewing v. City of Carmel*, 234 Cal. App. 3<sup>d</sup> 1579 (1991).

not adopt more restrictive limits. The UHC provides that at least one room in a dwelling unit must have 120 square feet. Other rooms must have at least 70 square feet (except kitchens). If more than two persons are using a room for sleeping purposes, there must be an additional 50 square feet for each additional person.<sup>50</sup> Using this standard, the occupancy limit would be seven persons for a 400-sq. ft. studio apartment (the size of a standard two-car garage). Locally adopted occupancy limits cannot be more restrictive than the UHC unless justified based on local climatic, geological, or topographical conditions. Efforts by cities to adopt more restrictive standards based on other impacts (such as parking and noise) have been overturned in California.<sup>51</sup>

Similarly, the Ninth Circuit found that a local ordinance that limited the number of persons in a homeless shelter to 15, when the building code would allow 25 persons, was unreasonable, and found that allowing 25 persons in the shelter would constitute a reasonable accommodation.<sup>52</sup>

Based on these federal and state precedents, localities may not limit the number of people living in a dwelling below that permitted by the UHC.

## V. Local Regulation of Group Homes

In the past decade, much local concern has been directed at sober living homes, which are typically unlicensed facilities designed to provide support to recovering substance abusers. Because privately operated sober living homes often desire to attract middle- and upper middle-income residents, and there is a high demand for such facilities, they have often been located in middle- and upper-class areas, and in some cases have experienced local opposition. The League of California Cities has sponsored legislation designed to require licensing or allow more local control, but those efforts have failed. Communities often view such facilities as businesses exploiting a loophole rather than as residences and so seek to be able to distinguish them from residences, often defining them as "lodging houses" or "boarding houses." Lodging houses typically require a conditional use permit and are not permitted in single-family residential zones. Conversely, sober living homes seek to be classified as "households" or "single housekeeping units" so they may locate in any residential neighborhood without requiring any public notice or needing any use permit.

### A. Defining Unlicensed Facilities as Lodging Houses or Single Housekeeping Units

A 2003 opinion of the State Attorney General found that communities may prohibit or regulate the operation of a lodging house in a single family zone in order to preserve the residential character of the neighborhood.<sup>53</sup> The City of Lompoc defined a lodging house as "a residence or dwelling . . . wherein three or more rooms, with or without individual or group cooking facilities, are rented to individuals under separate rental agreements or leases, either written or oral, whether or not an owner, agent or rental manager is in residence." The Attorney General agreed

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<sup>50</sup> Cal. Health and Safety Code 17922(a)(1). See Briseno v. City of Santa Ana, 6 Cal. App. 4th 1378, 1381-82 (1992) (holding that the state Uniform Housing Code preempts local regulation of occupancy limits).

<sup>51</sup> Briseno, 6 Cal. App. 4th at 1383.

<sup>52</sup> Turning Point, Inc. v. City of Caldwell, 74 F.3d 941 (9th Cir. 1996).

<sup>53</sup> 86 Ops. Cal. Att'y Gen'l 30 (2003).

that a lodging house, while providing a 'residence' to paying customers, could be considered a *commercial* use and so could be prohibited in residential areas. ("There is no question but that municipalities are entitled to confine commercial activities to certain districts [citations], and that they may further limit activities within those districts by requiring use permits."<sup>54</sup>)

The Attorney General further concluded that the ordinance was consistent with *Adamson* because it would allow any owner of property to rent to any member of the public and any member of the public to apply for lodging. The proposed ordinance would be directed at a commercial *use* of property inconsistent with the residential character of the neighborhood regardless of the identity of the users.

Based on the Attorney General's opinion and *Adamson*, then, cities have increasingly defined a "household" or "single housekeeping unit" to have these characteristics:

- One joint lease signed by all residents;
- Access by all to all common areas of the home; and
- Shared housekeeping and shared household expenses.
- No limits on length of residence.
- New residents selected by existing residents, not a manager or landlord.

For instance, the City of Los Angeles proposed an ordinance defining a "single housekeeping unit" as:

One household where all the members have common access to and common use of all living, kitchen, and eating areas within the dwelling unit, and household activities and responsibilities such as meals, chores, expenses, and maintenance of the premises are shared or carried out according to a household plan or other customary method. If all or part of the dwelling unit is rented, the lessees must jointly occupy the unit under a single lease, either written or oral, whether for monetary or non-monetary consideration.

The same ordinance proposed to define a boarding or rooming house as:

A one-family dwelling, or a dwelling with five or fewer guest rooms or suites of rooms, where lodging is provided to individuals with or without meals, for monetary or non-monetary consideration under two or more separate agreements or leases, either written or oral.

Under these and similar ordinance definitions, many sober living homes operated by private organizations, whether for-profit or nonprofit, are classified as boarding or lodging houses because residents do not sign a joint lease; new residents are selected by a manager; household expenses may not be shared (i.e., residents pay a set fee to the manager); and there may be limits

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<sup>54</sup> *Id.*

on length of residence. In contrast, persons who desire to live together to support each other during recovery and rent a home together would be classified as a “single housekeeping unit.”

Enforcement Issues. If a group home is challenged as not constituting a single housekeeping unit, the operator will likely assert that it is indeed operating as a single unit. Unless there is public information available showing that a residence is operated as a lodging house (e.g., web advertising), an investigation would be required to demonstrate otherwise. If complaints were based primarily on the disability of the occupants (which could include their status as recovering drug and alcohol abusers), then California privacy rights and fair housing laws might be implicated. In one Washington, D.C., case, a federal district court found a violation of the federal Fair Housing Act where the Zoning Administrator carried out a detailed investigation of a residence for five mentally ill men in response to neighbors' concerns, finding that the Zoning Administrator's actions were motivated in part by the neighbors' fears about the residents' mental illness.<sup>55</sup> In California, a similar challenge might be additionally based on rights of privacy and equal protection concerns.

## **B. Best Practices - Service Providers**

We advise our nonprofit sponsors that if a facility can be considered a single housekeeping unit, the facility must be treated as a residence with one family residing in it. The most defensible structure for such a facility would be to:

- Have one rental agreement or lease signed by all *occupants*. If, instead, the provider signs the lease and each resident has a verbal or written agreement with the provider, then the facility could be considered a "lodging house" under the definition upheld by the Attorney General.
- Give all residents equal access to all living and eating areas and food preparation and service areas.
- Keep track of, and share, household expenses.
- Do not require occupants to move after a certain period of time, except for time limits imposed by the rental agreement or lease with the owner.
- Allow all existing residents to select new members of the household.

## **VI. Conclusion**

In my own experience as a former city official, many group homes were invisible in the community and caused few problems. Most complaints about overcrowding and excessive vehicles did not involve a group home, but rather the poorest areas where space was rented out to the limits of the Housing Code.

The group homes that caused the most concern were sober living facilities which tended to concentrate in certain inexpensive single-family neighborhoods. In one case, all five homes on

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<sup>55</sup> Community Housing Trust v. Dep't of Consumer & Regulatory Affairs, 257 F. Supp. 2d 208 (D.D.C. 2003).

one block face were purchased by a single owner. He was knowledgeable about his rights but unconcerned about his obligations, and sneered at the City's and neighborhood's concerns. Since the facilities were unlicensed, there was no regulatory oversight. When the occupant of one home was arrested for drug dealing, it caused an uproar.

Many providers are conscious of their position in neighborhoods and make an effort to accommodate community concerns. Others may be perceived as arrogant and dismissive of local concerns, viewing all neighbors as "NIMBYs." Providers who view themselves as part of the community and set house rules that encourage community involvement, restrict noise, control parking, and establish smoking locations not visible from the street can go a long way toward abating perceived problems.

Cities should modify their zoning ordinances to address unlicensed group homes and decide on a strategy for dealing with group homes with seven or more persons (use permit and reasonable accommodation). State legislation requiring some minimal licensing for sober living facilities would also be beneficial to set standards for minimal levels of care. Cities need also to avoid the kind of incidents that result in the Legislature's willingness to further constrain local control of these homes.

## **SUMMARY: GROUP HOME ANALYSIS UNDER CALIFORNIA LAW**

### **IF LICENSED:**

#### **6 or fewer clients:**

*Must* be treated like a single-family home for all zoning purposes, except for spacing requirements for certain licensed facilities (e.g., community care facilities). Community care facilities for the elderly and drug and alcohol treatment centers do not have spacing requirements.

#### **7 or more clients:**

**Psychiatric facilities—both inpatient and outpatient—**must be permitted in any zone that permits nursing homes or hospitals as conditional or permitted uses. (City of Torrance v. Transitional Living Centers)

**Other licensed facilities** are often subject to a use permit and may not be permitted in certain zones. Advocates may request a reasonable accommodation to avoid use permit requirements or to obtain modifications to traditional zoning requirements. But the Ninth Circuit has not found a use permit *per se* to violate the Fair Housing Act. (Gamble v. City of Escondido)

### **IF UNLICENSED:**

#### **Is it operated as a single housekeeping unit (household, family)?**

If so, must be treated like a single dwelling unit.

Unlicensed homes are more likely to be considered as a single housekeeping unit if they meet the following tests:

- Physical access: all have access to common areas: kitchen, laundry, living & family rooms is free.
- No limits on term of occupancy
- All residents on lease or rental agreement [AG's opinion]
- Makeup of the household is determined by the residents rather than a landlord or property manager
- Normal household activities (meals, chores) and household expenses shared (*Adamson*)

There are different *local* definitions of "family" or a single housekeeping unit. (For instance, some localities do not use the existence of separate rental agreements as a test for a single housekeeping unit.) Advocates oppose some of the above characteristics.

**Does it qualify as "supportive housing" under housing element law?**

If so, must be treated like other residences of the same physical type [depending on date of adoption of housing element].

**6 or fewer clients:**

Fair housing argument if treated more strictly than licensed facilities; but no case in California holds this specifically.

**Defined as a boarding house or another use?**

Only the *use* can be regulated, not the *user*.

Group homes for the disabled cannot be treated in a discriminatory fashion from other group homes (boarding houses, dormitories, etc.).

**From:** [Rodeway Inn Morro Bay](#)  
**To:** [Council](#)  
**Subject:** GM Rodeway Inn Public Comment MBCC 6/8  
**Date:** Sunday, June 6, 2021 2:58:42 PM

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Hello, this is Rich Donald, if you remember me from previous meetings, I am the new General Manager of the Rodeway Inn at 2460 Main st. As this appeal directly affects both my job, my living situation, as my employees (Justin Porter, and two others, all Morro Bay residents for years.) and their families, I would very much like to be the final public comment speaker on June 8th. Partially to reassure the public and our friends and employees that we will continue to operate as a hotel regardless of this decision throughout the summer, and beyond, as well as to address any issues regarding the operation of the hotel that may have been brought up earlier in the commentaries.

Thank You  
Rich Donald  
General Manager  
Morro Bay Rodeway Inn

## Heather Goodwin

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**From:** Eric Dudley [REDACTED]  
**Sent:** Saturday, June 5, 2021 7:26 AM  
**To:** Ashley Smith; Council; Diane Walling Roberts; Susan Mcdaniel  
**Subject:** Re: n main rehab-what action ...? & what if ... ?

I first sent this email with two questions on last Wednesday, June 2

I have not got a single response from the city manager, planning department, city Council, or city attorney

will someone please answer these two questions, or forward this email to a department or person that can and will answer these two questions

I feel these two questions are extremely important and relevant to the project which is currently under appeal

I would appreciate a speedy response as the appeal is now just several days away, and this information should be made available to me and the public before the evening of the appeal

thank you for your consideration, Eric Dudley

On Wed, Jun 2, 2021 at 11:49 AM Eric Dudley [REDACTED] > wrote:

I have several concerns, I would like the planning department or city manager to answer for me, please

according to Scott Graham, the facility application was approved on the condition that facility is to be licensed with California DHHS

my first question is what action will the city take if the facility starts operating before providing a valid certification and license from DHHS and where is this protocol documented ? Is it available on the Internet, please send me the link and direct me to the right section. Or send me a PDF attachment with the appropriate protocols

my second question is what if after the facility is licensed and operational, the license is revoked or suspended? What plan does city have to deal with this possibility ? again I would like the planning department or city manager to send me a link aiming me at the documented protocols for the situation, or a PDF format attachment that could be emailed to me

does the city have the authority to revoke the change of use permit if any of these violations due occur?

thank you for your consideration, Eric Dudley

## Heather Goodwin

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**From:** Eric Dudley [REDACTED]  
**Sent:** Saturday, June 5, 2021 7:31 AM  
**To:** Ashley Smith; Council; Diane Walling Roberts; Susan Mcdaniel  
**Subject:** City Council agenda and pending appeal

I have reviewed the city Council agenda regarding the appeal of rehab center in North Main st

it appears that the planning department has ignored or failed to fully answer the most important questions posed by ashly in her appeal

they have also lied in their response to ashly's appeal

this is very disturbing to me and I feel the situation needs to be addressed more fully and completely

I am begging the city Council to put the appeal off for one month allowing the city time to have someone else investigate and answer the relevant questions of ashly's appeal

The attitude of Nancy Hubbard towards the appeal is totally unacceptable

thank you for your consideration, Eric Dudley

**From:** [Jeffrey Heller](#)  
**To:** [Ashley Smith](#)  
**Cc:** [Heather Goodwin](#)  
**Subject:** Re: Binder  
**Date:** Monday, June 7, 2021 10:36:17 AM

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Hi Ashley

Just drop it off at City Hall in care of Heather Goodwin. I will pick it up later this afternoon.

Thanks for making this effort!

Jeff Heller

City Council

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**From:** Ashley Smith [REDACTED]  
**Sent:** Sunday, June 6, 2021 7:39 PM  
**To:** Jeffrey Heller <jheller@morrobayca.gov>  
**Subject:** Binder

>

> Dear Council Member,

> I have a binder made for you, of all evidence and documents I have emailed you.

> I'd like to drop it off to you, Monday June 7, before the public hearing on Tuesday.

> Let me know the address where you would be readily available to read the documents.

>

> Thank you.

> Ashley Smith

> [REDACTED]

>

> Sent from my iPhone



AGENDA NO: B-2

MEETING DATE: June 8, 2021

## Staff Report

TO: Honorable Mayor and City Council

DATE: May 28, 2021

FROM: Nancy Hubbard, Contract Planner

**SUBJECT:** Appeal filed on April 28, 2021 of the Planning Commission's denial of an appeal of the administratively issued Minor Use Permit (MUP20-02), approving a change in use from a motel (formerly Twin Bay Inn and Best Western) to supportive housing. The zoning of the site is MCR/R-4/SP and is not located in the Coastal Appeals Jurisdiction. As required by state law, supportive housing is a use allowed by right in both the MCR and the R-4 zones.

### RECOMMENDATION

Deny the appeal and uphold the Planning Commission decision and the Director's approval of Minor Use Permit (MUP20-02) allowing the change in use to supportive housing in compliance with the requirements of the MBMC, by adopting Resolution No. 29-21.

### ALTERNATIVES

1. Uphold the appeal and provide direction to staff regarding desired action
2. Continue appeal and provide direction to staff regarding desired action

**APPELLANTS** Ashley Smith

**APPLICANTS** Brian Der Vartanian, Agent for Morro Bay Recovery

**LEGAL DESCRIPTION/APN** 2460 MAIN STREET/068-201-004

### SUMMARY

On February 24, 2021, the City granted administrative approval of a Minor Use Permit (MUP20-02) with conditions of approval to allow a change in use from a motel to a residential supportive housing facility at 2460 Main Street. The property is zoned MCR/R-4/SP, and it is not located in the Coastal Appeals Jurisdiction.

An Appeal of this action was filed on March 1, 2021 by Ashley Smith. The Planning Commission held a duly noticed appeal hearing on April 20, 2021 resulting in a denial of the appeal and support of the Director's approval of MUP 20-02. On April 28, 2021 Ashley Smith filed an appeal to City Council of the Planning Commission's decision.

01181.0005/718458.3

Prepared By:     NH    

Department Review:     SG    

City Manager Review:     SC    

City Attorney Review:   EQG/CFN

### **ANALYSIS**

The facility will constitute supportive housing, as defined in the City's code and in state law, and the applicant expects to provide housing and services for up to 26 individuals in recovery from alcohol and substance abuse, who are considered disabled under state and federal law. State law requires that supportive housing be permitted by right in zones where multi-family and mixed uses are allowed.

### **State and Federal Law Protect Individuals with Disabilities**

People in alcohol and substance abuse recovery are considered disabled under both State and Federal law, and are therefore subject to heightened protection in the area of housing. See, e.g., Gov't Code Section 12940 et seq.; 42 U.S.C. Section 3601 et seq.; 42 U.S. C Section 12101 et seq.

### **California has a number of statutes that are relevant here:**

- The California Fair Employment and Housing Act, Gov't Code § 12940 et seq., makes it unlawful to discriminate in land use practices on a number of bases, including on the basis of disability. Gov't Code § 12955(l).
- Government Code Section 65008 invalidates any action by a city that discriminates on the bases set forth in Section 12955, including disability.
- Government Code Section 11135 provides that no person shall, on the basis of disability, be "unlawfully denied full and equal access to the benefits of, or be unlawfully subjected to discrimination under, any program or activity that is conducted, operated, or administered by the state or by any state agency, is funded directly by the state, or receives any financial assistance from the state." Further, any violation of the Americans with Disabilities Act constitutes a violation of Section 11135, although the state law may provide for stronger protections than the ADA.

### **Supportive Housing Allowed by Right As Required By State Law**

The proposed change in use is to "supportive housing," defined as "housing with no limit on length of stay, that is occupied by a target population, and that is linked to an onsite or offsite service that assists the supportive housing resident in retaining the housing, improving their health status, and maximizing their ability to live, and, when possible, work in the community." MBMC § 17.12.626. This definition mirrors the definition of "supportive housing" in Section 50675.14 of the Health & Safety Code.

State law provides that "... supportive housing shall be considered a residential use of property and shall be subject only to those restrictions that apply to other residential dwellings of the same type in the same zone. Supportive housing, as defined in [Government Code] Section 65650, shall be a use by right in all zones where multifamily and mixed uses are permitted, as provided in Gov't Code § 65583(c)(3). (It should be noted that Government Code Section 65650 refers back to the definition in Section 50675.14 of the Health & Safety Code.)

01181.0005/718458.3

Supportive housing is permitted by right in the R-4 and MCR zones, as provided by MBMC Sections 17.24.070 and 17.24.110, respectively. The application was reviewed and the development standards for the zoning district have been met.

The applicant has stated that the facility will be licensed by the State of California as a residential treatment facility, and will provide the following onsite/offsite services: counseling, psych-social therapy, and medication monitoring. The facility will engage a network of medical, mental health providers and provide self-help recovery group meetings, and other entities providing social and recreational services to the residents. The majority of the services are provided on site. Therefore, it constitutes supportive housing under the MBMC.

#### **Morro Bay's Adopted 2020-2028 Housing Element Programs/Goals**

Housing Elements must "[a]ddress and, where appropriate and legally possible, remove governmental and nongovernmental constraints to the maintenance, improvement, and development of housing, including housing for all income levels and housing for persons with disabilities. Further, the city shall remove constraints to, and provide reasonable accommodations for housing designed for, intended for occupancy by, or with supportive services for, persons with disabilities. The MB HE includes Policy H-3.2 that states the city will "promote development of special needs housing, such as transitional and supportive housing for persons with physical, developmental or mental disabilities" and specifically includes Policy H-2.2 which states that the city will support adaptive reuse of existing homes and motels to maximize housing opportunities allowed in the zoning/land use plan.

#### **State Regulatory Requirements Related to Supportive Housing**

The proposed facility use will be licensed by the State of California. Initial licenses are valid for 3 years. Licenses can only be obtained after zoning and fire clearances as well as DHCS (California Department of Health Care Services) field inspections and approval of the facility's programs. Specifically, the State of California requires submittal of program policies and procedures in accordance with the State's rules and regulations regarding substance abuse treatment, that staff providing treatment must be licensed and/or certified in the State, and all service providers must be First Aid/CPR certified and must obtain a negative test for tuberculosis. The DHCS licensing department performs background checks on the owners and operators and the facility is obligated to perform a background check for every employee. Licensing will be denied if owners or the staff has been involved in malpractice or medical and/or financial fraud of any type.

As mentioned above, the proposed facility will be licensed by the state, and will provide residential treatment for clients who are recovering from alcohol and substance abuse, including counseling and psycho-social therapy. Programs will be provided on site when possible and the staffing includes 24-hour supervision by licensed, certified and trained personnel. The proposed facility is not a detox facility, and it is not an unlicensed facility providing temporary housing for individuals in recovery from alcohol or substance abuse (commonly known as a sober living home).

01181.0005/718458.3

The proposed facility is required to have a policy on resident offences or conditions that are not accepted by the provider. This applicant's policy excludes acceptance of residents with a criminal history that includes the following offenses: sexual offenses, arson, homicide or attempted homicide, offenses that require registration under Penal Code 290 or the equivalent federal statute or statute from another state, and drug trafficking. The facility also would not accept residents who need nursing care or have severe forms of mental illness.

#### **GROUNDINGS FOR APPEAL AND STAFF RESPONSES**

The stated grounds for the appeal are listed below, followed by a staff response (in bold italics). *Note: The grounds for appeal below have been paraphrased, the full text of each of the stated grounds for appeal are in Attachment 2.*

1. The City admin and city commission did not research or provide evidence or documentation that an analysis was completed on all 5 circumstances in which a city can deny this permit as outlined in the Housing Accountability Act (Cal Govt Code 65589.5 (D)).

***Staff response: The City permit review process involves a review by each department to ensure that the proposed project or change in use meets the criteria in the general plan, coastal land use plan and requirements stated in the zoning code for the use and project in the specific project zone. This is the same process used for any planning application for any type of project in any zone, including other residential uses in the same zone as the subject project. The city does not search for ways in which a project can be denied if the project meets the standards of the zoning code. If such evidence is readily available, the City may rely on it for a permit denial. Staff and the Planning Commission have not been presented with any such evidence.***

2. The appellant provided a list of facilities that they believe are affiliated with the applicant and/or operator and has demanded that the city investigate these facilities to provide evidence that these facilities did not have 'specific adverse impacts on public health and safety' as stated in the grounds for denial per the Housing Accountability Act. The appellant further defines specifically how they want the city investigation to be done and requested that the results be provided to the appellant.

***Staff response: This is not grounds for an appeal. The experiences of other facilities in other communities does not provide relevant information for the review and approval of this subject project. Additionally, the state requirements in AB2162 and the Housing Accountability Act and the zoning code state that review of a housing application for supportive housing should not be subject to requirements or conditions that are not also imposed on other residential projects. The city does not review the background of other applicants applying for residential projects.***

***The background and related experiences of the applicant, operator and***

01181.0005718458.3

**employees are all part of the State licensing review. The state license cannot be applied for until the project has final approval from the jurisdiction in which it is located.**

3. The appellant provided a list of State Department of Health Care Services license related documents that she requested that the city obtain and provide to the Planning Commission (it is assumed she meant to say City Council) and appellant prior to the appeal hearing.

**Staff response: This is not grounds for an appeal. The state license cannot be applied for until the project has final approval from the jurisdiction in which it is located. As such, the requested documents are not available to provide to City Council or the appellant and are not relevant to the city purview related to an approved change in use.**

4. The appellant provided a list of questions for the applicant.

**Staff response: This list of questions does not constitute grounds for an appeal. The responses to these questions would not result in necessary information needed by the city to issue a minor use permit. The City does not require this type of background or operational information from any other applicant applying for a permit for a residential use or a business. The licensing of the facility, the operations and procedures are all under the State of California licensing purview. Requesting answers to this type of detailed questions could be construed as harassment or bias against housing for the disabled.**

**The applicant has, nevertheless, provided responses to the appellant's questions, which are attached to this staff report as Attachment 6.**

5. The appellant requests that the appeal hearing before the City Council take place on a Thursday for an in-person hearing so the appellant and the City Council have ample time to review the staff report and other information regarding this appeal.

**Staff response: This is not grounds for an appeal. The city is required to hold the appeal hearing within 60 days of the date of the appeal (60 days from April 28, 2021 is June 27, 2021). City Council holds hearings every 2<sup>nd</sup> and 4<sup>th</sup> Tuesday of each month. The appellant agreed to the June 8, 2021 hearing date.**

#### **APPEAL REQUESTED ACTION**

Below are the requested relief or actions requested by Appellant followed by staff response in bold italics:

1. **A stay on permit issued to have a public hearing with a City Council decision on the appeal. Appellant has also asked that the hearing be in person (vs zoom meeting).**

01181.0005718458.3

**Staff response: The City of Morro Bay approved the MUP permit administratively in compliance with the MBMC and the requirements of AB 2162. A delay of approximately 60 days in the permit effective date resulted from the filing of the first appeal to Planning Commission. On April 20, 2021, the Planning Commission voted unanimously to deny the appeal and uphold the Director's approval of the MUP20-02 permit. The Planning Commission found no grounds to uphold the appeal, and no grounds to deny the project.**

**Ashley Smith filed another appeal on April 28, 2021 to appeal the Planning Commission decision to City Council. This results in a further delay of about 45 days to the project and the applicant.**

#### **REGULATORY REQUIREMENTS FOR APPEALS TO CITY COUNCIL**

The function and duties of the City Council as the appellate body are to review the appeal, administrative record, and written correspondence received by staff and included in the staff report, and take one of the following actions:

- A. Conduct a public hearing considering the concerns raised by the appellant, and uphold or deny the appeal; or
- B. If new evidence comes to light at the hearing that was not previously reviewed by staff that is relevant to the city decision to approve a Minor Use Permit, remand the matter back to staff for further review and action.

The City Council, under option A above, shall conduct a de novo review in that the appellant body shall consider only the same application, plans and related materials that were the subject of the original decision, and is not required to give any deference to the original determination of the Director.

#### **ENVIRONMENTAL DETERMINATION**

Pursuant to the California Environmental Quality Act, the project meets the requirements for a categorical exemption under CEQA Guidelines Section 15301, Class 1a (minor improvements to an existing facility necessary for the change in use). Additionally, none of the Categorical Exemption exceptions, noted under Section 15300.2, apply to the project.

**PUBLIC NOTICE** - Notice of this item was published in the San Luis Obispo Tribune newspaper on May 28, 2021 and all property owners of record within 500 feet of the subject site were notified of this evening's public hearing and invited to voice any concerns on this application.

**CONCLUSION** The City of Morro Bay processing of this application was thorough and in compliance with the requirements of the MBMC and the State requirements under AB 2162. Staff recommends the City Council find there are no grounds for an appeal of the project's approval, and therefore City Council deny the appeal and uphold the Director's approval of the Minor Use Permit based on the above staff analysis. The project submittal was sufficient to make the necessary findings for approval including that the project is consistent with the City's General Plan, Local Coastal Program, and the Municipal Code.

01181.0005/718458.3

Appeal of MUP20-02 for the change in use at 2460 Main Street  
(CC Appeal June 8, 2021)

**Note: The city has determined that the research requested by the appellant and the related questions to the applicant are not grounds for appeal and do not provide relevant information necessary to the city review and approval of the minor use permit for a change in use. The City did not respond to these items and did not require that the applicant respond. However, the applicant did submit a response, which is provided below.**

Appellant's Questions for the Applicant. Applicant responses in red.

2 (A). Research of the facilities should include but is not limited to the following sources, Newspaper articles, police reports, police logs, city zoning, compliance or any citations from state licensing- Department of Health Care and State Department of Drug and Alcohol Program. Here are the following facilities I am requesting be investigated :

California Behavioral Treatment Center  
NPI # 1821120023- Joyce Kaishar  
501 E. Harvard  
Glendale, CA

Applicant Response: No affiliation to "California Behavioral Treatment Center". Joyce Kaishar's NPI # has no affiliation to any entity, additionally it is cancelled (by the Board of Pharmacy).

Absolute Control Transitional Counseling Center  
NPI # 1699963546 - Organes Nardos  
2331 E. Foothill Blvd.  
Pasadena, CA

Applicant Response: "Absolute Control transitional Counseling Center, Inc. ", In operation, no affiliation

First Responders First  
NPI# 1841789484- Justin Frankian  
28765 Pine Canyon  
Lake Hughes, CA

Applicant Response: "First Responders First". No affiliation.

Building Unique Youth Alternatives  
La Puente, CA  
nonprofitsfact.com Lists, "Antonio Luna- Brain Der Vartanian," as In Care of Name.

Applicant Response: "Building Unique Youth Alternatives" is a client, no affiliation, a non-for-profit entity, never been in operation and closed for over 10 years ago.

3. In order to be informed about the specific Implications and specific responsibilities that accompany a facility such as this, I am requesting that copies of the following documents/ information be made available to the Planning Committee and the appellant prior to the hearing on this appeal:

DHCS 6002 -Initial Treatment Provider Application,  
DHCS 5255- Supplemental Treatment Request,  
DHCS 4022- Level of Care Designation,  
Annotated List of Community Resources( a DHCS requirement),  
Blank copies of Intake form, case management form, treatment plan form, admission agreement, policy with regard to weapons, drug screening policy, written code of employee conduct, employee and client background check forms, and client rights.

Applicant Response: Will follow ASAM3.1 criterion.

DHCS 6002: Not completed a city approval for submission.

DHCS 5255: No supplemental treatment.

DHCS 4022: Level of care in accordance with ASAM criteria determined by licensing.

Annotated List of Community Resources, (Attached)

Blank copies of intake form (Attached)

4. Further questions for the applicant include:

**A. Will treatment include MAT(Medication Assisted Treatment)?**

Applicant Response: Yes

**B. Will clients with co-occurring disorders (dual diagnosis) be treated in this facility?**

Applicant Response: Yes. Only patients not in need of nursing or care assistance.

**C. What will the medical doctor availability, Mr. Organes alluded to in the meeting of 4/20/21, be comprised of on a daily/weekly basis?**

Applicant Response: The doctors' hours will be 20 hours per week and on call.

**D. How will completion of detox be determined prior to acceptance into the program?**

Applicant Response: By the doctor's notes regarding medical necessity and referral service papers

**E. How will the 20 hours of treatment a week required by The California Dept. of Health Care Services' Alcohol and/or Drug Program Certification Standard s" be met with only 10 hours of group therapy listed in the schedule? The schedule provided no allowance for individual therapy or any other individual service requirements, i.e., "8000e.1 A-F- education, vocational, job referral, legal services, physical, mental, dental, social/recreational. Nor any time allotted to 87100 recovery planning, "71 20 discharge planning & summary.**

Applicant Response: The treatment is not only group therapy, but the treatment will also include individual therapy, recovery support groups, social rehabilitation, drug and alcohol education, family therapy and recreational therapy.

**F. How will staffing ratio be maintained if a client requires transport back to County of origin? Is the facility responsible for portal to portal transport?**

Applicant Response: Only if the facility provided the transportation to the facility.

**G. What is the SOP if a patient leaves the facility? Does the staff track them down? Does MBPD have to track them down?**

Applicant Response: Patients leaving against medical advice (AMA) will get help from the facility to get back to place of origin.

**H. Based on applicants previous experience, what percentage of patients are foreseen to be local?**

**What percentage will be first responders?**

Applicant Response: Only in need of substance abuse treatment.

**What percentage will be from diversion program?**

Applicant Response: No diversion program.

**What types of charges will patients from the diversion program have, misdemeanor or felon?**

Applicant Response: No diversion program.

**How many patients are foreseen to be self-referred?**

Applicant Response 30% to 40% will be self-referred.

**Will patients with NO substance abuse be treated? Such as First Responders with PTSD? If so, what is the applicants general plan for treating non-substance abuse patients?**

Applicant Response: No.

From: California Department of Health Care Services

californiadhcs@govqa.us

Subject: [Records Center] Public Records Request :: R001181-051121

Date: May 27, 2021 at 6:32:10 AM

To: [REDACTED]

request was for all facilities in appeal

--- Please respond above this line ---



RE: PUBLIC RECORDS REQUEST of May 11, 2021., Reference # R001181-051121.

Dear Ashley Smith,

On 5/11/2021 11:02:09 AM, the California Department of Health Care Services (DHCS) received your request for records under the Public Records Act. We believe that we possess records that fall within the scope of your request, and we are now in the process of gathering and reviewing the requested records. Some of the requested records or portions of the records may be exempt from production. For example, personnel, medical or similar files, the disclosure of which would constitute an invasion of personal privacy are exempt from disclosure ([Cal.Gov't Code section 6254, subdivision \(c\)](#)). If any of the requested records are redacted or withheld, you will be notified of the reasons.

When our review is complete, we will notify you that the requested records are ready for your review. We anticipate that will be on or about September 9, 2021.

Sincerely,

DHCS PRA Coordinator

To monitor the progress or update this request please log into the [Public](#)

I am filing an appeal to the permit issued at 2460 Main Street on the following grounds;

1. The city admin and city commission did not research, or provide evidence or documentation that an analysis was completed on all 5 circumstances in which a city can deny this permit, as outlined in the Housing Accountability Act ( Cal. Govt. Code 65589.5 (D)).

1 (A). I ask that the city provide an investigation into the 5 circumstances as outlined in the Act, and provide me with their findings of evidence by credible documentation.

2. The following facilities are associated with the applicants. I ask the the city investigate these facilities by non- biased research, to prove by evidence via documentation that the facilities listed did or did not have “ specific, adverse impact on public health or safety,” as stated in the grounds for denial per the Housing Accountability Act.

2 (A). Research should include but is not limited to the following sources, Newspaper articles, police reports, police logs, city zoning, compliance or any citations from state licensing- Department of Health Care and State Department of Drug and Alcohol Program.

Here are the following facilities I am requesting be investigated :

California Behavioral Treatment Center  
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501 E. Harvard  
Glendale, CA

Absolute Control Transitional Counseling Center  
NPI # 1699963546 - Organes Nardos  
2331 E. Foothill Blvd.  
Pasadena, CA

First Responders First  
NPI# 1841789484- Justin Frankian  
28765 Pine Canyon  
Lake Hughes, CA

Building Unique Youth Alternatives  
La Puente, CA

[nonprofitsfact.com](http://nonprofitsfact.com) Lists, "Antonio Luna- Brain Der Vartanian," as In Care of Name.

3. In order to be informed about the specific implications and specific responsibilities that accompany a facility such as this, I am requesting that copies of the following documents/ information be made available to the Planning Committee and the appellant prior to the hearing on this appeal:

DHCS 6002 -Initial Treatment Provider Application,  
DHCS 5255- Supplemental Treatment Request,  
DHCS 4022- Level of Care Designation,  
Annotated List of Community Resources(a DHCS requirement),  
Blank copies of Intake form, case management form, treatment plan form, admission agreement, policy with regard to weapons, drug screening policy, written code of employee conduct, employee and client background check forms, and client rights.

4. Further questions from the applicant include:

- A. Will treatment include MAT(Medication Assisted Treatment)?
- B. Will clients with co-occurring disorders (dual diagnosis) be treated in this facility?
- C. What will the medical doctor availability, Mr. Organes alluded to in the meeting of 4/20/21, be comprised of on a daily/weekly basis?
- D. How will completion of detox be determined prior to acceptance into the program?
- E. How will the 20 hours of treatment a week required by The California Dept. of Health Care Services' Alcohol and/or Drug Program Certification Standards\* be met with only 10 hours of group therapy listed in the schedule? The schedule provided no allowance for individual therapy or any other individual service requirements, i.e., \*8000e.1 A-F- education, vocational, job referral, legal services, physical, mental, dental, social/recreational. Nor any time allotted to

87100 recovery planning, \*7120 discharge planning & summary.

F. How will staffing ratio be maintained if a client requires transport back to County of origin? Is the facility responsible for portal to portal transport?

G. What is the SOP if a patient leaves the facility? Does the staff track them down? Does MBPD have to track them down?

Presenting these documents should pose no undue hardships as the signed applicants involved with this project have prior experience with other similar facilities.

5. Lastly, I am also requesting that the next public hearing with the City Council take place on a Thursday. Since staff reports are posted 3 business days prior to a hearing, moving the day of the hearing provides ample time for the appellant and City Council to review the staff report and other information related to this case.

**ARTICLE 10.6. Housing Elements [65580 - 65589.11] ( Article 10.6 added by Stats. 1980, Ch. 1143. )**

**65589.5.**

(j) (1) When a proposed housing development project complies with applicable, objective general plan, zoning, and subdivision standards and criteria, including design review standards, in effect at the time that the application was deemed complete, but the local agency proposes to disapprove the project or to impose a condition that the project be developed at a lower density, the local agency shall base its decision regarding the proposed housing development project upon written findings supported by a preponderance of the evidence on the record that both of the following conditions exist:

(A) The housing development project would have a specific, adverse impact upon the public health or safety unless the project is disapproved or approved upon the condition that the project be developed at a lower density. As used in this paragraph, a "specific, adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.

(B) There is no feasible method to satisfactorily mitigate or avoid the adverse impact identified pursuant to paragraph (1), other than the disapproval of the housing development project or the approval of the project upon the condition that it be developed at a lower density.

(2) (A) If the local agency considers a proposed housing development project to be inconsistent, not in compliance, or not in conformity with an applicable plan, program, policy, ordinance, standard, requirement, or other similar provision as specified in this subdivision, it shall provide the applicant with

written documentation identifying the provision or provisions, and an explanation of the reason or reasons it considers the housing development to be inconsistent, not in compliance, or not in conformity as follows:

(i) Within 30 days of the date that the application for the housing development project is determined to be complete, if the housing development project contains 150 or fewer housing units.

(ii) Within 60 days of the date that the application for the housing development project is determined to be complete, if the housing development project contains more than 150 units.

(B) If the local agency fails to provide the required documentation pursuant to subparagraph (A), the housing development project shall be deemed consistent, compliant, and in conformity with the applicable plan, program, policy, ordinance, standard, requirement, or other similar provision.

[https://leginfo.legislature.ca.gov/faces/codes\\_displaySection.xhtml?lawCode=GOV&sectionNum=65589.5](https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=GOV&sectionNum=65589.5)

## MUP20-02 Minor Use Permit for 2460 Main Street

Proposed change in use: from 27 room motel to Supportive Housing

Applicant response to questions:

1. **Number (i.e. if there are doubles or suites) of rooms in the facility** 27.
2. **How many clients in a room?** 1 to 2 **What is the maximum number of residents that could be living on the site.** 27 to 40
3. **Total existing number of parking spaces and how many are ADA accessible.** 34 and 1 ADA most residents do not have cars.
4. **What is the mode of transportation for the residents?** Treatment center bus
5. **What are the common areas that will be used by the residents (i.e. eating facilities, living rooms, laundry, etc.)?** Some of the rooms will be used for meetings and services, there are also areas for gathering and meals. The residents will have a schedule to follow that is essential for their recovery.
6. **What improvements will be done?** None needed as this is already a very suitable facility for supportive housing. We would like to install a privacy fence along the entry "Main St." side.
7. **If the residents are actively in rehab - where is the rehab counseling/programs done?** counseling/programs on site as we will convert 2 to 4 rooms to counseling/program rooms
8. **Are there any limitations for the residents - can they leave the premises whenever they want?** Residents cannot leave the premises unless authorized by staff and doctor.
9. **What does a typical day look like for a client in your rehab facility?** (See schedule below)

### Sample Daily Schedule

6-7am	Wake up
8-9am	Breakfast/Medication
9:30-10am	Morning Meditation
10-11am	Process Group meeting
11am – 1pm	Lunch
2-3pm	Chemical Dependency group or study/ or yoga and exercise
5-6pm	Dinner
6-7pm	Homework
7-8pm	Meeting

### Public comment – questions and responses (updated through 2-18-21):

1. **May I have a copy of all documents related to this application?** Yes, the application will be posted to the website – under Hot Topics together with this Q&A and other general information about the proposed use, the site zoning and the State of California requirements.
2. **Does the City have any questions related to the application?** The intent of this question is not clear. The City reviewed the application, obtained responses from the applicant and deemed the

application complete. The proposed use fits into the goals included in the 2020-2028 Housing Element.

3. **There isn't a clear picture of how this property owner plan to process once they get approval.** Question is not clear – if this means will they process other permits, then yes, they will be required to get a building permit for frontage improvements and fire sprinklers in the facility. If this question relates to how the facility will be operated – that is under licensing by the State of California (Department of Health and Human Services).
4. **Can the residents in the neighborhood have a meeting with the City and property owner?** The agent for the owner is Brian Der Vartanian, 818-244-7700. The phone number on the 'pending development sign' posted on the site had an incorrect area code (805), which should have been 818. The sign has been corrected. The applicant/agent has also provided a contact for operational questions: Mr. Oganesh Nardos 818-415-6323. You can also contact City staff and they can obtain answers to your questions and post that information on the website.
5. **Why would you (the city) allow a rehab center to be put right next to one of the newest housing developments (assume this refers to Morro Mist)?** This is not a city project; the property owner has requested a change in use to allow supportive housing. The City zoning allows this use as a permitted use in the zone, only requiring a minor use permit to document the change.
6. **Why put a supportive housing facility in a residential area?** The applicant owns the property and they have applied for a permit for a Supportive Housing use which a permitted use in all residential zones and in the MCR (Mixed Use Residential) zone where the property is located. Supportive housing is residential that includes services.
7. **If the residents do not comply with the rules of the Supportive Housing program and they leave the program, where will they go?** Impossible to tell. If they were Morro Bay residents or previously homeless in Morro Bay, then they will probably stay in town. If they were not Morro Bay residents previously, they probably will go back to their previous place of residence.
8. **What will happen to the Mayan Restaurant?** The restaurant is not part of this project, it is a separate parcel with separate owners and operators. They share spaces in the parking lot with the proposed supportive housing program.
9. **What does a supportive housing program include?** The program is licensed through the State of California. The program provides housing, counseling and services to get the client through their addiction and helps them become contributing members of society. The clients come from many backgrounds, but the program is voluntary, so the clients come to supportive housing because they are at a point in their life that they want help.
10. **Where can I view the application since the Morro Bay Community Development Department is not currently open to the public?** The application and other related information have been posted to the website. The application is very basic since this is a change in use and not a new facility.

# Provider Information for 1821120023 (tel:1821120023)

[Search \(/registry/\)](#) / [Back to Results](#) / [NPI View](#)

**Please Note: Issuance of an NPI does not ensure or validate that the Health Care Provider is Licensed or Credentialed. For more information please refer to NPI: What You Need to Know (<https://www.cms.gov/Outreach-and-Education/Medicare-Learning-Network-MLN/MLNProducts/Downloads/NPI-What-You-Need-To-Know.pdf>)**

**JOYCE GABRIEL KAISHAR**

Gender: FEMALE



NPI: 1821120023 (tel:1821120023)



Last Updated: 2007-07-08

Certification Date:

## Details

Name	Value
NPI	1821120023 (tel:1821120023)
Enumeration Date	2007-03-12
NPI Type	1 - Individual
Sole Proprietor	YES
Status	Active



# Personal Information

This section contains known aliases, birth information, and potential imposters gleaned from public records.

First Name      Middle Name      Last Name  
**Oganes      N      Nardos**

## Birth Information

Age      Birth Date  
[REDACTED]

## Known Aliases

Inessa N

## JOBS

Company (Industry)	Job Title	Dates
Absolute Control Transitional Counseling Center (Hospital & Health Care)	Program Director	Mar 4, 2011 - Aug 11, 2020
NARDOS, OGANES (Counselors-Licensed Professional)	N/A	N/A
N/A (Individual And Family Services)	Chemical Depended Counselor	N/A
N/A (Offices And Clinics Of Medical Doctors)	Medical Doctor	N/A
ABSOLUTE CONTROL TRANSITIONAL COUNSELING CENTER, INC.	EXECUTIVE DIRECTOR	Sep 16, 2020
ABSOLUTE CONTROL TCC, INC	EXECUTIVE DIRECTOR	Sep 16, 2020

## RELATED LINKS

<https://www.linkedin.com/in/oganes-nardos-16857b21>

## SOCIAL SECURITY NUMBER

Issued Years      **2001**  
Issued Location      **CALIFORNIA**

# OC WEEKLY®

ORANGE COUNTY'S LEADING SOURCE OF NEWS, CULTURE AND ENTERTAINMENT

## ARMENIAN IMMIGRATION BRIBERY SCHEMER GETS PUNISHED

R. SCOTT MOXLEY | APRIL 12, 2013



In 2008, Oganēs Nardos—the owner of a court-ordered drug counseling school in Los Angeles County—unwittingly became the target of a 15-month, undercover Homeland Security bribery investigation involving Armenian government officials and the production of fake immigration documents. An undercover agent offered Nardos \$25,000 to get Armenian Consulate officials in Beverly Hills to issue a “Letter of Refusal” stating that they would not accept a certain Armenian-native's deportation return, a move that

essentially forced ICE to allow the individual to remain in the U.S. indefinitely.

Nardos, a 40-year-old Armenian-native and owner of Court Ordered Classes and executive director at Absolute Control Transitions Counseling Center, accepted the deal, contacted “high-level officials in Armenian” and asked them to “alter or erase” citizenship records for “Razmik G.,” according to INS records.

]

But Nardos couldn't pull off the deal because Armenian police wanted the man's return so they could question him in an unrelated criminal investigation.

Though he returned the money, Nardos found himself arrested by American agents in 2009 for “obstructing” a federal agency.

In Feb. 2012, the permanent resident and married father of two kids signed a guilty plea in hopes of leniency in punishment.

Both the U.S. Probation Office and a prosecutor in the Department of Justice asked for Nardos to serve at least one year in prison.

Nardos submitted character references from a senior chaplain at the Armenian Apostolic Church of America and a senior pastor from the Word of Life Church Los Angeles.

He also noted he'd “honorably” returned the bribe when the crime fell apart.

This week inside the Ronald Reagan Federal Courthouse in Santa Ana, U.S.

District Court Judge Andrew J. Guilford decided that Nardos didn't deserve a day in prison.

He gave the defendant probation for three years, a \$3,000 fine and 200 hours of community service.

The INS investigation resulted in four other arrests in the same bribery scheme with Armenian officials.

According to court records, Nardos has also used the following names:

Oganes Arutjunuan, Oganes Nardosovich, Hovannes Harutyunyan and

Hovhannes Harutyunyan.

Follow OC Weekly on Twitter [@ocweekly](#) or on [Facebook](#)!



**R. SCOTT MOXLEY**

**CNN-featured investigative reporter R. Scott Moxley has won Journalist of the Year honors at the Los Angeles Press Club; been named Distinguished Journalist of the Year by the LA Society of Professional Journalists; obtained one of the last exclusive prison interviews with Charles Manson disciple Susan Atkins; won inclusion in Jeffrey Toobin's *The Best American Crime Reporting* for his coverage of a white supremacist's senseless murder of a beloved Vietnamese refugee; launched multi-year probes that resulted in the FBI arrests and convictions of the top three ranking members of the Orange County Sheriff's Department; and gained praise from *New York Times Magazine* writers for his "herculean job" exposing entrenched Southern California law enforcement corruption.**

NEWS

# Former Armenian Consulate worker pleads guilty

**SUBSCRIBE**

**GLENDALE** — [REDACTED] who worked for the Armenian Consulate in Los Angeles pleaded guilty Monday to a charge stemming from a fraud scheme aimed at selling letters to undocumented Armenian nationals to avoid deportation, officials said.

Glendale resident Hakop Hovanesyan, 54, pleaded guilty to one count of obstructing federal proceedings for his role in the scheme, according to U.S. Immigration and Customs Enforcement.

He is expected to be sentenced Jan. 24 and faces a maximum five years in

prison, according to the agency.

He and four other alleged accomplices — former Armenian consul Norair Ghalumian, 52, of Burbank; and Glendale residents Margarita Mkrtychyan, 41; Elvis Madatyan, 47; and Valencia resident **Oganes Nardos, 36** — allegedly sold immigration letters to undocumented convicted felons, including murderers and rapists, that allowed them to stay in the United States and avoid deportation.

“The defendants in this case exploited their ties to the community and knowledge of the immigration system to help dangerous criminals, among others, avoid deportation,” Claude Arnold, special agent in charge of ICE Homeland Security Investigations in Los Angeles, said in a statement.

The arrests capped a two-year investigation into the alleged fraud scheme, in which more than two dozen letters of refusal were issued. The letters, which are generally issued by consulates and embassies, state that a country will not grant a travel document to a specific person, according to the criminal complaint.

The letters block a person from being deported to a country. The five letters from the Armenian Consulate reportedly sold for upward of \$37,000.

The group allegedly used contacts in the Armenian government to obtain the letters, which were sent to ICE to prevent deportation, according to criminal complaints.

The four other accomplices are still awaiting trial.

# Personal Information

This section contains known aliases, birth information, and potential imposters gleaned from public records.

First Name	Middle Name	Last Name
<b>Krikor</b>	<b>D</b>	<b>Balian</b>

## Birth Information

Age	Birth Date
[REDACTED]	[REDACTED]

## Known Aliases

Koko Balian

## Images

## JOBS

Company (Industry)	Job Title	Dates
Self-employed	ceo	Aug 19, 2015 - Feb 26, 2019
N/A (Offices And Clinics Of Medical Doctors)	<b>Medical Doctor</b>	N/A
N/A (Individual And Family Services)	Chemical Depended Counselor	N/A
kobaco.co	Manager	Aug 5, 2016 - Nov 5, 2019

## RELATED LINKS

<https://myspace.com/sexmurderartxiii>  
<https://www.linkedin.com/in/koko-balian-12392568>  
[http://facebook.com/people/\\_/670512848](http://facebook.com/people/_/670512848)  
<https://www.instagram.com/kokobalianxiii/>  
<https://npiregistry.cms.hhs.gov/registry/provider-view/1295923050>  
<http://www.facebook.com/kokobalianxiii>

## SOCIAL SECURITY NUMBER

Issued Years	1976
Issued Location	CALIFORNIA

# Criminal Records

**DISCLAIMER:** The criminal record information contained in our reports may not be 100% accurate or complete. This is because the information is pulled from records maintained by government agencies and the information contained in those records may not be 100% accurate or complete. Please use this information as a starting point for your own due diligence and investigation.

## LIKELY CRIMINAL RECORDS

### Krikor Balian

Match Rating Based On:

#### First Name, Last Name, Date Of Birth, Age

Offense Date	Source
<b>Dec 2, 2004</b>	<b>ORANGE COUNTY SUPERIOR COURT (California)</b>

#### Personal Details

First Name	Last Name	Age	Date of Birth
<b>Krikor</b>	<b>Balian</b>	[REDACTED]	[REDACTED]

#### Dec 2, 2004 - Offense -

Offense Date	Charges Filed Date	Crime Location	Crime Classification	Offense Code
<b>Dec 2, 2004</b>	<b>Nov 17, 2004</b>	<b>Orange, CA</b>	<b>Nos</b>	<b>NOT SPECIFIED</b>
Offense Description	Case Type	Case Number	Disposition Date	CaseInfo=ORIGINAL CHARGING DOCUMENT
<b>Not Specified</b>	<b>citation</b>	<b>NBL82927</b>	<b>Dec 28, 2004</b>	<b>CITATION</b>
CHARGING DOCUMENT	CHARGING DOCUMENT FILE DATE	ORIGINAL FILE DATE	RECEIVEDATE	CaseInfo
<b>CITATION</b>	<b>12/02/2004</b>	<b>11/17/2004</b>	<b>01/01/2021</b>	<b>ORIGINAL CHARGING DOCUMENT: CITATION</b>

#### Nov 17, 2004 - Charges Filed - Citation

Charges Filed Date	Crime Location	Offense Code	Offense Description	Case Number
<b>Nov 17, 2004</b>	<b>Orange, CA</b>	<b>CITATION</b>	<b>Citation</b>	<b>NBL82927BALIAN740629</b>
Court Name	Disposition Date			
<b>Ca Orange Superior Court</b>	<b>Dec 28, 2004</b>			

### Krikor D Balian

Match Rating Based On:

#### First Name, Middle Name, Last Name, Date Of Birth, Age

Charges Filed Date	Source
<b>Dec 16, 1999</b>	<b>CALIFORNIA LOS ANGELES COUNTY SUPERIOR COURT (- California)</b>

#### Personal Details

First Name	Middle Initial	Last Name	Age	Date of Birth
<b>Krikor</b>	<b>D</b>	<b>Balian</b>	[REDACTED]	[REDACTED]

**Dec 16, 1999 - Charges Filed - Attempt**

Charges Filed Date <b>Dec 16, 1999</b>	Crime Location <b>California Los Angeles, CA</b>	Crime Classification <b>Felony</b>	Offense Code <b>664 P 487.A P 484G.A</b>	Offense Description <b>Attempt</b>
Mode of Offense <b>FELONY</b>	Case Number <b>GA041071-01</b>	Court Name <b>G</b>	Disposition <b>Not Provided By Source</b>	

**Sep 2, 1999 - Offense -**

Offense Date <b>Sep 2, 1999</b>	Charges Filed Date <b>Nov 18, 1999</b>	Crime Location <b>California Los Angeles, CA</b>	Crime Classification <b>Nos</b>	Offense Code <b>484G(A)</b>
Offense Description <b>Not Specified</b>	Case Number <b>PASGA041071-01</b>	Court Name <b>Pasadenahouse</b>	Plea <b>Guilty</b>	Disposition <b>Certified Plea</b>
Disposition Date <b>Dec 16, 1999</b>	CaseComments=PROBATION LENGTH <b>3 YEAR(S) 0 MONTH(S) 0 DAY(S); SENTENCE LENGTH: 0 YEAR(S) 0 MONTH(S) 364 DAY(S)</b>	CaseInfo <b>JURISDICTION: LIMITED JURISDICTION</b>		

**Sep 2, 1999 - Offense -**

Offense Date <b>Sep 2, 1999</b>	Charges Filed Date <b>Dec 16, 1999</b>	Crime Classification <b>Nos</b>	Offense Code <b>530.5(A)</b>	Offense Description <b>Not Specified</b>
Case Number <b>XNEGA041071-01</b>	Court Name <b>Northeast District</b>	Plea <b>Not Guilty</b>	Disposition <b>Dismissed Or Not Prosecuted</b>	Disposition Date <b>Dec 16, 1999</b>
CaseInfo <b>JURISDICTION: GENERAL JURISDICTION</b>				

**Krikor Balian**

Match Rating Based On:

**First Name, Last Name, Date Of Birth, Age**

Charges Filed Date <b>Jul 11, 2005</b>	Source <b>CALIFORNIA LOS ANGELES COUNTY SUPERIOR COURT (- California)</b>
---	--

**Personal Details**

First Name <b>Krikor</b>	Last Name <b>Balian</b>	Age <b>[REDACTED]</b>	Date of Birth <b>[REDACTED]</b>
-----------------------------	----------------------------	--------------------------	------------------------------------

**Jul 11, 2005 - Charges Filed - Petythft:Pr Jail:Spec Off**

Charges Filed Date <b>Jul 11, 2005</b>	Crime Location <b>California Los Angeles, CA</b>	Crime Classification <b>Felony</b>	Offense Code <b>P 666</b>	Offense Description <b>Petythft:Pr Jail:Spec Off</b>
Mode of Offense <b>FELONY</b>	Case Number <b>LA048033-01</b>	Court Name <b>L</b>	Disposition <b>Not Provided By Source</b>	

**Jan 19, 2005 - Offense -**

Offense Date <b>Jan 19, 2005</b>	Charges Filed Date <b>Jan 21, 2005</b>	Crime Location <b>California Los Angeles, CA</b>	Crime Classification <b>Nos</b>	Offense Code <b>666</b>
Offense Description <b>Specified</b>	Case Number <b>LAVLA048033-01</b>	Court Name <b>Van Nuys House West</b>	Plea <b>Not Guilty</b>	Disposition <b>Held To Answer</b>
Disposition Date <b>Jun 27, 2005</b>	CaseComments=PROBATION LENGTH <b>3 YEAR(S) 0 MONTH(S) 0 DAY(S); SENTENCE LENGTH: 3 YEAR(S) 0 MONTH(S) 0 DAY(S)</b>	CaseInfo <b>JURISDICTION: LIMITED JURISDICTION</b>		

**Jan 19, 2005 - Offense -**

Offense Date <b>Jan 19, 2005</b>	Charges Filed Date <b>Jun 27, 2005</b>	Crime Classification <b>Nos</b>	Offense Code <b>666</b>	Offense Description <b>Not Specified</b>
Case Number <b>XNWLA048033-01</b>	Court Name <b>Northwest District</b>	Plea <b>Nolo Contendere</b>	Disposition <b>Dismissed Per 1203 4 P C</b>	Disposition Date <b>Apr 8, 2009</b>
CaseInfo <b>JURISDICTION: GENERAL JURISDICTION</b>				

**Krikor D Balian**

Match Rating Based On:

**First Name, Middle Name, Last Name, Date Of Birth, Age**

Source  
**LOS ANGELES COUNTY MUNICIPAL COURT (California)**

**Personal Details**

First Name <b>Krikor</b>	Middle Initial <b>D</b>	Last Name <b>Balian</b>	Age <b>[REDACTED]</b>	Date of Birth <b>[REDACTED]</b>
-----------------------------	----------------------------	----------------------------	--------------------------	------------------------------------

**Use Others Id:Credit/Etc**

Crime Location <b>Los Angeles, CA</b>	Crime Type <b>Felony</b>	Offense Code <b>P 530.5A</b>	Offense Description <b>Use Others Id:Credit/Etc</b>	Case Type <b>criminal felony</b>
Case Number <b>G04107101</b>	Court Name <b>G</b>			

**Unauth Use Others Id/Etc**

Crime Location <b>Los Angeles, CA</b>	Crime Type <b>Felony</b>	Offense Code <b>P 530.5A</b>	Offense Description <b>Unauth Use Others Id/Etc</b>	Case Type <b>criminal felony</b>
Case Number <b>G04107101</b>	Court Name <b>G</b>			

**Attempt**

Crime Location <b>Los Angeles, CA</b>	Crime Type <b>Felony</b>	Offense Code	Offense Description <b>Attempt</b>	Case Type <b>criminal felony</b>
--	-----------------------------	--------------	---------------------------------------	-------------------------------------

Case Number G04107101 Court Name G

Pthft W/Pr Jail:Spec Ofns

Crime Location Los Angeles, CA Crime Type Felony Offense Code P 666 Offense Description Pthft W/Pr Jail:Spec Ofns Case Type criminal felony
Case Number L04803301 Court Name L

Petythft:Pr Jail:Spec Off

Crime Location Los Angeles, CA Crime Type Felony Offense Code P 666 Offense Description Petythft:Pr Jail:Spec Off Case Type criminal felony
Case Number L04803301 Court Name L

Krikor Balian

Match Rating Based On:

First Name, Last Name, Address, Date Of Birth, Age

Charges Filed Date Jul 11, 2005 Source CALIFORNIA LOS ANGELES COUNTY HISTORY FILE (California)

Personal Details

First Name Krikor Last Name Balian Age [Redacted] Date of Birth [Redacted]

Jul 11, 2005 - Charges Filed - P 666

Charges Filed Date Jul 11, 2005 Crime Classification F Offense Description P 666 Case Number LA048033

Krikor D Balian

Match Rating Based On:

First Name, Middle Name, Last Name, Address, Date Of Birth, Age

Charges Filed Date Dec 16, 1999 Source CALIFORNIA LOS ANGELES COUNTY HISTORY FILE (California)

Personal Details

First Name Krikor Middle Initial D Last Name Balian Age [Redacted] Date of Birth [Redacted]

# Licenses

Possible data may include FAA pilot licenses and DEA licenses for prescribing controlled pharmaceuticals.

## PROFESSIONAL LICENSES

### 101ya0400x

Name	<b>Krikor Balian</b>	Address	<b>2331 E Foothill Blvd, Pasadena, CA, 91107</b>
Phone	<b>(626) 792-8797</b>	License Status	<b>Active</b>
License State	<b>US</b>	Job Functions	<b>101YA0400X</b>
Issue Date	<b>Oct 5, 2007</b>		

### Addiction Counselor

Name	<b>Krikor Balian</b>	Address	<b>2331 E Foothill Blvd, Pasadena, CA, 91107</b>
Phone	<b>(626) 792-8797</b>	License Status	<b>Active</b>
License State	<b>CA</b>	Job Functions	<b>ADDICTION COUNSELOR</b>
Issue Date	<b>Oct 5, 2007</b>		

### Health Care Providers

Name	<b>Krikor Balian</b>	Address	<b>2331 E Foothill Blvd, Pasadena, CA, 91107</b>
Phone	<b>(626) 792-8797</b>	License Status	<b>Active</b>
License State	<b>CA</b>	Job Functions	<b>HEALTH CARE PROVIDERS</b>
Issue Date	<b>Oct 5, 2007</b>		

### Chemical Depended Counselor

Name	<b>Krikor Balian</b>	Address	<b>2331 E Foothill Blvd, Pasadena, CA, 91107</b>
Phone	<b>(626) 792-8797</b>	License Status	<b>Active</b>
License State	<b>CA</b>	Job Functions	<b>CHEMICAL DEPENDED COUNSELOR</b>

### Medical Doctor

Name	<b>Krikor Caadac Balian</b>	Address	<b>2331 E Foothill Blvd, Pasadena, CA, 91107</b>
Phone	<b>(626) 792-8797</b>	License Status	<b>Active</b>
License State	<b>US</b>	Job Functions	<b>MEDICAL DOCTOR</b>

# Personal Information

This section contains known aliases, birth information, and potential imposters gleaned from public records.

First Name	Middle Name	Last Name
<b>Edward</b>	<b>R</b>	<b>Abasta</b>

*Absolute control*

### Birth Information

Age	Birth Date
[REDACTED]	[REDACTED]

### Known Aliases

Edward Raymond Abasta

## JOBS

Company (Industry)	Job Title	Dates
ABASTA, EDWARD R (Offices And Clinics Of Medical Doctors)	Medical Doctor	N/A
N/A (Individual And Family Services)	Chemical Depended Counselor	N/A
N/A (Offices And Clinics Of Medical Doctors)	Medical Doctor	N/A
ABSOLUTE CONTROL TRANSITIONAL COUNSELING CENTER COUNSELORS MARRIAGE FAMILY CHILD INDIVIDUAL	N/A	Jan 7, 2003 - Jun 15, 2019

## RELATED LINKS

<https://npiregistry.cms.hhs.gov/registry/provider-view/1932397791>

## SOCIAL SECURITY NUMBER

Issued Years	1970
Issued Location	CALIFORNIA

# Criminal Records

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## LIKELY CRIMINAL RECORDS

### Edward Raymond Abasta

Match Rating Based On:

First Name, Middle Name, Last Name, Date Of Birth, Age

Charges Filed Date	Source
Oct 19, 1994	CALIFORNIA LOS ANGELES COUNTY SUPERIOR COURT (- California)

### Personal Details

First Name	Middle Name	Last Name	Age	Date of Birth
Edward	Raymond	Abasta		

### Oct 19, 1994 - Charges Filed - Inflict Corporal Inj/Spouse/Co

Charges Filed Date	Crime Location	Crime Classification	Offense Code	Offense Description
Oct 19, 1994	California Los Angeles, CA	Felony	P 273.5A	Inflict Corporal Inj/Spouse/Co

Case Number	Court Name	Disposition
KA024147-01	K	Not Provided By Source

### Sep 2, 1994 - Offense -

Offense Date	Charges Filed Date	Crime Location	Offense Code	Offense Description
Sep 2, 1994	Sep 7, 1994	California Los Angeles, CA	273.5(A)	Not Specified

Case Number	Court Name	Plea	Disposition	Disposition Date
POMKA024147-01	Pomonahouse South	Not Guilty	Held To Answer	Oct 5, 1994

CaseInfo=JURISDICTION LIMITED JURISDICTION

### Jul 15, 1992 - Charges Filed - Grand Theft From Person

Charges Filed Date	Crime Location	Crime Classification	Offense Code	Offense Description
Jul 15, 1992	California Los Angeles, CA	Felony	487.2	Grand Theft From Person

Case Number	Court Name	Disposition
KA013543-01	K	Not Provided By Source

### Edward Raymond Abasta

Match Rating Based On:

First Name, Middle Name, Last Name, Date Of Birth, Age

Source  
LOS ANGELES COUNTY MUNICIPAL COURT (California)

### Personal Details

First Name	Middle Name	Last Name	Age	Date of Birth
Edward	Raymond	Abasta		

### Grand Theft From Person

Crime Location	Crime Type	Offense Code	Offense Description	Case Type
Los Angeles, CA	Felony	487.2	Grand Theft From Person	criminal felony
Case Number	Court Name			
K01354301	K			

### Inflict Corporal Inj/Spouse/Co

Crime Location	Crime Type	Offense Code	Offense Description	Case Type
Los Angeles, CA	Felony	P 273.5A	Inflict Corporal Inj/Spouse/Co	criminal felony
Case Number	Court Name			
K02414701	K			

## Edward Raymond Abasta

Match Rating Based On:

First Name, Last Name, Address, Date Of Birth, Age

Charges Filed Date	Source
Jul 15, 1992	CALIFORNIA_LOS_ANGELES_COUNTY_HISTORY_FILE (California)

### Personal Details

First Name	Middle Name	Last Name	Age	Date of Birth
Edward	Raymond	Abasta		

### Jul 15, 1992 - Charges Filed - 487.2

Charges Filed Date	Crime Classification	Offense Description	Case Number
Jul 15, 1992	F	487.2	KA013543

### Jul 15, 1992 - Charges Filed - 487.2

Charges Filed Date	Crime Classification	Offense Description	Case Number
Jul 15, 1992	F	487.2	KA013543

### Oct 19, 1994 - Charges Filed - P 273.5a

Charges Filed Date	Crime Classification	Offense Description	Case Number
Oct 19, 1994	F	P 273.5a	KA024147

## Edward Raymond Abasta

Match Rating Based On:

First Name, Last Name, Address, Date Of Birth, Age

Source

CALIFORNIA\_LOS\_ANGE-  
LES\_COUNTY\_SUPERI-  
OR\_COURT (California)

### Personal Details

First Name	Middle Name	Last Name	Age	Date of Birth
Edward	Raymond	Abasta		

## Edward Raymond Abasta

Match Rating Based On:

First Name, Last Name, Address, Date Of Birth, Age

Charges Filed Date

Oct 21, 1999

Source

CALIFORNIA\_SAN\_BERNARDI-  
NO\_COUNTY\_HISTORY\_FILE  
(California)

### Personal Details

First Name	Middle Name	Last Name	Age	Date of Birth
Edward	Raymond	Abasta		

### Oct 21, 1999 - Charges Filed - Not Specified

Charges Filed Date	Crime Classification	Offense Description	Grade of Offense	Case Number
Oct 21, 1999	Nos	Not Specified	NOT SPECIFIED	50400EA

## NEWS

# Woman recalls exp Bassett-based youth camp

By FRANK C. GIRARDOT | Frank.Girardo

PUBLISHED: November 6, 2011 at 12:00 a.m. | U  
10:36 a.m.

There was nothing about Jasmine Velazquez's  
would consider uplifting or positive.

Taken from a warm bed in her father's Padon  
morning, Velazquez said she was han  
representatives of the Building Unique Youth  
from an office on the campus of Bassett High

Things quickly got worse.

"They first took me to Bassett High School for intake," Velazquez recalled.

"They strip searched us and forced us on a bus where we had to put our heads  
down so we wouldn't see where we were going."

Velazquez said she and a group of teens – many from foster homes or families  
new to the country – were taken to Camp Pendleton and forced to endure  
similar indignities for a week. Now, 20, Velazquez said she will never forget the  
experience – or the humiliation.

"We would wake up at 5 a.m. and do vigorous exercise all day. If you fell, you were kicked and pushed and yelled at. We were called fat, whores, stupid, bitches, maggots, etcetera," she said. "I was on the ground doing exercises and had dirt kicked into my face, eyes, and mouth. They tried to force me to eat my vomit."

Bassett Unified Superintendent Martin Galindo acknowledged the BUYA program has been operating at Bassett since at least 2005. He said the district has received no complaints.

Sheriff's Lt. Victor Sotelo said deputies in Industry have had no complaints about the BUYA camp.

"It pretty much runs independently. We don't give them a lot of oversight," Galindo said. "We don't have people there every Saturday looking at what they are doing.

"It's similar to any outside entity who uses our facility whether it be soccer or baseball, we count on them to run it properly," Galindo said. "But we can't monitor it."

Calls to the program's office on the Bassett campus went unreturned Thursday and Friday. Brian Der Vartanian, a Glendale accountant who did BUYA's books until about 2007, said several police officers and deputies associated with the program left about three years ago.

On its website, BUYA describes its program as "an intense, ten-week youth intervention program designed to change the destructive behavior of strong-willed, out of control or at-risk youth ... Our program begins with the eight-day camp component, focusing on discipline, responsibility, respect, and behavioral issues."

And, BUYA promises results.

"We have maintained a long-term, 85 percent success rate over our six-year history," the website notes. "The program is delivered by retired, active and reserve police officers, members of the armed forces and volunteers."

A community college student near San Diego, Velazquez said she came forward to recount her experience with BUYA after seeing videos on this newspaper's website. One of those videos, shot at a boot camp run out of Pasadena, depicted children forced to drink water until they vomited.

Another video centered on a young boy being forced to wear a tire around his body while a group of instructors – dressed in military garb – yelled and jostled him until he broke down in tears.

Dr. Harlan Bixby, an expert on the effect of fluids in the body, said bingeing on water can be deadly.

“Tap water is free of electrolytes, allowing it to penetrate cell walls without obstruction, he said.

The swelling of cells does little damage in muscle cells, but can induce stroke-like symptoms in the brain, Bixby said.

“That video of them forcing the children to drink water ... we had that three times a day. That was the only time to drink. After, you would have to hold the canteen above your head and if any water dripped, you would have to refill the canteen and do it again. Most of the time, we just threw it up, and didn’t get any water in our systems.

As Velazquez recalls, the methods used by boot camp instructors were nothing short of horrific.

“They gave one teen laxatives, and made him put a (sanitary napkin) in his (rear end) and hike like that,” she said. “One teen was overweight and they would taunt her telling her `imagine there’s a burger up that hill.”

Velazquez, who had been in and out of foster homes, said she attended a few more sessions and was promised a leadership role.

“They would tell me to hit kids.” she recalled. “I wouldn’t do it, so they would hit me.”

Joyce Burrell, director of the Juvenile Justice Program in Human and Social Development for American Institute for Research, believes boot camps are ineffective in dealing with troubled teens, many of whom, like Velazquez, have been exposed to trauma in their personal lives.

“We have to approach dealing with these children from a more trauma based approach,” Joyce Burrell said about the effectiveness of boot camps. “There’s a real split in terms of those who believe yelling and screaming at boot camps has it’s place in treatment.”

Burrell sides with child development experts who believe that boot camps do more harm than good.

Unable to deal with the experience, Velazquez said she overdosed on Ibuprofen and Tylenol which forced the Los Angeles County Department of Children and Family Services to take action. Ultimately she was pulled from the program.

Since leaving, Velazquez has maintained contact with other teens forced to attend the camp and has become an advocate of sorts for teens forced into youth boot camps.

Velazquez, who describes herself as a “good kid” can’t understand why adults would subject children to the extreme sort of punishment she endured.

“They tried to break me down, but they couldn’t,” she said. “I’m going to do what I can to keep the focus on this issue.”

Staff writer Brian Charles contributed to this story.

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[626-578-6300, ext. 4478](tel:626-578-6300)

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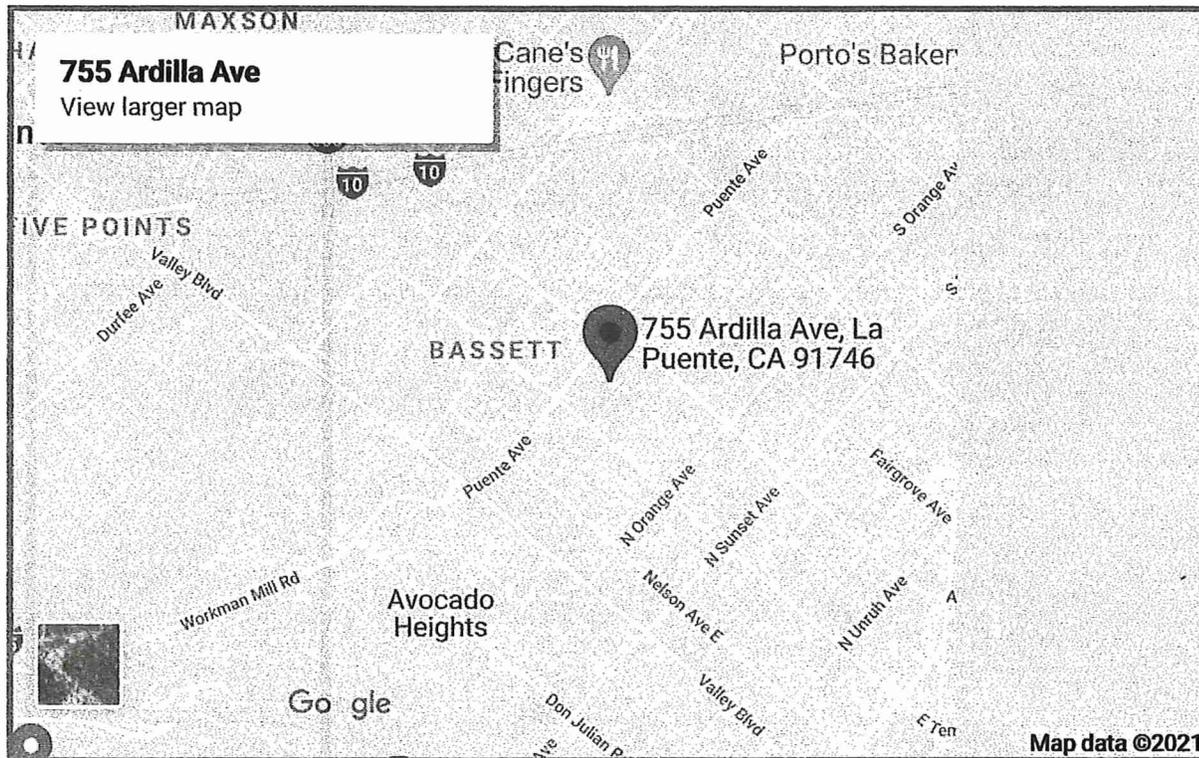
 **The Trust Project**

## Coronavirus Update

*Stay up to date on the latest coronavirus coverage in your area, right in your inbox*

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**SIGN UP**



**Table of contents:**

- Overview
- Organizations performing similar types of work

Organization representatives - add corrected or new information about Building Unique Youth Alternatives

Non-representatives - add comments about Building Unique Youth Alternatives»

<b>Building Unique Youth Alternatives</b>	
<b>Employer Identification Number (EIN)</b>	200133171
<b>Name of Organization</b>	Building Unique Youth Alternatives
<b>In Care of Name</b>	Antonio Luna-Brian Der Vartanian
<b>Address</b>	755 Ardilla Ave, La Puente ( <a href="http://www.city-data.com/city/La-Puente-California.html">http://www.city-data.com/city/La-Puente-California.html</a> ), CA 91746-2163 (tel:91746-2163)
<b>Subsection</b>	Charitable Organization
<b>Ruling Date</b>	06/2004
<b>Deductibility</b>	Contributions are deductible
<b>Foundation</b>	Organization that normally receives no more than one third of its support from gross investment income and unrelated business income and at the same time more than one third of its support from contributions, fees, and gross receipts related to exempt purposes

May 6, 2021

RE: City of Morro Bay Public Hearing on June 8, Regarding Proposed Facility

To Whom It May Concern:

I write this letter as evidence of documentation concerning First Responders First (FRF), in Lake Hughes. My purpose is to convey a personal experience I had as a client (patient) at First Responders First in Lake Hughes.

How I came to know First Responders First in Lake Hughes:

In June 2019 I found an advertisement in a Newsletter for Police Officer and Firefighters. I was suffering severe symptoms of Post-Traumatic Stress related to my service as a Police Officer. I had severe anxiety attacks and was desperate for a location that treated only first responders.

I was contacted by Mr. Austin Gillespie, Director of Admissions for First Responders First in Lake Hughes. Gillespie told me that if my insurance did not cover my stay at their facility that my stay would be paid on a scholarship. My stay would be free of charge. Gillespie claimed to be affiliated with the First Responders First organization in San Diego, which advertised as a co-op organization with KAISER PERMANENTE. I was impressed as this organization is a well-known leader in the field of helping first responders heal that gained the support of police chiefs in their area. I was directed to a video on FRF's website that discusses San Diego's program. I felt it safe enough for me to attend to FRF in Lake Hughes after viewing the video on FRF's website.

Note: That video has since been removed. I learned later during my stay at FRF

that there was no affiliation. It was false advertising. FRF was its own separate business.

I took a tour of the FRF facility. I was interviewed by FRF psychologist's Dr. Sara Jackson who claimed to be a board-certified licensed therapist working for FRF. We agreed to a treatment plan for PTSD which was several sessions of EMDR (eye movement desensitization and reprocessing), a psychotherapy that enables people to heal by recalling distressing events, and a 90-day stay at FRF; weekend shopping with the only technician on shift, participation in Art therapy and riding of Quad-runners.

My first day at FRF was on June 5, 2019.

During group session Dr. Jackson had clients name their medications to everyone in the group which I recognized as a huge mistake not to mention a privacy issue HIIPA Violation. I reported this to employee Care Jo Vaughan. Dr. Jackson changed her attitude, and I was never treated with EMDR therapy after reporting Jackson.

I checked out of FRF on my 40<sup>th</sup> day without PTSD treatment. I was transported home by employee Austin Gillespie. A letter of correspondence from my private health insurance was waiting for me at home. It said that FRF had submitted a claim to my private insurance for Substance Abuse treatment that never occurred. FRF had billed my insurance fraudulently while I was at their treatment center.

This facility had kept my cell phone for 3 months after checking out of their facility. After my phone was returned I contacted the Department of Health Service about filing a complaint against FRF, Lake Hughes.

I filed a formal complaint with the California Department of Health Services for the following:

\*\*\*\*\*I observed Dr. Sara Jackson accept pills from a police officer's wife that were brought in from the outside. I watched Dr. Jackson hand that bottle of pills to the officer, a client when the medication should

have been locked in the facility med room by Dr. Jackson. The medication contained muscle relaxers. My colleague told me and he was chemically dependent on alcohol and pills.

Also, during the facility's equine therapy session, the same officer appeared high and stepped in front of the horse. He was trampled and driven back to the house in a car by LMFT Stan where Dr. Jackson treated him with ice packs and bandages.

\*\*\*\*\*Dr. Sara Jackson was treating clients out of certification. I did complain to Care Jo Vaughan. She said she would report it to Alex (unknown last name) but I heard her say on speaker phone to the chef (who was later arrested) that she was not going to lose all the money she put into this business because of Dr. Jackson.

\*\*\*\*\*Therapeutic White-Board exercises were being done in our group sessions by LMFT Stan that triggered a post traumatic response from clients that at times put other clients in the house in danger of an out-of-control client (who are cops and former military). A client was taken away to be placed on a 5150 hold in a hospital because he experienced a trigger requiring medical attention. The facility did not have medical staff; two nurses visited bi-weekly. Medical doctors were reachable available only through tele-medicine by appointment only. No medical doctors or psychiatrist came to the facility.

With respect to public safety, I would be remiss not to report what I experienced. If FRF can do this to police officers/military reserves, then it is my belief they will have no problem doing this to civilians. Its reprehensible what this facility did.

Since the filing of my complaint with the California Department of Health Services against the facility, Ms. Care Jo Vaughan remains with First Responders First in Lake Hughes, as the Executive Director and Ambassador but has been removed from their website as an employee and Austin Gillespie no longer works for First Responders First but does work as the Director of Admissions for Lake Hughes Recovery House (2 miles from First Responders First Facility).

Respectfully Yours,

  
Former FRF Client

Lake Hughes Recovery, INC- NPI 1063871986

Provider Profile Details:

Primary Practice Location: Address 48745 Three Points Rd.,  
Lake Hughes CA 93532

Practice Mailing Information: 28765 Pine Canyon Rd, Lake  
Hughes CA 93532

Authorized Official/ CEO Alexander Frankian

Phone number: 661-724-0001

CA License # 190867 AP

NPI Record of Lake Hughes Recovery Estates, INC.

1184252140

Substance Abuse Rehabilitation Facility in Lake Hughes, CA

EIN (employer identification number) UNAVAIL

Authorized Official Alexander Frankian CEO

Health Provider Taxonomy Code 1 324500000X

Last update 3/27/2020

LBN Lake Hughes Recovery Estates, Inc.

Primary Practice address: 28963 Pine Canyon Rd, Lake Hughes  
CA 93532

NPI number: 1184252140

Authorized Official: Frankian, Alexander

Last updated March 27, 2020

First Responders First in Lake Hughes-Drug Abuse Rehab

NPI 1841789484

Provider Name: LAKE HUGHES RECOVERY ESTATES, INC.

Other Name: FIRST RESPONDERS FIRST

Address: 28765 Pine Canyon Rd., Lake Hughes CA 93532

Phone number: 661-724-0001

Authorized Official Name: Alexander Frankian

Official title position CEO

Last update Date: 3/25/2020

Provider Business Mailing Address Details: 28765 Pine Canyon  
Rd., Lake Hughes CA 93532

Phone Number: 661-724-0001

Provider's Primary Taxonomy Details:

Type: Residential Treatment Facilities

Specialty: Substance Abuse Rehabilitation Facility

Taxonomy: 324500000X

Lake Hughes Recovery O P, INC.

NPI Number 1134622749

Organization Name: Lake Hughes Recovery O P, INC

Provider Enumeration Date: 3/10/2018

Entity Type: Organization

Provider Practice Location: 44965 10<sup>th</sup> Street W, Lancaster CA 93534

Mailing Location Phone : 661-724-0001

Authorized Official Name: ALEXANDER FRANKIAN

position is CEO

Providers official mailing address is: 28765 Pine Canyon Rd, Lake Hughes CA93532

Contact number associated with this address: 661-724-0001

The authorized official registered with the 1134622749 NPI is ALEXANDER FRANKIAN

Taxonomy Code: 251S0000X

Taxonomy speciality: Community/ Behavioral Health Agency

Provider Other Organization Name: FIRST RESPONDERS

FIRST OUTPATIENT

Provider First Line Business Mailing Address: 28765 Pine Canyon Rd, Lake Hughes

Provider First Line Business Practice: 44965 10<sup>th</sup> St W, Lancaster CA 93534

Certification Date 3/25/2020

FIRST RESPONDERS FIRST OUTPATIENT

LBN Lake Hughes Recovery O P, INC.

44965 10<sup>th</sup> ST W, Lancaster CA 93534

Phone: 661-724-0001

NPI 1134622749

Authorized Official: ALEXANDER FRANKIAN (CEO)

NOTE:

The Los Angeles facility First Responders First Outpatient shows up as an advertisement on FRF website with a location is Los Angeles and not in Lake Hughes or Lancaster, CA. The data collected has the Los Angeles FRF Outpatient Facility tied to Lake Hughes Recovery Outpatient in Lancaster.

My concern is that there is no data recognizing the Los Angeles outpatient facility as a location in Los Angeles. Yet law enforcement first responders are being asked to continue treatment upon leaving First Responders First (Firstrespondersfirst.com), to this location. QUESTION: why does the CEO Alexander Frankian connect the Los Angeles

location that holds a certification to another outpatient recovery location in Lancaster, CA?

Also, please be advised I absolutely never attended a First Responders First or a Lake Hughes Recovery Estates, INC outpatient facility in Los Angeles or Lancaster or anywhere for that matter. That is fraudulent billed, and money collected if in fact Anthem Blue Cross PPO paid Alexander Frankian on my behalf for services that were never rendered by using my member ID number taken from my chart at First Responders First. As already stated in my original complaint, I never received EMDR Therapy Treatment. I was never on a chemical dependency/substance abuse treatment plan. I was not chemically dependent or experiencing an active addiction.

Finally, First Responders First has two addresses however the main house is one recovery treatment facility. The other location is a cottage located outside the gates of the main house and down a dirt road that slept the excess of clients when I was at FRF.

State of California—Health and Human Services Agency  
Department of Health Care Services



JENNIFER KENT GAVIN NEWSOM

DIRECTOR GOVERNOR

Behavioral Health Services  
Licensing and Certification Division | Complaints Section  
P.O. Box 997413, MS 2601  
Sacramento, CA 95899-7413  
Phone: (916) 322-2911  
Internet Address: <http://www.DHCS.ca.gov>

September 3, 2019

[REDACTED]

RE: Complaint Investigation Number 19-128

To Whom It May Concern:

The Department of Health Care Services has received your correspondence regarding First Responders First. Your complaint has been assigned number 19-128. Please refer to this complaint number when corresponding with this office.

A review of your complaint will be conducted. *The Department is unable to provide any information regarding the investigation until it has concluded.* Your patience is greatly appreciated. Please be aware that we may need to contact you for further information.

If you have any questions or additional information that may be relevant or helpful, please contact [DHCSLCBCOMP@dhcs.ca.gov](mailto:DHCSLCBCOMP@dhcs.ca.gov) or the Substance Use Disorder Compliance Division at (877) 685-8333.

Thank you for bringing your concerns to our attention.

Sincerely,

Patrick Christensen  
COMPLAINT ANALYST  
Behavioral Health Services Division

Anthem Blue Cross  
Grievances and Appeals  
P.O. Box 4310  
Woodland Hills, CA 91365



May 10, 2021

[More Details](#)

[REDACTED]

Member ID

Case Number  
REQ-COMM-200203

Date Request Received  
May 10, 2021

**Confidential Health Plan Information for:**  
[REDACTED]

**Important information about your grievance.**

[REDACTED]

We've received your request for a grievance.

If we need more information, we may get in touch again or contact your doctor.

If there's anything else you'd like us to include in our review, feel free to send it our way. You can mail it to Anthem Blue Cross, Grievance and Appeals, P.O. Box 4310, Woodland Hills, CA, 91365 or fax it to 1-877-551-6183.

If we get new information about this case from anyone other than you or a person you've chosen to help you (called your member or authorized representative), we may be required to share it with you under federal law.

If you have any questions, you can call Member Services toll-free at 1-800-365-0609 or 1-866-333-4823 (TDD line if you have hearing or speech loss). Or, you can write to Anthem Blue Cross, Grievances and Appeals, P.O. Box 4310, Woodland Hills, CA 91365. You may also connect with us by sending an email to [grievancestatus@anthem.com](mailto:grievancestatus@anthem.com) regarding this grievance. After we receive your email, we can establish a secured electronic communication and be able to assist you with your grievance. We do want to remind you to be sure not to include any Protected Health Information (PHI) when using our email address as your information may not be secured before being delivered to Anthem Blue Cross. We

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Member Standard Ack DMHC Medical Admin

Board of Psychology Case No. 6002020001134 [REDACTED]

From: DCA, BOPEnforcement@DCA BOPEnforcement@dca.ca.gov

To: [REDACTED]

Date: Tuesday, December 29, 1:40 PM

The Board of Psychology (Board) acknowledges receipt of the complaint you filed against the above-mentioned subject. The enforcement team will review your complaint and any supporting documentation.

The allegations in your complaint, along with documents and statements collected from the subject and other parties involved, must be investigated to determine whether there has been a violation of the laws governing the practice of psychology in California. The Board's authority to investigate complaints is limited to determining administrative violations of the Laws and Regulations Relating to the Practice of Psychology. The Board's investigations are conducted within the parameters of the California Administrative Procedures Act (APA). Under the APA, the Board must meet a very high burden of proof to establish a violation of the laws and/or regulations ("clear and convincing evidence to a reasonable certainty"). Before initiating disciplinary action, the Board has an obligation to ensure that admissible and competent evidence exists to sustain a decision, judgment, or fine.

If it is established that there is sufficient evidence to indicate a possible violation, further formal or informal investigation may be initiated. Alleged violations are then reviewed by legal counsel to determine if the evidence is adequate to support disciplinary action. During formal review, or at any point in the review process, the complaint may be closed due to insufficient evidence to support a disciplinary action, or it may be determined that there is no violation of the Laws and Regulations Relating to the Practice of Psychology.

The entire complaint review is important and the determination of appropriate action may take an extended period of time. Please note the initial time frame involved in the complaint review process can range from three to six months. The overall disciplinary process including investigation and formal discipline through the Attorney General's office can take twelve to twenty-four months.

Thank you for bringing your concerns to our attention. You will be notified of the results of the complaint review and any action taken by the Board. Please retain this letter and refer to the above-referenced case number when making inquiries regarding your complaint.

Ms. Smith,

As of this time, there is a similar complaint that is open against First Responders First, located at 28765 Pine Canyon Road, Lake Hughes, CA 93532. The information you've provided will be added to the complaint file. Until the investigation has concluded and the complaint is closed, DHCS is unable to provide any information regarding the investigation. However, if you have any other questions or additional information that may be relevant or helpful, please 'reply' to this message as it pertains to your complaint number – 20-506.

As for the other facilities you've listed, they are not licensed or certified by our department, therefore we do not have jurisdiction to investigate them.

Thank you,

Department of Health Care Services  
Licensing and Certification Division  
Complaints Section



On Feb 16, 2021, at 3:39 PM, Nancy Hubbard  
<[nhubbard@morrobayca.gov](mailto:nhubbard@morrobayca.gov)> wrote:

Ashley,

See responses below. Let me know if you have any other questions. You can search for **First Responders First in Lake Hughes** for another facility operated by this same group - attached is a link.

<https://npino.com/drug-rehab/1841789484-first-responders-first/>

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# The Mountain Enterprise

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## Gorman residents oppose proposed rehab facility

**Residents in the tiny unincorporated town promise a tough fight**

By Gary Meyer, *TME*

"I'm going to be up-front and honest, said Gorman resident Ryan Ralphs at a meeting on January 7 in the Golden Valley Mutual Water Company office.

"We are forming a coalition of local residents and businesses and we intend to take legal action to stop this project," Ralphs said.

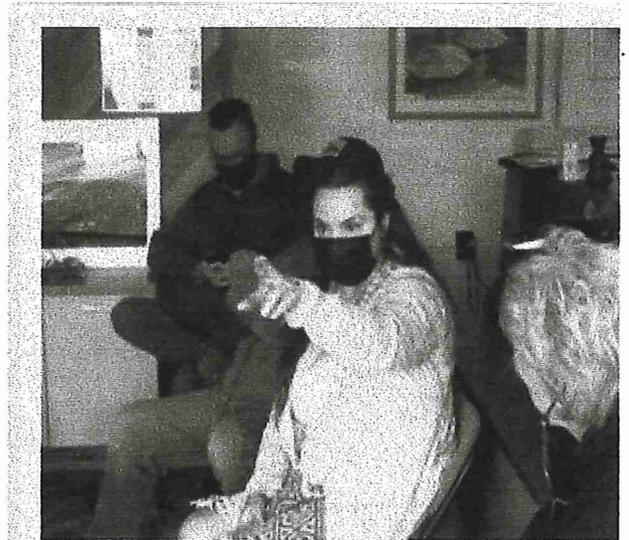
Justin Frankian, a representative for Lake Hughes Recovery (LHR), responded, "Yes, I understand."

A drug rehab facility is planned for the former Studio 6 motel building in Gorman.

Studio 6 closed its doors in November, as did The Ranch House Restaurant. Both were in the same building.

Frankian's son, Alexander Frankian, director of LHR, was not present at the meeting.

Lake Hughes Recovery had been looking for a location to



[photo by Gary Meyer, The Mountain Enterprise]

house its next drug and alcohol rehab facility where Los Angeles homeless and other citizens could be treated for addictions of various...(please see below to view full stories and photographs)

**Photo captions:**

Above: Jen Reyna lives on the west side of Gorman and is concerned about local drug dealers finding ways to sell drugs into the facility.

Above: Jen Reyna lives on the west side of Gorman and is concerned about local drug dealers finding ways to sell drugs into the facility. The building was recently an Econolodge and a Studio 6.

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The e-Edition is available now with full photos and stories at The Mountain Enterprise e-Edition. Select the 20 edition.

(subscriber login required)

**This is part of the January 15, 2021 online edition of The Mountain Enterprise.**

**Have an opinion on this matter? We'd like to hear from you.**

# The Mountain Enterprise

## Legal fights entangle drug program that is targeting Gorman ~ Morro Bay parents fighting same battle

By Patric Hedlund, TME  
A slow-motion war of restraining orders alleging violent behavior is being fought between Alexander "Alex" Frankian, the director of Lake Hughes Recovery, Inc. (LHR) and the owner of 34-acre M&M Peach Ranch, an organic peach and cherry orchard on Three Points Road, near Neenach.

According to legal filings and interviews, LHR, a for-profit residential and outpatient substance abuse rehabilitation company, is being evicted from the ranch property owned by William "Bill" Basner, who is listed as 78 years old.

LHR is also in the midst of renovating the Studio 6 Motel in Gorman to serve as a new treatment facility.

In court documents Basner alleges LHR failed to pay its rent at the ranch and has failed to maintain his property,

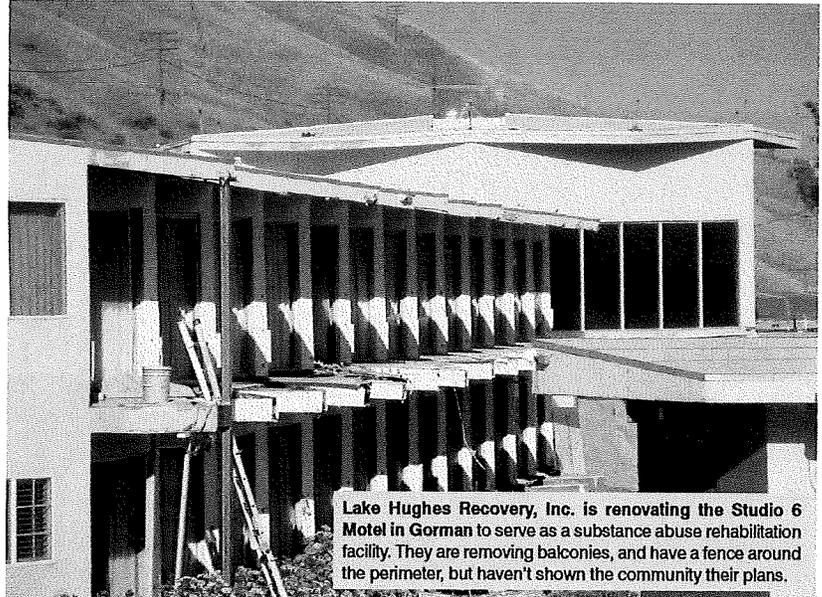
allowing his pond and park-like grounds to dry up, while letting hundreds of valuable koi fish die or be stolen. Basner is filing a restraining order and elder abuse claim against Frankian, 45. Basner is Frankian's stepfather.

LHR has filed a restraining order to keep Basner off his own working ranch. The judge denied most elements

**Alex Frankian's threats "to shoot [your] faces off" with a shotgun were described by a Southern California Edison contractor**

of the "stay away" order sought by LHR, noting that "this is an eviction matter."

A contractor for Southern California Edison submitted a witness statement filed with Los Angeles County Superior Court alleging threatening actions by Frankian, such as repeatedly breaking into violent outbursts against SCE maintenance workers at the ranch on October 31, 2020. Frankian's alleged



Lake Hughes Recovery, Inc. is renovating the Studio 6 Motel in Gorman to serve as a substance abuse rehabilitation facility. They are removing balconies, and have a fence around the perimeter, but haven't shown the community their plans.

threats "to shoot [your] faces off" with a shotgun were described in a detailed account by the contractor.

At a public meeting on Janu-

ary 7, 2021 in Gorman, Justin Frankian, Alex Frankian's father, said LHR seeks to remodel the Studio 6 motel for a rehab program where Los Angeles home-

less and others can be treated for addictions. Gorman Elementary School is very close to the facility. It serves about 50 Mountain Community children, / Continued on page 3

## Chumash object to short notice on Mount Pinos logging project



By Marcy Axness, TME

A key criticism of the "Mount Pinos Forest Health and Fuels Reduction" project proposed by the U.S. Forest Service is its use of a controversial administrative loophole known as a "categorical exclusion."

This fast-track to approval curtails the public's ability to voice concerns. It bypasses the National Environmental Policy Act (NEPA) mandate

to study potential impacts to the area's ecosystems and to consider less damaging alternatives.

It cannot, however, bypass Section 106 of the National Historic Preservation Act, which requires consultation with tribal groups if the project's historical areas hold cultural or religious significance for them. Mount Pinos is sacred to all Native

Continued on page 2

Left: Dolphin Dancers from Chumash, Chalon and Chukchansi tribes gathered at a June 2010 Summer Solstice ceremony on Mount Pinos, which is the sacred 'Center of the Universe' to these indigenous people.

**INSIDE**  
**Lockwood Animal Abuse Update**  
 See page 6

**PMC Fines on Homeowners Spike 3,718%**  
 See page 5



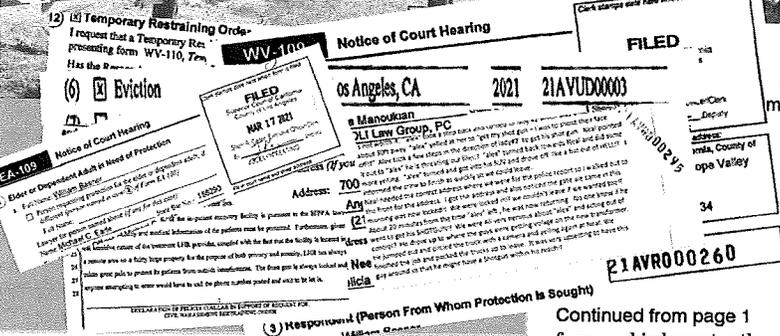
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Gary Meyer photo

Arienne Chow-Garcia photo

# Legal fights entangle drug program that is targeting Gorman ~ Morro Bay parents fighting same battle

Patric Hedlund photos



M&M Peach Ranch owner Bill Basner claims in court filings that LHR let his koi pond and the grounds go dry, then made violent threats. LHR claims Basner harassed employees and threatened patients' confidentiality protections. Both deny the other's allegations.

The beautiful M&M Peach Ranch has been a treasure of the Western Antelope Valley but a storm of legal filings in the Los Angeles County Superior Court, Antelope Valley Branch, occurred in March with eviction of Lake Hughes Recovery, Inc. from the property. Their refusal to leave brought with it associated allegations of violence and threats on both sides, then court hearings in April and May.

"What can you do to assure a parent who says, 'I'm not having my child in a school that's a quarter mile from a homeless/drug rehab facility?'" Ralphs asked.

Continued from page 1 from pre-kindergarten through 8th grade.

Gorman Joint School District Superintendent Johanns "Joe" Andrews attended the meeting. Ryan Ralphs and Steve Sonder (both Ralphs family members) expressed concern about the facility being located so close to a school and the effect that the program would have on local property values.

Justin Frankian replied that the organization may be able to help bring sheriff and fire facilities to Gorman. He added that the remodel of the building would be "beautiful," not ugly like a prison—although he also said there would be a ten-foot fence surrounding the property.

Ralphs said a newly-formed Concerned Citizens of Gorman

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 3515 Park Dr., Frazier Park (behind the post office)

(CCOG), will consult with the Los Angeles County Board of Supervisors.

On January 15, *The Mountain Enterprise* reported that "Gorman residents oppose the proposed rehab facility" and they promised "a tough fight."

Shortly after that meeting, *The Mountain Enterprise* was contacted by a mother of four children in Morro Bay, California, an incorporated city with a population of about 10,000. Ashley Smith said parents there are alarmed because Justin Frankian is involved with a group seeking a conditional use permit to convert a Roadway Inn into a drug rehabilitation facility, "right on the path from our homes to the grocery store, an elementary school and the high school."

Smith said she believes the LHR business model is to house "27 to 47 people ordered by courts to choose between a jail sentence or going into a residential rehab facility."

She fears the proposed Morro Bay facility has inadequate security to protect children of the neighborhood, "should a patient decide to walk away." The plans show no fencing or security measures, she said. She wants to work with Gorman residents to challenge LHR in both locations.

*The Mountain Enterprise* asked an attorney for LHR for a rendering of the plans for the Gorman facility. Nicole Wemhoff, Esq. of Popovits Law Group in Chicago said she did not have any drawings or details about security.

We asked her to invite Alex Frankian to return our call to address the community's questions about the company's plans. She said "Mr. Frankian was unavailable to speak tonight as he is traveling."

We asked again the next day for a call with him. She said "he was busy," and that she did want "to control the narrative," then added that the Lake Hughes Board "has a meeting tonight and will work on providing you written responses in a timely manner."

Wemhof said the facility will be licensed by the Department

Continued on page 7

# Legal fights entangle drug program that is targeting Gorman ~ Morro Bay parents fighting same battle

Continued from page 3  
of Health Care Services (DHCS)—the body responsible for regulating sub-acute facilities providing alcohol and other drug treatment. Once it is running, the facility will seek accreditation by the Joint Commission (a national quality and safety accreditation body).

Wemhoff said that MediCal would be contracting with LHR at this facility, and that this is a breakthrough. She said that local residents who need care and treatment would also be able to use commercial insurance.

Thomas Galloway of Los Angeles said he is employed as a technician by LHR. He spoke with emotion about the benefits of the program for two of his friends who were given scholarships to the program. He said that they have been in recovery for five years.

"This program can give people back their lives," he said.

He mentioned that there was a Pine Canyon facility being developed for first responders (law enforcement and firefighters), and another facility in L.A.

Meanwhile, back in Gorman, Ryan Ralphs is both a Gorman Joint School District Trustee, and a director of the Golden



LAKEHUGHESRECOVERY.COM

LHR has websites that feature photos of the Three Points M&M Ranch as it used to appear. They also contain information about drug treatment. This is a photo about relapsing with alcoholism.

Valley Mutual Water District. He said in an interview this week that LHR Director Alex Franklan has refused to speak with him, or to appear before the water or school boards to discuss the LHR plan and how it may impact Gorman.

Patti Edwards is the office manager of the water district. She confirmed that Studio 6 is the largest building in Gorman. She said that LHR's construction fence had made it difficult for the water district to gain access to fix a wastewater sewer problem, and that the

company has been slow to supply basic data so the water board can consider providing a "will serve" letter to the facility.

Morro Bay parents have filed two appeals to a permit granted by the Morro Bay planning department. A hearing before the Morro Bay City Council is scheduled for June.

Ashley Smith reports that Justin Franklan (father of the LHR director) is also listed on the Morro Bay permit requests.

Ralphs said in an interview May 1 that he would welcome

working with Morro Bay citizens to try to find more answers for both towns.

The Ralphs said modification to the Studio 6 building in Gorman, such as removing balconies, has already begun.

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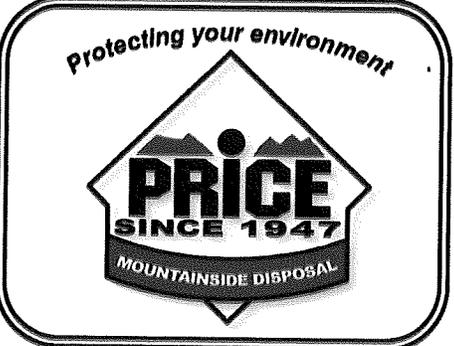
**Find contractors beginning on page 20.**

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FRIDAY, MAY 7, 2021

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**248-6627**

# Provider Information for 1750937835 (tel:1750937835)

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**Please Note:** Issuance of an NPI does not ensure or validate that the Health Care Provider is Licensed or Credentialed. For more information please refer to NPI: What You Need to Know (<https://www.cms.gov/Outreach-and-Education/Medicare-Learning-Network-MLN/MLNProducts/Downloads/NPI-What-You-Need-To-Know.pdf>)

MORRO BAY RECOVERY INC.  
Organization Subpart: NO



NPI: 1750937835 (tel:1750937835)



Last Updated: 2019-08-14  
Certification Date:

## Details

Name	Value
NPI	1750937835 (tel:1750937835)
Enumeration Date	2019-08-14
NPI Type	2- Organization
Status	Active
Authorized	Name: JUSTIN FRANKIAN



By: Megan Healy

Posted at 7:09 PM, Feb 19, 2021 and last updated 9:38 PM, Feb 19, 2021

**A drug and alcohol rehab facility could soon be coming to a Morro Bay neighborhood.**

**The supportive housing project is proposed for 2460 Main St. and would include 27 rooms that would house people struggling with addiction on a voluntary basis.**

**The facility would be open 24 hours a day.**

**Rodeway Inn currently sits at that location and the owner says his motel business has taken a hit during the pandemic. He is hoping to change it from a motel to a detox facility to help community members.**

**However, many people who live in this area are not on board with the change and said they had little to no heads up about the project which is expected to be approved next week.**

**Ashley Smith lives within 700 feet from the motel so she was notified of**

<https://www.ksby.com/news/local-news/community-weighs-in-on-proposed-drug-and-alcohol-rehab-facility-in-morro-bay>

6/6/21, 7:56 PM  
Page 3 of 9

the project via mail last Thursday.

She has concerns about its proximity to Morro Bay High School and Del Mar Elementary.

“Kids are walking by that facility a few times a day to get to get to school and during lunch and after too,” Smith said.

The project was proposed in December to the city planning commission, but Smith says she wasn’t made aware of it until weeks later.

“I feel like the transparency about this project wasn’t there from the start in terms of letting the rest of the city know,” Smith said.

Brian Der Vartanian, the owner of Rodeway Inn Motel, said the detox facility is far enough away from downtown, easily accessible to those in need, and will be professionally staffed.

“There will be licensed individuals and it will be tightly monitored, same as a hospital or treatment center,” Der Vartanian said.

Der Vartanian’s company, soon to be called Morro Bay Recovery, is currently based in Los Angeles.

He hopes people look past the stigma of these facilities.

“We are going to treat people. We are not going to give them drugs,” he said. “We are going to make them part of society back where they belong.”

Across the parking lot of the motel, Maya Restaurant employees are

worried about safety and business impacts.

“I have nothing against people trying to rehabilitate, but this is not the location for it,” server Mary Smith said.

City leaders say their hands are tied.

“We are in a position where by-right, we have to approve this administrative item which means no public hearing, no city council, no planning commission hearing by state law,” Morro Bay City Manager Scott Collins said. “There's not a lot we can do about it at this point. We just want to make sure moving forward that it's done well.”

The city is encouraging the owner to reach out to community members as the approval deadline approaches.

The deadline to submit public comments to the planning commission is Saturday, February 20. The planning commission is set to make a decision the following Tuesday.

The city says appeals can be submitted if the project is approved.



**AGENDA NO: C-1**

**MEETING DATE: June 8, 2021**

**AGENDA CORRESPONDENCE  
RECEIVED BY THE CITY COUNCIL FOR  
PUBLIC REVIEW PRIOR TO THE MEETING**



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# Agenda No: C-1

Discussion of Revenue Opportunities & Needs  
for the Harbor Fund

June 8, 2021



## C-1 Revenue Opportunities & Needs for the Harbor Fund

# Purpose

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- Review Harbor Advisory Board (HAB) input on revenue opportunities and needs for the Harbor Fund from their June 3, 2021 meeting.
- Provide staff direction and input on possible future Harbor Fund-related revenue-generating opportunities.



## C-1 Revenue Opportunities & Needs for the Harbor Fund

# Fiscal Impact

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No immediate fiscal impact to this report.



# C-1 Revenue Opportunities & Needs for the Harbor Fund

## Background

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- Harbor Operating Fund is balanced, but not sufficiently to:
  - Provide for the department's backlog of capital needs
  - Put any significant Reserve funding in place
- Last several Council Goal cycles have included revenue-generating opportunity work plan items for the HAB to research and bring back.
- Last week at their regular June meeting (item B-3) the HAB:
  - Reviewed the list of revenue-generating opportunities considered since 2017 to see which to consider carrying-forward for Council consideration
  - Considered new or additional revenue-generating opportunities for Council consideration

The June 3, 2021 HAB staff report for item B-3 is included with this staff report for reference.



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## Discussion

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- Of the revenue-generating opportunities on the current list considered by the HAB, the HAB recommended to keep the following on the active list:
  - A. Paid parking on/near the Embarcadero
  - B. For-profit events and activities being subject to some degree of percent gross of sales obligations
  - C. Concessionaires for basic beach/park needs and/or food trucks at the Rock and other locations
  - D. Aggressive seeking of grant opportunities
  - E. City take over full operation of the State Park Marina
  - F. Harbor Fund receiving a portion of the Possessory Interest Tax, Transient Occupancy Tax and/or Sales Tax generated on the waterfront
  - G. Creation of a Special Assessment, Business Improvement or Port District
  - H. Waterfront RV camping



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## Discussion

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- New opportunities discussed by various HAB members that the HAB approved were the following:
  1. Perform data/trend analysis of various cost-drivers to determine if any are candidates for cost recovery not considered before
  2. Perform more effective lease site space vacancy advertising
  3. Waterfront-specific marketing using 2% of the Harbor Fund's annual revenues
  4. Create a Maritime Museum "heritage walk" along the waterfront
  5. Establish a "social media" wall, mural or other attraction on the waterfront



## C-1 Revenue Opportunities & Needs for the Harbor Fund

# Conclusion

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Should the City Council wish for the HAB and/or staff to pursue/continue pursuing any of these existing or new opportunities or initiatives, at the Council's discretion, they could be wrapped into the upcoming goal and work plan-setting process or taken as their own initiatives.

QUESTIONS?

**From:** [Lynda Merrill](#)  
**To:** [Council](#)  
**Subject:** C 1, Harbor budget and RV camping specifically opposed to Coleman Park  
**Date:** Sunday, June 6, 2021 3:56:21 PM

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*Dear Mayor and Councilmembers,*

*C-1 Harbor Dept. Budget*

*Regarding RV Camping , mentioned in the staff report for Item C 1 on the Agenda. Please know many citizens are really upset with the RV Camping on the Embarcadero, especially at Coleman Park. The attempt to hide the elephant size campers with their accompanying camping 'stuff' with 'landscaping' isn't working. It detracts from the good use of the public park's open space along our treasured 'Bay Walk'. I ask that you remove this 'pilot program' from the list and stop the time consuming, Eric Endersby our Harbor Director has enough to do, and expensive process from continuing. Please come up with a better way to help our Harbor Department become healthy and take care of business.*

*Sincerely, Lynda Merrill*

*over 100 people wrote passionate letter opposing camping at Coleman Park*



**AGENDA NO: PC**

**MEETING DATE: June 8, 2021**

**AGENDA CORRESPONDENCE  
RECEIVED BY THE CITY COUNCIL FOR  
PUBLIC REVIEW PRIOR TO THE MEETING**

**From:** [Aaron Ochs](#)  
**To:** [Council](#)  
**Subject:** 06/08/21 Public Comment (non-agenda item) - Morro Bay Blvd. Roundabout  
**Date:** Monday, June 7, 2021 6:56:14 PM

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Council and Staff,

Over the past two months, we've seen a considerable uptick in traffic congestion around the Morro Bay Blvd. roundabout due to a number of factors:

- Bank of America ATMs now located by the exit of the Sinclair Gas Station
- Anvil Builders using the U-Haul truck rental business as a staging area
- Human Bean drive-thru
- Increased tourist travel coming off of Hwy. 1

Is it time to commission a new Roundabout traffic study?

Aaron Ochs  
Morro Bay

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