

Mark S. Adams
Scott R. Albrecht
Ryan N. Burns
Loren A. Deters
Howard Goldstein*
Matthew A. Goldstein**
Beatriz M.G. Gordon
Philip W. Green
Megan G. Mayer
Herbert N. Samuels***
Hugh A. Sanders
William L. Steel
Martin J. Stein
Isaac R. Zfaty



Senior Counsel
Jeffrey S. Grider

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MAY 20 2008

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City Manager

*Also admitted in Nevada
**Also admitted in Arizona
***Also admitted in New York and Florida

May 20, 2008

8005-003

HAND DELIVERED
CITY OF NEWPORT BEACH
3300 Newport Boulevard
Newport Beach, CA 92658-8915

Re: Ordinance 2008-5 (the "Ordinance") Use Permit Application; Reasonable Accommodation; Federal Exemption Permit; Non-Conforming Use Application

To Whom It May Concern:

This firm is general counsel for **Yellowstone Women's First Step House, Inc.** ("Yellowstone"). Please direct all future correspondences regarding this matter to this office.

Enclosed herewith are the following items:

1. Ordinance 2008-5 Use Permit Application for the property located at 1571 Pegasus, Newport Beach, CA 92707;
2. Reasonable Accommodation Application for the property located at 1571 Pegasus, Newport Beach, CA 92707;
3. Ordinance 2008-5 Use Permit Application for the property located at 1621 Indus St., Newport Beach, CA 92707;
4. Reasonable Accommodation Application for the property located at 1621 Indus St., Newport Beach, CA 92707;
5. Ordinance 2008-5 Use Permit Application for the property located at 20172 Redlands Dr., Newport Beach, CA 92707;

6. Reasonable Accommodation Application for the property located at 20172 Redlands Dr., Newport Beach, CA 92707;
7. Ordinance 2008-5 Use Permit Application for the property located at 1561 Indus, Newport Beach, CA 92707; and
8. Reasonable Accommodation Application for the property located at 1561 Indus, Newport Beach, CA 92707.

Additionally, by and through the materials included herein (including this correspondence), Yellowstone seeks a Federal Exemption Permit and a grant of Non-Conforming Use for the continued use of the above referenced four properties (the "Properties") as sober living homes.

Yellowstone operates the Properties as not for profit homes where individuals with drug and alcohol addictions can live in a sober and supportive environment. As you know, these individuals are protected under, *inter alia*, the Americans With Disabilities Act (the "ADA") and the Federal Fair Housing Act Amendments (the "FHAA"). This application is brought by Yellowstone (the "Applicant") on the behalf of all of the disabled individuals who reside at the Properties, both currently and prospectively.

It is worth noting that Yellowstone is less than confident that the instant applications are necessary. Yellowstone hereby submits these applications out of an abundance of caution and in a continued effort to remain compliant with all applicable Newport Beach ordinances.

With respect to each of the Properties, the following facts apply:

The Properties were originally purchased in the unincorporated area of Orange County known as Santa Ana Heights. Recently, the Properties were annexed by the City of Newport Beach. Further, Ordinance 2008-5 was signed into law. As a result, Yellowstone has decided to submit the referenced applications under Ordinance 2008-5 and Municipal Code sections 20.62.010, et seq., 20.91.010, et seq., 20.91A.010, et seq., and 20.98.010, et seq.

The Ordinance requires that a number of questions be addressed in the permit application, and also in connection with the request for reasonable accommodation. In response to those requirements, Yellowstone provides the following specific information: Yellowstone does not provide medical services, or any other type of health care, at any of the Properties. Rather, the Properties are available as separate and distinct sober living homes of residence for disabled individuals who seek to live in a house with other similarly disabled individuals (who have made a commitment to sobriety), in community, and with the purpose of maintaining that sobriety and addressing their respective disabilities.

The success of sober living homes in assisting these disabled individuals throughout the United States is well documented. Similar success has been realized at the Properties addressed herein. A sample of the literature on sober living homes is attached to the applications. Without the sober living homes addressed in these applications, i.e., the Properties, the individuals who live at these homes would not have access to sober living homes, and would not be able to afford to live in such a home in Orange County. Yellowstone provides these homes to satisfy the otherwise unaddressed need by these disabled individuals for an equal opportunity to use and enjoy a dwelling. There is no question that, with their current use, these Properties affirmatively enhance the lives of many individuals with disabilities.

Importantly, the rent charged to these individuals simply covers Yellowstone's costs; no profit is realized. In fact, without charitable contributions, Yellowstone would operate at a loss. By no means is Yellowstone, or any individual involved with Yellowstone, a profiteer. Yellowstone simply makes available a sober living environment in an effort to help these disabled individuals, and with a view toward enhancing the community. To the extent that Yellowstone is forced to remove its operations from these Properties, it will suffer extreme economic hardship. Moreover, with any prospective closure of any of the Properties as sober living homes, the individuals with disabilities who live in these homes will be without accommodations.

Yellowstone is compliant with all of the requirements in the City of Newport Beach's Good Neighbor Principles, and is tenacious in ensuring that all residents at the Properties strictly observe these requirements. Approval of these applications would not alter the nature of the municipal code or impose any financial or administrative burden on the City. These Properties have been operating under these same general guidelines for between two and seven years (depending upon the property) without imposing any burden upon the County or City. The residential character of the neighborhoods in which these Properties are located will not be altered in any way with the approval of these applications. In fact, there is no non-residential use at any of the Properties. Moreover, there is no campus established through the grant of these applications. Residents from any one Yellowstone property are not allowed at any of the other Properties, and there are no functions that include all residents. Yellowstone has never been cited by any municipality - at any of the Properties - for any of the complaints set forth specifically in Ordinance 2008-5, Page 4, Paragraph 13. No health, safety or physical damage issues are presented with granting of these applications.

On a separate but related matter, Yellowstone would like to apply for a Federal Exemption Permit ("FEP") to continue its operations, pursuant to Municipal Code section 20.91.035, et seq. We have been unable to locate any FEP forms on the City's website. Yesterday, Ms. Leisha Mello of Yellowstone personally appeared at City Hall to attempt to obtain such forms. She was informed by an individual identified as Mr. Alford, a senior planner, that the FEP was no longer available, and that the municipal code as well as Ordinance 2008-5, had been amended to exclude the FEP. After re-reviewing the municipal code, as well as the

Ordinance, this does not appear to be the case. Accordingly, we would hereby request that an FEP application be sent to us at your convenience. Alternatively, to the extent that the FEP application requirements are satisfied with the information provided herein, we would request that these applications be deemed FEP requests.

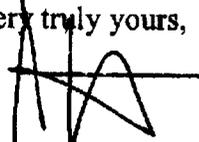
Lastly, we would note that Yellowstone would like to simultaneously apply for a continued use permit under the non-conforming use statutes (Municipal Code section 20.62.010 et seq.). As with the FEP, Ms. Mello was informed that no forms currently exist for application under this code section. That section provides that "Uses, buildings, structures or lots that become nonconforming due to reclassification, ordinance changes, or annexations may be continued subject to the provisions of this Chapter." As discussed above, each of the Properties addressed in this application will fit this definition in the event that a use permit is not granted. In that case, Yellowstone will have become nonconforming due to reclassification and the enactment of Ordinance 2008-5. In reviewing the factors that are to be considered, they are similar in nature to those required for the Use Permit and the Reasonable Accommodation application. Accordingly, Yellowstone incorporates the materials provided herein as they relate to this instant request for a non-conforming use permit. Of note, section 20.62.030D requires that "sufficient documentation" be provided to establish that the structure was lawfully established. Given that: 1. The City annexation of the Santa Ana Heights region is well-documented; 2. The public record duly reflects that the Properties at issue here are a part of such annexation; and 3. Ordinance 2005-8 may have rendered Yellowstone's use of these Properties noncompliant; Yellowstone sees no need to submit any additional documentation to the City. If there are any documents that are required by the City in undertaking this analysis, however, which are not already in the City's possession, please advise us of same, and we will diligently supply any such documentation.

In sum, Yellowstone submits that it provides a vital service for the City of Newport Beach at the Properties while, at the same time, avoiding any burden whatsoever to the City or its residents. Yellowstone brings these applications in a continued effort to ensure that the City of Newport Beach is fully apprised of all of its operations, and that there are no misconceptions about Yellowstone or its character. As discussed above, we have attached to each individual application some published materials that support the contentions made in these applications. We are further committed to provide the City with any documentation that it requires in connection with these applications (subject to any privacy considerations). This correspondence is incorporated by this reference into each individual above-referenced application.

City of Newport Beach
May 20, 2008
Page 5

As always, if you have any questions regarding these applications, please feel free to contact us.

Very truly yours,

A handwritten signature in black ink, appearing to read 'ISAAC R. ZFATY', written over a horizontal line.

ISAAC R. ZFATY

IRZ/jn

cc: Yellowstone (attn: Dr. Anna Marie Thames)



CITY OF NEWPORT BEACH

Request for Reasonable Accommodation Request Worksheet

Planning Department
3300 Newport Boulevard
Newport Beach, California 92658-8915
(949) 644-3200

Application Number _____

The purpose of a request for "Reasonable Accommodation" is to ensure compliance with City zoning regulations in the context of State and Federal Fair Housing law. Reasonable Accommodation is used here just as the term is used in the Federal Fair Housing Act Amendments (FHAA) and the case law implementing the FHAA. Reasonable Accommodation shall be approved so long as there is substantial evidence in the administrative record that establishes that all of the following findings for approval have been made:

1. The exception sought is necessary to mitigate a handicap-related barrier to housing; and
2. The living group is not residing in the Dwelling or Dwellings as a Single Housekeeping Unit.
3. Reasonable Accommodation, if approved, would not require a fundamental alteration in the nature of a municipal program nor impose an undue financial or administrative burden on the City. To the extent authorized by law, the factors that a Hearing Officer or the City Council on review or appeal may consider in deciding whether to grant Reasonable Accommodation include, but are not necessarily limited to:
 - (i) Whether the nature and/or extent of vehicular traffic, such as the frequency or duration of trips by commercial vehicles, would be altered to such an extent that it would be contrary to, or violate, any relevant provision of the Newport Beach General Plan, Specific Plan, Planned Community Text or Municipal Code if reasonable accommodation was approved. The intent of this provision is to ensure that the approval of Reasonable Accommodation does not tend to change the residential character of the neighborhood; or
 - (ii) Whether development or use standards established in the Newport Beach Municipal Code applicable to other residential uses in the neighborhood would be violated. The intent of this provision is to ensure that the use of the property is not being substantially changed, for instance, by adding unpermitted, non-residential uses to a residential use in a residential zone; or
 - (iii) Whether a Campus would be established in a residential zone if the Reasonable Accommodation request was granted.

To aid staff in determining that the necessary findings can be made in this particular case, please answer the following questions with regard to your request (Please attach on separate sheets, if necessary):

1. How many dwelling units exist on the property and how many bedrooms are within each unit?
There is one dwelling unit with six bedrooms.
2. How many persons will reside at the location for which you are seeking this permit?
18
3. How many clients reside within each dwelling unit and how many reside in the total facility?
18
4. What is the anticipated average length of stay for residents?
Six months
5. Do the clients have physical or mental impairments that substantially limit one or more of such person's major life activities? What are those impairments? Yes. The individuals who reside at the property are all disabled under the Americans with Disabilities Act.
6. Are any of the clients below the age of 18 years old, if so, how many? No.
7. Are any of the clients provided any type of medical care, non-medical services or supervision on site? If so, please describe. No medical care or non-medical services are provided.
8. How many caretakers or other staff will reside at the location? How many additional caretakers or staff will visit the facility on a daily basis? Weekly basis? Two staff members reside at the property. There are no other "caretakers" or "staff" that will visit the facility on a daily or weekly basis.
9. What is the operational nature of the facility (i.e. group home, sober living environment, recovery facility, varying types of non-medical care for persons in need of certain services essential for sustaining the activities of daily living)? The property is a sober living home. There are no medical services provided at this property. This sober living home serves the function of providing a sober living environment for those who are disabled under the American With Disabilities Act.
10. Describe available on-site parking resources and the staff and visitor parking plans. The property has a two-car garage and a driveway. This parking is ample for all of the property's needs. The residents at the property do not have automobiles and rely upon public transportation and/or carpooling.
11. Describe client's ability to drive and operate a vehicle while residing at the facility. The tenants' vehicles are not allowed to be parked and/or utilized at the property.

12. Does the facility provide transportation services (i.e. transportation to school, jobs, medical treatment, or other activities)? If yes, please describe the frequency, duration and schedule of services and where the vehicles are stored? No.

13. Are any physical alterations or changes proposed to the property or needed to accommodate the use? No.

14. Is counseling provided to clients? If so, is it provided on-site or off-site? If on-site, does counseling only include clients that reside within the unit or does it include other individuals? If counseling is provided off-site, where is it provided? No.

15. Please list location and describe operational characteristics of other facilities operated by same applicant (or owner or business or non-profit entity) within the City. Will this facility provide office functions to serve other facilities owned or operated by the same entity? The four homes operated by the applicant in the city of Newport Beach are: 1571 Pegasus, Newport Beach, CA 92707, 1621 Indus St., Newport Beach, CA 92707, 20172 Redlands Dr., Newport Beach, CA 92707, 1561 Indus, Newport Beach, CA 92707. Each facility is stand-alone, and no office functions are provided by any one facility for the benefit of another.

16. How do the clients/residents interact with each other within the unit? Is there joint use of common areas? Do clients share household activities and responsibilities such as meals, chores, and expenses? Will goods or services that require the use of delivery vehicles be provided to the facility? The residents at the property reside separately at the property and interact within the property. There is individual use of common areas. The residents are responsible for their own meals, expenses and chores. Each individual resides at the property subject to a separate contractual arrangement with the applicant. There are no delivery vehicles required at the property.

17. If the facility is operated within multiple dwelling units on a single property, does each unit operate independent of each other or do any units serve a function for the residents of other units (i.e. one unit serving the function of food preparation, office, laundry, group meeting space, counseling space, etc.). There are not multiple dwelling units at the property.

18. What types of licenses are required to be obtained from other agencies to operate this use (i.e. Department of Social Services, Department of Alcohol and Drug Programs, etc.)? If any, describe agency, type, and capacity of licenses. None. The property does, however, have voluntary certification by the Orange County Sheriff's Department and the Orange County Sober Living Coalition.

19. Please explain why the requested accommodation is necessary. This application is brought by the applicant on the behalf of all of the disabled individuals who reside at the property. Each individual resident at the property is considered disabled under the Americans With Disabilities Act and the Federal Fair Housing Act Amendments. The applicant is unsure as to whether the instant request for accommodation is necessary, but the applicant is applying for a reasonable accommodation out of an abundance of caution. The property was originally purchased as an unincorporated area of Orange County. Recently, the property was annexed by the City of Newport Beach. Further, Ordinance 2008-5 was signed into law.

As a result, the applicant has decided to ask for a reasonable accommodation under section 20.98.010 et seq. The applicant does not provide medical services or any other type of health care at the property. Rather, the property is available as a sober living home for individuals who seek to live in a house with other sober individuals (who have a similar disability), in community, and with the purpose of maintaining sobriety and addressing their respective disabilities. The success of sober living homes throughout the United States is well-documented. Similar success has been realized at the property. Without sober living homes, the individuals who live at the property would not have access to sober living homes, and would not be able to afford to live in a sober living home in Orange County. The rent charged to these individuals simply covers the applicant's costs; no profit is realized. The applicant is compliant with all of the requirements in the City of Newport Beach's Good Neighbor Principles, and is tenacious in ensuring that all residents at the property follow these requirements. Approval of this application would not alter the nature of the municipal code and/or impose undue financial or administrative burden on the City. This property has been operating under the same guidelines for seven years without imposing any additional burden upon the County or City. The residential character of the neighborhood will not be altered in any way with the approval of this application. Attached hereto, and incorporated herein by this reference, are just some published materials that support the contentions made in this application. There is no non-residential use at the property. There is no campus established through the grant of this reasonable accommodation. Residents from any one property utilized by the applicant are not allowed on any of the other properties, and there are no functions that include all residents. In sum, the applicant provides a vital service for the City of Newport Beach at the property while, at the same time, avoiding any burden to the City and its residents. Importantly, the applicant has never been cited by any municipality – at this property or any other – for any of the complaints set forth specifically in Ordinance 2008-5, Page 4, Paragraph 13.

20. Please attach any house rules or "good neighbor" policies applicable to the proposed facility. All residents at the property follow the City of Newport Beach Good Neighbor Principles, as published on the City's website.
21. What uses will occur on the property that are ancillary, accessory or secondary to use of the property as a residential dwelling? None.
22. Will the facility operator, manager or applicant live on the property? Yes. The manager and assistant manager live at the property.
23. Will any alterations to the internal or external structural form of the residence be made? No.
24. Will any evidence of uses ancillary, accessory or secondary to use of the property as a residential dwelling be visible from off the lot where the facility is located? N/A.
25. Will any equipment or materials needed for uses ancillary, accessory or secondary to use of the property as a dwelling be stored or used on the property outside the residence? N/A.
26. Will any equipment or process be used that will emit radiation or create noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the property for uses ancillary, accessory or secondary to use of the property as a residential dwelling? No.
27. Will the number of parking spaces available to each dwelling unit used by the facility be reduced to less than that required by NBMC Chapter 20.66 (Off-street Parking and Loading) and Section 20.62.060 (Nonconforming Parking)? No.
28. Will the facility create pedestrian, vehicle or truck traffic significantly in excess of the normal amount in the area? No.
29. Will any vehicle associated with uses ancillary, accessory or secondary to use of the property as a residential dwelling be stored or repaired on the facility property? No.
30. Will the facility be open to visitors and clients without prior appointments for uses ancillary, accessory or secondary to use of the property as a residential dwelling? No.

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The Sober Living Network

A SOBER HOUSING VISION

Someday there will be **recovery supportive housing and community centers throughout the United States**. These clusters will be developed with a variety that will include individual houses, apartments, and congregate living accommodations. There will be a mixture of housing with normal-cost apartments for recovery veterans and low-cost, supervised shared housing for those in early recovery. In many accommodations there will be specially designed housing sections for women and/or men with children that have play areas and childcare. Sober housing clusters will be designed to accommodate persons who are physically and mentally challenged.

Sober housing clusters will be **recovery-promoting incubators**. The clusters will include meeting spaces to host self-help and educational meetings, recreational, and social events. They will be operated within a democratic culture and a high level of recovery enthusiasm.

These clusters will become **islands of sobriety in our alcohol and drug using society**. Sober housing and community centers will become continuously available as a recovery assistance resource for alcoholics, addicts, and family members. They will be available and noticeable not only to those who are fully into their addiction, but those who are in their earlier or experimental stages. Communities of stable recovering persons can easily absorb newly recovering persons into their community.

Currently many sober living homes are trying to meet the needs of newly recovering persons without the benefit of having a core of stable recovering residents or the management resources to meet their recovery service needs.

The rationale for cluster housing is that the **self-help learning process comes in bits and pieces**. The greater the exposure to a comprehensive recovery environment with many recovery activities and a predominance of recovering people, the greater chance a person has to learn recovery. The need for a balance of recovery experiences became evident when twelve-step meetings dominated by newcomers were not as effective in assisting recovery as those meetings where most members have long-term stable recovery.

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The Sober Living Network

COMMUNITY RECOVERY SUPPORT RESOURCES

Community recovery resources offer a practical and cost-efficient way to assist alcoholics, addicts and family members to enter and maintain long-term recovery.

The current alcohol and drug treatment system does not have the capacity to meet the long-term recovery assistance needs required to meet the needs of the many. The treatment system is too heavily invested in short-term treatment and too little invested in the development of safe and healthy community recovery promoting environments and activities that are constantly available to support recovery and life style enhancements.

Alcohol and drug treatment programs have been formatted by government and academic institutions into quality "people processing" treatment stations that are now too costly per person assisted to significantly reduce addiction problems.

Community recovery is based on the postulate that safe and sober places filled with healthy recovery activities provide the environments, motivation and recovery tools for alcoholics, addicts and family members to assist (process) themselves. Operators maintain healthy and safe environments and promote individual recovery responsibility. Community recovery resources include self-help meetings, Alano clubs-which host self-help activity, community recovery centers, sober living housing, and sober recreational and social events. Community recovery centers are self-service spaces that offer education sessions, host self-help groups, hold social/recreational events and have counseling and therapy available by self-selection. Community recovery centers, activities and housing are easily adaptable to meet the broad ethnic, cultural and physically challenged needs.

Community recovery resources are assisting millions of alcoholics, addicts and family members in recovery from alcoholism and other drug addictions with little or no support from government and health insurance funding sources. Sober living homes, Alano clubs and community recovery centers are primarily created and supported by recovering persons motivated by a call to be of service to others.

The Sober Living Network
P.O. Box 5235, Santa Monica, CA 90409
(310) 396-5270

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<http://www.soberhousing.net/community.html>

5/15/2008

YS 00612



The National Council on Alcoholism and Drug Dependence fights the stigma and the disease of alcoholism and other drug addictions.

Facts and Information

Alcoholism and Drug Dependence Are America's Number One Health Problem

The cost and consequences of alcoholism and drug dependence place an enormous burden on American society. As the nation's number one health problem, addiction strains the health care system, the economy, harms family life and threatens public safety.

Substance abuse crosses all societal boundaries, affects both genders, every ethnic group, and people in every tax bracket. Scientific documentation defines alcoholism and drug dependence as a disease that has roots in both genetic susceptibility and personal behavior.

THE SCOPE OF THE PROBLEM

- *There are more deaths and disabilities each year in the U.S. from substance abuse than from any other cause.* ¹
- *About 18 million Americans have alcohol problems; about 5 to 6 million Americans have drug problems.* ²
- *More than half of all adults have a family history of alcoholism or problem drinking.* ³
- *More than nine million children live with a parent dependent on alcohol and/or illicit drugs.* ⁴

THE CONSEQUENCES

- *One-quarter of all emergency room admissions, one-third of all suicides, and more than half of all homicides and incidents of domestic violence are alcohol-related.* ⁵

- *Heavy drinking contributes to illness in each of the top three causes of death: heart disease, cancer and stroke.* ⁶
- *Almost half of all traffic fatalities are alcohol-related.* ⁷
- *Between 48% and 64% of people who die in fires have blood alcohol levels indicating intoxication.* ⁸
- *Fetal alcohol syndrome is the leading known cause of mental retardation.* ⁹

THE COST

- *Alcohol and drug abuse costs the American economy an estimated \$276 billion per year in lost productivity, health care expenditures, crime, motor vehicle crashes and other conditions.* ¹⁰
- *Untreated addiction is more expensive than heart disease, diabetes and cancer combined.* ¹¹
- *Every American adult pays nearly \$1,000 per year for the damages of addiction.* ¹²

SO, WHAT CAN BE DONE?

Like other diseases, addiction can be overcome with proper treatment, prevention and more research. By increasing access to care, the costly toll on society and the burden it places on families can be reduced. Research shows conclusively that successful prevention and treatment leads to reductions in traffic fatalities, crime, unwanted pregnancy, child abuse, HIV, cancer and heart disease. Treatment reduces drug use, improves health, improves job performance, reduces involvement with the criminal justice system, reduces family dysfunction and improves quality of life.

The Comprehensive Assessment Treatment Outcomes Registry Data in Ohio have documented dramatic results in decreasing occupational problems, including the following reductions after treatment:

- *Absenteeism decreased by 89%*

- *Tardiness decreased by 92%*
- *Problems with supervisors decreased by 56%*
- *Mistakes in work decreased by 70%*
- *Incomplete work decreased by 81%* ¹³

Additionally, a California Study found significant decreased health care costs from before to after treatment in:

- *Hospitalizations for physical health problems (-36%)*
- *Drug overdose hospitalizations (-58%)*
- *Mental health hospitalizations (-44%)*
- *The number of emergency room visits (-36%)*
- *The total number of hospital days (-25%)* ¹⁴

Americans increasingly recognize that alcoholism and drug dependence is a disease with consequences that affect both physical and behavioral health. Diagnostic and treatment services have changed in recent years and modern treatment, when adequately provided, enables a great many people to recover and rebuild productive lives.

It is important that the public be aware of evidence generated by scientific inquiry, clinical evaluation and clinical experience. The evidence demonstrates that treatment for alcohol and other drug abuse works. Treatment not only saves lives, it also saves dollars that would otherwise be spent in other areas of medical care and social services. For every dollar spent on addiction treatment, seven dollars is saved in reduced health care costs.¹⁵

The National Council on Alcoholism and Drug Dependence is dedicated to fighting the stigma and the disease of alcoholism and other drug addictions by providing education, information, help and hope to the public. NCADD advocates prevention, intervention, and treatment through a network of 97 affiliates across the United States. For more information, visit: www.ncadd.org.

Alcoholism and drug dependence are treatable and millions of people achieve recovery.

SOURCES

1. "Substance Abuse: The Nation's Number One Health Problem," Institute for Health Policy, Brandeis University, 1993.

2. "Substance Abuse: The Nation's Number One Health Problem," Institute for Health Policy, Brandeis University, 2001.
3. Position Paper on Drug Policy, Physician Leadership on National Drug Policy (PLNDP), Brown University Center for Alcohol and Addiction Studies, 2000.
4. Ibid.
5. "Sobering Facts on the Dangers of Alcohol," NY Newsday, April 24, 2002.
6. Position Paper on Drug Policy, Physician Leadership on National Drug Policy (PLNDP), Brown University Center for Alcohol and Addiction Studies, 2000.
7. National Highway Traffic Safety Administration, Annual Report, 1992.
8. "Substance Abuse: The Nation's Number One Health Problem," Institute for Health Policy, Brandeis University, 1993.
9. E. Abel, "Incidence of Fetal Alcohol Syndrome and Economic Impact of FAS-Related Anomalies," Drug and Alcohol Dependence, 1987.
10. "Substance Abuse: The Nation's Number One Health Problem," Institute for Health Policy, Brandeis University, 2001.
11. Ibid.
12. The National Drug Control Strategy, The White House, 1997.
13. Ohio Dept. of Alcohol and Drug Addiction Services, New Standards, Inc., St. Paul, MN, 1994.
14. Gerstein, et al, "Evaluating Recovery Services: the California Drug and Alcohol Assessment," Sacramento, 1994.
15. Ibid.

Compiled 6/02



National Council on Alcoholism and Drug Dependence, Inc.

244 East 58th Street, 4th Floor, New York, NY 10022
phone: 212/269-7797 fax: 212/269-7510
email: national@ncadd.org <http://www.ncadd.org>
HOPE LINE: 800/NCA-CALL (24-hour Affiliate referral)

General population

According to data from the 2006 National Household Survey on Drug Use and Health (NSDUH) --

- 112 million Americans age 12 or older (48% of the population) reported illicit drug use at least once in their lifetime
- 14% reported use of a drug within the past year
- 8% reported use of a drug within the past month.

Data from the 2005 survey showed that marijuana and cocaine use is the most prevalent among persons age 18 to 25.

| Drug use | Age of respondent, 2004 | | |
|------------------|-------------------------|-------|-------------|
| | 12-17 | 18-25 | 26 or older |
| Marijuana | | | |
| Last month | 6.8% | 16.6% | 4.1% |
| Last year | 13.3 | 28.0 | 6.9 |
| Cocaine | | | |
| Last month | 0.6% | 2.6% | 0.8% |
| Last year | 1.7 | 6.9 | 1.5 |

Source: SAMHSA, Office of Applied Studies, 2005 National Survey on Drug Use and Health: National Findings, September 2005.

The Drug Abuse Warning Network (DAWN) monitors drug-related emergency department (ED) visits for the nation and for selected metropolitan areas. DAWN also collects data on drug-related deaths investigated by medical examiners and coroners in selected metropolitan areas and States.

In 2005, DAWN estimates that nearly 1.4 million emergency department visits nationwide were associated with drug misuse or abuse.

An estimated 816,696 drug-related emergency department visits involved a major substance of abuse. DAWN estimates that:

- Cocaine was involved in 448,481 ED visits.
- Marijuana was involved in 242,200 ED visits.
- Heroin was involved in 164,572 ED visits.
- Stimulants, including amphetamines and methamphetamine, were involved in 138,950 ED visits.
- Other illicit drugs, such as PCP, Ecstasy, and GHB, were much less frequent than any of the above.

Source: U. S. Department of Health and Human Services, SAMHSA, Office of Applied Studies, *Drug Abuse Warning Network, 2005: National Estimates of Drug-Related Emergency Department Visits*. DAWN Series D-29, DHHS Publication No. (SMA) 07-4256, Rockville, MD, 2007.

In 2003, 122 jurisdictions in 35 metropolitan areas and 6 States submitted mortality data to DAWN. The States, which are all new to DAWN, are Maine, Maryland, New Hampshire, New Mexico, Utah, and Vermont. DAWN cannot provide national estimates of drug-related deaths.

In the metropolitan areas, nearly half of drug misuse deaths, on average, involved a major substance of abuse (cocaine, heroin, marijuana, stimulants, club drugs, hallucinogens, or non-pharmaceutical inhalants). Across the 6 States, major substances were reported in about a third of misuse deaths. Still, major substances were reported in 40% to 45% of drug misuse deaths in Maryland, New Mexico, and Utah. Descriptions of drug abuse deaths in the participating metropolitan areas are available in the *Mortality Data from the DAWN, 2003* report.

According to data from the 2003 *Mortality Data from DAWN* -- Cocaine was the most frequently reported illicit drug. In the drug misuse deaths, cocaine was among the top 5 drugs in 28 of the 32 metropolitan areas and all of the 6 States. On average, cocaine alone or in combination with other drugs was reported in 39% of drug misuse deaths (range 8% to 70%). Alcohol was one of the 5 most common drugs in 30 of the 32 metropolitan areas and 5 of the 6 States. In 29 of the 32 metropolitan areas, more drug misuse deaths involved an opiate/opioid than any other drug.

Source: U. S. Department of Health and Human Services, SAMHSA, Office of Applied Studies, *Drug Abuse Warning Network, 2003: Area Profiles of Drug-Related Mortality*. DAWN Series D-27, DHHS Publication No. (SMA) 05-4023, Rockville, MD, 2005.

[Previous](#)

[Contents](#)

[Next](#)

[BJS home page](#) | [Top of this page](#)

Bureau of Justice Statistics
www.ojp.usdoj.gov/bjs/
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OJP Freedom of Information Act page
Legal Policies and Disclaimers
Page last revised on April 11, 2007



Contents
 Previous
 Next

Drugs and Crime Facts

Drug use

To the BJS
 home page

Youth | General population

Youth

- Use
- Perceived risk
- Student reports of availability of drugs

Use

The Monitoring the Future Study asked high school seniors, "On how many occasions, if any, have you used drugs or alcohol during the last 12 months or month?"

Reported drug and alcohol use by high school seniors, 2006

| Drugs | Used within the last: | |
|---------------|-----------------------|---------|
| | 12 months* | 30 days |
| Alcohol | 66.5% | 45.3% |
| Marijuana | 31.5 | 18.3 |
| Other opiates | 9.0 | 3.8 |
| Stimulants | 8.1 | 3.7 |
| Sedatives | 6.6 | 3.0 |
| Tranquilizers | 6.6 | 2.7 |
| Cocaine | 5.7 | 2.5 |
| Hallucinogens | 4.9 | 1.5 |
| Inhalants | 4.5 | 1.5 |
| Steroids | 1.8 | 1.1 |
| Heroin | 0.8 | 0.4 |

*Including the last month.
 Source: Press release: *Teen drug use continues down in 2006, particularly among older teens; but use of prescription-type drugs remains high*, University of Michigan News and Information Services, December 21, 2006. (Acrobat file 576.81KB)

Self-reports of drug use among high school seniors may under represent drug use among youth of that age because high school dropouts and truants are not included, and these groups may have more involvement with drugs than those who stay in school.

Percent of all college students, 1995-2005

| Drug use | 1995 | 1996 | 1997 | 1998 | 1999 | 2000 | 2001 | 2002 | 2003 | 2004 | 2005 |
|------------------|------|------|------|------|------|------|------|------|------|------|------|
| Marijuana | | | | | | | | | | | |
| Daily within | | | | | | | | | | | |
| last month | 3.7% | 2.8% | 3.7% | 4.0% | 4.0% | 4.6% | 4.5% | 4.1% | 4.7% | 4.5% | 4.0% |
| Last month | 18.6 | 17.5 | 17.7 | 18.6 | 20.7 | 20.0 | 20.2 | 19.7 | 19.3 | 18.9 | 17.1 |
| Last year | 31.2 | 33.1 | 31.6 | 35.9 | 35.2 | 34.0 | 35.6 | 34.7 | 33.7 | 33.3 | 33.3 |
| Cocaine | | | | | | | | | | | |
| Daily within | | | | | | | | | | | |
| last month | 0.0% | 0.0% | 0.0% | 0.0% | 0.0% | 0.0% | 0.0% | 0.0% | * | 0.0% | 0.1% |
| Last month | 0.7 | 0.8 | 1.6 | 1.6 | 1.2 | 1.4 | 1.9 | 1.6 | 1.9 | 2.4 | 1.8 |
| Last year | 3.6 | 2.9 | 3.4 | 4.6 | 4.6 | 4.8 | 4.7 | 4.8 | 5.4 | 6.6 | 5.7 |

* Less than 0.05%

Rates of past year cocaine use by college students have varied over the past 10 years from a low of 2.9% in 1996 to a high of 5.7% in 2005. Past year marijuana use has ranged from a low of 31.2% in 1995 to a high of 35.9% in 1998.

Source: University of Michigan, *Monitoring the Future National Survey Results on Drug Use, 1975-2005, Volume II: College Students and Adults Ages 19-45, 2006*, October 2006. (Acrobat file 2.31 MB)

Of high school seniors in 2005 -

- 44.8% reported having ever used marijuana/hashish
- 8.0% reported having ever used cocaine
- 1.5% reported having ever used heroin.

Source: University of Michigan, *Monitoring the Future National Results on Adolescent Drug Use: Overview of Key Findings 2006*, April 2006. (Acrobat file 442.77KB)

The increase in the use of marijuana has been especially pronounced. Between 1992 and 2005 past-month use of marijuana increased from:

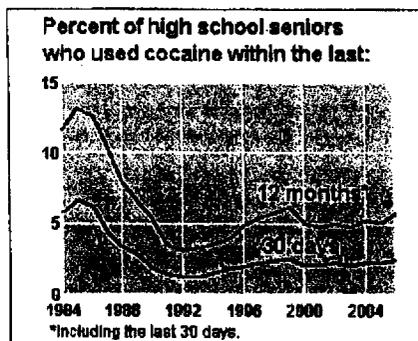
- 12% to 20% among high school seniors.
- 8% to 15% among 10th graders.
- 4% to 7% among 8th graders.

Reported use of marijuana by high school seniors during the past month peaked in 1978 at 37% and declined to its lowest level in 1992 at 12%.

The use of cocaine within the past month of the survey by high school seniors peaked in 1985 at 6.7%, up from 1.9% in 1975 at the survey's inception. Cocaine use declined to a low of 1.3% in 1992 and 1993. In 2005, 2.3% of high school seniors reported past-month cocaine use.

Source: University of Michigan, *Monitoring the Future National Results on Adolescent Drug Use: Overview of Key Findings 2005*, April 2006. (Acrobat file 442.77KB).

Cocaine use among high school seniors peaked in 1985.



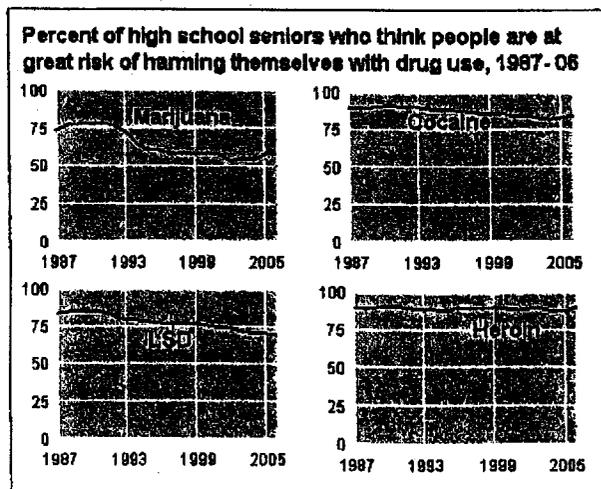
[D]

Click on the chart to view the data.

Source: Press release: *Teen drug use continues down in 2006, particularly among older teens; but use of prescription-type drugs remains high*, University of Michigan News and Information Services, December 21, 2006. (Acrobat file 576.81KB).

Perceived risk

From 1987 to 2006 the percentage of high school seniors that were asked, "How much do you think people risk harming themselves?" remained virtually stable. Those students answering "great risk" in regular use accounted for the following —



[D]

Click on the chart to view the data.

Source: Press release: *Teen drug use continues down in 2006, particularly among older teens; but use of prescription-type drugs remains high*, University of Michigan News and Information Services, December 21, 2006. (Acrobat file 576.81KB)

Student reports of availability of drugs

Percent of high school seniors reporting they could obtain drugs fairly easily or very easily, 2006

| | |
|-------------------------|-------|
| Marijuana | 84.9% |
| Amphetamines | 52.9 |
| Cocaine | 46.5 |
| Barbiturates | 43.8 |
| Crack | 38.8 |
| LSD | 29.0 |
| Heroin | 27.4 |
| Crystal methamphetamine | 26.7 |
| Tranquilizers | 24.4 |
| PCP | 23.1 |
| Amyl/butyl nitrites | 18.4 |

Source: Press release: *Teen drug use continues down in 2006, particularly among older teens; but use of prescription-type drugs remains high*, University of Michigan News and Information Services, December 21, 2006. (Acrobat file 576.81KB)

In 2005, 25% of all students in grades 9 through 12 reported someone had offered, sold, or given them an illegal drug on school property. There was no measurable change with the percentage of students who reported that drugs were offered, sold, or given to them at school between 2003 and 2005.

Males were more likely than females to report that drugs were offered, sold, or given to them on school property in each survey year between 1993 and 2005. In 2005, 29% of males and 22% of females reported availability of drugs.

Source: BJS jointly with the U.S. Department of Education, *Indicators of School Crime and Safety, 2006*, NCJ 214262, December 2006.

→ To the top

General population

According to data from the *2005 National Household Survey on Drug Use and Health (NSDUH)* --

- 112 million Americans age 12 or older (46% of the population) reported illicit drug use at least once in their lifetime
- 14% reported use of a drug within the past year
- 8% reported use of a drug within the past month.

Data from the 2005 survey showed that marijuana and cocaine use is the most prevalent among persons age 18 to 25.

| Drug use | Age of respondent, 2004 | | |
|------------------|-------------------------|-------|-------------|
| | 12-17 | 18-25 | 26 or older |
| Marijuana | | | |
| Last month | 6.8% | 16.6% | 4.1% |
| Last year | 13.3 | 28.0 | 6.9 |
| Cocaine | | | |
| Last month | 0.6% | 2.6% | 0.8% |
| Last year | 1.7 | 6.9 | 1.5 |

Source: SAMHSA, Office of Applied Studies, *2005 National Survey on Drug Use and Health: National Findings*, September 2006.

The *Drug Abuse Warning Network (DAWN)* monitors drug-related emergency department (ED) visits for the nation and for selected metropolitan areas. DAWN also collects data on drug-related deaths investigated by medical examiners and coroners in selected metropolitan areas and States.

In 2005, DAWN estimates that nearly 1.4 million emergency department visits nationwide were associated with drug misuse or abuse.

An estimated 816,896 drug-related emergency department visits involved a major substance of abuse. DAWN estimates that:

- Cocaine was involved in 448,481 ED visits.
- Marijuana was involved in 242,200 ED visits.
- Heroin was involved in 164,572 ED visits.
- Stimulants, included amphetamines and methamphetamine, were involved in 138,950 ED visits.
- Other illicit drugs, such as PCP, Ecstasy, and GHB, were much less frequent than any of the above.

Source: U. S. Department of Health and Human Services, SAMHSA, Office of Applied Studies, *Drug Abuse Warning Network, 2005: National Estimates of Drug-Related Emergency Department Visits*. DAWN Series D-29, DHHS Publication No. (SMA) 07-4256, Rockville, MD, 2007.

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marijuana, stimulants, club drugs, hallucinogens, or non-pharmaceutical inhalants). Across the 6 States, major substances were reported in about a third of misuse deaths. Still, major substances were reported in 40% to 45% of drug misuse deaths in Maryland, New Mexico, and Utah. Descriptions of drug abuse deaths in the participating metropolitan areas are available in the *Mortality Data from the DAWN, 2003* report.

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Source: U. S. Department of Health and Human Services, SAMHSA, Office of Applied Studies, *Drug Abuse Warning Network, 2003: Area Profiles of Drug-Related Mortality*. DAWN Series D-27, DHHS Publication No. (SMA) 05-4023, Rockville, MD, 2005.

[Previous](#)

[Contents](#)

[Next](#)

[BJS home page](#) | [Top of this page](#)

Bureau of Justice Statistics
www.ojp.usdoj.gov/bjs/
Send comments to askbjs@usdoj.gov

OJP Freedom of Information Act page
Legal Policies and Disclaimers
Page last revised on April 11, 2007

Homeowner's Guide

May 2007

Compliments of Ted Bosley, Your Neighbor and RE Professional

Issue 16



Edward "Ted" Bosley
(949) 294-2126
TedBosley@yahoo.com

Service • Integrity • Commitment



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tools plus Bi-monthly
OC Homeowner's Guide
Newsletter

Ted Bosley Appointed to SAH Project Advisory Committee

I started attending the SAH PAC meetings 5 years ago, mostly so that I could learn as much as possible about events affecting our community.

You, the readers of my periodic newsletters, have been the benefactors since I have shared with you much of what was learned in that forum as well as Supervisor, City Council and LAFCO meetings. Many of you have also been in attendance at those same meetings.

I appreciate being appointed to serve on the SAH Project Advisory Committee. This gives me the opportunity to serve on critical sub-committees that make recommendations to the Bd of Supervisors and the NB City Council on matters that have significant impact on our community.

Waterpointe to Start Development on Orchard

In a recent response to my inquiry about the timeline for this Westside SAH project, I received the following statement:

"We are still processing our final map with the County of Orange. Once recordation of the map occurs we are planning on starting the project. ... Once again I thank you for your assistance in getting this project approved."

Garrett Calacci,
Waterpointe Development Principal



Westside SAH Annexation Update

The next LAFCO hearing date is May 9th at 9:00 AM. The meeting will be held in the Hall of Administration, 12 Civic Center Plaza, Santa Ana, in the Planning Commission Hearing Room.

The City of Newport Beach's application for a sphere of influence change and concurrent annexation of West Santa Ana Heights and the City of Costa Mesa's application for a sphere of influence change for the Banning Ranch property will be considered by LAFCO on this date.

Staff reports for both proposals will be available for review on Wednesday afternoon, May 2, 2007, on the Orange County LAFCO website: www.orange.lafco.ca.gov. Click on the "Agenda and Minutes" link, then click on agenda item.

This is the meeting we all have been waiting for. LAFCO is suppose to come to a final resolution on the West Side Annexation to Newport at this meeting. PAC will be there to support Annexation as always. Source of this information is www.SAHPAC.com

If you would like more information relating to the history of this effort please visit www.sahpac.com/svs-templ/westsideannexation.

Sober Living Homes Make Their Community Christmas Contribution

Were you as surprised as I by the amazing decorations exhibited by the residents of the 3 (at that time) Yellowstone Recovery homes during the Christmas holidays? One of the reasons was a little competition between the 3 homes along with the help the men's home provided to the other 2 women's homes.

Their effort also brought out the competitive spirit in some of the other homes in the neighborhood ...

Congratulations!!



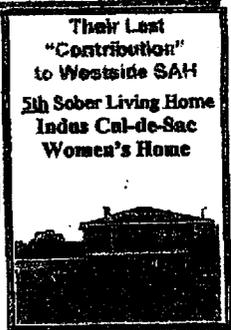
Indus Street
Women's Home



Redlands St.
Men's Home



Pegasus Street
Women's Home



Their Last
"Contribution"
to Westside SAH
5th Sober Living Home
Indus Cal-de-Sac
Women's Home

Golf Course or Parking Lot?

Daily Pilot Article on April 18th discusses this subject. If you do not take the Pilot you can go to www.daily-pilot.com/articles/2007/04/18/politics/dpt-golfcourse18.txt to view it.

What I cannot understand is why anyone on the Airport Committee would suggest that a Car Rental Auto Storage facility should replace the Newport Beach Golf Course Back 9, that brings so much pleasure to so many, when their lease is up at the end of July, 2007.

(Continued on page 2)

Send an email to John.Moorlach@ocgov.com AND TedBosley@yahoo.com with your opinion of the possibility of not extending the lease for the NB Golf Course! ... AND to let me know of your interest in participating in this season's \$100 drawing!

City of Newport Beach
GROUP RESIDENTIAL USES – USE PERMIT APPLICATION
STANDARD GROUP RESIDENTIAL USE PERMIT APPLICATION
(Form 100 – Revised March 2008)

1. APPLICANT/FACILITY PROGRAM INFORMATION

STEP 1: Completely fill out Form 150 (attached).

STEP 2: Fill out the following:

TYPE OF ORGANIZATION:

For Profit Nonprofit

Other, please explain: _____

PROPERTY OWNERSHIP:

Own Rent Lease Other (specify): _____

IS THE OPERATOR/MANAGER ALSO THE LESSEE OF THIS PROPERTY?

Yes No

If no, please explain: _____

IS THE APPLICANT OR PROGRAM OPERATOR PART OF A PARTNERSHIP, CORPORATION, FIRM, OR ASSOCIATION?

Yes No

If yes, please fill out and attach either Form 200C (if 200C, applicants must fill out Form 200D) or Form 200P, whichever is applicable.

2. PROPERTY OWNER INFORMATION

Paul Etheridge

Name of Property Owner where facility is proposed (if Corporation, legal name of Corporation)

27 Ima Loa **Newport Beach, CA** **92663**
(Mailing Address of Property Owner) (City/State) (Zip)

(949) 254-7000 _____
(Telephone) (Fax number)

(E-Mail address)

1571 Pegasus St., Newport Beach **119-361-14**
(Subject Property Address) Assessor's Parcel Number (APN)

B. Other Similar Uses. What uses, not operated by or affiliated with you or your firm, are of a similar type as your proposed use here in Newport Beach? Please cite address(es) of facility(ies) (attach more pages if necessary):

EXAMPLE:

| | | |
|---------------------------------|---------------------------|--------------|
| 1234 Main Street, Newport Beach | Unlicensed "Sober Living" | 7 |
| Site Address | Type of Use | Bed Capacity |
| Site Address | Type of Use | Bed Capacity |
| Site Address | Type of Use | Bed Capacity |
| Site Address | Type of Use | Bed Capacity |
| Site Address | Type of Use | Bed Capacity |
| Site Address | Type of Use | Bed Capacity |
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| Site Address | Type of Use | Bed Capacity |

C. Evidence of Need for this Extent of Use. Per NBMC §20.91A.030 (E), please attach Evidence of Capacity and Need by residents of Newport Beach for this capacity based on published sources.

4. YOUR FIRM'S HISTORIC USES

Per the requirements of NBMC §20.91A.030.G & H, in the past five (5) years, have you or your firm or any entity or person affiliated with you or your firm operated, managed, or owned other group residential uses in California?

Yes No

If yes, show the site address(es) of each facility(ies) and show whether the facility(ies) have ever been in violation of Federal, State or local law (attach additional pages if necessary):

EXAMPLE:

| | | |
|---------------------------------|-----------------------|---|
| 1234 Main Street, Santa Barbara | ADP-Licensed Facility | 8 |
|---------------------------------|-----------------------|---|

Street Address, City

Type of Use

Bed Capacity

Has this facility or your operations at this facility, ever been in violation of State or local law?

Yes

No

If Yes, please explain: Applicant has not operated any other group residential uses in Newport Beach during the last 5 years. No home has been in violation of state or local law.

Facility #1

Street Address, City

Type of Use

Bed Capacity

Has this facility or your operations at this facility, ever been in violation of State or local law?

Yes

No

If Yes, please explain: _____

Facility #2

Street Address, City

Type of Use

Bed Capacity

Has this facility or your operations at this facility, ever been in violation of State or local law?

Yes

No

If Yes, please explain: _____

Facility #3

Street Address, City

Type of Use

Bed Capacity

Has this facility or your operations at this facility, ever been in violation of State or local law?

Yes

No

If Yes, please explain: _____

Facility #4

Street Address, City

Type of Use

Bed Capacity

Has this facility or your operations at this facility, ever been in violation of State or local law?

Yes

No

If Yes, please explain: _____

5. **LOCATION MAP AND SIMILAR USES**

Provide a Location Map showing the location of the proposed use plus all known conditional uses within a three-block radius. Include the property addresses of the proposed use and known conditional uses. Please consult the Newport Beach Planning Department (949-644-3225) for nearby conditional uses.

6. **SITE PLAN**

Provide a Site Plan that shows the facility's building footprint and property lines. Include property lines and building footprints on immediately adjacent parcels. Note the uses (i.e. *single family use, group residential use, or other*) on adjacent parcels.

7. **LICENSE AND PERMIT HISTORY OF APPLICANT**

A. Per NBMC §20.91A.030(H), please summarize the license and permit history of each facility applicant or operator has managed, owned, or operated in the State of California within the last five (5) years which require either a license or a permit by the State or by a locality (attach additional sheets if necessary):

Name of Facility

(Facility Address)

(City)

(Zip)

Please describe the nature of the license or use permit, the issuing agency, its reference number (if applicable), and any enforcement actions by any agency against the license or use permit:

B. Has the applicant ever voluntarily surrendered, had a denial, suspension, or revocation of a residential license for an alcoholism or drug abuse recovery or treatment facility or a facility licensed by the California Department of Alcohol and Drug Programs (ADP) or the California Department of Social Services - Community Care Licensing?

Yes No

If yes, the date license was surrendered, denied, suspended, or revoked: _____

Reason for revocation, surrender, denial, or suspension: _____

C. Has the applicant ever voluntarily surrendered, had a denial, suspension, or revocation of a Use Permit or similar permit for a group residential use in this community or another community?

Yes No

If yes, the date Use Permit (or similar) was surrendered, denied, suspended, or revoked: _____

Reason for revocation, surrender, denial, or suspension: _____

D. Has the applicant ever voluntarily surrendered, had a denial, suspension or revocation of a certification by any public or private agency other than ADP or the California Department of Social Services-Community Care Licensing for a group residential use in this community or another community?

Yes No

If yes, the date Use Permit (or similar) was surrendered, denied, suspended, or revoked: _____

Reason for revocation, surrender, denial, or suspension: _____

8. NATURE AND CHARACTERISTICS OF PROPOSED USE

Per NBMC §20.91A.030(A-D), please provide the following information about each proposed facility (attach additional sheets if necessary). The components of this Section 8 (and other sections) comprise the *Operations and Management Plan* and *Rules of Conduct* envisioned by NBMC §20.91A.050.B:

A. TYPE OF ALCOHOL AND/OR OTHER DRUG RECOVERY OR TREATMENT SERVICES PROVIDED (for ADP-licensed facilities only -- check all that apply):

Non-Medical Detoxification

Group Sessions

One-on-One Sessions

Educational Sessions

Recovery or Treatment Planning

Other: None

B. NUMBERS AND TYPES OF FACILITY USERS & STAFF:

TOTAL OCCUPANCY OF FACILITY (This is the maximum number of individuals who live at the facility and are approved by the fire safety inspector.) These individuals include the residents receiving recovery, treatment or detoxification services, children of the residents, and staff. Staff includes individuals who work for the applicant in exchange for either monetary or in-kind compensation (e.g., room and board). Total occupancy cannot be exceeded for any reason. 18

MAXIMUM REQUESTED ADULT RESIDENT CAPACITY OF THE FACILITY (The number of adult residents that receive recovery, treatment or detoxification services at any one time, which cannot be greater than the total occupancy shown above): 0

MAXIMUM NUMBER AND AGE RANGE OF DEPENDENT CHILDREN WHO ARE SUPERVISED BY THEIR PARENT(S) IN THE FACILITY. This includes temporary residing (i.e., overnight, weekend visits) of dependent children. (Since there must always be at least one adult being served, the maximum number of dependent children housed must be at least one less than the total occupancy, determined by the fire inspector, as shown above): 0

Are all clients who reside on-site disabled persons? Yes

Number of staff who will reside on-site: 2

Maximum number of staff who will provide services during any one week to clients at the facility: 2

Provide the Facility Staffing Form shown as Form 400 to this Application.

Total number of employees of provider:

Please characterize the nature of staff services to the facility (i.e., nutritionists, massage therapists, counselors, maids, cooks, etc):

House Manager

Assist Manager

Maximum number of clients who will use the facility on any one day but reside elsewhere: 0

Maximum number of client visitors who will visit the facility during any one week: 0

Maximum number of others who will visit the facility during any one week: 0. Please explain:

C. BUILDING DIAGRAM/FLOOR PLAN

Include a Building Diagram showing all building(s) to be occupied, including a floor plan of all rooms intended for residents' use. Include the grounds showing buildings, setbacks, driveways, fences, storage areas, pools, gardens, recreational area and other spaces. All sketches shall show dimensions but need not be to scale. Identify the number of residents per bedroom and the location and the number of beds for all residents, including the location of beds for infants and other non-ambulatory persons. The Building Diagram supplied with this application must be accurate as to existing conditions in the building and must be consistent with the building plans currently on file with the Newport Beach Building Department for permitted construction.

D. DURATION OF TYPICAL CLIENT STAY IN FACILITY (in days): 180

If you wish, please explain:

E. IS THE FACILITY ACCESSIBLE TO INDIVIDUALS IN WHEELCHAIRS OR OTHER NONAMBULATORY CONDITIONS?

Yes No

NOTE: The Americans with Disabilities Act of 1990 (ADA) is a comprehensive federal anti-discrimination law for people with disabilities. The City reminds all providers of residential recovery facilities that discrimination against persons with disabilities is prohibited. Please contact Newport Beach's Building Department (949-644-3275) for specific ADA requirements that may apply to your facility.

F. ACTIVITY INFORMATION

Hours which facility will be in use:

24/7 Other (please describe) _____

Will there be a curfew? If so, please note quiet hours:

10 p.m. – 8 a.m. Other (please describe) _____

Besides household activities, what types of care-related activities will occur on-site, and how many residents and non-residents (including staff and clients from other facilities) will attend?

- | | |
|--|--|
| <input type="checkbox"/> "AA"-type meetings _____ | <input type="checkbox"/> Physical Fitness (gym, yoga, etc) _____ |
| <input type="checkbox"/> ADP-Treatment (see 5A) _____ | <input type="checkbox"/> Other wellness (massage, etc) _____ |
| <input type="checkbox"/> Meal preparation/delivery _____ | <input type="checkbox"/> Other: _____ |

Provide the Weekly Schedule of Services shown as Form 500 to this Application.

G. DELIVERY INFORMATION:

What types of deliveries will occur at the facility and how often (per day or per week – circle whichever is applicable) will they occur?

- | | |
|---|--|
| <input type="checkbox"/> Laundry Services: _____ /day or week | <input checked="" type="checkbox"/> Trash disposal or recycling: <u>1</u> /day or week |
| <input type="checkbox"/> Meals: _____ /day or week | <input type="checkbox"/> Business products: _____ /day or week |
| <input type="checkbox"/> Correspondence, packages (other than USPS): _____ /day or week | |
| <input type="checkbox"/> Medical Products/Medical Waste Pickup: _____ /day or week | |
| <input type="checkbox"/> Other: _____ /day or week | |

H. TRANSPORTATION AND PARKING:

Will clients residing on-site be allowed to use personal vehicles and/or keep them on-site or nearby?

- Yes No

If Yes, describe where clients will park personal vehicles (garage, carport, on-street location, other – if on-street, be specific about which streets)

If No, describe other modes of transportation that clients will use (bus, other transit, bicycle, other).

Bus – Carpools, bikes

Please provide a **Route Map** showing transit and travel routes that will be used to transport clients off-site, showing destinations of travel and approximate times of departure and return.

Will staff serving the facility be allowed to drive personal vehicles to the site?

Yes No

If Yes, describe where staff will park personal vehicles (garage, carport, on-street location, other -- if on-street, be specific about which streets)

In driveway

NOTE: The City may not authorize on-street parking for clients or staff depending upon how impacted the facility's streets are.

I. MEDICAL AND BIO-WASTE

NBMC §6.04.120 (Health and Sanitation: Prohibited Materials) prohibits the disposal of certain medical waste or bio-waste into the City's refuse disposal system. Syringes, needles, urinalysis cups, and other waste must be disposed of in accordance with the NBMC and other applicable laws. If you are uncertain as to what wastes can be disposed of in the City's disposal system, contact the City's General Services Department at 949-644-3066.

Applicants who will be disposing medical waste or other bio-waste must provide a Disposal Plan for Medical and Bio-Waste showing how and where these wastes are disposed of (required by NBMC §20.91A.030.I).

Please attach the Disposal Plan if applicable.

J. RULES OF CONDUCT – GOOD NEIGHBOR PRINCIPLES

If you have them, please include any documents that describe rules of client conduct and/or *Good Neighbor Principles* that your facility's staff and clients will adhere to if the City issues a Use Permit for this facility.

The City of Newport Beach has developed *Good Neighbor Principles* for these uses (see the City's website under Group Residential Uses).

Please state whether you agree voluntarily to comply with the City's *Good Neighbor Principles*:

Yes No

K. OTHER AVAILABLE CERTIFICATIONS

NBMC §20.91A.050.C.4 directs that applicants shall attain certification (or similar validation), where available, from a governmental agency or qualified non-profit organization. This includes:

- The Orange County Sheriff's Department's Orange County Adult Alcohol and Drug Sober Living Facilities Certification Program (see www.ocsd.org for more information or contact Certificate Coordinator Lt. Jeff Bardzik at 714-773-4523 or jbardzik@ocsd.org or Margo Grise at 714-773-4521 at mgrise@ocsd.org. This certification is required.
- The Orange County Sober Living Network (see http://www.soberhousing.net/orange_county.html or contact Grant McNiff at 714-875-2954. This certification is recommended.

You do not have to attain the OCSD certification to apply for a Use Permit, but we suggest that you attain the certification within a reasonable amount of time (twelve [12] months) following your application submittal. Should a Use Permit be issued, it may include a condition that certification be obtained within a stated time period. If you have attained this certification prior to applying for the Use Permit, verify here that you have attained this certification, and attach the verifying document from the certifying entity:

Orange County Adult Alcohol and Drug Sober Living Facilities Certification (required)

Orange County Sober Living Network (recommended)

Other (please describe) _____

L. SECONDHAND SMOKE LIMITATIONS

NBMC §20.91A.050.A directs that "no staff, clients, guests, or any other uses of the facility may smoke in an area from which the secondhand smoke may be detected on any parcel other than the parcel upon which the facility is located. Check and sign here to acknowledge this requirement and your use's adherence to it:

I acknowledge that I will control secondhand smoke on my facility such that no secondhand smoke may be detected on any parcel other than the parcel upon which my facility is located.

Signature: _____

Date: _____

Luisa Mello 5/20/08

9. APPLICANT OBLIGATIONS

- A. The "owner of record" of the property or an authorized agent must sign this Application. Signing the application under Section 10 means that the applicant certifies, under penalty of perjury, that the information provided within the Application and its attachments is true and correct. Per NBMC §20.90.030.C, false statements are grounds for denial or revocation.
- B. The Applicant acknowledges that he or she must comply with all other Federal, State, and local laws and regulations relating to this use. The Applicant understands that a violation of Federal, State, and local laws and regulations is grounds for revocation of the Permit. The Applicant understands and acknowledges that it is against California law to provide treatment (as defined) in an unlicensed facility.
- C. If the City issues a Use Permit based on the information provided in this Application, the Applicant's signature below certifies his or her agreement to comply with the terms of the Use Permit. The Applicant understands and acknowledges that non-compliance with the terms of the Use Permit is grounds for revocation of the Permit.

Revocation of the Use Permit. NBMC §20.96.040.E provides that the City can revoke a Use Permit if:

- The permit was issued under erroneous information or misrepresentation; or
- The applicant made a false or misleading statement of material fact, or omitted a material fact; or
- The conditions of use or other regulations or laws have been violated; or
- There has been a discontinuance of use for 180 days or more.

10. AUTHORIZED SIGNATURE(S) OF APPLICANT

THE UNDERSIGNED ASSURES THAT THE INFORMATION PROVIDED ON THIS APPLICATION IS TRUE AND CORRECT AND THAT THE APPLICANT HAS READ AND UNDERSTOOD HIS OR HER OBLIGATIONS UNDER ANY USE PERMIT ISSUED BASED ON THIS APPLICATION.

- A. If the applicant is a sole proprietor, the application shall be signed by the proprietor.
- B. If the applicant is a partnership, the application shall be signed by each partner.
- C. If the applicant is a firm, association, corporation, county, city, public agency or other governmental entity, the application shall be signed by the chief executive officer or the individual legally responsible for representing the agency.

Quality Sober Living Homes in Southern California

THE SOBER LIVING NETWORK

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The Sober Living Network

A SOBER HOUSING VISION

Someday there will be **recovery supportive housing and community centers throughout the United States.** These clusters will be developed with a variety that will include individual houses, apartments, and congregate living accommodations. There will be a mixture of housing with normal-cost apartments for recovery veterans and low-cost, supervised shared housing for those in early recovery. In many accommodations there will be specially designed housing sections for women and/or men with children that have play areas and childcare. Sober housing clusters will be designed to accommodate persons who are physically and mentally challenged.

Sober housing clusters will be **recovery-promoting incubators.** The clusters will include meeting spaces to host self-help and educational meetings, recreational, and social events. They will be operated within a democratic culture and a high level of recovery enthusiasm.

These clusters will become **islands of sobriety in our alcohol and drug using society.** Sober housing and community centers will become continuously available as a recovery assistance resource for alcoholics, addicts, and family members. They will be available and noticeable not only to those who are fully into their addiction, but those who are in their earlier or experimental stages. Communities of stable recovering persons can easily absorb newly recovering persons into their community.

Currently many sober living homes are trying to meet the needs of newly recovering persons without the benefit of having a core of stable recovering residents or the management resources to meet their recovery service needs.

The rationale for cluster housing is that the **self-help learning process comes in bits and pieces.** The greater the exposure to a comprehensive recovery environment with many recovery activities and a predominance of recovering people, the greater chance a person has to learn recovery. The need for a balance of recovery experiences became evident when twelve-step meetings dominated by newcomers were not as effective in assisting recovery as those meetings where most members have long-term stable recovery.

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The Sober Living Network

COMMUNITY RECOVERY SUPPORT RESOURCES

Community recovery resources offer a practical and cost-efficient way to assist alcoholics, addicts and family members to enter and maintain long-term recovery.

The current alcohol and drug treatment system does not have the capacity to meet the long-term recovery assistance needs required to meet the needs of the many. The treatment system is too heavily invested in short-term treatment and too little invested in the development of safe and healthy community recovery promoting environments and activities that are constantly available to support recovery and life style enhancements.

Alcohol and drug treatment programs have been formatted by government and academic institutions into quality "people processing" treatment stations that are now too costly per person assisted to significantly reduce addiction problems.

Community recovery is based on the postulate that safe and sober places filled with healthy recovery activities provide the environments, motivation and recovery tools for alcoholics, addicts and family members to assist (process) themselves. Operators maintain healthy and safe environments and promote individual recovery responsibility. Community recovery resources include self-help meetings, Alano clubs-which host self-help activity, community recovery centers, sober living housing, and sober recreational and social events. Community recovery centers are self-service spaces that offer education sessions, host self-help groups, hold social/recreational events and have counseling and therapy available by self-selection. Community recovery centers, activities and housing are easily adaptable to meet the broad ethnic, cultural and physically challenged needs.

Community recovery resources are assisting millions of alcoholics, addicts and family members in recovery from alcoholism and other drug addictions with little or no support from government and health insurance funding sources. Sober living homes, Alano clubs and community recovery centers are primarily created and supported by recovering persons motivated by a call to be of service to others.

The Sober Living Network
P.O. Box 5235, Santa Monica, CA 90409
(310) 396-5270

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The National Council on Alcoholism and Drug Dependence fights the stigma and the disease of alcoholism and other drug addictions.

Facts and Information

Alcoholism and Drug Dependence Are America's Number One Health Problem

The cost and consequences of alcoholism and drug dependence place an enormous burden on American society. As the nation's number one health problem, addiction strains the health care system, the economy, harms family life and threatens public safety.

Substance abuse crosses all societal boundaries, affects both genders, every ethnic group, and people in every tax bracket. Scientific documentation defines alcoholism and drug dependence as a disease that has roots in both genetic susceptibility and personal behavior.

THE SCOPE OF THE PROBLEM

- *There are more deaths and disabilities each year in the U.S. from substance abuse than from any other cause.* ¹
- *About 18 million Americans have alcohol problems; about 5 to 6 million Americans have drug problems.* ²
- *More than half of all adults have a family history of alcoholism or problem drinking.* ³
- *More than nine million children live with a parent dependent on alcohol and/or illicit drugs.* ⁴

THE CONSEQUENCES

- *One-quarter of all emergency room admissions, one-third of all suicides, and more than half of all homicides and incidents of domestic violence are alcohol-related.* ⁵

- *Heavy drinking contributes to illness in each of the top three causes of death: heart disease, cancer and stroke.* ⁶

- *Almost half of all traffic fatalities are alcohol-related.* ⁷
- *Between 48% and 64% of people who die in fires have blood alcohol levels indicating intoxication.* ⁸
- *Fetal alcohol syndrome is the leading known cause of mental retardation.* ⁹

THE COST

- *Alcohol and drug abuse costs the American economy an estimated \$276 billion per year in lost productivity, health care expenditures, crime, motor vehicle crashes and other conditions.* ¹⁰
- *Untreated addiction is more expensive than heart disease, diabetes and cancer combined.* ¹¹
- *Every American adult pays nearly \$1,000 per year for the damages of addiction.* ¹²

SO, WHAT CAN BE DONE?

Like other diseases, addiction can be overcome with proper treatment, prevention and more research. By increasing access to care, the costly toll on society and the burden it places on families can be reduced. Research shows conclusively that successful prevention and treatment leads to reductions in traffic fatalities, crime, unwanted pregnancy, child abuse, HIV, cancer and heart disease. Treatment reduces drug use, improves health, improves job performance, reduces involvement with the criminal justice system, reduces family dysfunction and improves quality of life.

The Comprehensive Assessment Treatment Outcomes Registry Data in Ohio have documented dramatic results in decreasing occupational problems, including the following reductions after treatment:

- *Absenteeism decreased by 89%*

- *Tardiness decreased by 92%*
- *Problems with supervisors decreased by 56%*
- *Mistakes in work decreased by 70%*
- *Incomplete work decreased by 81%* ¹³

Additionally, a California Study found significant decreased health care costs from before to after treatment in:

- *Hospitalizations for physical health problems (-36%)*
- *Drug overdose hospitalizations (-58%)*
- *Mental health hospitalizations (-44%)*
- *The number of emergency room visits (-36%)*
- *The total number of hospital days (-25%)* ¹⁴

Americans increasingly recognize that alcoholism and drug dependence is a disease with consequences that affect both physical and behavioral health. Diagnostic and treatment services have changed in recent years and modern treatment, when adequately provided, enables a great many people to recover and rebuild productive lives.

It is important that the public be aware of evidence generated by scientific inquiry, clinical evaluation and clinical experience. The evidence demonstrates that treatment for alcohol and other drug abuse works. Treatment not only saves lives, it also saves dollars that would otherwise be spent in other areas of medical care and social services. For every dollar spent on addiction treatment, seven dollars is saved in reduced health care costs.¹⁵

The National Council on Alcoholism and Drug Dependence is dedicated to fighting the stigma and the disease of alcoholism and other drug addictions by providing education, information, help and hope to the public. NCADD advocates prevention, intervention, and treatment through a network of 97 affiliates across the United States. For more information, visit: www.ncadd.org.

Alcoholism and drug dependence are treatable and millions of people achieve recovery.

SOURCES

1. "Substance Abuse: The Nation's Number One Health Problem," Institute for Health Policy, Brandeis University, 1993.

- FACTS: AMERICA'S NUMBER ONE HEALTH PROBLEM
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 3. Position Paper on Drug Policy, Physician Leadership on National Drug Policy (PLNDP), Brown University Center for Alcohol and Addiction Studies, 2000.
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 7. National Highway Traffic Safety Administration, Annual Report, 1992.
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 12. The National Drug Control Strategy, The White House, 1997.
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 14. Gerstein, et al, "Evaluating Recovery Services: the California Drug and Alcohol Assessment," Sacramento, 1994.
 15. Ibid.

Compiled 6/02



National Council on Alcoholism and Drug Dependence, Inc.

244 East 58th Street, 4th Floor, New York, NY 10022
phone: 212/269-7797 fax: 212/269-7510
email: national@ncadd.org <http://www.ncadd.org>
HOPE LINE: 800/NCA-CALL (24-hour Affiliate referral)

General population

According to data from the 2005 National Household Survey on Drug Use and Health (NSDUH) --

- 112 million Americans age 12 or older (46% of the population) reported illicit drug use at least once in their lifetime
- 14% reported use of a drug within the past year
- 8% reported use of a drug within the past month.

Data from the 2005 survey showed that marijuana and cocaine use is the most prevalent among persons age 18 to 25.

| Drug use | Age of respondent, 2004 | | |
|------------------|-------------------------|-------|-------------|
| | 12-17 | 18-25 | 26 or older |
| Marijuana | | | |
| Last month | 6.8% | 16.6% | 4.1% |
| Last year | 13.3 | 28.0 | 6.9 |
| Cocaine | | | |
| Last month | 0.6% | 2.8% | 0.8% |
| Last year | 1.7 | 8.9 | 1.5 |

Source: SAMHSA, Office of Applied Studies, 2005 National Survey on Drug Use and Health: National Findings, September 2006.

The Drug Abuse Warning Network (DAWN) monitors drug-related emergency department (ED) visits for the nation and for selected metropolitan areas. DAWN also collects data on drug-related deaths investigated by medical examiners and coroners in selected metropolitan areas and States.

In 2005, DAWN estimates that nearly 1.4 million emergency department visits nationwide were associated with drug misuse or abuse.

An estimated 816,896 drug-related emergency department visits involved a major substance of abuse. DAWN estimates that:

- Cocaine was involved in 448,481 ED visits.
- Marijuana was involved in 242,200 ED visits.
- Heroin was involved in 164,572 ED visits.
- Stimulants, including amphetamines and methamphetamine, were involved in 138,950 ED visits.
- Other illicit drugs, such as PCP, Ecstasy, and GHB, were much less frequent than any of the above.

Source: U. S. Department of Health and Human Services, SAMHSA, Office of Applied Studies, Drug Abuse Warning Network, 2005: National Estimates of Drug-Related Emergency Department Visits. DAWN Series D-29, DHHS Publication No. (SMA) 07-4256, Rockville, MD, 2007.

In 2003, 122 jurisdictions in 35 metropolitan areas and 6 States submitted mortality data to DAWN. The States, which are all new to DAWN, are Maine, Maryland, New Hampshire, New Mexico, Utah, and Vermont. DAWN cannot provide national estimates of drug-related deaths.

In the metropolitan areas, nearly half of drug misuse deaths, on average, involved a major substance of abuse (cocaine, heroin, marijuana, stimulants, club drugs, hallucinogens, or non-pharmaceutical inhalants). Across the 6 States, major substances were reported in about a third of misuse deaths. Still, major substances were reported in 40% to 45% of drug misuse deaths in Maryland, New Mexico, and Utah. Descriptions of drug abuse deaths in the participating metropolitan areas are available in the Mortality Data from the DAWN, 2003 report.

According to data from the 2003 Mortality Data from DAWN – Cocaine was the most frequently reported illicit drug. In the drug misuse deaths, cocaine was among the top 5 drugs in 28 of the 32 metropolitan areas and all of the 6 States. On average, cocaine alone or in combination with other drugs was reported in 39% of drug misuse deaths (range 8% to 70%). Alcohol was one of the 5 most common drugs in 30 of the 32 metropolitan areas and 5 of the 6 States. In 29 of the 32 metropolitan areas, more drug misuse deaths involved an opiate/opioid than any other drug.

Source: U. S. Department of Health and Human Services, SAMHSA, Office of Applied Studies, Drug Abuse Warning Network, 2003: Area Profiles of Drug-Related Mortality. DAWN Series D-27, DHHS Publication No. (SMA) 05-4023, Rockville, MD, 2005.

[Previous](#)

[Contents](#)

[Next](#)

[BJS home page](#) | [Top of this page](#)

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OJP Freedom of Information Act page
 Legal Policies and Disclaimers
 Page last revised on April 11, 2007

U.S. Department of Justice Office of Justice Programs
Bureau of Justice Statistics



Contents
 Previous
 Next

Drugs and Crime Facts

Drug use

To the BJS
 home page

Youth | General population

Youth

- Use
- Perceived risk
- Student reports of availability of drugs

Use

The Monitoring the Future Study asked high school seniors, "On how many occasions, if any, have you used drugs or alcohol during the last 12 months or month?"

Reported drug and alcohol use by high school seniors, 2006

| Drugs | Used within the last: | |
|---------------|-----------------------|---------|
| | 12 months* | 30 days |
| Alcohol | 66.5% | 45.3% |
| Marijuana | 31.5 | 18.3 |
| Other opiates | 9.0 | 3.8 |
| Stimulants | 8.1 | 3.7 |
| Sedatives | 6.8 | 3.0 |
| Tranquilizers | 6.8 | 2.7 |
| Cocaine | 5.7 | 2.6 |
| Hallucinogens | 4.9 | 1.5 |
| Inhalants | 4.5 | 1.5 |
| Steroids | 1.8 | 1.1 |
| Heroin | 0.8 | 0.4 |

*Including the last month.
 Source: Press release: *Teen drug use continues down in 2006, particularly among older teens; but use of prescription-type drugs remains high*, University of Michigan News and Information Services, December 21, 2006. (Acrobat file 576.81KB)

Self-reports of drug use among high school seniors may under represent drug use among youth of that age because high school dropouts and truants are not included, and these groups may have more involvement with drugs than those who stay in school.

Percent of all college students, 1995-2006

| Drug use | 1995 | 1996 | 1997 | 1998 | 1999 | 2000 | 2001 | 2002 | 2003 | 2004 | 2005 |
|------------------|------|------|------|------|------|------|------|------|------|------|------|
| Marijuana | | | | | | | | | | | |
| Daily within | | | | | | | | | | | |
| last month | 3.7% | 2.8% | 3.7% | 4.0% | 4.0% | 4.6% | 4.6% | 4.1% | 4.7% | 4.5% | 4.0% |
| Last month | 18.8 | 17.8 | 17.7 | 18.8 | 20.7 | 20.0 | 20.2 | 19.7 | 19.3 | 18.9 | 17.1 |
| Last year | 31.2 | 33.1 | 31.6 | 35.9 | 35.2 | 34.0 | 35.6 | 34.7 | 33.7 | 33.3 | 33.3 |
| Cocaine | | | | | | | | | | | |
| Daily within | | | | | | | | | | | |
| last month | 0.0% | 0.0% | 0.0% | 0.0% | 0.0% | 0.0% | 0.0% | 0.0% | * | 0.0% | 0.1% |
| Last month | 0.7 | 0.8 | 1.8 | 1.8 | 1.2 | 1.4 | 1.9 | 1.8 | 1.9 | 2.4 | 1.8 |
| Last year | 3.6 | 2.9 | 3.4 | 4.6 | 4.6 | 4.8 | 4.7 | 4.8 | 5.4 | 6.6 | 5.7 |

* Less than 0.05%

Rates of past year cocaine use by college students have varied over the past 10 years from a low of 2.9% in 1996 to a high of 5.7% in 2005. Past year marijuana use has ranged from a low of 31.2% in 1995 to a high of 35.9% in 1998.

Source: University of Michigan, *Monitoring the Future National Survey Results on Drug Use, 1975-2005, Volume II: College Students and Adults Ages 19-46, 2005*, October 2006. (Acrobat file 2.31 MB)

Of high school seniors in 2005 -

- 44.8% reported having ever used marijuana/hashish
- 8.0% reported having ever used cocaine
- 1.5% reported having ever used heroin.

Source: University of Michigan, *Monitoring the Future National Results on Adolescent Drug Use: Overview of Key Findings 2006*, April 2006. (Acrobat file 442.77KB)

The increase in the use of marijuana has been especially pronounced. Between 1982 and 2005 past-month use of marijuana increased from:

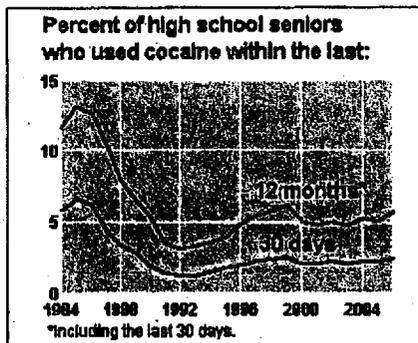
- 12% to 20% among high school seniors.
- 8% to 15% among 10th graders.
- 4% to 7% among 8th graders.

Reported use of marijuana by high school seniors during the past month peaked in 1978 at 37% and declined to its lowest level in 1992 at 12%.

The use of cocaine within the past month of the survey by high school seniors peaked in 1985 at 6.7%, up from 1.9% in 1975 at the survey's inception. Cocaine use declined to a low of 1.3% in 1992 and 1993. In 2005, 2.3% of high school seniors reported past-month cocaine use.

Source: University of Michigan, *Monitoring the Future National Results on Adolescent Drug Use: Overview of Key Findings 2006*, April 2006. (Acrobat file 442.77KB).

Cocaine use among high school seniors peaked in 1985.



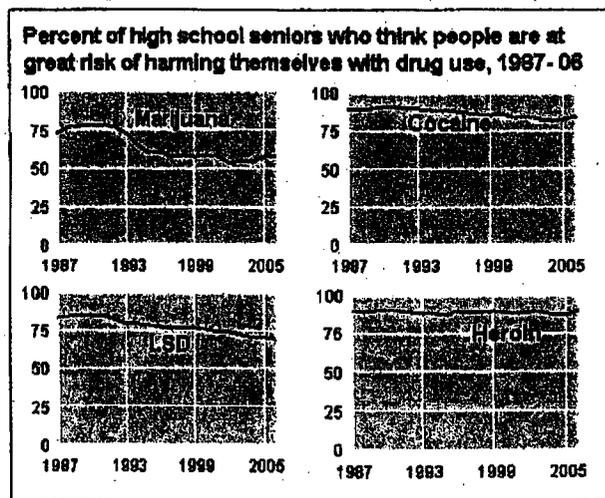
[D]

Click on the chart to view the data.

Source: Press release: *Teen drug use continues down in 2006, particularly among older teens; but use of prescription-type drugs remains high*, University of Michigan News and Information Services, December 21, 2006. (Acrobat file 576.81KB).

Perceived risk

From 1987 to 2006 the percentage of high school seniors that were asked, "How much do you think people risk harming themselves?" remained virtually stable. Those students answering "great risk" in regular use accounted for the following --



[D]

Click on the chart to view the data.

Source: Press release: *Teen drug use continues down in 2006, particularly among older teens; but use of prescription-type drugs remains high*, University of Michigan News and Information Services, December 21, 2006. (Acrobat file 576.81KB)

Student reports of availability of drugs

Percent of high school seniors reporting they could obtain drugs fairly easily or very easily, 2006

| | |
|-------------------------|-------|
| Marijuana | 84.9% |
| Amphetamines | 52.9 |
| Cocaine | 46.6 |
| Barbiturates | 43.8 |
| Crack | 38.8 |
| LSD | 29.0 |
| Heroin | 27.4 |
| Crystal methamphetamine | 26.7 |
| Tranquillizers | 24.4 |
| PCP | 23.1 |
| Amyl/butyl nitrites | 18.4 |

Source: Press release: *Teen drug use continues down in 2006, particularly among older teens; but use of prescription-type drugs remains high*, University of Michigan News and Information Services, December 21, 2006. (Acrobat file 576.81KB)

In 2006, 25% of all students in grades 9 through 12 reported someone had offered, sold, or given them an illegal drug on school property. There was no measurable change with the percentage of students who reported that drugs were offered, sold, or given to them at school between 2003 and 2005.

Males were more likely than females to report that drugs were offered, sold, or given to them on school property in each survey year between 1993 and 2005. In 2006, 29% of males and 22% of females reported availability of drugs.

Source: BJS jointly with the U.S. Department of Education, *Indicators of School Crime and Safety, 2006*, NCJ 214262, December 2006.

← To the top

General population

According to data from the 2005 National Household Survey on Drug Use and Health (NSDUH) –

- 112 million Americans age 12 or older (46% of the population) reported illicit drug use at least once in their lifetime
- 14% reported use of a drug within the past year
- 8% reported use of a drug within the past month.

Data from the 2005 survey showed that marijuana and cocaine use is the most prevalent among persons age 18 to 25.

| Drug use | Age of respondent, 2004 | | |
|------------------|-------------------------|-------|-------------|
| | 12-17 | 18-25 | 26 or older |
| Marijuana | | | |
| Last month | 6.8% | 16.6% | 4.1% |
| Last year | 13.3 | 28.0 | 6.9 |
| Cocaine | | | |
| Last month | 0.6% | 2.6% | 0.8% |
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Source: SAMHSA, Office of Applied Studies, 2005 *National Survey on Drug Use and Health: National Findings*, September 2006.

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In 2005, DAWN estimates that nearly 1.4 million emergency department visits nationwide were associated with drug misuse or abuse.

An estimated 816,698 drug-related emergency department visits involved a major substance of abuse. DAWN estimates that:

- Cocaine was involved in 448,481 ED visits.
- Marijuana was involved in 242,200 ED visits.
- Heroin was involved in 164,572 ED visits.
- Stimulants, including amphetamines and methamphetamine, were involved in 138,950 ED visits.
- Other illicit drugs, such as PCP, Ecstasy, and GHB, were much less frequent than any of the above.

Source: U. S. Department of Health and Human Services, SAMHSA, Office of Applied Studies, *Drug Abuse Warning Network, 2005: National Estimates of Drug-Related Emergency Department Visits*. DAWN Series D-28, DHHS Publication No. (SMA) 07-4256, Rockville, MD, 2007.

In 2003, 122 jurisdictions in 35 metropolitan areas and 6 States submitted mortality data to DAWN. The States, which are all new to DAWN, are Maine, Maryland, New Hampshire, New Mexico, Utah, and Vermont. DAWN cannot provide national estimates of drug-related deaths.

In the metropolitan areas, nearly half of drug misuse deaths, on average, involved a major substance of abuse (cocaine, heroin,

marijuana, stimulants, club drugs, hallucinogens, or non-pharmaceutical inhalants). Across the 6 States, major substances were reported in about a third of misuse deaths. Still, major substances were reported in 40% to 45% of drug misuse deaths in Maryland, New Mexico, and Utah. Descriptions of drug abuse deaths in the participating metropolitan areas are available in the *Mortality Data from the DAWN, 2003* report.

According to data from the *2003 Mortality Data from DAWN* – Cocaine was the most frequently reported illicit drug in the drug misuse deaths, cocaine was among the top 5 drugs in 28 of the 32 metropolitan areas and all of the 6 States. On average, cocaine alone or in combination with other drugs was reported in 38% of drug misuse deaths (range 8% to 70%). Alcohol was one of the 5 most common drugs in 30 of the 32 metropolitan areas and 5 of the 6 States. In 29 of the 32 metropolitan areas, more drug misuse deaths involved an opiate/opioid than any other drug.

Source: U. S. Department of Health and Human Services, SAMHSA, Office of Applied Studies, *Drug Abuse Warning Network, 2003: Area Profiles of Drug-Related Mortality*. DAWN Series D-27, DHHS Publication No. (SMA) 05-4023, Rockville, MD, 2005.

[Previous](#)

[Contents](#)
[BJS home page](#) | [Top of this page](#)

[Next](#)

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OJP Freedom of Information Act page
Legal Policies and Disclaimers
Page last revised on April 11, 2007

Homeowner's Guide

May 2007

Compliments of Ted Bosley, Your Neighbor and RE Professional

Issue 16



Edward "Ted" Bosley
(949) 294-2126
TedBosley@yahoo.com

Service • Integrity • Commitment



WWW.TEDBOSLEY.COM
Great source for RE information,
tools plus Bi-monthly
OC Homeowner's Guide
Newsletter

Ted Bosley Appointed to SAH Project Advisory Committee

I started attending the SAH PAC meetings 5 years ago, mostly so that I could learn as much as possible about events affecting our community.

You, the readers of my periodic newsletters, have been the benefactors since I have shared with you much of what was learned in that forum as well as Supervisor, City Council and LAFCO meetings. Many of you have also been in attendance at those same meetings.

I appreciate being appointed to serve on the SAH Project Advisory Committee. This gives me the opportunity to serve on critical sub-committees that make recommendations to the Bd of Supervisors and the NB City Council on matters that have significant impact on our community.

Waterpointe to Start Development on Orchard

In a recent response to my inquiry about the timeline for this Westside SAH project, I received the following statement:

"We are still processing our final map with the County of Orange. Once recordation of the map occurs we are planning on starting the project. ... Once again I thank you for your assistance in getting this project approved."

Garrett Calacci,
Waterpointe Development Principal



Westside SAH Annexation Update

The next LAFCO hearing date is May 9th at 9:00 AM. The meeting will be held in the Hall of Administration, 12 Civic Center Plaza, Santa Ana, in the Planning Commission Hearing Room.

The City of Newport Beach's application for a sphere of influence change and concurrent annexation of West Santa Ana Heights and the City of Costa Mesa's application for a sphere of influence change for the Banning Ranch property will be considered by LAFCO on this date.

Staff reports for both proposals will be available for review on Wednesday afternoon, May 2, 2007, on the Orange County LAFCO website: www.orange.LAFCO.ca.gov. Click on the "Agenda and Minutes" link, then click on agenda item.

This is the meeting we all have been waiting for. LAFCO is suppose to come to a final resolution on the West Side Annexation to Newport at this meeting. PAC will be there to support Annexation as always.
Source of this information is www.SAHPAC.com

If you would like more information relating to the history of this effort please visit www.sahpac.com/sys-tmpl/westsideannexation.

Sober Living Homes Make Their Community Christmas Contribution

Were you as surprised as I by the amazing decorations exhibited by the residents of the 3 (at that time) Yellowstone Recovery homes during the Christmas holidays? One of the reasons was a little competition between the 3 homes along with the help the men's home provided to the other 2 women's homes.

Their effort also brought out the competitive spirit in some of the other homes in the neighborhood ...

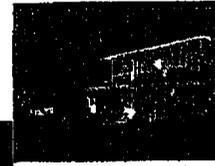
Congratulations!!



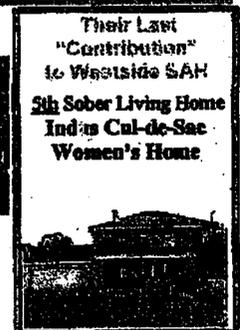
Indus Street
Women's Home



Redlands St.
Men's Home



Pegasus Street
Women's Home



Their Last
"Contribution"
to Westside SAH
5th Sober Living Home
Indus Cul-de-Sac
Women's Home

Golf Course or Parking Lot?

Daily Pilot Article on April 18th discusses this subject. If you do not take the Pilot you can go to www.daily-pilot.com/articles/2007/04/18/politics/dpt-golfcourse18.txt to view it.

What I cannot understand is why anyone on the Airport Committee would suggest that a Car Rental Auto Storage facility should replace the Newport Beach Golf Course Back 9, that brings so much pleasure to so many, when their lease is up at the end of July, 2007.

(Continued on page 2)

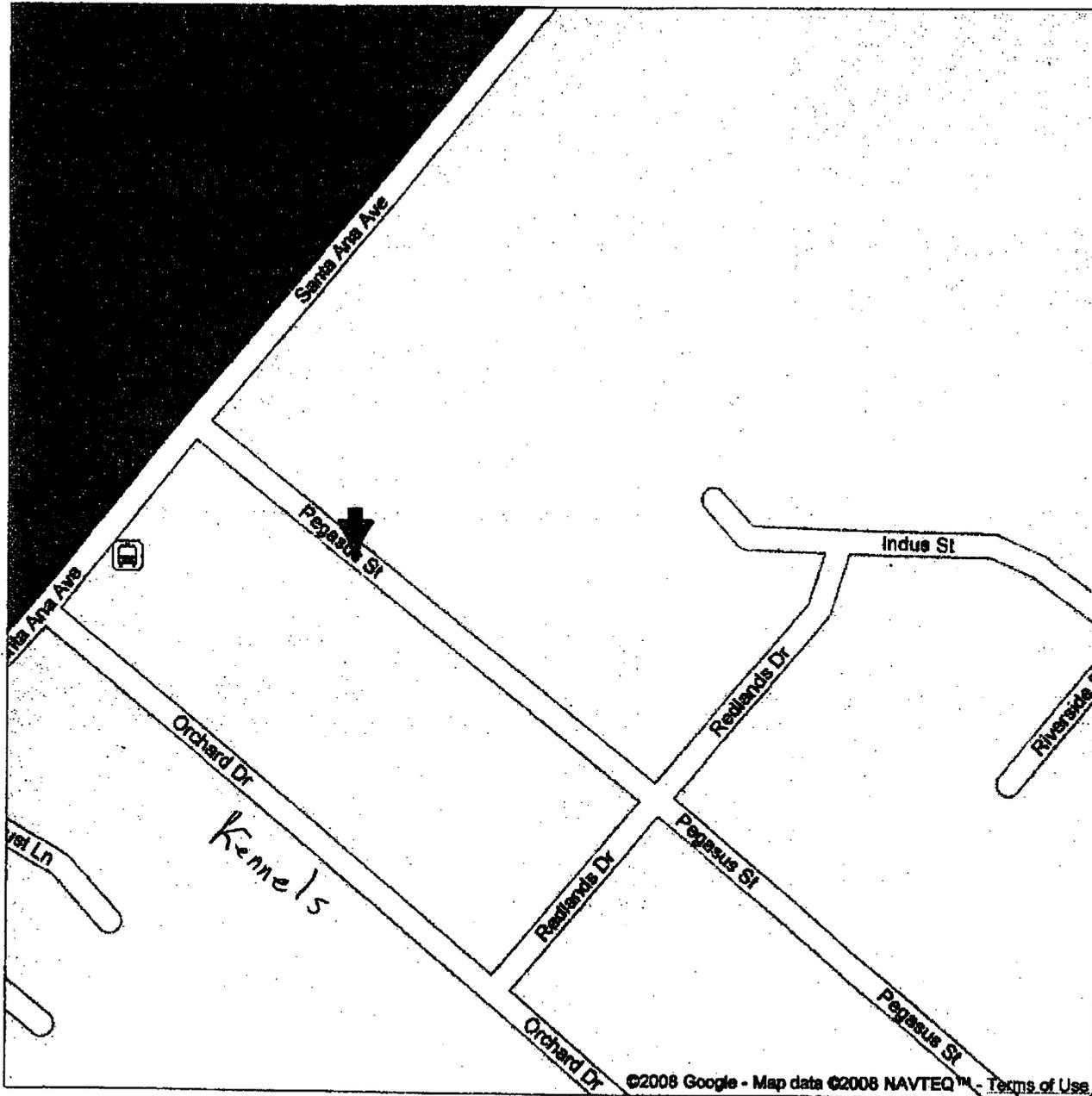
Send an email to John.Moorlach@ocgov.com AND TedBosley@yahoo.com with your opinion of the possibility of not extending the lease for the NB Golf Course ... ADD to let me know of your interest in participating in this season's \$100 drawing!!

YS 00645



Address 1571 Pegasus St
Santa Ana, CA 92707

Get Google Maps on your phone
Text the word "GMAPS" to 466453



©2008 Google - Map data ©2008 NAVTEQ™ - Terms of Use

Attachment 7

1. 1571 Pegasus, Newport Beach, CA 92707
 - a. Certified Sober Living Home
 - b. Original Certification: April, 2005
2. 1621 Indus St., Newport Beach, CA 92707
 - a. Certified Sober Living Home
 - b. Original Certification: April, 2005
3. 20172 Redlands Dr., Newport Beach, CA 92707
 - a. Certified Sober Living Home
 - b. Original Certification: April, 2005
4. 1561 Indus, Newport Beach, CA 92707
 - a. Certified Sober Living Home
 - b. Original Certification: April, 2005

City of Newport Beach
 GROUP RESIDENTIAL USES – USE PERMIT APPLICATION
 FACILITY STAFFING DATA
 (Form 400 – February 2008)

Use this form to identify all staff of the facility/program. Designate volunteers by placing a "V" after their name.

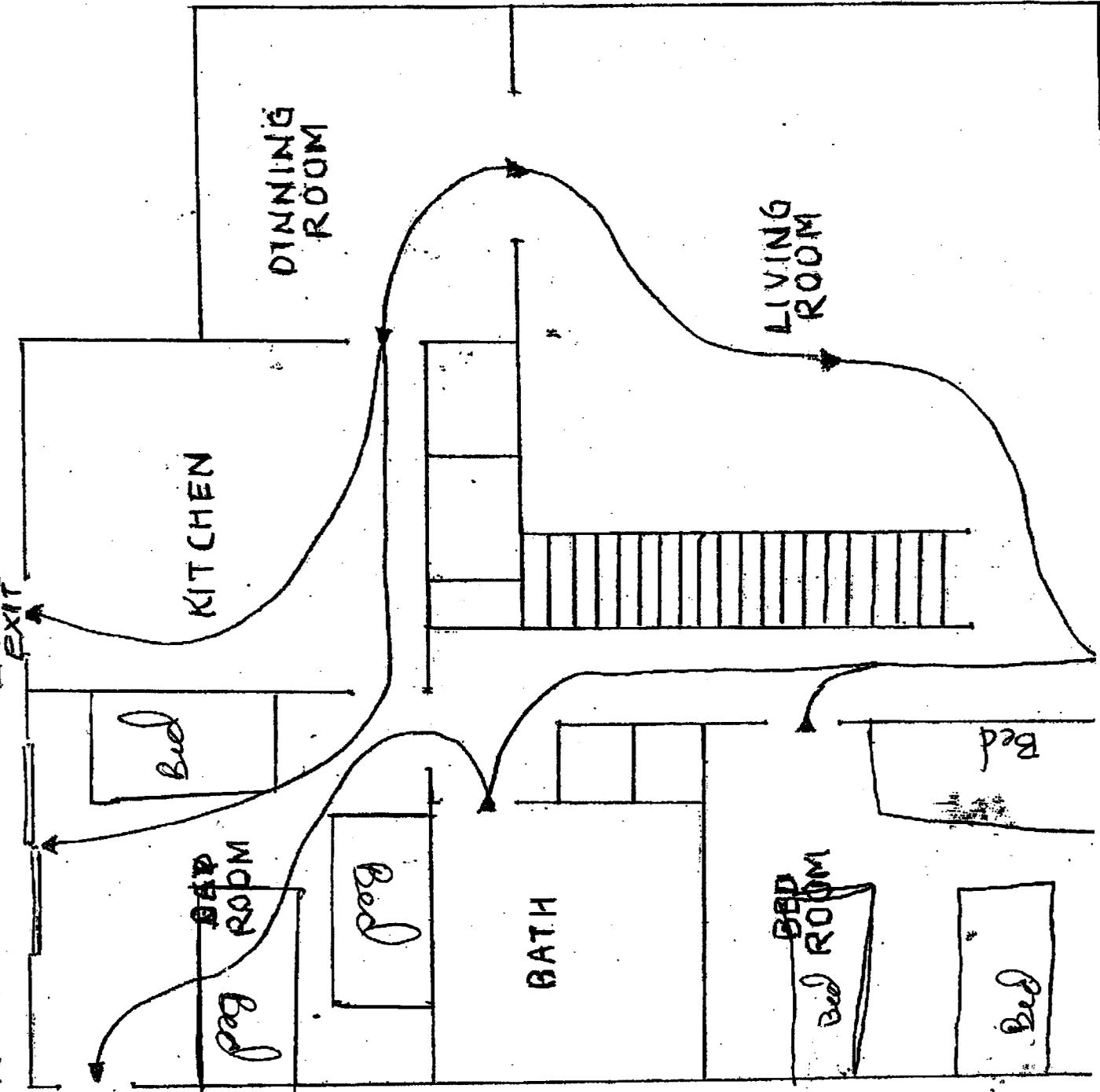
| Employee Name and Title | Date Employed | Total Time of Recovery Program Experience | Total Hours Per Month Scheduled | Date of Last CPR Training | Date of Last First Aid Training |
|-------------------------|---------------|---|---------------------------------|---------------------------|---------------------------------|
| Jacki Nielsen-V | 2006 | 2 years | 168 | 11-12-06 | 11-12-06 |
| Katherine Harris-V | 2002 | 6 years | 100 | 12-12-06 | 12-13-06 |
| | | | | | |
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11. 11. 11. 11. 11.

PEGASUS HOUSE EVAQUATION

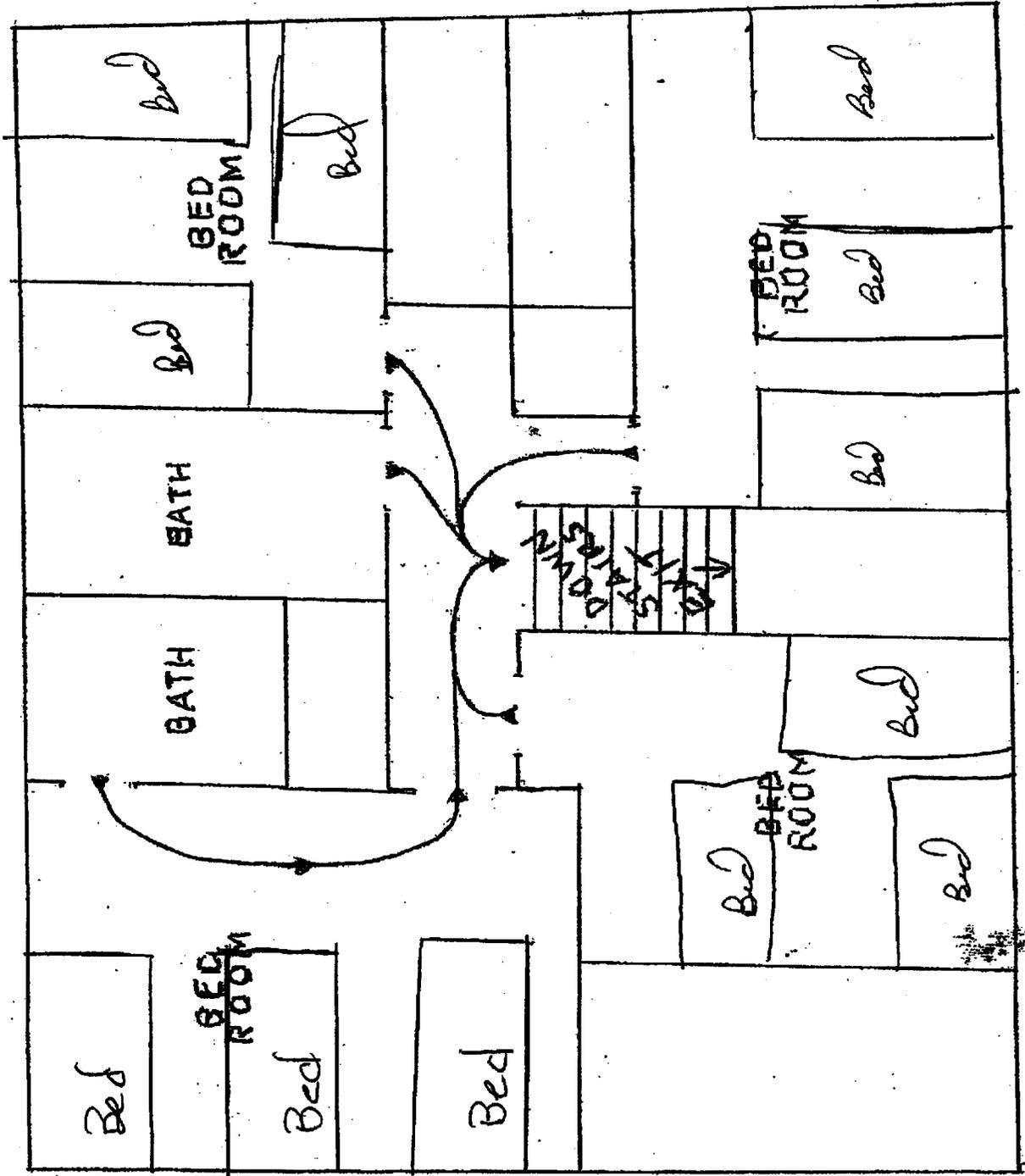
FIRST FLOOR

EXIT



PEGASUS HOUSE EVACUATION

SECOND FLOOR



Handwritten signature

City of Newport Beach
GROUP RESIDENTIAL USES – USE PERMIT APPLICATION
ADMINISTRATOR/DIRECTOR INFORMATION
 (Form 150 – February 2008)

IDENTIFYING INFORMATION

NAME Dr. Anna Marie Thames
 TITLE CEO TELEPHONE NUMBER AT WHICH OPERATOR MAY BE CONTACTED AT ALL TIMES (NBMC §20.91A.050.B) (949) 678-9000
 ADDRESS 28 Ima Loo Newport Bch, Ca
 OTHER NAME(S) USED BY ADMINISTRATOR/DIRECTOR Honey Thames

EDUCATION

| EDUCATION | CIRCLE THE HIGHEST GRADE YOU COMPLETED 1 2 3 4 5 6 7 8 9 10 11 12 | HIGH SCHOOL GRADUATE | | YES <input checked="" type="checkbox"/> | NO <input type="checkbox"/> |
|--|--|--------------------------------------|-------------------------|---|-----------------------------|
| | | PASSED HIGH SCHOOL EQUIVALENCY TESTS | | YES <input checked="" type="checkbox"/> | NO <input type="checkbox"/> |
| NAME AND LOCATION OF COLLEGE OR UNIVERSITY | COURSE OF STUDY | COMPLETED SEMESTER UNITS | COMPLETED QUARTER UNITS | DEGREE OBTAINED | DATE COMPLETED |
| <u>UCLA</u> | <u>Education</u> | | | <u>PH.D.</u> | <u>1976</u> |
| <u>Univ. of Houston</u> | <u>Business</u> | | | <u>B. A.</u> | <u>1967</u> |
| <u>Univ. of Texas</u> | <u>Literature</u> | | | <u>M. A.</u> | <u>1969</u> |

MANAGEMENT EXPERIENCE

| Type | Title | Date Started | Date Ended | Reason for Leaving |
|---------------------|------------|--------------|-------------|---------------------------|
| <u>Yellowstone</u> | <u>CEO</u> | <u>1997</u> | | <u>Still in operation</u> |
| <u>Alta Systems</u> | <u>CEO</u> | <u>1990</u> | <u>1996</u> | <u>New Company</u> |

DO YOU HAVE A PROFESSIONAL LICENSE OR CERTIFICATE? Yes No IF YES, COMPLETE THE FOLLOWING

| Type | Period Held | Issuing Agency |
|--------------------------------------|-----------------|----------------------------|
| <u>Lifetime teaching Credentials</u> | <u>lifetime</u> | <u>State of California</u> |

WORK EXPERIENCE. BEGIN WITH YOUR MOST RECENT WORK EXPERIENCE. LIST ALL EXPERIENCE RELEVANT TO THIS TYPE OF USE PERMIT.

| Dates | Name and Address of Employer | Duties | Reason for Leaving |
|---------------------------------------|---|---|---------------------------|
| FROM <u>1997</u> TO <u>current</u> | <u>Yellowstone</u> <u>1546 Bay St</u> <u>Costa Mesa, Ca</u> | <u>CEO</u> | <u>Still in operation</u> |
| FROM <u>1969</u> TO <u>2007</u> | <u>Coast Community College</u> | <u>Professor of Literature and Language</u> | <u>retired</u> |
| FROM | | | |
| TO | | | |

Signed Dr. Anna Thames Date 5/20/2008

City of Newport Beach
GROUP RESIDENTIAL USES - USE PERMIT APPLICATION
ADMINISTRATIVE ORGANIZATION & DELEGATION INFORMATION - CORPORATIONS
 (Form 200 - February 2008)

INSTRUCTIONS: This form must be updated and submitted to the City each time there is a change in officers or change in the corporation.

Yellowstone Women's first Step House **CORPORATION** Dr. A.M. Thames
 Name (as listed with the Secretary of State) Chief Executive Officer

Incorporation Date 1997 Place of Incorporation Costa Mesa, Ca

Principal office of business:
 Address 154 E. Bay St. City Costa Mesa, Zip Code 92627 Telephone 949-646-4494

Contact Person Leisha Mello Title Admin Coord. Telephone 949-678-0761

Names and addresses of all persons who own ten per cent (10%) or more of stock in corporation.
N/A

Governing Board of Directors
 a. Number of Board Members 12 b. Term of Office 5 years
 c. Frequency of Meetings Bimonthly d. Method of Selection Voted

Board Officers and Members USE A SEPARATE SHEET FOR ADDITIONAL NAMES

| Office | Name | Business Address & City & Zip Code | Telephone Number | Term Expiration |
|----------------|-----------------|---------------------------------------|------------------|-----------------|
| President | Dr. A.M. Thames | 154 E. Bay St, Costa Mesa, Ca | 949-678-9000 | 2010 |
| Vice-President | Dexter Cohen | 15 Lucene, Newport Bch, Ca | 949- | 2010 |
| Secretary | Leisha Mello | 165 Virginia Pl. Costa Mesa, Ca 92627 | 949-678-0761 | 2010 |
| Treasurer | Joan Franco | 476 Trause Dr Costa Mesa, Ca 92627 | 949-678-0762 | 2010 |
| Other | | | | |

City of Newport Beach
GROUP RESIDENTIAL USES - USE PERMIT APPLICATION
DELEGATION FORM - CORPORATIONS
(Form 200D - February 2008)

STATEMENT OF CORPORATE DELEGATION

Applicants who are corporations shall attach board resolutions authorizing a delegation to the Program Director and/or Administrator or other appropriate staff.

1. Applicant Name: Dr. A. M. Thames
2. Program Name: Yellowstone First Step House, Inc.
3. Program Address: 1571 Pegasus
4. City: ~~Newport Beach~~ Newport Beach County: Orange Zip Code: 92707
5. Telephone: (949) 646-4494
6. Leisha Mello
(Name of person(s) authorized by applicant)

...is hereby designated as administrator, program manager, or agent of the above-named program and is authorized to receive at the above named program on my behalf, any documents including reports of inspections and consultations, accusations, and civil and administrative processes.

I WILL NOTIFY THE CITY WITHIN 10 WORKING DAYS OF ANY CHANGE OF THE ADMINISTRATOR OF THE FACILITY.

7. Dr. A. M. Thames
Signature of applicant(s)
8. Title: CEO
9. Address: 28 Ima Loa
10. City: Newport Beach County: Orange Zip Code: 92663

City of Newport Beach
GROUP RESIDENTIAL USES – USE PERMIT APPLICATION
ADMINISTRATIVE ORGANIZATION -
PARTNERSHIPS, SOLE PROPRIETOR, AND OTHER ASSOCIATIONS
 (Form 200P – February 2008)

PARTNERSHIPS

1. Attach a copy of the partnership agreement *N/A*

2. Partners

| | Type of Partnership | Name | Business Address, City and Zip Code |
|-------------|--|------|-------------------------------------|
| 1st Partner | <input type="checkbox"/> General <input type="checkbox"/> Limited | | |
| 2nd Partner | <input type="checkbox"/> General <input type="checkbox"/> Limited | | |
| 3rd Partner | <input type="checkbox"/> General <input type="checkbox"/> Limited | | |
| 4th Partner | <input type="checkbox"/> General <input type="checkbox"/> Limited | | |

Contact Person _____ Title _____ Telephone # _____

SOLE PROPRIETOR/OTHER ASSOCIATIONS

Sole Proprietors/other associations must also provide a list of all person(s) legally responsible for the organization, the contact person, and appropriate legal documents (fictitious name statement, business license) which set forth legal responsibility of the organization and accountability for opening the program. Use the following space or attach a separate sheet.

City of Newport Beach
 GROUP RESIDENTIAL USES – USE PERMIT APPLICATION
 WEEKLY ACTIVITIES SCHEDULE
 (Form 500 – February 2008)

WEEKLY SCHEDULE OF SERVICES

| Time | Monday | Tuesday | Wednesday | Thursday | Friday | Saturday | Sunday |
|------------|--------|---------|-----------|----------|--------|----------|--------|
| 6-7 a.m. | | | | | | | |
| 7-8 a.m. | | | | | | | |
| 8-9 a.m. | | | | | | | |
| 9-10 a.m. | | | | | | | |
| 10-11 a.m. | | | | | | | |
| 11 a.m.-12 | | | | | | | |
| 12-1 p.m. | | | | | | | |
| 1-2 p.m. | | | | | | | |
| 2-3 p.m. | | | | | | | |
| 3-4 p.m. | | | | | | | |
| 4-5 p.m. | | | | | | | |
| 5-6 p.m. | | | | | | | |
| 6-7 p.m. | | | | | | | |
| 7-8 p.m. | | | | | | | |

*NA
 Sober Living*

TOTAL HOURS PER WEEK OF INDIVIDUAL/GROUP/EDUCATION SESSIONS, RECOVERY OR TREATMENT PLANNING, AND DETOXIFICATION SERVICES (IF PROVIDED): _____

Comments:

FIRE SAFETY INSPECTION REQUEST

STD. 850 (REV. 10-94)

See instructions on reverse.

| | | | | |
|--|--|--|--------------------------------|---|
| AGENCY/CONTACT'S NAME Chuck Browning | | TELEPHONE NUMBER (916) 322-2991 | REQUEST DATE 4-29-03 | PROGRAM A/DRF |
| EVALUATOR'S NAME Chuck Browning | | REQUESTING AGENCY FACILITY NUMBER NOT ASSIGNED YET | | REQUEST CODE IA |
| LICENSING AGENCY NAME AND ADDRESS Department of Alcohol & Drug Programs Licensing and Certification Branch 1700 K. Street Sacramento, Ca. 95814-4037 | | | | CODES 1. ORIGINAL A. FIRE CLEARANCE 2. RENEWAL B. LIFE SAFETY 3. CAPACITY CHANGE 4. OWNERSHIP CHANGE 5. ADDRESS CHANGE 6. NAME CHANGE 7. OTHER |

| AMBULATORY | | NONAMBULATORY | | BEDRIDDEN | | TOTAL CAPACITY |
|--|-------------------|---------------|-------------------|-----------|-------------------|--|
| CAPACITY | PREVIOUS CAPACITY | CAPACITY | PREVIOUS CAPACITY | CAPACITY | PREVIOUS CAPACITY | |
| 18 | | | | | | 18 |
| FACILITY NAME WOMEN'S RECOVERY OF CALIFORNIA, YELLOWSTONE- PEGASUS | | | | | | LICENSE CATEGORY Alcohol/Drug Facility |
| STREET ADDRESS (Actual Location) 1571 Pegasus Street | | | | | | NUMBER OF BUILDINGS |
| CITY Santa Ana Heights, California 92707 | | | | | | RESTRAINT |
| FACILITY CONTACT PERSON'S NAME Dr. A. M. (Honey) Thomas | | | | | | HOURS 24 |
| SPECIAL CONDITIONS | | | | | | |

TO BE COMPLETED BY INSPECTING AUTHORITY

| | | | | |
|---|---|--------------------------------|--|--|
| FIRE AUTHORITY NAME AND ADDRESS San Joaquin State Fire Authority Orange County Fire Authority San Joaquin State Fire Authority 57 Journey Aliso Viejo, CA 92656 | | | | CLEARANCE DENIAL CODE 1 |
| INSPECTOR'S NAME (Typed or Printed) Mike Johnson | | | | CODES <input checked="" type="checkbox"/> FIRE CLEARANCE GRANTED 2. FIRE CLEARANCE DENIED A. EXITS B. CONSTRUCTION C. FIRE ALARM D. SPRINKLERS E. HOUSEKEEPING F. SPECIAL HAZARD G. OTHER |
| TELEPHONE NUMBER (949) 362-4617 | CPIRS NUMBER 30065 | OCCUPANCY CLASS R6.2 | | |
| INSPECTION DATE 5-1-03 | INSPECTOR'S SIGNATURE <i>[Signature]</i> | | | |
| EXPLAIN DENIAL OR LIST SPECIAL CONDITIONS | | | | |

Approval for Ambulatory clients only.

Orange County Sober Living Coalition

Affiliated with the Sober Living Network

YELLOWSTONE PEGASUS

Yellowstone Pegasus Sober Living House at 1571 Pegasus Street, Newport Beach, CA

Is approved as a member in good standing
Meets the health and safety standards, as well as the management ability
and ethical guidelines in the operation of a quality sober living home.



Coalition inspection completed 4/15/08
Expires 4/14/09

Shirley D. McVick
OC Coalition Chair

Dorcas Gentry, C.A.T.C.
OC Coalition Secretary

PROVIDING EQUAL RECOVERY OPPORTUNITIES FOR ALL

EXHIBIT 3

**CORRESPONDENCE AND SUBSEQUENT
APPLICATION SUBMITTALS**



CITY OF NEWPORT BEACH
PLANNING DEPARTMENT
3300 NEWPORT BOULEVARD
NEWPORT BEACH, CA 92658
(949) 644-3200; FAX (949) 644-3229

June 19, 2008

YELLOWSTONE WOMEN'S FIRST STEP HOUSE, INC.
c/o Isaac R. Zfaty
SGSA Lawyers
19800 MacArthur Blvd., Suite 1000
Irvine, CA 92612

Dear Mr. Zfaty:

Subject: **NOTICE OF INCOMPLETE APPLICATION**
Use Permit No. 2008-036
Property located at 1571 Pegasus Street

This letter serves as notification that the Planning Department is in receipt of your application submittal regarding the proposed Use Permit for property located at the above referenced address. Upon review of your submitted application, documents and exhibits, the application has been deemed incomplete. Please provide the following clarifications and/or additional information:

1. Application Form 100, Item 2, Property Owner Information: Please provide a copy of a Preliminary Title Report or property profile that is less than 60 days old that verifies the legal owner of the property, and written authorization from the legal owner authorizing filing of this application.
2. Application Form 100, Item 3B, Other Similar Uses: Information on other Similar Use permits within the City is not provided, but will be provided by City staff from City records. However, the application is not complete until this information is included in application package.
3. Application Form 100, Item 4, Firm's Historic Uses: Other managed group residential uses are checked no, however your applications indicate that three other group homes are operated in Newport Beach. Please list these uses.
4. Application Form 100, Item 5, Conditional Uses Within 3 Block Radius: Information on other Use permits within the 3 block radius area is not provided, but will be provided by City staff from City records. However, the application is not complete until this information is included in application package.
5. Application Form 100, Item 6, Site Plan: Please provide a site plan which shows the building footprint and property lines and the building footprints and property lines for immediately adjacent properties. Show dimensions and setbacks. YS 00660

6. Application Form 100, Item 8B, Facility Users and Staff: The maximum resident capacity is stated as zero (0) but the total occupancy is stated as 18. As two staff residents are indicated does that mean the resident capacity is 16? Please clarify.
7. Application Form 100, Item 8C, Floor Plan: The floor plan needs to identify the number of residents per bedroom. The diagram must also show setbacks, driveways, and usable outdoor spaces.
8. Application Form 100, Item 8L, Secondhand Smoke: As Dr. Anna Marie Thames is indicated as facility Administrator/Director, please have her sign the acknowledgement to control secondhand smoke. It is not clear what role Leisha Mello plays at the facility.
9. Application Form 100, Item 10D, Signature of Applicant: Leisha Mello is listed as administrator, however Dr. Anna Marie Thames is indicated as facility Administrator/Director on Form 150. Please clarify.
10. Application Form 200, Corporate Delegation: Please provide corporate board resolution(s) authorizing delegation of corporate representation to the person indicated on line 6 of the form. Line 6 designates Leisha Mello as administrator/program manager. Please clarify the roles and responsibilities of Leisha Mello and Dr. Anna Marie Thames as Dr. Thames is indicated as facility administrator/director on Form 150.
11. Application Form 850, Fire Marshall Clearance: Please provide evidence (Form 850) of recent Fire Marshall clearance.
12. Filing Fee: Please remit the Use permit filing fee of \$2,200.00.
13. Request For Reasonable Accommodation: Please provide additional information regarding the Request for Reasonable Accommodation using the enclosed forms.

Should you have any questions regarding the requested clarifications or additional information, please do not hesitate to contact me at (949) 266-7548.

Sincerely,

By



Roger Mobley
Consulting Planner

cc: Janet Brown, Associate Planner
Dr. Anna Marie Thames, Yellowstone Women's First Step House

YS 00661



DAVIS • RAYBURN
A PROFESSIONAL LAW CORPORATION

July 25, 2008

RECEIVED BY
PLANNING DEPARTMENT

JUL 29 2008

VIA FIRST CLASS MAIL

CITY OF NEWPORT BEACH
Planning Department
3300 Newport Boulevard
Newport Beach, CA 92658-8915

CITY OF NEWPORT BEACH

Re: *Use Permit Applications; 2008-034; 2008-035; 2008-036; and 2008-037*

To Whom It May Concern:

This firm is general counsel for **Yellowstone Women's First Step House, Inc.** This correspondence is in response to your notices of incomplete application concerning the above-referenced Use Permit Applications for the following properties: 1561 Indus, 1621 Indus, 1571 Pegasus, and 20172 Redlands.

Our office is currently gathering the required information referenced in your notices in order to complete our applications. We should have the information forwarded to you within the next twenty-one (21) days.

Thank you for your courtesy and if you have any questions regarding this correspondence, please feel free to contact us.

Very truly yours,

DAVIS & RAYBURN
a professional corporation

ISAAC R. ZFATY

IRZ:jdb



DAVIS • RAYBURN
A PROFESSIONAL LAW CORPORATION

August 22, 2008

RECEIVED BY
PLANNING DEPARTMENT

8005-003

VIA FIRST CLASS MAIL

Ms. Janet Brown
CITY OF NEWPORT BEACH
3300 Newport Boulevard
Newport Beach, CA 92658-8915

AUG 26 2008

CITY OF NEWPORT BEACH

Re: Notice of Incomplete Application: 1571 Pegasus

Dear Ms. Brown:

As you know, this firm is general counsel for **Yellowstone Women's First Step House, Inc. ("Yellowstone")**. We are in receipt of the City of Newport Beach's Notice of Incomplete Application for the property located at 1571 Pegasus Street (the "Property").

In response to that notice, we provide herewith the following:

1. Application Form 100, Item 2, Property Owner Information: the requested information is enclosed herewith.
2. Item 3B: We have no information regarding other similar uses and we appreciate the City's offer to provide this information.
3. Item 4: We cross-reference and incorporate the other applications, which are being provided concurrently under separate cover.
4. Item 5: We have no information regarding other conditional uses and we appreciate the City's offer to provide this information.
5. Item 6: A site plan is enclosed herewith.
6. Item 8B: Resident capacity is 16. Total capacity is 18.
7. Item 8C: A floor plan is enclosed herewith.
8. Item 8L: The acknowledgement re secondhand smoke is enclosed herewith.
9. Item 10D: Dr. Thames is the facility Director.
10. Form 200: A board resolution is enclosed herewith.
11. Form 850: Fire Marshall Clearance is enclosed herewith.
12. Request for reasonable accommodation: See the enclosed form.

The one item that we have not included in this correspondence is the requested \$2,200.00 fee. After reviewing the code, we have been unable to locate any discussion of such fee. We mention this not to question the City's authority to impose such a fee, but rather because we have not seen any statutory scheme that should provide for a hardship exception. We would respectfully request that the City furnish such authority, and also provide us with any exemption

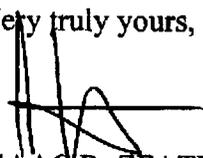
City of Newport Beach
August 22, 2008
Page 2

application. Alternatively, we would request an extension of time to remit such fee so that we might be able to raise the funds necessary to accommodate the City's request.

As a final note, it is worth mentioning that it is our understanding that the Property is still currently located in an unincorporated area of Orange County known as Santa Ana Heights, and that the Newport Beach annex of the property is not yet complete. If this is true, then we would submit that the city of Newport Beach does not have jurisdiction over this property. Any response that the City can provide regarding this matter would be greatly appreciated. To the extent that our understanding is correct, we would ask that the City simply hold our application until such time as the annexation is complete, so that the parties are not required to reinitiate this process.

Please accept our apologies for the delay in providing the enclosed information. As always, if you have any questions regarding these applications, please feel free to contact us.

Very truly yours,



ISAAC R. ZFATY

IRZ/jmk

cc: Yellowstone (attn: Dr. Anna Marie Thames)

RECORDING REQUESTED BY:
Financial Title Company
ORDER NO.: 00116984
ESCROW NO.: 19042709-EC

AND WHEN RECORDED MAIL TO:
Anna Marie Thames
1571 Pegasus Drive
Santa Ana, CA 92627

Recorded in Official Records, Orange County
Tom Dady, Clerk-Recorder

6.00
2006000539235 03:46pm 08/11/06
106 200 G02 1
0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.00

A.P.N. 119-361-14

(SPACE ABOVE THIS LINE IS FOR RECORDER'S USE)

GRANT DEED

- (X) This conveyance changes the manner in which title is held , grantor(s) and grantee(s) remain the same and continue to hold the same proportionate interest. R & T § 11911.
- () computed on full value of property conveyed, or
- () computed on full value less liens or encumbrances remaining at time of sale
- (X) City of Santa Ana

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, Paul Etheridge, a married man as his sole and separate property

hereby **GRANT(S)** to , Paul Etheridge, a married man as his sole and separate property and Anna Marie Thames, an unmarried woman, as joint tenants

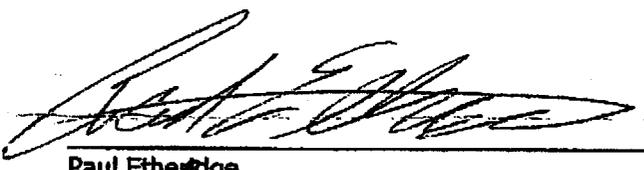
the following described real property in the City of Santa Ana, County of Orange, State of California:
Lot 8 of Tract No. 4307, in the City of Santa Ana, County of Orange, State of California, as per map recorded in Book 153, pages 18 to 20, inclusive of mise maps in the office of the County Recorder of said County

Dated: April 7, 2005

STATE OF CALIFORNIA

COUNTY OF Orange

On 4/7/05 before me



Paul Etheridge

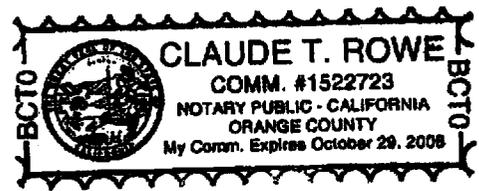
Claude T. Rowe, Notary Public

Personally appeared Paul D. Etheridge

Personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature [Handwritten Signature]



(This area for official notary seal)

TO: CITY OF NEWPORT BEACH

FROM: PAUL ETHEREDGE, OWNER

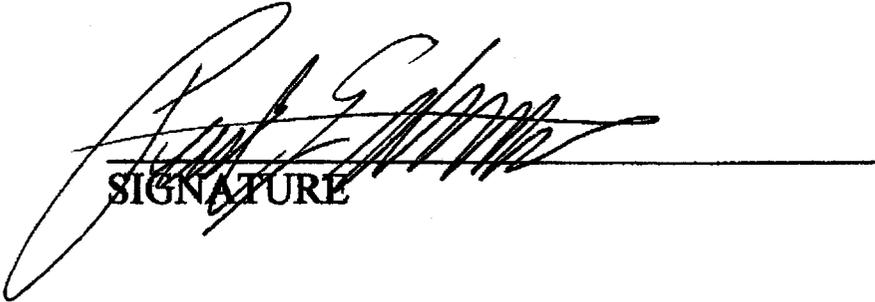
RE: AUTHORIZATION

**THIS IS AN OFFICIAL AUTHORIZATION TO MAKE
APPLICATIONS FOR MY RESIDENCE AT**

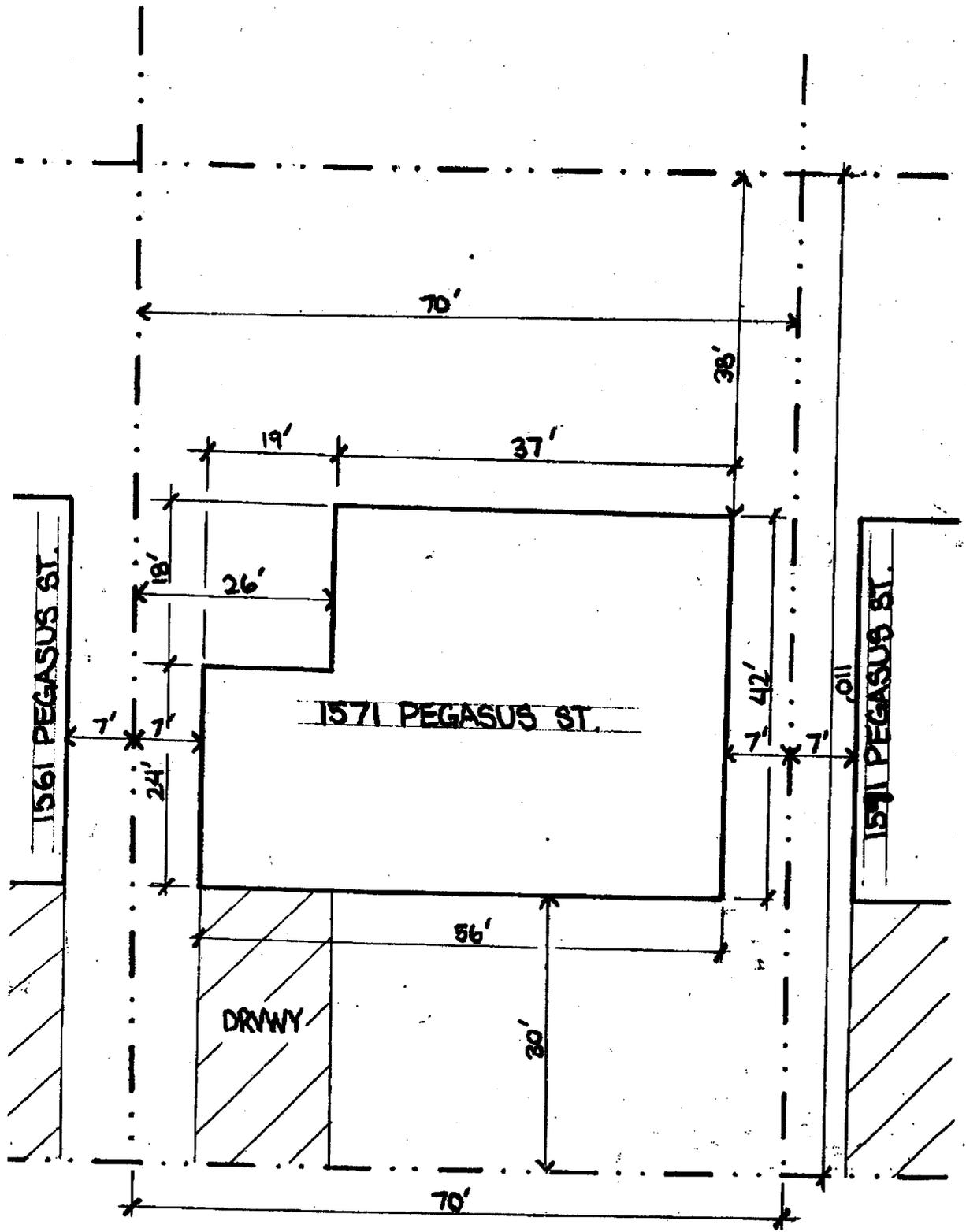
1571 PEGASUS , NEWPORT BEACH, CAL.

IT IS CURRENTLY REGISTERED AS AN "OXFORD HOUSE"

DATE AUTHORIZED: JUNE 30, 2008

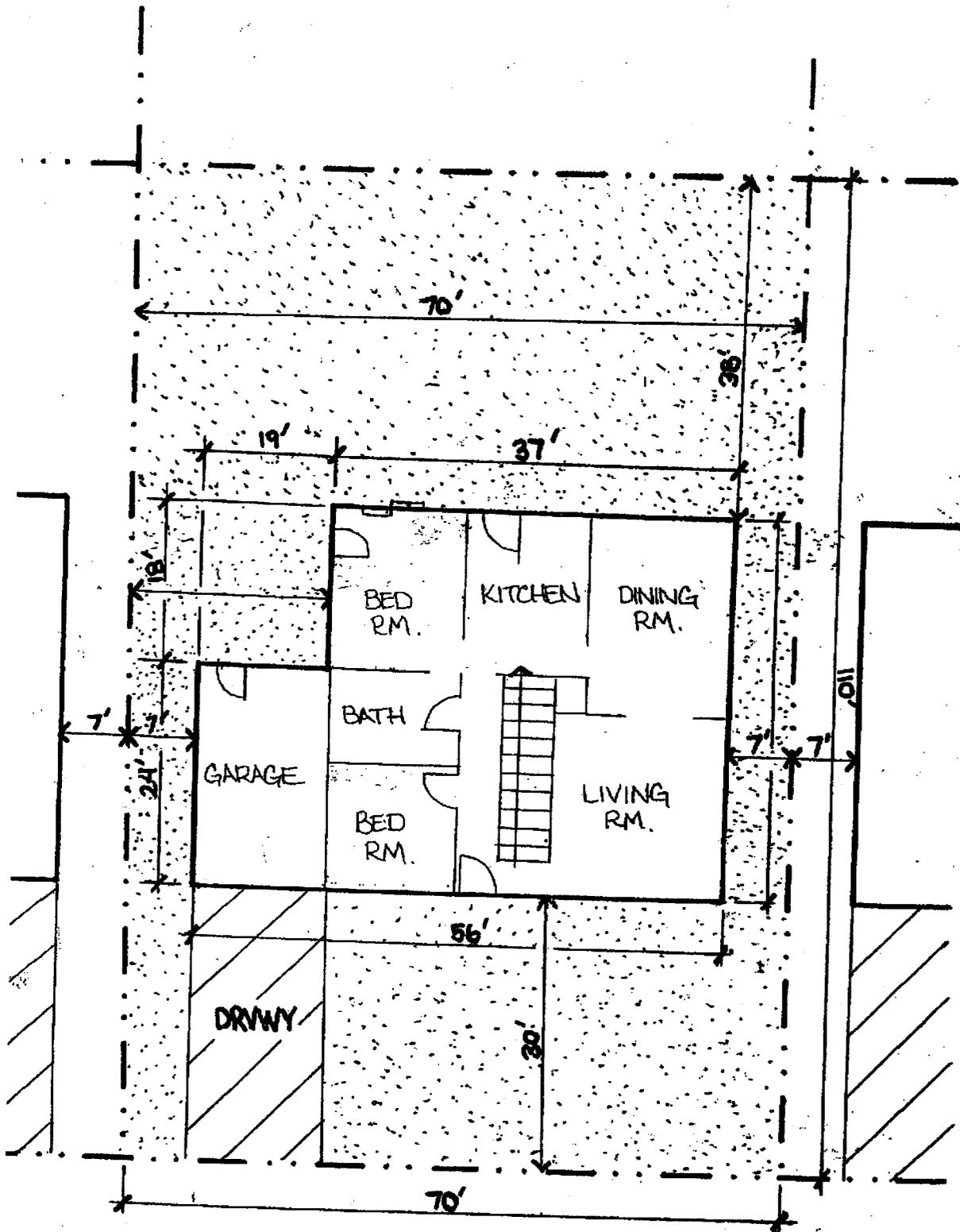


SIGNATURE



PEGASUS STREET
 .. PEGASUS HOUSE ..

SITE PLAN



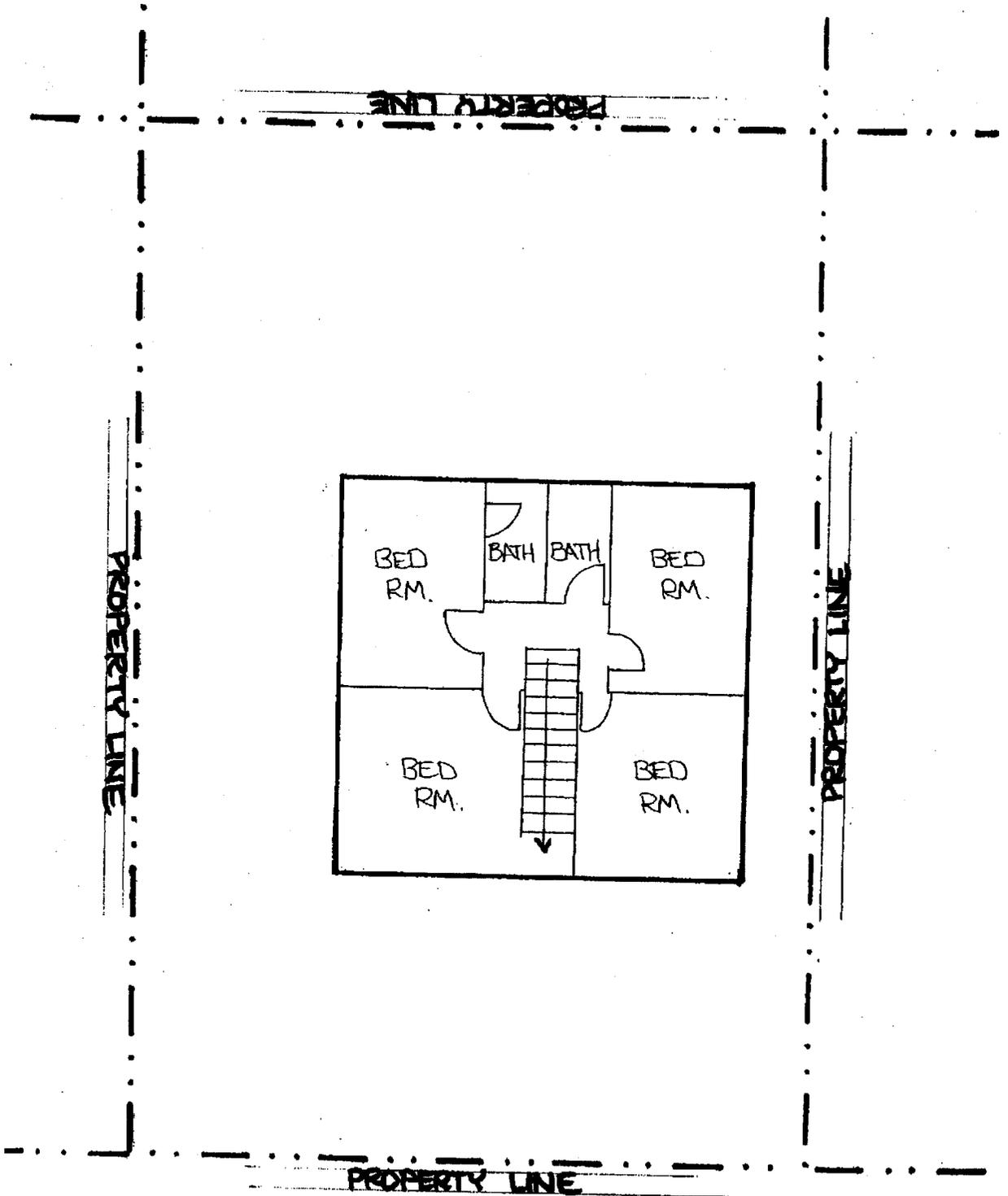
1571 PEGASUS STREET

PEGASUS HOUSE

LEGEND

-  SETBACKS
-  DRIVEWAYS
-  USABLE OUTDOOR

1 ST. FLOOR PLAN

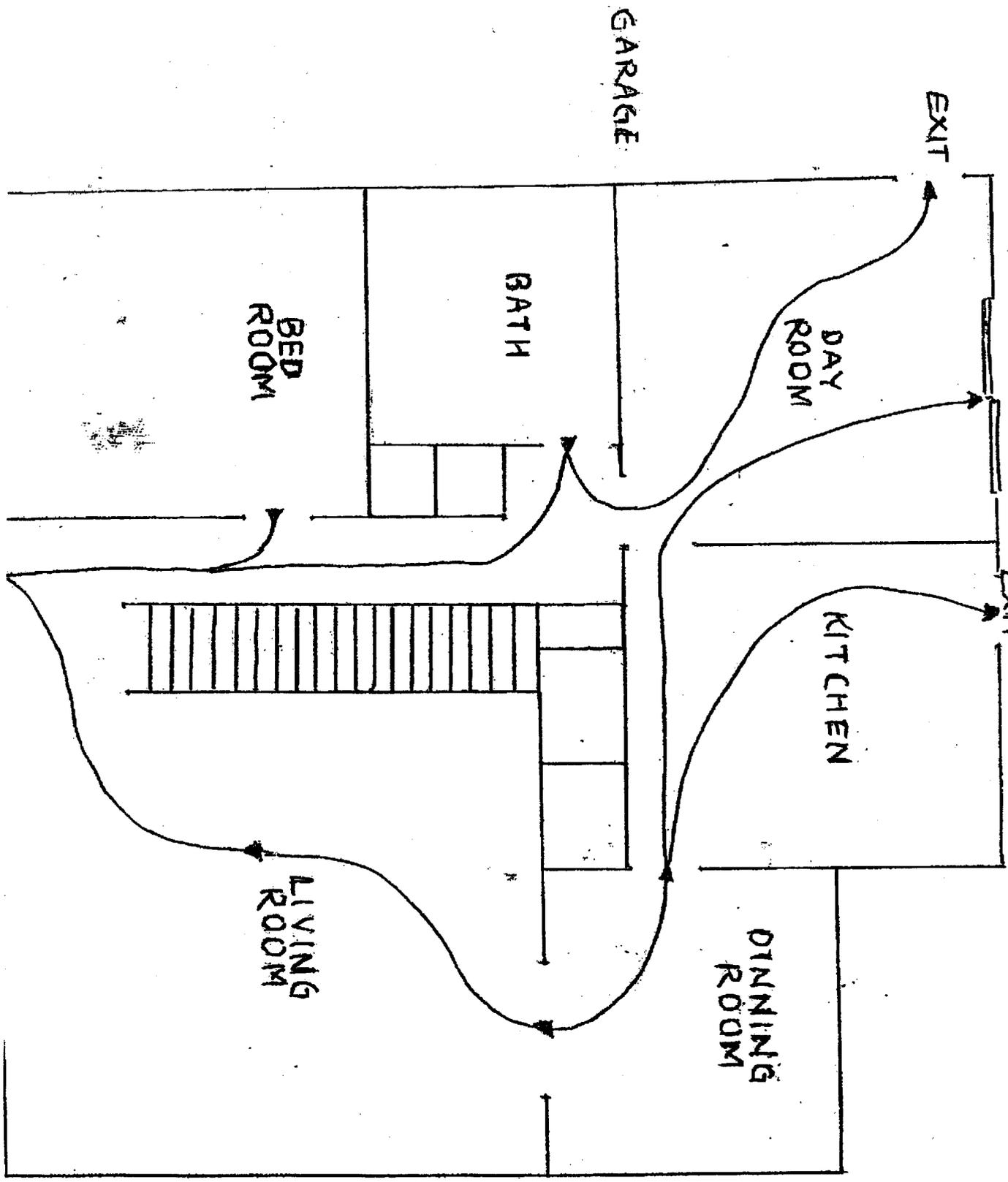


PEGASUS HOUSE

2^{ND.} FLOOR PLAN

FIRST FLOOR

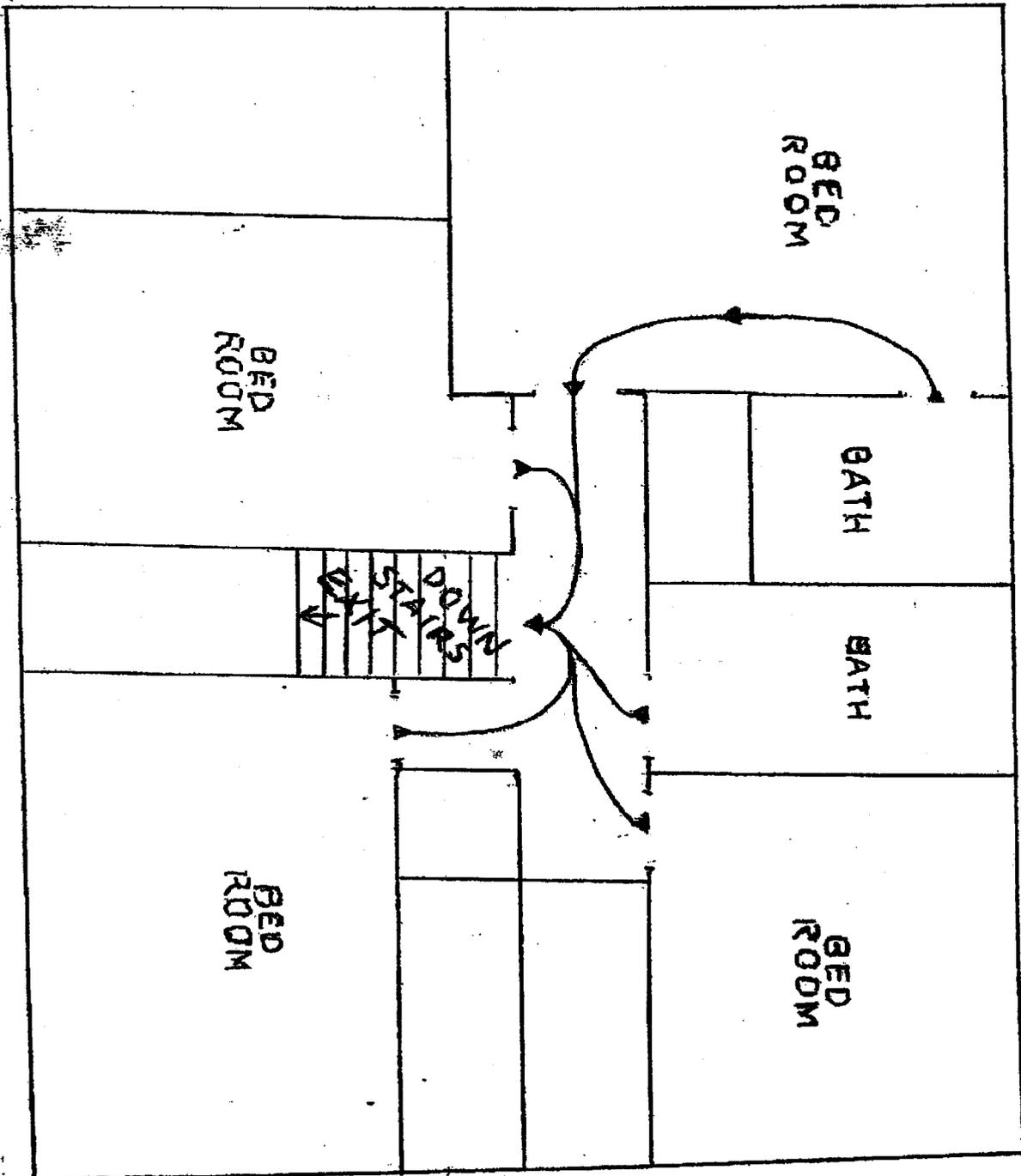
PEGASUS HOUSE EVACUATION



Handwritten signature

SECOND FLOOR

PEGASUS HOUSE
EVACUATION



Handwritten signature

Orange County Adult Alcohol and Drug Sober Living Facilities Certification (required)

Orange County Sober Living Network (recommended)

Other (please describe) _____

L. SECONDHAND SMOKE LIMITATIONS

NBMC §20.91A.050.A directs that "no staff, clients, guests, or any other users of the facility may smoke in an area from which the secondhand smoke may be detected on any parcel other than the parcel upon which the facility is located. Check and sign here to acknowledge this requirement and your use's adherence to it:

I acknowledge that I will control secondhand smoke on my facility such that no secondhand smoke may be detected on any parcel other than the parcel upon which my facility is located.

Signature: _____

Date: _____

9. APPLICANT OBLIGATIONS

- A. The "owner of record" of the property or an authorized agent must sign this Application. Signing the application under Section 10 means that the applicant certifies, under penalty of perjury, that the information provided within the Application and its attachments is true and correct. Per NBMC §20.90.030.C, false statements are grounds for denial or revocation.
- B. The Applicant acknowledges that he or she must comply with all other Federal, State, and local laws and regulations relating to this use. The Applicant understands that a violation of Federal, State, and local laws and regulations is grounds for revocation of the Permit. The Applicant understands and acknowledges that it is against California law to provide treatment (as defined) in an unlicensed facility.
- C. If the City issues a Use Permit based on the information provided in this Application, the Applicant's signature below certifies his or her agreement to comply with the terms of the Use Permit. The Applicant understands and acknowledges that non-compliance with the terms of the Use Permit is grounds for revocation of the Permit.

Revocation of the Use Permit. NBMC §20.96.040.E provides that the City can revoke a Use Permit if:

- The permit was issued under erroneous information or misrepresentation; or
- The applicant made a false or misleading statement of material fact, or omitted a material fact; or
- The conditions of use or other regulations or laws have been violated; or
- There has been a discontinuance of use for 180 days or more.

10. AUTHORIZED SIGNATURE(S) OF APPLICANT

THE UNDERSIGNED ASSURES THAT THE INFORMATION PROVIDED ON THIS APPLICATION IS TRUE AND CORRECT AND THAT THE APPLICANT HAS READ AND UNDERSTOOD HIS OR HER OBLIGATIONS UNDER ANY USE PERMIT ISSUED BASED ON THIS APPLICATION.

- A. If the applicant is a sole proprietor, the application shall be signed by the proprietor.
- B. If the applicant is a partnership, the application shall be signed by each partner.
- C. If the applicant is a firm, association, corporation, county, city, public agency or other governmental entity, the application shall be signed by the chief executive officer or the individual legally responsible for representing the agency.

YELLOWSTONE BOARD RESOLUTION:

THE SIGNATURES BELOW REPRESENT AGREEMENT AND ENDORSEMENT OF THE BOARD OF TRUSTEES OF YELLOWSTONE FOR THE FOLLOWING:

DR. A.M. THAMES IS THE CEO OF THE BOARD AND AGREES TO REPRESENT YELLOWSTONE IN ALL NEGOTIATIONS WITH THE CITY OF NEWPORT BEACH. SHE WILL SIGN ANY AND ALL FINAL AGREEMENTS.

ATTORNEY ISAAC ZFATY, WILL PROVIDE LEGAL REPRESENTATION IN ALL MATTERS IN THE AGREEMENTS WITH THE CITY OF NEWPORT BEACH

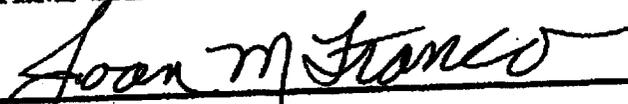
LEISHA MELLO, AS ADMINISTRATOR FOR YELLOWSTONE WILL ALSO BE AVAILABLE FOR DISCUSSIONS RELATED TO THE AGREEMENTS WITH THE CITY OF NEWPORT BEACH.

THESE AGREEMENTS AND ENDORSEMENTS ARE APPROVED BY THE BOARD OF TRUSTEES AS OF JULY 1, 2008.

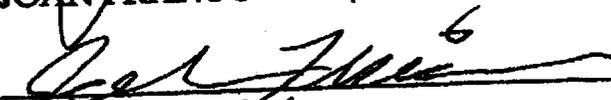
BOARD MEMBERS SIGNING:



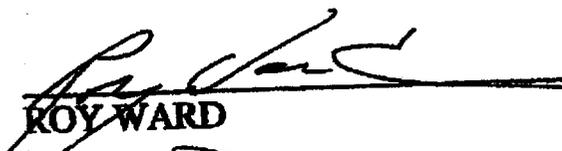
DR. A.M. THAMES



JOAN FRANCO



JOHN ZEIDEMA



ROY WARD



LISA TUMAN

FIRE SAFETY INSPECTION REQUEST

See instructions on reverse.

STD. 880 (REV. 10-04)

| | | | |
|--|--|--------------------------------|---------------------------|
| AGENCY CONTACT'S NAME Chuck Browning | TELEPHONE NUMBER (916) 322-2991 | REQUEST DATE 4-29-03 | PROGRAM A/DRF |
| EVALUATOR'S NAME Chuck Browning | REQUESTING AGENCY FACILITY NUMBER NOT ASSIGNED YET | | REQUEST CODE 1A |

LICENSING AGENCY NAME AND ADDRESS
 Department of Alcohol & Drug Programs
 Licensing and Certification Branch
 1700 K. Street
 Sacramento, Ca. 95814-4037

- CODES**
1. ORIGINAL A. FIRE CLEARANCE
 2. RENEWAL B. LIFE SAFETY
 3. CAPACITY CHANGE
 4. OWNERSHIP CHANGE
 5. ADDRESS CHANGE
 6. NAME CHANGE
 7. OTHER

| AMBULATORY | | NONAMBULATORY | | BEDRIDDEN | | TOTAL CAPACITY |
|------------|-------------------|---------------|-------------------|-----------|-------------------|----------------|
| CAPACITY | PREVIOUS CAPACITY | CAPACITY | PREVIOUS CAPACITY | CAPACITY | PREVIOUS CAPACITY | |
| 18 | | | | | | 18 |

| | |
|---|--|
| FACILITY NAME WOMEN'S RECOVERY OF CALIFORNIA, YELLOWSTONE-PEGASUS | LICENSE CATEGORY Alcohol/Drug Facility |
| STREET ADDRESS (Actual Location) 1571 Pegasus Street | NUMBER OF BUILDINGS |
| CITY Santa Ana Heights, California 92707 | RESTRAINT |
| FACILITY CONTACT PERSON'S NAME Dr. A. M. (Honey) Thomas | HOURS 24 |
| SPECIAL CONDITIONS | |

TO BE COMPLETED BY INSPECTING AUTHORITY

FIRE AUTHORITY NAME AND ADDRESS

~~San Bernardino Fire Department~~
Orange County Fire Authority
~~San Bernardino Fire Station~~
57 Journey
Aliso Viejo, CA 92656

| |
|--|
| CLEARANCE REQUEST CODE 1 |
| CODES |
| <input checked="" type="checkbox"/> FIRE CLEARANCE GRANTED |
| 2. FIRE CLEARANCE DENIED |
| A. EXITS |
| B. CONSTRUCTION |
| C. FIRE ALARM |
| D. SPRINKLERS |
| E. HOUSEKEEPING |
| F. SPECIAL HAZARD |
| G. OTHER |

| | | | |
|--|---|------------------------------|--------------------------------|
| INSPECTOR'S NAME (Typed or Printed) Mike Johnson | TELEPHONE NUMBER (949) 362-4617 | CIFRS NUMBER 30065 | OCCUPANCY CLASS R6.2 |
| INSPECTION DATE 5-1-03 | INSPECTOR'S SIGNATURE <i>[Signature]</i> | | |
| EXPLAIN DENIAL OR LIST SPECIAL CONDITIONS | | | |

Approval for Ambulatory clients only.



CITY OF NEWPORT BEACH

**Supplemental Information
for
Reasonable Accommodation**

Planning Department
3300 Newport Boulevard
Newport Beach, California 92658-8915
(949) 644-3200

Application Number _____

To aid staff in determining that the necessary findings can be made in this particular case as set forth in Chapter 20.98 of the Municipal Code, please answer the following questions with regard to your request (Please attach on separate sheets, if necessary):

Please see attached sheet

Name of Applicant

If provider of housing, name of facility, including legal name of corporation

(Mailing Address of Applicant)

(City/State)

(Zip)

(Telephone)

(Fax number)

(E-Mail address)

(Subject Property Address)

Assessor's Parcel Number (APN)

1. Is this application being submitted by a person with a disability, that person's representative, or a developer or provider of housing for individuals with a disability?

2. Does the applicant, or individual(s) on whose behalf the application is being made, have physical or mental impairments that substantially limit one or more of such person's major life activities? If so, please state the impairment(s) and provide documentation of such impairment(s).

3. From which specific Zoning Code provisions, policies or practices are you seeking an exception or modification?

4. Please explain why the specific exception or modification requested is necessary to provide one or more individuals with a disability an equal opportunity to use and enjoy the residence. Please provide documentation, if any, to support your explanation.

5. Please explain why the requested accommodation will affirmatively enhance the quality of life of the individual with a disability. Please provide documentation, if any, to support your explanation.

6. Please explain how the individual with a disability will be denied an equal opportunity to enjoy the housing type of their choice absent the accommodation? Please provide documentation, if any, to support your explanation.

7. If the applicant is a developer or provider of housing for individuals with a disability, please explain why the requested accommodation is necessary to make your facility economically viable in light of the relevant market and market participants. Please provide documentation, if any, to support your explanation.

8. If the applicant is a developer or provider of housing for individuals with a disability, please explain why the requested accommodation is necessary for your facility to provide individuals with a disability an equal opportunity to live in a residential setting taking into consideration the existing supply of facilities of a similar nature and operation in the community. Please provide documentation, if any, to support your explanation.

9. Please add any other information that may be helpful to the applicant to enable the City to determine whether the findings set forth in Chapter 20.98 can be made (Use additional pages if necessary.)



CITY OF NEWPORT BEACH

**Supplemental Information
for
Reasonable Accommodation**

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3300 Newport Boulevard
Newport Beach, California 92658-8915
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(E-Mail address)

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5. Please explain why the requested accommodation will affirmatively enhance the quality of life of the individual with a disability. Please provide documentation, if any, to support your explanation.

6. Please explain how the individual with a disability will be denied an equal opportunity to enjoy the housing type of their choice absent the accommodation? Please provide documentation, if any, to support your explanation.

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8. If the applicant is a developer or provider of housing for individuals with a disability, please explain why the requested accommodation is necessary for your facility to provide individuals with a disability an equal opportunity to live in a residential setting taking into consideration the existing supply of facilities of a similar nature and operation in the community. Please provide documentation, if any, to support your explanation.

Application Number _____

9. Please add any other information that may be helpful to the applicant to enable the City to determine whether the findings set forth in Chapter 20.98 can be made (Use additional pages if necessary.) _____

1571 Pegasus Attachment

Name of applicant: Yellowstone, Woman's First Step House, Inc., 1571 Pegasus St., Santa Ana Heights, CA 92701; Phone: 888.941.9048; Fax: 949.646.5296; APN: 119-361-14.

1. This application is provided by a provider of housing for individuals with a disability.
2. The individuals are alcoholics.
3. Single family residence to multi-family residence.
4. The applicant provides the residents of the Property with housing where same is otherwise unavailable to them. Most residents are long-term residents who are able to live with their disability, and in a sober environment, as a result of the provision of the facility by the applicant. The success of sober living homes in assisting these disabled individuals throughout the United States is well documented. Similar success has been realized at the Property addressed herein. A sample of the literature on sober living homes was attached to the original application. Without the home addressed in this application, the individuals who live at this home would not have access to sober living homes, and would not be able to afford to live in such a home in Orange County. Yellowstone provides this home to satisfy the otherwise unaddressed need by these disabled individuals for an equal opportunity to use and enjoy a dwelling. There is no question that, with their current use, this property affirmatively enhances the lives of many individuals with disabilities. Importantly, the rent charged to these individuals simply covers Yellowstone's costs; no profit is realized. In fact, without charitable contributions, Yellowstone would operate at a loss. By no means is Yellowstone, or any individual involved with Yellowstone, a profiteer. Yellowstone simply makes available a sober living environment in an effort to help these disabled individuals, and with a view toward enhancing the community. To the extent that Yellowstone is forced to remove its operations from this property, it will suffer extreme economic hardship. Moreover, with any prospective closure of the property as a sober living home, the individuals with disabilities who live in the home will be without accommodation. Yellowstone is compliant with all of the requirements in the City of Newport Beach's Good Neighbor Principles, and is tenacious in ensuring that all residents at the Property strictly observe these requirements. Approval of this application would not alter the nature of the municipal code or impose any financial or administrative burden on the City. This property has been operating under these same general guidelines for years without imposing any burden upon the County or City. The residential character of the neighborhoods in which this property is located will not be altered in any way with the approval of this application. In fact, there is no non-residential use at the property. Moreover, there is no campus established through the grant of this application. Residents this property are not allowed at any of other property operated by Yellowston, and there are no functions that include all residents. Yellowstone has never been cited by any municipality at this property for any of the complaints set forth specifically in Ordinance 2008-5,

Page 4, Paragraph 13. No health, safety or physical damage issues are presented with granting of these applications.

5. See response to No. 4.
6. See response to No. 4.
7. See response to No. 4. The applicant is not a developer. The applicant has operated at the Property for years and currently can afford this property. Due to the economic decline, and specifically as it pertains to residential housing, the forced sale of this property would cause an extreme economic hardship.
8. See responses to No. 4 and 7.
9. The applicant is a long-standing tenant in the community, and has had a presence in Santa Ana Heights for years. The applicant prides itself in acting as a good neighbor. As noted above, the applicant has an extremely high success rate in assisting disabled individuals live and integrate into Orange County. The applicant affirmatively enhances the lives of its residents. Any abatement of this facility would be harmful to the community.



PLANNING DEPARTMENT

3300 Newport Boulevard, Building C, Newport Beach, CA 92663
(949) 644-3200 Fax: (949) 644-3229 website: www.city.newport-beach.ca.us

November 7, 2008

YELLOWSTONE WOMEN'S FIRST STEP HOUSE, INC.
c/o Isaac R. Zfaty
Davis & Rayburn, Attorneys at Law
580 Broadway Street, Suite 301
Laguna Beach, CA 92651

Dear Mr. Zfaty:

Subject: **NOTICE OF INCOMPLETE APPLICATION**
Use Permit No. 2008-036
Property located at 1571 Pegasus Street

I am writing as the City of Newport Beach's consulting case planner for this use permit application. This letter is a response to your letter dated August 22, 2008, in which you responded to the City's Notice of Incomplete Application dated June 19, 2008, and is also a follow-up to our October 8, 2008, meeting at the City. The City appreciates your responses and the opportunity to meet with you. However, at this time your application for Use Permit No. 2008-036 for property located at 1571 Pegasus Street remains incomplete.

As we discussed at our October 8th meeting, the area of West Santa Ana Heights was formally annexed to the City of Newport Beach, effective January 1, 2008, and the property located at 1571 Pegasus Street is therefore subject to the City's land use regulations, including the Residential Care provisions of the Newport Beach Municipal Code (NBMC).

With respect to the items that continue to be deficient or missing from the use permit application submittal, please provide the following:

1. A Preliminary Title Report that is less than 60 days old. This requirement is necessary to not only verify the ownership of record, but also will verify any deed

restrictions (or lack thereof) such as CC&Rs that may place restrictions on the use of the property.

2. The site plan submitted does not appear to be accurately drawn when reviewing it against aerial photographs, and the site plan and floor plans are not drawn to scale. The site plan must show the property line dimensions, distance or setback from property lines to the building, usable outdoor spaces, and the location of driveways. The site plan must also include the property lines and building footprints on immediately adjacent parcels. The floor plans must provide an accurate count of bedrooms and number of beds/residents within each bedroom, as well as all rooms intended for residents' use, and the location and dimension of the garage.
3. As noted at the meeting of October 8th you are required to provide the City of Newport Beach Fire Marshal with a comprehensive code analysis prepared by a licensed architect. Requirements for the code analysis were provided to you at the meeting. However, should you have any questions regarding these requirements, please contact Steve Bunting, Fire Marshal, at (949) 644-3106. In addition, please provide the Fire Marshal with the year the home began to be used for sober living purposes. The plans that are required to be prepared for the code analysis may also be used to satisfy the requirement for a site plan and floor plans as noted above.
4. Please provide an explanation of the number of parking spaces provided on site and information regarding the maximum number of employees or others on site at any one time that will have autos. Include an explanation of the use of vans to transport residents to treatment facilities and other activities and provide a transportation route diagram.
5. You have discussed the unlicensed status of the Yellowstone facility at this address with our City Attorney's Office. Please review the Disclosure Statement and revise the licensing statement made in the application if necessary.
6. If certification specific to the type of facility is available from a governmental agency or qualified nonprofit organization, the facility shall receive such certification including without limitation, certification by Orange County under its Adult Alcohol and Drug Sober Living Facilities Certification Program. Please provide evidence of any certifications held for this address.

You also have requested information regarding the City's authority to impose an Application Fee of \$2,200 and have asked for evidence of such City authority. Please note Section 20.90.030(D) (Application Filing) of Title 20 of the NBMC states that "Applications for discretionary approvals shall be accompanied by a fee as established by resolution of the City Council." In addition, Chapter 3.36 of the NBMC provides the basis for recovering actual costs for application processing.

On the basis of the foregoing requirements, you may wish to reevaluate and amend the Reasonable Accommodation application you have submitted with the use permit application. In addition, Item 2 on the Reasonable Accommodation supplemental form requests documentation of the disability for which the request for a reasonable accommodation is being made. That documentation has not been provided. Please provide documentation that the individuals on whose behalf the application is made are disabled under the governing law. The City leaves to the discretion of Yellowstone Women's First Step House and/or the individuals the nature of the documentation to be submitted. Understanding the concerns about privacy, the City will accept documentation disclosing only the person's first name or initials (with all other identifying information redacted).

Please be advised that failure to obtain a use permit for the residential care facility use of the subject property shall render the use of property nonconforming. Nonconforming uses of property are subject to abatement, per Section 20.62.090 of the NBMC, and if the required use permit is not obtained by February 9, 2009, the use will be subject to abatement in accordance with the Code.

City staff appreciates your continuing cooperation. However, we are unable to process your Use Permit application and Reasonable Accommodation application and schedule a public hearing until we receive the pending submittal items outlined above. Should you have questions regarding the aforementioned, please contact me at (949) 661-8175 or by email at lx4@sbcglobal.net

Sincerely,

By 
Larry Lawrence
Consulting Planner

Cc: Janet Brown, Associate Planner
Dr. Anna Marie Thames, Yellowstone Women's First Step House

RECEIVED BY
PLANNING DEPARTMENT

DEC 29 2008


DAVIS • Z F A T Y
A PROFESSIONAL LAW CORPORATION

December 23, 2008

CITY OF NEWPORT BEACH
Z175.1

VIA FIRST CLASS MAIL

Ms. Janet Brown
City of Newport Beach
3300 Newport Boulevard
Newport Beach, California 92658

Re: Notice of Incomplete Application: Yellowstone – 1571 Pegasus

Dear Ms. Brown:

This firm is general counsel for Yellowstone Women's First Step House, Inc. ("Yellowstone"). We are in receipt of the City of Newport Beach's Notice of Incomplete Application dated November 7, 2008 in which the City asked Yellowstone to address six deficiencies in its Use Permit Application for 1571 Pegasus. Enclosed herewith is the documentation you requested. Below is a brief description of the enclosed materials.

Preliminary Title Reports

A preliminary title report for 1571 Pegasus is included. As requested, the preliminary title report is less than 60 days old.

Site Plans

The site plans for 1571 Pegasus show the property dimensions, setback from the property line to the buildings, useable outdoor space, and the location of driveways. The site plans also include the property lines and building footprints on immediately adjacent parcels. Finally, the site plans include an accurate count of bedrooms in the home, the number of residents within each bedroom, the rooms intended to be used by residents, and the location and dimension of the garage.

RECEIVED BY
PLANNING DEPARTMENT

NOV 29 2008

CITY OF NEWPORT BEACH

Ms. Janet Brown
December 23, 2008

Code Analysis

A code analysis is provided herewith. The code analysis discusses the property, which is compliance with the R4 Building and Fire Code Requirements. Also, your November 7, 2008 letter requested that we provide the Fire Marshal with the year each of the homes began to be used for sober living purposes.

Those dates are as follows:

1561 Indus – 2007
1621 Indus – 2003
20172 Redlands – 2005
1571 Pegasus – 2005

Parking and Transportation

The documentation enclosed provides the number of available parking spaces at 1571 Pegasus and the number of employees who park on site. Route maps from the home to treatment and from the home to St. John church are also provided.

With respect to transportation to and from 1571 Pegasus, we would like to address variations in previous submittals that have since been resolved. Paragraph 12 of the Request for Reasonable Accommodation for 1571 Pegasus states that Yellowstone does not provide transportation. Though this is generally true, upon further review, we feel that it is important to note that the home provides some basic transportation to other non-Newport Beach facilities and to St. John church. Both locations are within ten minutes of the home and, as stated above, we have included route maps for your convenience. Finally, the vans that transport the residents are not parked on site. When not in use, the vans are kept in another city.

Licensing Status

As we have discussed, none of the four homes is ADP licensed. To the extent that any prior representations regarding ADP licensing were made, we have learned that same were incorrect. If you have any questions regarding this item, or need any further explanation as to the reasons for our error, we are more than happy to provide same. As we have never provided treatment in these facilities (nor represented that in any prior communication with the City), this does not represent a material change to our application.

Certifications

Enclosed is a copy of the certification for 1571 Pegasus. The home is certified a member of the Orange County Sober Living Coalition.

Ms. Janet Brown
December 23, 2008

I hope that the enclosed materials complete Yellowstone's Application and clarify any ambiguities in our previous submissions to the city regarding 1571 Pegasus. As always, if you have any questions regarding this correspondence, please feel free to contact me.

Very truly yours,

DAVIS ZFATY,
a professional corporation

A handwritten signature in black ink, appearing to read "N. Cohrs", written in a cursive style.

NICOLE COHRS

YELLOWSTONE - 1571 PEGASUS

| | |
|----|--------------------------|
| 1. | Preliminary Title Report |
| 2. | Code Analysis |
| 3. | Parking and Route Maps |
| 4. | Certification |

RECEIVED BY
PLANNING DEPARTMENT

DEC 29 2008

CITY OF NEWPORT BEACH



FIDELITY NATIONAL TITLE INSURANCE COMPANY

PRELIMINARY REPORT

In response to the application for a policy of title insurance referenced herein, Fidelity National Title Insurance Company hereby reports that it is prepared to issue, or cause to be issued, as of the date hereof, a policy or policies of title insurance describing the land and the estate or interest therein hereinafter set forth, insuring against loss which may be sustained by reason of any defect, lien or encumbrance not shown or referred to as an exception herein or not excluded from coverage pursuant to the printed Schedules, Conditions and Stipulations or Conditions of said policy forms.

The printed Exceptions and Exclusions from the coverage and Limitations on Covered Risks of said policy or policies are set forth in Attachment One. The policy to be issued may contain an arbitration clause. When the Amount of Insurance is less than that set forth in the arbitration clause, all arbitrable matters shall be arbitrated at the option of either the Company or the Insured as the exclusive remedy of the parties. Limitations on Covered Risks applicable to the CLTA and ALTA Homeowner's Policies of Title Insurance which establish a Deductible Amount and a Maximum Dollar Limit of Liability for certain coverages are also set forth in Attachment One. Copies of the policy forms should be read. They are available from the office which issued this report.

This report (and any supplements or amendments hereto) is issued solely for the purpose of facilitating the issuance of a policy of title insurance and no liability is assumed hereby. If it is desired that liability be assumed prior to the issuance of a policy of title insurance, a Binder or Commitment should be requested.

The policy(s) of title insurance to be issued hereunder will be policy(s) of Fidelity National Title Insurance Company.

Please read the exceptions shown or referred to herein and the exceptions and exclusions set forth in Attachment One of this report carefully. The exceptions and exclusions are meant to provide you with notice of matters which are not covered under the terms of the title insurance policy and should be carefully considered.

It is important to note that this preliminary report is not a written representation as to the condition of title and may not list all liens, defects and encumbrances affecting title to the land.

Dated: 11/18/2008

Fidelity National Title Insurance Company



BY: *[Signature]* President

ATTEST *[Signature]* Secretary

Countersigned:

[Signature]
Susan B. Falsetti

PRELIMINARY REPORT

Loan No.: NA

Title No: 1763950 - 1

Rate: \$625.00

PROPERTY ADDRESS: 1571 PEGASUS ST, SANTA ANA, CA, 92707-5319

EFFECTIVE DATE: 11/18/2008

The form of policy or policies of the title insurance contemplated by this report is:

American Land Title Association Loan Policy 2006 with ALTA endorsement coverage

1. THE ESTATE OR INTEREST IN THE LAND HEREINAFTER DESCRIBED OR REFERRED TO COVERED BY THIS REPORT IS:

Fee Simple

2. TITLE TO SAID ESTATE OR INTEREST AT THE DATE HEREOF IS VESTED IN:

Paul Etheridge, a married man as his sole and separate property and Anna Marie Thams, an unmarried woman as joint tenants

3. THE LAND REFERRED TO IN THIS REPORT IS DESCRIBED AS FOLLOWS:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

TAX ID: 119-361-14

LEGAL DESCRIPTION

EXHIBIT "A"

All that certain parcel of land situate in the City of Santa Ana, County of Orange and State of California being known and designated as follows:

Lot 8 of Tract No. 4307, in the City of Santa Ana, County of Orange, State of California, as per map recorded in Book 153 , pages 18 to 20, inclusive of misc maps in the office of the County Recorder of said County

Being more fully described in Deed Doc: 2006-539235 dated 4/7/2005 recorded 8/11/2006.

LEGAL DESCRIPTION

EXHIBIT "A"

All that certain parcel of land situate in the City of Santa Ana, County of Orange and State of California being known and designated as follows:

Lot 8 of Tract No. 4307, in the City of Santa Ana, County of Orange, State of California, as per map recorded in Book 153 , pages 18 to 20, inclusive of misc maps in the office of the County Recorder of said County

Being more fully described in Deed Doc: 2006-539235 dated 4/7/2005 recorded 8/11/2006.

AT THE DATE HEREOF, ITEMS TO BE CONSIDERED AND EXCEPTIONS TO COVERAGE IN ADDITION TO THE PRINTED EXCEPTIONS AND EXCLUSIONS IN SAID POLICY FORM WOULD BE AS FOLLOWS:

1. The lien of supplemental or escaped assessments of property taxes, if any, made pursuant to the provisions of Part 0.5, Chapter 3.5 or Part 2, Chapter 3, Articles 3 and 4 respectively (commencing with Section 75) of the Revenue and Taxation Code of the State of California as a result of the transfer of title to the Vestee named in Schedule A; or as a result of changes in ownership or new construction occurring prior to the date of policy.
2. (a) Unpatented mining claims; (b) reservations or exception in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b), or (c) are shown by the Public Records.
3. A deed of trust to secure indebtedness in the original amount shown below.

Amount: \$650,000.00

Dated: 03/27/2006

Trustor: Paul Etheridge

Trustee: Fidelity National Title

Beneficiary: MERS, Inc. as nominee for Bondcorp Realty Services, Inc.

Recorded: 04/14/2006 in Doc: 2006-249106

Original Loan Number: RR118653022

4. A deed of trust to secure indebtedness in the original amount shown below.

Amount: \$92,500.00

Dated: 03/27/2006

Trustor: Paul Etheridge

Trustee: Bondcorp Realty Services, Inc.

Beneficiary: MERS, Inc. as nominee for Bondcorp Realty Services, Inc.

Recorded: 04/14/2006 in Doc: 2006-249107

Original Loan Number: RR118653094

Open Ended to \$92,500.00.

5. 2008/2009 1st installment County Taxes are Open in the amount of \$4,298.97 due 12/10/2008. Taxes accruing in the current year. Tax ID 119-361-14. NOTE: CONTACT LOCAL TAX AUTHORITIES FOR EXACT AMOUNTS DUE, PRIOR TO LOAN CLOSING. Exemption: N/A Code Area: 07212
6. 2008/2009 2nd installment County Taxes are Open in the amount of \$4,298.97 due 04/10/2009. Taxes accruing in the current year. Tax ID 119-361-14. NOTE: CONTACT LOCAL TAX AUTHORITIES FOR EXACT AMOUNTS DUE, PRIOR TO LOAN CLOSING. Exemption: N/A Code Area: 07212
7. 2007/2008 1st & 2nd installment County Taxes are Delinquent in the amount of \$10,121.62 plus interest and penalties. Taxes accruing in the current year. Tax ID 119-361-14. NOTE: CONTACT LOCAL TAX AUTHORITIES FOR EXACT AMOUNTS DUE, PRIOR TO LOAN CLOSING. Delinquent Real Estate taxes and any adverse effect upon the interest herein including but not limited to any tax sale occurring prior to or subsequent to date of final policy. Exemption: N/A Code Area: 07212

8. Taxes or assessments that are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; (b) proceedings by a public agency that may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
9. Covenants, conditions and restrictions in the declaration of restrictions but omitting any covenants or restrictions, if any, based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry or source of income, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law.

Recorded: January 30, 1928, Book 123, Page 266, of Official Records

10. Covenants, conditions and restrictions in the declaration of restrictions but omitting any covenants or restrictions, if any, based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry or source of income, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law.

Recorded: November 27, 1961, Book 5923, Page 378, of Official Records

11. Easement(s) for the purpose(s) shown below and rights incidental thereto as disclosed by a document;

Purpose: Public Utilities

Recorded: February 14, 1962, Book 6009, Page 242, of Official Records

Affects: The Northeasterly 6 feet of said land

12. Easement(s) for the purpose(s) shown below and rights incidental thereto as disclosed by a document;

Purpose: Public Utilities

Recorded: February 28, 1962, Book 6023, Page 2, of Official Records

Affects: The Northeasterly 5 feet of said land

13. Easement(s) for the purpose(s) shown below and rights incidental thereto as disclosed by a document;

Purpose: Avigation

Recorded: July 18, 1990, Instrument/File No. 1990-0377135, of Official Records

Affects: A portion of said land as described therein

14. Said land is included within the "Santa Ana Heights Specific Plan" adopted by the Orange County Board of Supervisors on October 1, 1986 as amended and disclosed by that certain instrument recorded May 4, 1990 as instrument no. 1990-0235869, Official Records.

END OF ITEMS

1. There is located on said land a Single Family residence, known as: 1571 PEGASUS ST, City of SANTA ANA, County of ORANGE, and State of California.
2. Amended Civil Code Section 2941, which becomes effective on January 1, 2002, sets the fee for the processing and recordation of the reconvey and recordation of the reconveyance of each Deed of Trust being paid off through this transaction at \$45.00. The reconveyance fee must be clearly set forth in the Beneficiary's Payoff Demand Statement ("demand"). In addition, an assignment or authorized release of that fee, from the Beneficiary to the Trustee of record, must be included. An example of the required language is as follows: "The Beneficiary identified above hereby assigns, releases, or transfers to the Trustee of record, the sum of \$45.00, included herein as a Reconveyance Fee, for the processing and recordation of the Reconveyance of the Deed of Trust securing the indebtedness covered hereby, and the escrow company or title company processing this pay-off is authorized to deduct the Reconveyance Fee from this Demand and forward said fee to the Trustee of record or the successor Trustee under the Trust Deed to be paid off in full." In the event that the reconveyance fee and the assignment, release or transfer thereof is not included within the demand statement, then Chicago Title Company may decline to process the reconveyance and will be forced to return all documentation directly to the Beneficiary for compliance with the requirements."
3. If Anna Marie Thames is deceased or will not be signing the new mortgage/deed of trust, please call The Company prior to closing of the new loan. Title may be re-researched and additional requirements and/or exceptions may be added to the Commitment to insure, as may be deemed necessary.
4. Properly drafted and executed owner's affidavit from Paul Etheridge, a married man as his sole and separate property and Anna Marie Thams, and spouse, if any.
5. The current owner does not qualify for \$20.00 discount pursuant to the coordinated stipulated judgments entered in actions filed by both the Attorney General and private class action plaintiffs for the herein described property.
6. Record instruments conveying or encumbering the estate or interest to be insured, briefly described:

Properly drafted and executed Deed of Trust from Paul Etheridge, a married man as his sole and separate property and Anna Marie Thams, and spouse if any, to Lender to be determined, securing a lien in the amount of \$400,000.00. NOTE: Marital status must be stated on the Deed of Trust Document.

ANY DEED PREPARED IN CONNECTION WITH THIS TRANSACTION MUST INCLUDE THE RELATIONSHIP OF GRANTOR AND GRANTEE IN ORDER TO DETERMINE THE APPLICABILITY OF TRANSFER TAXES, IF ANY.

END OF NOTES

Notice

You may be entitled to receive a \$20.00 discount on escrow services if you purchased, sold or refinanced residential property in between May 19, 1995 and November 1, 2002. If you had more than one qualifying transaction, you may be entitled to multiple discounts.

If your previous transaction involved the same property that is the subject of your current transaction, you do not have to do anything; the Company will provide the discount, provided you are paying for escrow or title services in this transaction.

If your previous transaction involved property different from the property that is subject of your current transaction, you must inform the Company of the earlier transaction, provide the address of the property involved in the previous transaction, and the date or approximate date that the escrow closed to be eligible for the discount.

Unless you inform the Company of the prior transaction on property that is not the subject of this transaction, the Company has no obligation to conduct an investigation to determine if you qualify for a discount. If you provide the Company information concerning a prior transaction, the Company is required to determine if you qualify for a discount.

Request for \$20.00 Discount – CA Settlement

Use one form for each qualifying property.

| | |
|---|--|
| To: | Fidelity National Title Insurance Company |
| Date: | |
| From: (name) | |
| Current Address: | |
| | I believe that I am qualified for the \$20.00 discount pursuant to the coordinated stipulated judgments entered in actions filed by both the Attorney General and private class action plaintiffs. I have not previously received a cash payment or a discount from another Company on the property described below. |
| | Signed: _____ Date: _____ |
| Address of qualifying property: | |
| Approximate date of transaction: | |

THIS SECTION IS FOR TITLE DEPARTMENT USE ONLY.

The above referenced party is entitled to receive a \$20.00 discount on escrow services or title insurance pursuant to the coordinated stipulated judgments entered in actions filed by both the Attorney General and private class action plaintiffs.

OR

The above referenced party does NOT qualify for the \$20.00 discount pursuant to the coordinated stipulated judgments entered in actions filed by both the Attorney General and private class action plaintiffs for the following reason:

The party has previously received credit for the transaction described above.

The transaction described above did not occur in the time period allowed by the stipulated judgments – May 19, 1995 to November 1, 2002.

Title Department: please fax your response to:

| | |
|------------------------|--|
| Escrow No: | |
| Escrow Officer: | |
| Fax Number: | |

AMERICAN LAND TITLE ASSOCIATION
RESIDENTIAL TITLE INSURANCE POLICY (6-1-87) EXCLUSIONS

In addition to the Exceptions in Schedule B, you are not insured against loss, costs, attorneys' fees, and expenses resulting from:

1. Governmental police power, and the existence or violation of any law or government regulation. This includes building and zoning ordinances and also laws and regulations concerning:
 - land use
 - improvements on the land
 - land division
 - environmental protection
 This exclusion does not apply to violations or the enforcement of these matters which appear in the public records at policy date. This exclusion does not limit the zoning coverage described in Items 12 and 13 of Covered Title Risks.
2. The right to take the land by condemning it, unless:
 - a notice of exercising the right appears in the public records on the Policy Date
 - the taking happened prior to the Policy Date and is binding on you if you bought the land without knowledge of the taking

In addition to the Exclusions, you are not insured against loss, costs, attorneys' fees, and the expenses resulting from:

1. Any rights, interests, or claims of parties in possession of the land not shown by the public records.
2. Any easements or liens not shown by the public records. This does not limit the lien coverage in Item 8 of Covered Title Risks.

3. Title Risks:
 - that are created, allowed, or agreed to by you
 - that are known to you, but not to us, on the Policy Date unless they appeared in the public records
 - that result in no loss to you
 - that first affect your title after the Policy Date - this does not limit the labor and material lien coverage in Item 8 of Covered Title Risks
4. Failure to pay value for your title.
5. Lack of a right:
 - to any land outside the area specifically described and referred to in Item 3 of Schedule A
 - or
 - in streets, alleys, or waterways that touch your land
 This exclusion does not limit the access coverage in Item 5 of Covered Title Risks.

3. Any facts about the land which a correct survey would disclose and which are not shown by the public records. This does not limit the forced removal coverage in Item 12 of Covered Title Risks.
4. Any water rights or claims or title to water in or under the land, whether or not shown by the public records.

CALIFORNIA LAND TITLE ASSOCIATION STANDARD COVERAGE POLICY - 1990
EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy and the Company will not pay loss or damage, costs, attorneys' fees or expenses which arise by reason of:

1. (a) Any law, ordinance or governmental regulation (including but not limited to building and zoning laws, ordinances, or regulations) restricting, regulating, prohibiting or relating to the occupancy, use, or enjoyment of the land; (b) the character, dimensions or location of any improvement now or hereafter erected on the land; (c) a separation in ownership or a change in the dimensions or area of the land or any parcel of which the land is or was a part; or (d) environmental protection, or the effect of any violation of these laws, ordinances or governmental regulations, except to the extent that a notice of the enforcement thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.
- (b) Any governmental police power not excluded by (a) above, except to the extent that a notice of the exercise thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.
2. Rights of eminent domain unless notice of the exercise thereof has been recorded in the public records at Date of Policy, but not excluding from coverage any taking which has occurred prior to Date of Policy which would be binding on the rights of a purchaser for value without knowledge.
3. Defects, liens, encumbrances, adverse claims, or other matters:
 - (a) whether or not recorded in the public records at Date of Policy, but created, suffered, assumed or agreed to by the insured claimant;
 - (b) not known to the Company, not recorded in the public records at Date of Policy, but known to the insured claimant and not disclosed in writing to the Company by the insured claimant prior to the date the insured claimant became an insured under this policy;
 - (c) resulting in no loss or damage to the insured claimant;
 - (d) attaching or created subsequent to Date of Policy; or
 - (e) resulting in loss or damage which would not have been sustained if the insured claimant had paid value for the insured mortgage or for the estate or interest insured by this policy.
4. Unenforceability of the lien of the insured mortgage because of the inability or failure of the insured at Date of Policy, or the inability or failure of any subsequent owner of the indebtedness, to comply with the applicable doing business laws of the state in which the land is situated.
5. Invalidity or unenforceability of the lien of the insured mortgage, or claim thereof, which arises out of the transaction evidenced by the insured mortgage and is based upon usury or any consumer credit protection or truth in lending law.
6. Any claim, which arises out of the transaction vesting in the insured the estate or interest insured by this policy or the transaction creating the interest of the insured lender, by reason of the operation of federal bankruptcy, state insolvency or similar creditors' rights laws.

SCHEDULE B, PART I
EXCEPTIONS FROM COVERAGE

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

PART I

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records. Proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.
2. Any facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of the land or which may be asserted by persons in possession thereof.
3. Easements, liens or encumbrances, or claims thereof, not shown by the public records.
4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose, and which are not shown by the public records.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b), or (c) are shown by the public records.

ATTACHMENT ONE
(CONTINUED)

Order No: 1763950 - 1

AMERICAN LAND TITLE ASSOCIATION LOAN POLICY (10-17-92)
WITH A.L.T.A. ENDO RSEMENT FORM 1 COVERAGE
EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy and the Company will not pay loss or damage, costs, attorneys' fees or expenses which arise by reason of:

- (a) Any law, ordinance or governmental regulation (including but not limited to building and zoning laws, ordinances, or regulations) restricting, regulating, prohibiting or relating to (i) the occupancy, use, or enjoyment of the land; (ii) the character, dimensions or location of any improvement now or hereafter erected on the land; (iii) a separation in ownership or a change in the dimensions or area of the land or any parcel of which the land is or was a part; or (iv) environmental protection, or the effect of any violation of these laws, ordinances or governmental regulations, except to the extent that a notice of the enforcement thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.
(b) Any governmental police power not excluded by (a) above, except to the extent that a notice of the exercise thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.
- Rights of eminent domain unless notice of the exercise thereof has been recorded in the public records at Date of Policy, but not excluding from coverage anything which has occurred prior to Date of Policy which would be binding on the rights of a purchaser for value without knowledge.
- Defects, liens, encumbrances, adverse claims, or other matters:
(a) created, suffered, assumed or agreed to by the insured claimant;
(b) not known to the Company, not recorded in the public records at Date of Policy, but known to the insured claimant and not disclosed in writing to the Company by the insured claimant prior to the date the insured claimant became an insured under this policy;
(c) resulting in no loss or damage to the insured claimant;
(d) attaching or created subsequent to Date of Policy (except to the extent that this policy insures the priority of the lien of the insured mortgage over any statutory lien for services, labor or material or to the extent insurance is

afforded herein as to assessments for street improvements under construction or completed at Date of Policy; or

- (a) resulting in loss or damage which would not have been sustained if the insured claimant had paid value for the insured mortgage.
- Unenforceability of the lien of the insured mortgage because of the inability or failure of the insured at Date of Policy, or the inability or failure of any subsequent owner of the indebtedness, to comply with applicable doing business laws of the state in which the land is situated.
- Invalidity or unenforceability of the lien of the insured mortgage, or claim thereof, which arises out of the transaction evidenced by the insured mortgage and is based upon usury or any consumer credit protection or truth in lending law.
- Any statutory lien for services, labor or materials (or the claim of priority of any statutory lien for services, labor or materials over the lien of the insured mortgage) arising from an improvement or work related to the land which is contracted for and commenced subsequent to Date of Policy and is not financed in whole or in part by proceeds of the indebtedness secured by the insured mortgage which at Date of Policy the insured has advanced or is obligated to advance.
- Any claim, which arises out of the transaction creating the interest of the mortgage insured by this policy, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that is based on:
(i) the transaction creating the interest of the insured mortgagee being deemed a fraudulent conveyance or fraudulent transfer; or
(ii) the subordination of the interest of the insured mortgagee as a result of the application of the doctrine of equitable subordination; or
(iii) the transaction creating the interest of the insured mortgagee being deemed a preferential transfer except where the preferential transfer results from the failure:
(a) to timely record the instrument of transfer; or
(b) of such recordation to impart notice to a purchaser for value or a judgment or lien creditor.

The above policy form may be issued to afford either Standard Coverage or Extended Coverage. In addition to the above Exclusions from Coverage, the Exceptions from Coverage in a Standard Coverage policy will also include the following Exceptions from Coverage:

EXCEPTIONS FROM COVERAGE

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

- Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records. Proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.
- Any facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of the land or which may be asserted by persons in possession thereof.
- Easements, liens or encumbrances, or claims thereof, not shown by the public records.
- Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose, and which are not shown by the public records.
- (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b) or (c) are shown by the public records.

2006 AMERICAN LAND TITLE ASSOCIATION LOAN POLICY (06-17-06)
EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy, and the Company will not pay loss or damage, costs, attorneys' fees, or expenses that arise by reason of:

- (a) Any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) restricting, regulating, prohibiting, or relating to (i) the occupancy, use, or enjoyment of the Land; (ii) the character, dimensions, or location of any improvement erected on the Land; (iii) the subdivision of land; or (iv) environmental protection; or the effect of any violation of these laws, ordinances, or governmental regulations. This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 5.
(b) Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 6.
- Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.
- Defects, liens, encumbrances, adverse claims, or other matters:
(a) created, suffered, assumed, or agreed to by the Insured Claimant;
(b) not known to the Company, not recorded in the Public Records at Date of Policy, but known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;

(c) resulting in no loss or damage to the Insured Claimant;
(d) attaching or created subsequent to Date of Policy (however, this does not modify or limit the coverage provided under Covered Risk 11, 13, or 14); or
(e) resulting in loss or damage that would not have been sustained if the Insured Claimant had paid value for the Insured Mortgage.

- Unenforceability of the lien of the Insured Mortgage because of the inability or failure of an Insured to comply with applicable doing-business laws of the state where the Land is situated.
- Invalidity or unenforceability in whole or in part of the lien of the Insured Mortgage that arises out of the transaction evidenced by the Insured Mortgage and is based upon usury or any consumer credit protection or truth-in-lending law.
- Any claim, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that the transaction creating the lien of the Insured Mortgage, is:
(a) a fraudulent conveyance or fraudulent transfer; or
(b) a preferential transfer for any reason not stated in Covered Risk 13(b) of this policy.
- Any lien on the Title for real estate taxes or assessments imposed by governmental authority and created or attaching between Date of Policy and the date of recording of the Insured Mortgage in the Public Records. This Exclusion does not modify or limit the coverage provided under Covered Risk 11(b).

The above policy form may be issued to afford either Standard Coverage or Extended Coverage. In addition to the above Exclusions from Coverage, the Exceptions from Coverage in a Standard Coverage policy will also include the following Exceptions from Coverage:

EXCEPTIONS FROM COVERAGE

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) that arise by reason of:

- (a) Taxes or assessments that are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; (b) proceedings by a public agency that may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
- Any facts, rights, interests, or claims that are not shown by the Public Records but that could be ascertained by an inspection of the Land or that may be asserted by persons in possession of the Land.
- Easements, liens or encumbrances, or claims thereof, not shown by the Public Records.
- Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land and not shown by the Public Records.
- (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b), or (c) are shown by the Public Records.

ATTACHMENT ONE
(CONTINUED)

Order No: 1763950 - 1

AMERICAN LAND TITLE ASSOCIATION OWNER'S POLICY (10-17-92)
EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy and the Company will not pay loss or damage, costs, attorneys' fees or expenses which arise by reason of:

- (a) Any law, ordinance or governmental regulation (including but not limited to building and zoning laws, ordinances, or regulations) restricting, regulating, prohibiting or relating to (i) the occupancy, use, or enjoyment of the land; (ii) the character, dimensions or location of any improvement now or hereafter erected on the land; (iii) a separation in ownership or a change in the dimensions or area of the land or any parcel of which the land is or was a part; or (iv) environmental protection, or the effect of any violation of these laws, ordinances or governmental regulations, except to the extent that a notice of the enforcement thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.
(b) Any governmental police power not excluded by (a) above, except to the extent that a notice of the exercise thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.
- Rights of eminent domain unless notice of the exercise thereof has been recorded in the public records at Date of Policy, but not excluding from coverage any taking which has occurred prior to Date of Policy which would be binding on the rights of a purchaser for value without knowledge.

- Defects, liens, encumbrances, adverse claims, or other matters:
(a) created, suffered, assumed or agreed to by the insured claimant;
(b) not known to the Company, not recorded in the public records at Date of Policy, but known to the insured claimant and not disclosed in writing to the Company by the insured claimant prior to the date the insured claimant became an insured under this policy;
(c) resulting in no loss or damage to the insured claimant;
(d) attaching or created subsequent to Date of Policy, or
(e) resulting in loss or damage which would not have been sustained if the insured claimant had paid value for the estate or interest insured by this policy.
- Any claim, which arises out of the transaction vesting in the insured the estate or interest insured by this policy, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that is based on:
(i) the transaction creating the estate or interest insured by this policy being deemed a fraudulent conveyance or fraudulent transfer; or
(ii) the transaction creating the estate or interest insured by this policy being deemed a preferential transfer except where the preferential transfer results from the failure:
(a) to timely record the instrument of transfer; or
(b) of such recordation to impart notice to a purchaser for value or a judgment or lien creditor.

The above policy form may be issued to afford either Standard Coverage or Extended Coverage. In addition to the above Exclusions from Coverage, the Exceptions from Coverage in a Standard Coverage policy will also include the following Exceptions from Coverage:

EXCEPTIONS FROM COVERAGE

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

- Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records. Proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.
- Any facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of the land or which may be asserted by persons in possession thereof.

- Easements, liens or encumbrances, or claims thereof, not shown by the public records.
- Discrepancies, conflicts in boundary lines, shortages in area, encroachments, or any other facts which a correct survey would disclose, and which are not shown by the public records.
- (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b) or (c) are shown by the public records.

2006 AMERICAN LAND TITLE ASSOCIATION OWNER'S POLICY (06-17-06)
EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy, and the Company will not pay loss or damage, costs, attorneys' fees, or expenses that arise by reason of:

- (a) Any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) restricting, regulating, prohibiting, or relating to (i) the occupancy, use, or enjoyment of the Land; (ii) the character, dimensions, or location of any improvement erected on the Land; (iii) the subdivision of land; or (iv) environmental protection; or the effect of any violation of these laws, ordinances, or governmental regulations. This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 6.
(b) Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 6.
- Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.
- Defects, liens, encumbrances, adverse claims, or other matters

- (a) created, suffered, assumed, or agreed to by the insured Claimant;
(b) not known to the Company, not recorded in the Public Records at Date of Policy, but known to the insured Claimant and not disclosed in writing to the Company by the insured Claimant prior to the date the insured Claimant became an insured under this policy;
(c) resulting in no loss or damage to the insured Claimant;
(d) attaching or created subsequent to Date of Policy (however, this does not modify or limit the coverage provided under Covered Risk 9 and 10); or
(e) resulting in loss or damage that would not have been sustained if the insured Claimant had paid value for the Title.
- Any claim, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that the transaction vesting the Title as shown in Schedule A, is
(a) a fraudulent conveyance or fraudulent transfer; or
(b) a preferential transfer for any reason not stated in Covered Risk 9 of this policy.
- Any lien on the Title for real estate taxes or assessments imposed by governmental authority and created or attaching between Date of Policy and the date of recording of the deed or other instrument of transfer in the Public Records that vests Title as shown in Schedule A.

The above policy form may be issued to afford either Standard Coverage or Extended Coverage. In addition to the above Exclusions from Coverage, the Exceptions from Coverage in a Standard Coverage policy will also include the following Exceptions from Coverage:

EXCEPTIONS FROM COVERAGE

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) that arise by reason of:

- (a) Taxes or assessments that are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; (b) proceedings by a public agency that may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
- Any facts, rights, interests, or claims that are not shown in the Public Records but that could be ascertained by an inspection of the Land or that may be asserted by persons in possession of the Land.

- Easements, liens or encumbrances, or claims thereof, not shown by the Public Records.
- Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land and that are not shown by the Public Records.
- (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b), or (c) are shown by the Public Records.

CLTA HOMEOWNER'S POLICY OF TITLE INSURANCE (10-22-03)
ALTA HOMEOWNER'S POLICY OF TITLE INSURANCE (10-22-03)
EXCLUSIONS

In addition to the Exceptions in Schedule B, You are not insured against loss, costs, attorneys' fees, and expenses resulting from:

1. Governmental police power, and the existence or violation of any law or government regulation. This includes ordinances, laws and regulations concerning:
 - a. building
 - b. zoning
 - c. Land use
 - d. improvements on Land
 - e. Land division
 - f. environmental protection

This Exclusion does not apply to violations or the enforcement of these matters if notice of the violation or enforcement appears in the Public Records at the Policy Date.

This Exclusion does not limit the coverage described in Covered Risk 14, 15, 16, 17 or 24.
2. The failure of Your existing structures, or any part of them, to be constructed in accordance with applicable building codes. This Exclusion does not apply to violations of building codes if notice of the violation appears in the Public Records at the Policy Date.
3. The right to take the Land by condemning it, unless:
 - a. notice of exercising the right appears in the Public Records at the Policy Date; or
 - b. the taking happened before the Policy Date and is binding on You if You bought the Land without knowing of the taking.

4. Risks:
 - a. that are created, allowed, or agreed to by You, whether or not they appear in the Public Records;
 - b. that are known to You at the Policy Date, but not to Us, unless they appear in the Public Records at the Policy Date;
 - c. that result in no loss to You; or
 - d. that first occur after the Policy Date - this does not limit the coverage described in Covered Risk 7, 8, 22, 23, 24 or 25.
5. Failure to pay value for Your Title.
6. Lack of a right:
 - a. to any Land outside the area specifically described and referred to in paragraph 3 of Schedule A; and
 - b. in streets, alleys, or waterways that touch the Land.

This Exclusion does not limit the coverage described in Covered Risk 11 or 18.

LIMITATIONS ON COVERED RISKS

Your insurance for the following Covered Risks is limited on the Owner's Coverage Statement as follows:

- For Covered Risk 14, 15, 16 and 18, Your Deductible Amount and Our Maximum Dollar Limit of Liability shown in Schedule A.

The deductible amounts and maximum dollar limits shown on Schedule A are as follows:

| | <u>Your Deductible Amount</u> | <u>Our Maximum Dollar Limit of Liability</u> |
|------------------|---|--|
| Covered Risk 14: | 1.00% of Policy Amount or \$2,600.00 (whichever is less) | \$ 10,000.00 |
| Covered Risk 15: | 1.00% of Policy Amount or \$5,000.00 (whichever is less) | \$ 25,000.00 |
| Covered Risk 16: | 1.00% of Policy Amount or \$6,000.00 (whichever is less) | \$ 25,000.00 |
| Covered Risk 18: | 1.00% of Policy Amount or \$2,500.00 (whichever is less) | \$ 5,000.00 |

ALTA EXPANDED COVERAGE RESIDENTIAL LOAN POLICY (10/13/01)
EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy and the Company will not pay loss or damage, costs, attorneys' fees or expenses which arise by reason of:

1. (a) Any law, ordinance or governmental regulation (including but not limited to zoning laws, ordinances, or regulations) restricting, regulating, prohibiting or relating to (i) the occupancy, use, or enjoyment of the Land; (ii) the character, dimensions or location of any improvements now or hereafter erected on the Land; (iii) a separation in ownership or a change in the dimensions or areas of the Land or any parcel of which the Land is or was a part; or (iv) environmental protection, or the effect of any violation of these laws, ordinances or governmental regulations, except to the extent that a notice of the enforcement thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the Land has been recorded in the Public Records at Date of Policy. This exclusion does not limit the coverage provided under Covered Risks 12, 13, 14, and 16 of this policy.
- (b) Any governmental police power not excluded by (a) above, except to the extent that a notice of the exercise thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the Land has been recorded in the Public Records at Date of Policy. This exclusion does not limit the coverage provided under Covered Risks 12, 13, 14, and 16 of this policy.
2. Rights of eminent domain unless notice of the exercise thereof has been recorded in the Public Records at Date of Policy, but not excluding from coverage anything which has occurred prior to Date of Policy which would be binding on the rights of a purchaser for value without knowledge.
3. Defects, liens, encumbrances, adverse claims or other matters:
 - (a) created, suffered, assumed or agreed to by the Insured Claimant;
 - (b) not known to the Company, not recorded in the Public Records at Date of Policy, but known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
 - (c) resulting in no loss damage to the Insured Claimant;
 - (d) attaching or created subsequent to Date of Policy (this paragraph does not limit the coverage provided under Covered Risks 6, 16, 18, 19, 20, 21, 22, 23, 24, 25 and 26); or
 - (e) resulting in loss or damage which would not have been sustained if the Insured Claimant had paid value for the Insured Mortgage.
4. Unenforceability of the lien of the Insured Mortgage because of the inability or failure of the Insured at Date of Policy, or the inability or failure of any subsequent owner of the indebtedness, to comply with applicable doing business laws of the state in which the Land is situated.
5. Invalidity or unenforceability of the lien of the Insured Mortgage, or claim thereof, which arises out of the transaction evidenced by the Insured Mortgage and is based upon usury, except as provided in Covered Risk 27, or any consumer credit protection or truth in lending law.
6. Real property taxes or assessments of any governmental authority which become a lien on the Land subsequent to Date of Policy. This exclusion does not limit the coverage provided under Covered Risks 7, 8(e) and 20.
7. Any claim of invalidity, unenforceability or lack of priority of the lien of the Insured Mortgage as to advances or modifications made after the Insured has knowledge that the vestee shown in Schedule A is no longer the owner of the estate or interest covered by this policy. This exclusion does not limit the coverage provided in Covered Risk 8.
8. Lack of priority of the lien of the Insured Mortgage as to each and every advance made after Date of Policy, and all interest charged thereon, over liens, encumbrances and other matters affecting the title, the existence of which are known to the Insured at:
 - (a) The time of the advance; or
 - (b) The time a modification is made to the terms of the Insured Mortgage which changes the rate of interest charged, if the rate of interest is greater as a result of the modification than it would have been before the modification. This exclusion does not limit the coverage provided in Covered Risk 8.
9. The failure of the residential structure, or any portion thereof to have been constructed before, on or after Date of Policy in accordance with applicable building codes. This exclusion does not apply to violations of building codes if notice of the violation appears in the Public Records at Date of Policy.

Fidelity National Financial, Inc.

Privacy Statement

Fidelity National Financial, Inc. and its subsidiaries ("FNF") respect the privacy and security of your non-public personal information ("Personal Information") and protecting your Personal Information is one of our top priorities. This Privacy Statement explains FNF's privacy practices, including how we use the Personal Information we receive from you and from other specified sources, and to whom it may be disclosed. FNF follows the privacy practices described in this Privacy Statement and, depending on the business performed, FNF companies may share information as described herein.

Personal Information Collected

We may collect Personal Information about you from the following sources:

- Information we receive from you on applications or other forms, such as your name, address, social security number, tax identification number, asset information, and income information;
- Information we receive from you through our Internet websites, such as your name, address, email address, Internet Protocol address, the website links you used to get to our websites, and your activity while using or reviewing our websites;
- Information about your transactions with or services performed by us, our affiliates, or others, such as information concerning your policy, premiums, payment history, information about your home or other real property, information from lenders and other third parties involved in such transaction, account balances, and credit card information; and
- Information we receive from consumer or other reporting agencies and publicly recorded documents.

Disclosure of Personal Information

We may provide your Personal Information (excluding information we receive from consumer or other credit reporting agencies) to various individuals and companies, as permitted by law, without obtaining your prior authorization. Such laws do not allow consumers to restrict these disclosures. Disclosures may include, without limitation, the following:

- To insurance agents, brokers, representatives, support organizations, or others to provide you with services you have requested, and to enable us to detect or prevent criminal activity, fraud, material misrepresentation, or nondisclosure in connection with an insurance transaction;
- To third-party contractors or service providers for the purpose of determining your eligibility for an insurance benefit or payment and/or providing you with services you have requested;
- To an insurance regulatory authority, or a law enforcement or other governmental authority, in a civil action, in connection with a subpoena or a governmental investigation;
- To companies that perform marketing services on our behalf or to other financial institutions with which we have joint marketing agreements; and/or
- To lenders, lien holders, judgment creditors, or other parties claiming an encumbrance or an interest in title whose claim or interest must be determined, settled, paid or released prior to a title or escrow closing.

We may also disclose your Personal Information to others when we believe, in good faith, that such disclosure is reasonably necessary to comply with the law or to protect the safety of our

Privacy Statement

Effective Date 5/1/2008

customers, employees, or property and/or to comply with a judicial proceeding, court order or legal process.

Disclosure to Affiliated Companies - We are permitted by law to share your name, address and facts about your transaction with other FNF companies, such as insurance companies, agents, and other real estate service providers to provide you with services you have requested, for marketing or product development research, or to market products or services to you. We do not, however, disclose information we collect from consumer or credit reporting agencies with our affiliates or others without your consent, in conformity with applicable law, unless such disclosure is otherwise permitted by law.

Disclosure to Nonaffiliated Third Parties - We do not disclose Personal Information about our customers or former customers to nonaffiliated third parties, except as outlined herein or as otherwise permitted by law.

Confidentiality and Security of Personal Information

We restrict access to Personal Information about you to those employees who need to know that information to provide products or services to you. We maintain physical, electronic, and procedural safeguards that comply with federal regulations to guard Personal Information.

Access to Personal Information/ Requests for Correction, Amendment, or Deletion of Personal Information

As required by applicable law, we will afford you the right to access your Personal Information, under certain circumstances to find out to whom your Personal Information has been disclosed, and request correction or deletion of your Personal Information. However, FNF's current policy is to maintain customers' Personal Information for no less than your state's required record retention requirements for the purpose of handling future coverage claims.

For your protection, all requests made under this section must be in writing and must include your notarized signature to establish your identity. Where permitted by law, we may charge a reasonable fee to cover the costs incurred in responding to such requests. Please send requests to:

Chief Privacy Officer
Fidelity National Financial, Inc.
601 Riverside Avenue
Jacksonville, FL 32204

Changes to this Privacy Statement

This Privacy Statement may be amended from time to time consistent with applicable privacy laws. When we amend this Privacy Statement, we will post a notice of such changes on our website. The effective date of this Privacy Statement, as stated above, indicates the last time this Privacy Statement was revised or materially changed.

Privacy Statement

Effective Date 5/1/2008

December 15, 2008

Mr. Steve Bunting
Fire Marshall
CITY OF NEWPORT BEACH
FIRE AND MARINE DEPARTMENT
3300 Newport Boulevard
P.O. Box 1768
Newport Beach, Ca 92658-8915

RE: Yellowstone Recovery ("Pegasus House" Residence)
Coda Analysis For The Existing Building

Dear Mr. Bunting,

Alfred J. Boder, Architect has been contracted by Yellowstone Recovery to review details of their existing building, titled "Pegasus House", located at 1571 Pegasus Street, Santa Ana, Ca 92707. Yellowstone Recovery intends to change the use of the building from a single-family residence to a Residential Facility for the non-medical rehabilitation of drug abuse and alcoholism. We have surveyed the existing building and the summary of our findings and conclusions are as follows:

- A. The existing building was constructed in 1961, and was built as a single-family residence, occupancy type R-3. The building is a two-story structure with an attached garage.
- B. The building is set back from the front property line 26'-0". The side yard set back is 6'-0" clear on both sides of the structure.
- C. As the attached plans indicate, the residence is entered through the front door that faces the addressed street. The first floor consists of a living room, dining room, kitchen, bathroom, and two bedrooms. The second floor consists of four bedrooms, and two bathrooms.

Based on this research, the following code issues are in compliance with the current code requirements of the California Building Code, CBC 2007.

- 01. **Location On The Property:** As indicated on the attached plans, the building setbacks for the side yards is five (6) feet from the property line. This distance includes the attached garage. Per CBC section 6, Table 602, the minimum fire separation distance is five feet. This setback is achieved to the property line and from the property line; the

adjacent R-3 residence is also setback five (5) feet from the property line for a total of a ten (11) foot separation from the two buildings.

Conclusion: The wall of the garage at the side yard is not required to be of fire rated construction and there are no penetrations or openings in the attached garage wall.

02. **Section 419, Group I-1, R-1, R-2, R-3, R-3.1, R-4:** 419.2, Separation walls. Section does not apply. Note that the common wall between the attached garage is of one-hour fire rated construction to the bottom of the roof diaphragm and there are no penetrations in this wall.
03. **Section 419.3, Horizontal Separation:** This section does not apply per section 711.1.
04. **Section 425, Special Provisions For Licensed 24-Hour Care Facilities in Group R-1, R-3.1 or R-4 Occupancy (SEMD):** Per section 425.3.5, Limitations – Seven or More Clients; The second floor area is less than three thousand (3,000) square feet and therefore a one-hour fire rated construction is not required.
05. **Section 425.7, Fire Protection System Provisions:** Section 425.7.1, Automatic Fire Sprinkler Systems. Per section 903.2.7, Group R, an automatic fire sprinkler system is not required per exceptions 1 and 3.
Section 425.7.2, Fire Alarm Systems; Per section 907.2.8 an approved, hard-wired fire alarm system is installed as required per section 907.2.8.2.
Section 427.7.3, Smoke Alarms; Per section 907.2.8.3, battery powered smoke detectors/alarms are installed in the required areas per section 907.2.10.
Section 906.1, Portable Fire Extinguishers; Portable fire extinguishers are installed and located per the California Fire Code.
06. **Chapter 10 Means Of Egress:** Section 1006, means of egress illumination. There is illumination at the top, middle, and bottom of the staircase.
Section 1009, Stairways; Per section 1009.1, exception 1, the staircase complies with the code requirement.

I believe that this is a complete analysis of the code related items which apply to this building during the change of occupancy. Please call Anthony Grillo, my representative, at (949) 678-3214 if you have any questions.

Sincerely,

Alfred Bodor – Architect

A handwritten signature in black ink, appearing to read "Alfred Bodor", written in a cursive style.

Attachments; Scale as-built plans

PARKING AND TRANSPORTATION

There is room for four cars to park on the property; however residents are not permitted to park there. Only the house manager and assistant manager are permitted to park onsite. Thus, the maximum number of cars parked onsite at any time will be two. Most residents ride the bus and there is a bus stop located near the home.

The home does not provide general transportation throughout Newport Beach and other neighboring cities. The home provides transportation to only two locations: the treatment facility and St. John church. Both are within ten minutes of the home. St. John is located at 183 East Bay Street in Costa Mesa. The treatment facility is located at 154 East Bay Street in Costa Mesa. Route maps from the home to the treatment facility and from the home to St. John church are attached.

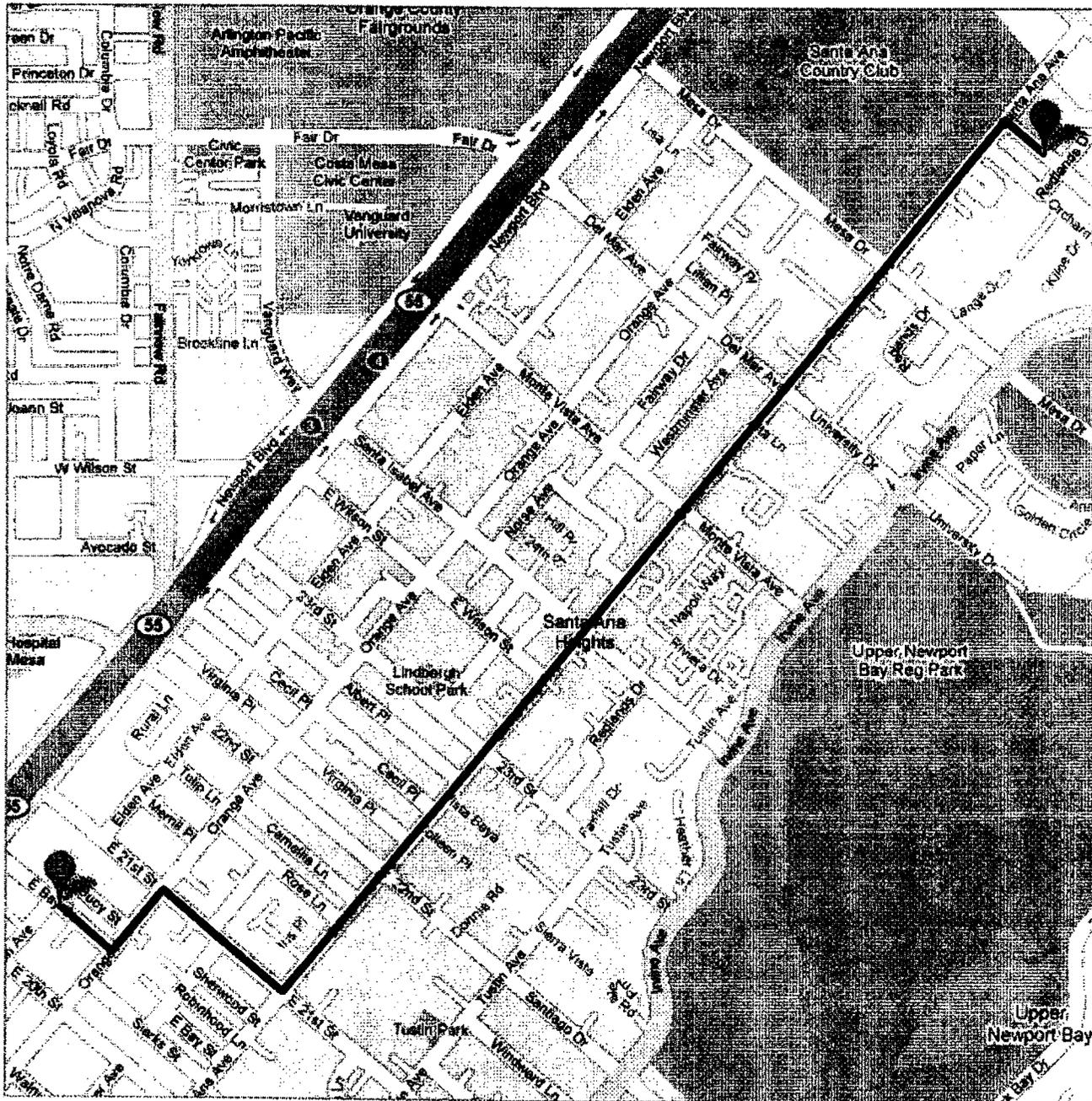
In the morning, residents are transported to either church or treatment. All residents are prohibited from being in the house between 8:00 a.m. and 3:00 p.m. Additionally, all residents must return to the house by 4:00 p.m. Finally, the vans that transport the residents are not parked onsite. When not in use, the vans are kept in another city.



Directions to 154 E Bay St, Costa Mesa, CA 92627

2.4 mi - about 8 mins

From HOME to TREATMENT



 1571 Pegasus St, Santa Ana, CA 92707

-
1. **Head northwest on Pegasus St toward Santa Ana Ave** go 423 ft
total 423 ft

 -  2. **Turn left at Santa Ana Ave**
About 6 mins go 1.8 mi
total 1.9 mi

 -  3. **Turn right at E 21st St**
About 1 min go 0.2 mi
total 2.1 mi

 -  4. **Turn left at Orange Ave** go 0.1 mi
total 2.3 mi

 -  5. **Turn right at E Bay St**
Destination will be on the right go 0.1 mi
total 2.4 mi

 154 E Bay St, Costa Mesa, CA 92627

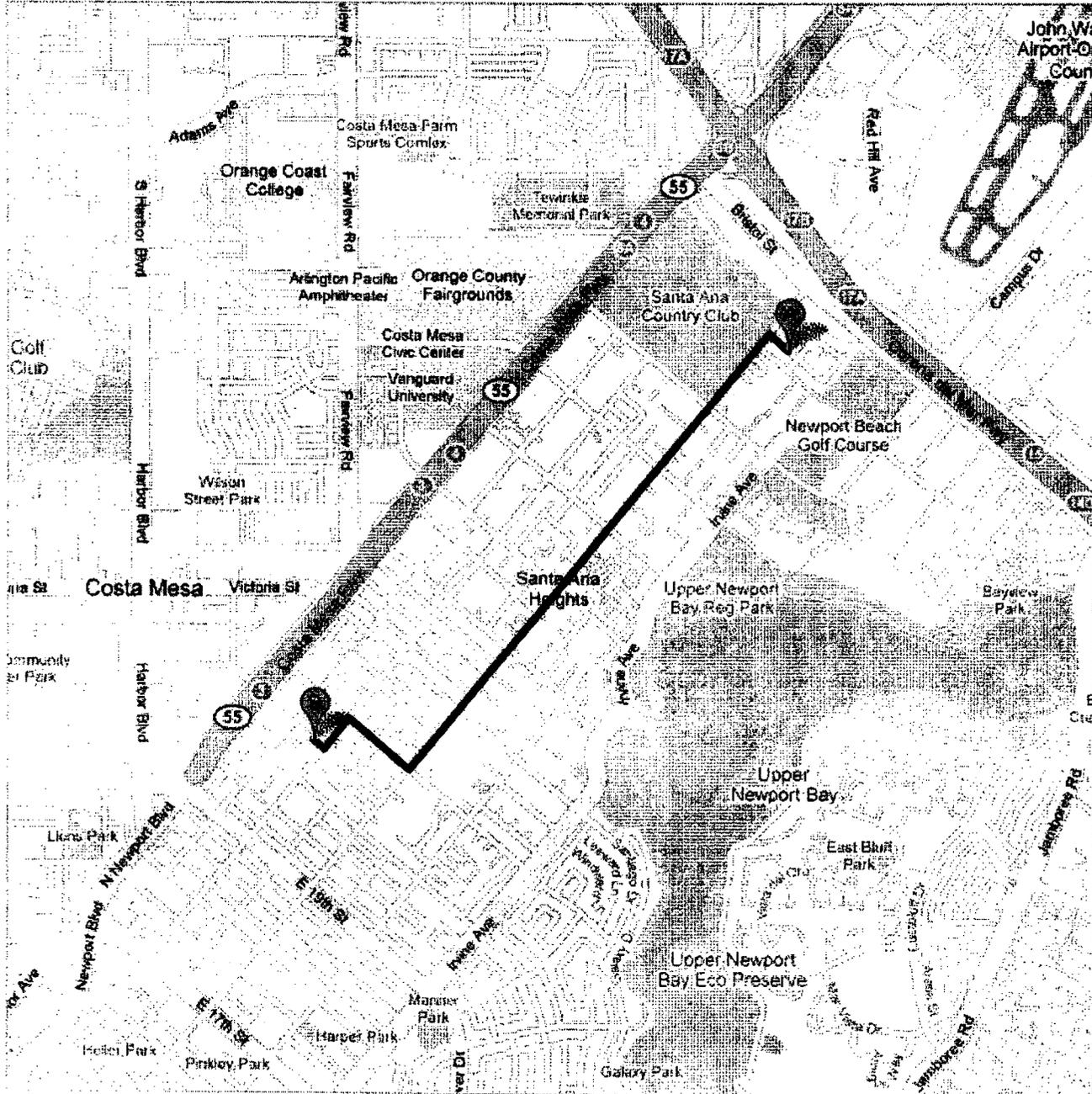
These directions are for planning purposes only. You may find that construction projects, traffic, weather, or other events may cause conditions to differ from the map results, and you should plan your route accordingly. You must obey all signs or notices regarding your route.

Map data ©2008, Tele Atlas



Directions to 183 E Bay St, Costa Mesa, CA 92627

2.3 mi – about 7 mins
From HOME to CHURCH



 1571 Pegasus St, Santa Ana, CA 92707

-
1. **Head northwest on Pegasus St toward Santa Ana Ave** go 423 ft
total 423 ft
 -  2. **Turn left at Santa Ana Ave**
About 6 mins go 1.8 mi
total 1.9 mi
 -  3. **Turn right at E 21st St**
About 1 min go 0.2 mi
total 2.1 mi
 -  4. **Turn left at Orange Ave** go 0.1 mi
total 2.3 mi
 -  5. **Turn right at E Bay St**
Destination will be on the left go 223 ft
total 2.3 mi

 183 E Bay St, Costa Mesa, CA 92627

These directions are for planning purposes only. You may find that construction projects, traffic, weather, or other events may cause conditions to differ from the map results, and you should plan your route accordingly. You must obey all signs or notices regarding your route.

Map data ©2008, Tele Atlas

Orange County Sober Living Coalition

Affiliated with the Sober Living Network

YELLOWSTONE PEGASUS

Yellowstone Pegasus Sober Living House at 1571 Pegasus Street, Newport Beach, CA

Is approved as a member in good standing
Meets the health and safety standards, as well as the management ability
and ethical guidelines in the operation of a quality sober living home.



Coalition inspection completed 4/15/08
Expires 4/14/09

Shant D. McVey
OC Coalition Chair

Patricia G. Kelly
OC Coalition Secretary

PROVIDING EQUAL RECOVERY OPPORTUNITIES FOR ALL

Received BY
PLANNING DEPARTMENT

JAN 12 2009

CITY OF NEWPORT BEACH



DAVIS • ZFATY
A PROFESSIONAL LAW CORPORATION

January 7, 2009

VIA FIRST CLASS MAIL

Ms. Janet Brown
CITY OF NEWPORT BEACH
3300 Newport Boulevard
Newport Beach, CA 92658-8915

Re: *Oxford Certification for 1571 Pegasus*

Dear Ms. Brown:

Enclosed is a copy of the permanent Oxford Certification for the property located at 1571 Pegasus. The materials we submitted to you on December 23, 2008 contained a provisional Oxford Certification. In our previous phone conversation you said that the provisional Oxford Certification was acceptable and to send a copy of the permanent certification once the certificate was reduced in size. As always, please feel free to contact me if you have any questions.

Very truly yours,

DAVIS ZFATY

NICOLE COHRS

Oxford House, Inc.

hereby grants to

Oxford House ~ Pegasus
Newport Beach, CA

A Permanent Charter

This home may enjoy all the privileges of Oxford House as long as it adheres to the following three conditions:

- 1. The House must be self-run on a democratic basis;*
- 2. The House must be financially self-supporting; and*
- 3. Any resident who drinks alcohol or uses drugs must be immediately expelled.*

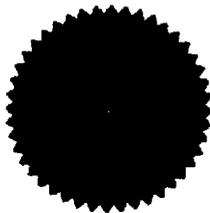
Granted With the Approval of The World Council:

J. Paul Molloy

Co-founder & Chief Executive Officer
Oxford House, Inc.

November 26, 2008

DATE





PLANNING DEPARTMENT

3300 Newport Boulevard, Building C, Newport Beach, CA 92663
(949) 644-3200 Fax: (949) 644-3229 website: www.city.newport-beach.ca.us

January 21, 2009

Davis & Rayburn, Attorneys at Law
Attention: Isaac R. Zfaty
580 Broadway Street, Suite 301
Laguna Beach, CA 92651

Dear Mr. Zfaty:

Subject: Yellowstone Women's First Step House, Inc.
Property Located at 1571 Pegasus Street
Use Permit No. 2008-036 (PA2008-107)

Thank you for your follow-up submittal dated December 23, 2008, received by the City on December 29, 2008. After reviewing the resubmittal material, the following items are incorrect or otherwise incomplete:

1. Please revise the site plan (Sheet A-1) to show the building footprints on adjacent parcels, including the distances of those improvements from the property lines. Please note that your original submittal included a site plan showing portions of adjacent structures, but those plans were not accurately drawn, not drawn to scale, and the dimensions indicated were in error.
2. The plans are not internally consistent with respect to the number of beds provided. That is, the number of beds shown graphically on the floor plans is 18 but the written summary on Sheet A-2 indicates 17. Please provide the correct number.
3. Please add the driveway and the street curb line to the site plan (as distinguished from the front property line).
4. Municipal Code Section 20.91A.050 (C.2) states that the maximum number of residents is restricted to a total of two per bedroom plus one additional resident, resulting in a total of 13 residents for this six-bedroom house. If it proposed to exceed this maximum, a justification must be submitted: Please refer to page 3 of the application for those items to be considered in determining if a different occupancy limit is to be considered.
5. The architect's letter dated December 15, 2008 is not stamped and is not signed by the architect. Also, in the last paragraph of the first page, it states that "...the building setbacks for the side yards is five (6) feet..." The same type of discrepancy occurs at the top of the second page. Please clarify which numbers are correct.

In addition to the above items, the application filing fee of \$2,200 remains unpaid. However, per e-mail correspondence with both the City Attorney's Office and the Planning Department, it is our understanding you will be applying for a reasonable accommodation for a fee waiver based on disability-related financial hardship. This is in addition to the separate request for a reasonable accommodation to be treated as a single housekeeping unit.

Pursuant to Chapter 20.98 of the Zoning Code, if the project for which the request for a reasonable accommodation is made requires another discretionary permit or approval (in this case, a use permit), the applicant may request that the Hearing Officer hear the request for a reasonable accommodation at the same time as the use permit. If you do not request a simultaneous hearing, the request for reasonable accommodation will not be heard until after a final decision has been made regarding the use permit.

Please inform us of whether or not you wish to schedule the requests for reasonable accommodation to be treated as a single housekeeping unit and/or for a fee waiver at the same hearing as the use permit or at a later date. We will need this information by January 27, 2009, so that we may proceed appropriately with preparation of the staff report.

Please be advised that the City of Newport Beach will proceed with the use permit application hearing for the above referenced property on Thursday, February 12, 2009, at 4:00 p.m. in the City Council Chambers. This will be a public hearing and will take place before a third-party hearing officer.

The City has scheduled this hearing despite the fact that your use permit application remains incomplete. Please be advised that by scheduling your application for a public hearing, the City is not deeming your application complete.

We will send a copy of the staff report which addresses your application to you and the hearing officer for review four to seven days in advance of the hearing date.

If you have any questions regarding the process, please do not hesitate to contact me at 949-661-8175 (Lx4@sbcglobal.net), or Janet Brown at 949-644-3236 (jbrown@city.newport-beach.ca.us).

Sincerely,


Larry Lawrence AICP
Consulting Case Planner

cc: Dr. Anna Marie Thames, Yellowstone Recovery Programs



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A PROFESSIONAL LAW CORPORATION

RECEIVED BY
PLANNING DEPARTMENT

JAN 27 2009

CITY OF NEWPORT BEACH

January 23, 2009

VIA FIRST CLASS MAIL

Ms. Janet Brown
CITY OF NEWPORT BEACH
3300 Newport Boulevard
Newport Beach, CA 92658-8915

Re: *Hearing for Use Permit Application and Reasonable Accommodations*

Dear Janet:

I received your letters regarding the February 12, 2009 hearing date for the Use Permit Application for the Yellowstone properties. We would like to have both our fee-waiver and our Single Housekeeping Unit Requests for Reasonable Accommodation heard on February 12, 2009 for all of the Yellowstone properties as well. As always, please feel free to contact me if you have any questions.

Very truly yours,

DAVIS ZFATY

NICOLE COHRS



RECEIVED BY
PLANNING DEPARTMENT

FEB 02 2009

DAVIS • ZFATY
A PROFESSIONAL LAW CORPORATION

CITY OF NEWPORT BEACH

January 29, 2009

Z175.1

VIA FIRST CLASS MAIL

Ms. Janet Brown
City of Newport Beach
3300 Newport Boulevard
Newport Beach, CA 92658-8915

Re: Request for Reasonable Accommodation: 1571 Pegasus

Dear Ms. Brown:

As you know, this firm is general counsel for Yellowstone Women's First Step House, Inc. ("Yellowstone"). I recently spoke with Cathy Walcott of the City Attorney's office. She informed me of a few ambiguities in our Request for Reasonable Accommodation Worksheet for the 1571 Pegasus property (the "Property"). The purpose of this letter is to clarify these ambiguities.

(Question 5) Impairments Substantially Limiting Major Life Activities: Do the clients have physical or mental impairments that substantially limit one or more of such person's major life activities? What are those impairments?

The residents of the Property are recovering from alcohol addiction. They manifest physical and mental symptoms which have prevented them from engaging in at least one of their major life activities.

Although the residents work, they are recovering from a physical dependence on alcohol. Mentally, the residents are recovering from the inability to make healthy choices like the average person in the general population regarding their consumption of alcohol. Their impairments affect their ability to think, concentrate, and interact with others as compared to the ability of the average person in the general population to do the same. Thus, their disability is substantially limiting.

Enclosed with this letter is a Declaration under penalty of perjury from the applicant, Honey Thames, manager of the Property, that every resident in the Property has physical or mental impairments that substantially limit one or more of the residents' major life activities. Cathy Walcott mentioned that this would be acceptable given that the privacy concerns of the residents limit our ability to provide medical records or signatures of the residents.

Ms. Janet Brown
January 29, 2009

(Question 10) Parking: Describe the on-site parking resources and the staff and visitor parking plans.

Parking on the Property is reserved for the manager and assistant manager, thus the maximum number of cars on the Property at any one time will be two. Residents are not permitted to park on the Property. Visitors are not permitted on the Property therefore there are no visitor parking issues.

(Question 11) Operation of Vehicles: Describe client's availability to drive and operate a vehicle while residing at facility.

The residents do not use cars. Instead, they rely on public transportation to and from the Property.

(Question 12) Transportation: Does the facility provide transportation services? If yes, please describe the frequency, duration, and schedule of services and where the vehicles are stored

Though the home generally does not provide transportation services, the home does provide some basic transportation to the nearby treatment facility and to St. John church. Both locations are within ten minutes of the home. There is a morning pickup at 8 a.m. and an evening drop off at 4 p.m. This is the only transportation provided. The vans that transport the residents are not parked on site. When not in use, the vans are kept in another city.

(Question 16) Interaction Within the Property: How do the clients interact with each other within the unit? Is there joint use of common areas? Do clients share household activities and responsibilities? Will delivery trucks be provided at the facility?

The Property provides the residents with a network of support to encourage recovery from the symptoms of alcoholism. The residents reside separately at the Property. There is a common area however each resident is responsible for their own meals, expenses, and chores. There is no individual treatment, group treatment, or group therapy sessions that occur on the Property. The sole purpose of each resident living on the Property is to live in a house with other sober individuals with similar disabilities. Also, there are no delivery vehicles going to and from the Property. Finally, although Yellowstone owns four such homes in the Newport Beach area, there is no interaction between the homes. In other words, residents of the Property do not meet with the residents of other Yellowstone properties for dinners or other gatherings. Each home has its own residents and the residents of one home never interact with residents of a different home.

Ms. Janet Brown
January 29, 2009

(Question 19) Necessity of the Requested Accommodation: Please explain why the requested accommodation is necessary.

Yellowstone hereby requests that a Reasonable Accommodation be made to Ordinance 2008-5 such that Yellowstone is treated as a Single Housekeeping Unit as the term is defined in Section 20.03.030 of the Newport Beach Municipal Code.

The Reasonable Accommodation is necessary because the Property is not transient or institutional in nature such that it fits the definition of a non-licensed residential care facility. Instead, the Property more accurately fits the definition of a Single Housekeeping Unit as the term is defined in Section 20.03.030. Residents are the functional equivalent of a traditional family, whose members are an interactive group of persons jointly occupying a single dwelling unit. Like a Single Housekeeping Unit, there is a common area and each resident is responsible for their own meals, expenses, and chores. There is no individual treatment, group treatment, or group therapy sessions that occur on the Property. The sole purpose of each resident living on the Property is to live in a house with other sober individuals with similar disabilities. Also, the makeup of the Property is determined by the residents of the unit rather than the property manager. In conformity with our request for a Reasonable Accommodation, we would like to request that we get an exemption from Section 20.91A. 050 of the Newport Beach Municipal Code which states that there shall be no more than two residents per bedroom plus one additional resident.

I hope that this clarifies any ambiguity with respect to our previous request for a Reasonable Accommodation. Please let me know if our responses need to be supplemented further and as always, feel free to contact me if you have any questions.

Very truly yours,

DAVIS ZFATY
a professional corporation



NICOLE COHRS

cc: Yellowstone (attn: Dr. Anna Marie Thames)

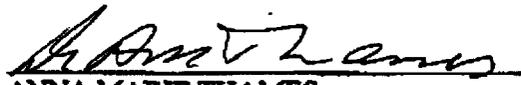
DECLARATION OF ANNA MARIE THAMES

I, Dr. Anna Marie Thames, hereby declare as follows:

1. The matters stated herein are known to me personally and if called upon to testify, I could and would competently testify thereto as follows.
2. All individuals residing in the property located at 1571 Pegasus in Newport Beach are recovering from alcohol addiction.
3. Although the residents are recovering, they manifest physical and mental symptoms of their addiction which substantially limit one or more of the residents major life activities

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this 28th day of January 2009, at Newport Beach, California.


ANNA MARIE THAMES

Pegasus



DAVIS • ZFATY
A PROFESSIONAL LAW CORPORATION

CLERK OF SUPERIOR COURT
CLERK OF SUPERIOR COURT

FEB 02 2009

January 29, 2009

CLERK OF SUPERIOR COURT

VIA FIRST CLASS MAIL

Ms. Janet Brown
CITY OF NEWPORT BEACH
3300 Newport Boulevard
Newport Beach, CA 92658-8915

Re: *Affidavits for Fee Waiver Reasonable Accommodation*

Dear Janet:

Enclosed are the signed Affidavits of Disability Related Financial Hardship. There is a separate Affidavit for each of the four Yellowstone properties. As we discussed, our responses to the questions relating to the income of the residents pre and post-disability are based on the average resident for each of the homes.

Please feel free to contact me if you have any questions.

Very truly yours,

DAVIS ZFATY

NICOLE COHRS

Enclosure

AFFIDAVIT OF DISABILITY-RELATED FINANCIAL HARDSHIP

1571 Pegasus, Newport Beach

I, Anna Marie Thames, declare:

1. I am an authorized representative of disabled individuals;
2. I am submitting information specific to the financial status of a group of disabled individuals who reside in a household;
3. I am submitting the financial information herein voluntarily because I have requested a reasonable accommodation from the City of Newport Beach, which I believe is necessary because of financial hardship to the disabled individuals I represent;
4. Severe financial constraints which arose as a direct result of the disabled individuals I represent prevent them from complying with one or more provision or provisions of the City of Newport Beach's Municipal Code, Council Policies or usual and customary procedures generally applicable to the type of dwelling in which disabled persons I represent reside or wish to reside;
5. Such provisions of the City of Newport Beach's Municipal Code, Council Policies or usual and customary procedures, if applied to the dwelling in which the disabled individuals I represent reside, will deprive disabled individuals of the opportunity to reside in the dwelling of his or her choice;
6. In order to afford the disabled individuals the opportunity to reside in the dwelling of his or her choice, the permanent or temporary waiver of a fee, tax, nuisance abatement, code enforcement action, repair, zoning, building construction or other requirement of the Newport Beach Municipal Code, Council Policy or customary procedure is necessary;
7. The requested waiving of such fee, tax, nuisance abatement, code enforcement action, repair, zoning, building construction or other requirement is necessary because of financial limitations which are the direct result of the disability of the individuals that I represent;

8. If the disabled individual on whose behalf a financial reasonable accommodation is requested was able to work prior to becoming disabled, please provide information on such individual's pre- and post disability income:
- A. On the following dates, the disability of the persons I represent, rendered such persons severely limited in their ability to work or entirely unable to work:

The individuals residing in the home were all affected by their disability at different times. During addiction, residents are unable to work. In sober living, however, all residents must find a job.

B. Prior to the dates on which such disability rendered the disabled individuals I represent unable or severely limited in their ability to work, their annual household income from all sources was approximately \$50,000 (on average).

C. After the dates on which such disability rendered the disabled individuals I represent unable or severely limited in their ability to work, their annual income from all sources was approximately \$20,000 (on average). Typically, household income is cut approximately in half because of alcoholism. As a result of alcoholism, the residents of the home have been rendered financially disabled. In sober living, the residents must find a job, however, the jobs the residents seeks are near minimum wage (\$8.00 per hour).

9. If the disabled individuals on whose behalf a financial reasonable accommodation is requested were not employed prior to becoming disabled, please state why any financial limitations which render the disabled individuals unable to meet the financial requirements of complying with the Newport Beach Municipal Code are a direct result of such their disability.

All residents were employed in some manner prior to their addiction.

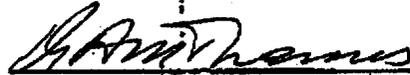
10. Please provide any additional information you feel would enable City staff and/or hearing officers to determine whether disability-related financial hardship requires an exception from the application of the City's Municipal Code, Council Policies, or usual and customary procedures in order to afford the disabled individuals an opportunity to reside in a dwelling.

The residents cannot afford their own places to live. Their income is based on near minimum wage hourly rates. Thus, if forced to live elsewhere they could not afford to pay rent, a security deposit for an apartment, food, or utilities. Yellowstone provides a fresh start for recovering alcoholics to begin their life with a clean slate. Our fees are low and donors in the community provide individual scholarships for residents who qualify.

Yellowstone is a non-profit organization. Yellowstone has no investors and no loans. The organization uses the income from residents to cover its costs and Yellowstone makes no profit from the residents. The organization is run by a group of volunteers who are committed to returning the residents back to the community clean and sober as tax paying citizens who can help other alcoholics. As a result, Yellowstone's small budget cannot accommodate the \$2,200 application fee. Yellowstone respectfully requests that the City make a reasonable accommodation in accordance.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on this 29th day of January, 2009, in Newport Beach, California.


ANNA MARIE THAMES

COST ANALYSIS OF OUR HOMES IN SANTA ANA HEIGHTS

IN GENERAL, OUR WEEKLY FEES ARE BASED ON A SLIDING SCALE FROM \$50.00 TO \$160 PER WEEK

OUR MORTGAGES AVERAGE \$4500 PER MONTH

A MINIMUM OF 15 RESIDENTS IS NEEDED TO PAY ALL THE EXPENSES FOR EACH HOUSE, INCLUDING LIGHTS, GAS, WATER AND TRASH.

RENTS: SLIDING SCALE: \$50.00 TO \$160.00 PER WEEK

AVERAGE: RESIDENTS: 16

AVERAGE RENT \$100

MONTHLY AVERAGE: \$6400 INCOME

EXPENSES: FOR EACH HOUSE

AVERAGE UTILITIES \$ 800 LIGHTS, GAS, WATER, PHONE

FOOD: \$ 900

MORTGAGES: AVERAGE \$4500

MONTHLY AVERAGE \$6200 EXPENSES

RECEIVED BY
PLANNING DEPARTMENT

FEB 05 2000

CITY OF NEWPORT BEACH

Yellowstone

SOUTHERN CALIFORNIA DRUG AND ALCOHOL TREATMENT CENTER

Call Today (888) 941-9048 - After Hours (949) 678-9000

Thursday, February 12, 2009

A HIGHLY SUCCESSFUL AND LOW COST DRUG AND ALCOHOL RECOVERY PROGRAM FOR WOMEN AND MEN

Home

InPatient Programs

OutPatient Programs

Detox Services

Programs Available

Our Homes

Our Staff

Mission Statement

Schedule

Contact Us

LEGAL PROBLEMS?



WE CAN HELP!

LICENSED AND CERTIFIED BY THE STATE OF CALIFORNIA

Yellowstone Recovery Financial Requirements

- 90 Days: \$7,500 Residential Treatment
- Sober Living: \$160 - \$180 per week
- Outpatient: Sliding Scale \$40 - \$80

Some scholarships available after 30 days



Admission Requirements

Call for an appointment or telephone interview.

1-888-941-9048

Or Email us at: honeythames@yahoo.com

Yellowstone offers a one-year program for men.

Services Include:

- Court Liaison • 12 Step Recovery • Counseling
- Art Therapy Life Skills Training • Job Placement Program
- Sponsors Family Meetings • Sober Fellowship
- Sober Softball • Sober Camping

Yellowstone

© Yellowstone Recovery 2008


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A PROFESSIONAL LAW CORPORATION

February 13, 2009

RECEIVED BY
PLANNING DEPARTMENT

FEB 13 2009

CITY OF NEWPORT BEACH

VIA EMAIL AND FIRST CLASS MAIL

Ms. Cathy Wolcott
Ms. Janet Brown
City of Newport Beach
3300 Newport Boulevard
Newport Beach, California 92658-8915

Re: *Yellowstone Use Permit Applications and Reasonable Accommodation Requests*

Dear Ms. Wolcott and Ms. Brown:

It has recently come to my attention there may be discrepancies between materials Yellowstone submitted with respect to its use permit applications and requests for reasonable accommodation for each of the four Yellowstone properties. Although this firm and the representatives of Yellowstone have made our best efforts to be clear and consistent, the materials submitted to the City in May 2008 reflect some inaccurate information. The purpose of this correspondence is to clarify these inconsistencies.

Group Meetings

Neither group treatment meetings nor individual treatment meetings occur on any of the four Yellowstone properties. All treatment is performed off site in Costa Mesa. The only meetings that occur at each of the four homes are weekly house meetings with the residents to discuss potential new residents and other administrative matters.

Visitors

Visitation with family and friends occurs on Sundays at Yellowstone's Costa Mesa facility located at 154 East Bay Street.

Ms. Cathy Wolcott
Ms. Janet Brown
February 13, 2009
Page 2 of 2

Contractual Arrangements with Residents and Resident Selection

In May 2008, Yellowstone submitted a request for reasonable accommodation that each of the four homes be treated as a Single Housekeeping Unit. It was recently brought to my attention that Yellowstone's response to Question 16, regarding resident interaction, needs clarification.

Yellowstone does not have a contractual relationship with the residents of its properties. With respect to the residents of the four Yellowstone homes in Santa Ana Heights, Yellowstone's position is correctly stated in a letter to the City dated January 29, 2009: "the makeup of the Property is determined by the residents of the unit rather than the property manager." More specifically, Yellowstone's Board of Directors does not determine who resides in each of the four homes. New residents are introduced and approved by the current residents during house meetings or they are not accepted. Many of Yellowstone's residents transition to sober living directly from treatment. Other residents learn about Yellowstone from other recovery centers or by community referral.

Parking

In May 2008, when the original Yellowstone use permit and reasonable accommodation applications were submitted to the City, Yellowstone requested that four cars be permitted to park at the 1561 Indus property. There is adequate room for four cars to park at 1561 Indus, however only the two resident managers for the home park on site. With respect to the three other Yellowstone properties, it has consistently been Yellowstone's position that only the two resident managers of the homes are allowed to park vehicles on site.

I hope that this clarifies the ambiguities in our previous submissions to the City. As always, if you have any questions regarding this correspondence, please feel free to contact me.

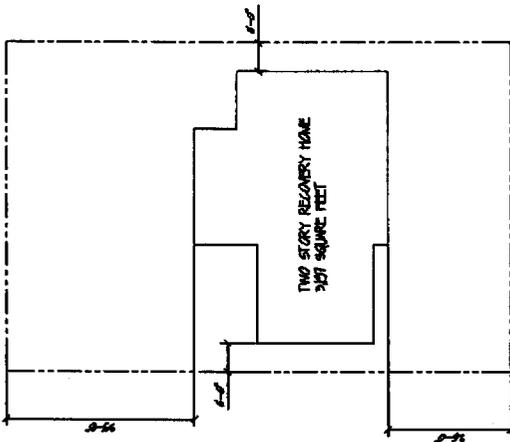
Very truly yours,

DAVIS ZFATY
a professional corporation



NICOLE COHRS, ESQ.

EXHIBIT 4
SITE PLAN AND FLOOR PLANS



SITE PLAN

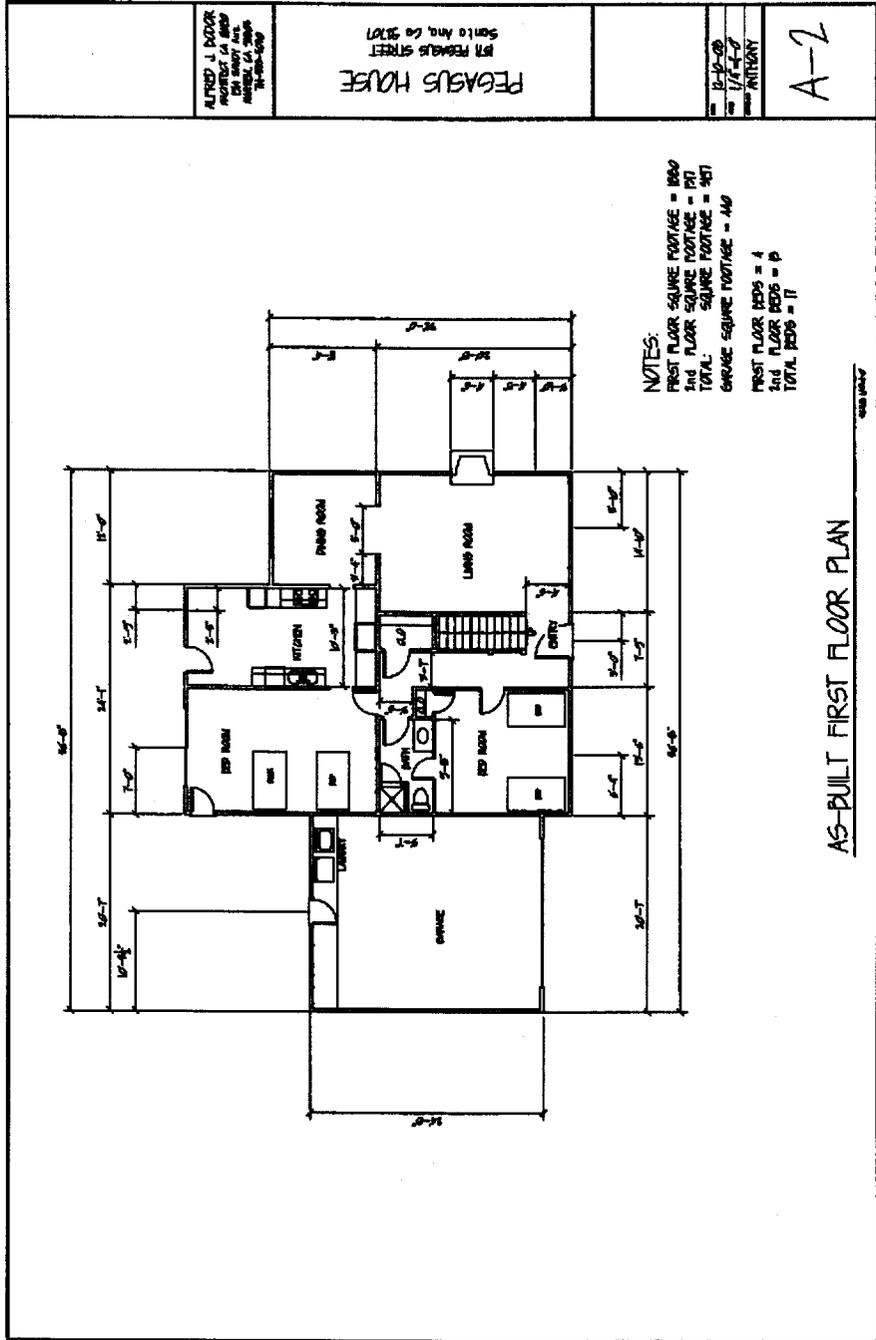
DATE: 10/14/14

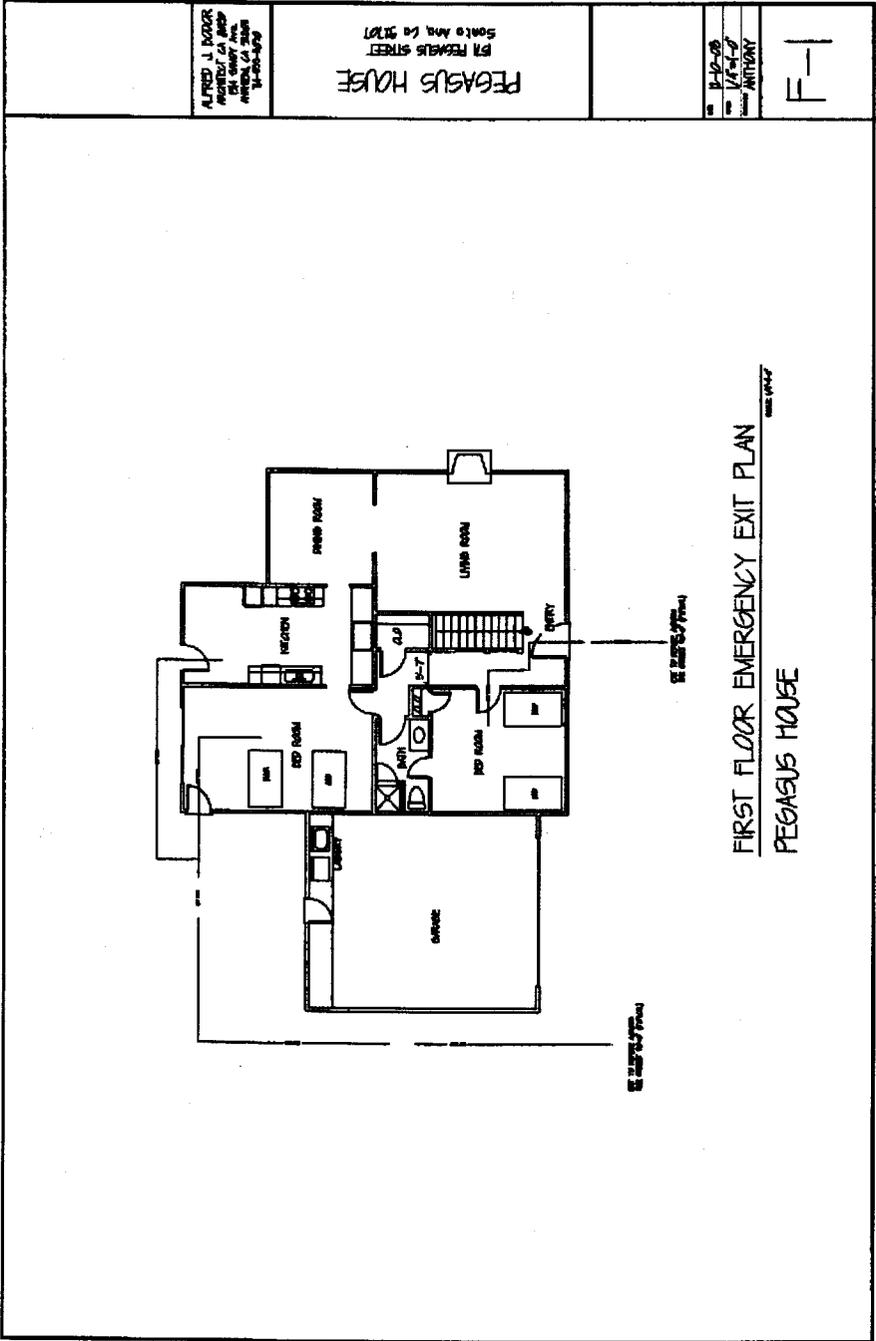
PEGASUS HOUSE
823 PEGASUS STREET
SANTA ANA, CA 92701

ALFRED J. BOOR
REGISTERED ARCHITECT
11111 1/2 S. MAIN ST.
SANTA ANA, CA 92701
714-944-1000

11-1-14
1/15-1/17
ARCHITECT

A-1





FIRST FLOOR EMERGENCY EXIT PLAN
 PEGASUS HOUSE

ALFRED J. BOOR
 ARCHITECT AT LARGE
 2015 AVENUE
 BOSTON, MASSACHUSETTS 02116

PEGASUS HOUSE
 5015 AVENUE LA 3101

F-1
 DATE: 1/27/78
 DRAWN BY: J. BOOR
 CHECKED BY: J. BOOR

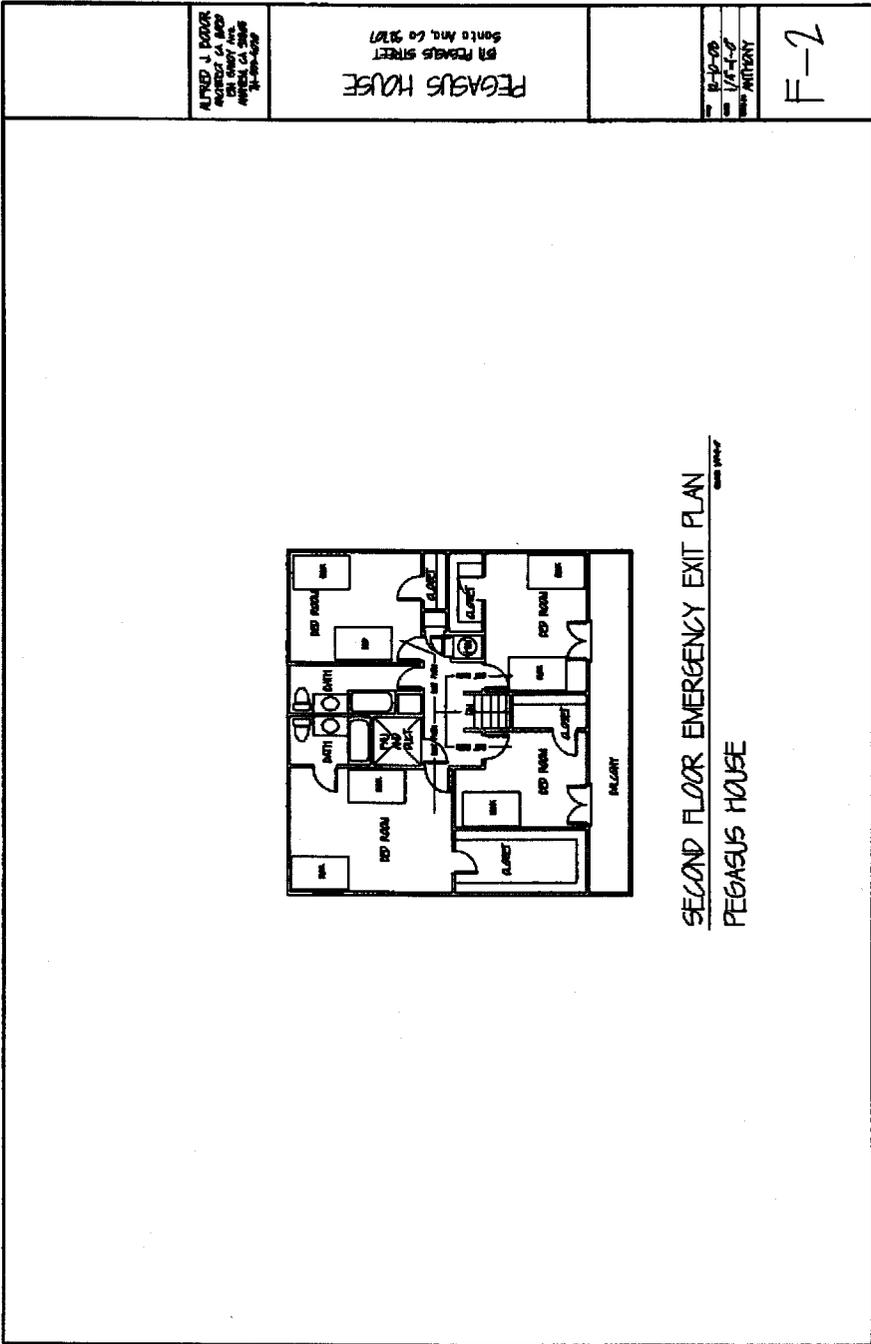


EXHIBIT 5

**FIRE MARSHAL CORRESPONDENCE
AND FIRE CODE ANALYSIS SUBMITTAL**



NEWPORT BEACH FIRE DEPARTMENT
P.O. Box 1768, 3300 NEWPORT BLVD., NEWPORT BEACH, CA 92658-8915

STEVE LEWIS, FIRE CHIEF

January 29, 2009

Dr. Honey Thames
154 East Bay Drive
Costa Mesa, CA 92627

Re: Code Analysis for Yellowstone Recovery: 1561 Indus Street; 1621 Indus Street; 1571 Pegasus; 20172 Redlands, Newport Beach

Dear Dr. Thames:

Thank you for submitting the code analysis and floor plans for the above referenced properties. After reviewing the analysis, we have identified the following areas which will require further clarification:

1561 Indus Street

1. Item # 5: Exception 1 to California Building Code (CBC) Section 903.2.7 excludes single family homes "unless...classified as Group R4". Recovery or treatment facilities for more than 6 clients are classified as Group R4 by Section 310 of the CBC.
2. Item # 6: Stairwell and other components of the means of egress must be illuminated at all times. A switched circuit is not permitted. CBC Section 1006.3 requires back-up emergency lighting for the means of egress. The back-up illumination shall operate automatically and shall last for a minimum of 90 minutes. Please indicate how the illumination will be accomplished.
3. Bedroom egress windows shall be in accordance with CBC Section 1026. Please indicate the net clear opening dimensions as well as the height above the floor for each bedroom window opening.

January 29, 2009

Code Analysis for Yellowstone Recovery: 1561 Indus Street; 1621 Indus Street;
1571 Pegasus; 20172 Redlands, Newport Beach.

1621 Indus Street

1. Item # 5: Exception 1 to California Building Code (CBC) Section 903.2.7 excludes single family homes "unless...classified as Group R4."
2. Item # 6: Stairwell and other components of the means of egress must be illuminated at all times. A switched circuit is not permitted. CBC Section 1006.3 requires back-up emergency lighting for the means of egress. The back-up illumination shall operate automatically and shall last for a minimum of 90 minutes. Please indicate how the illumination will be accomplished.
3. Bedroom egress windows shall be in accordance with CBC Section 1026. Please indicate the net clear opening dimensions as well as the height above the floor for each bedroom window opening.

1571 Pegasus Street

1. Item # 5: Exception 1 to California Building Code (CBC) Section 903.2.7 excludes single family homes "unless...classified as Group R4."
2. Item # 6: Stairwell and other components of the means of egress must be illuminated at all times. A switched circuit is not permitted. CBC Section 1006.3 requires back-up emergency lighting for the means of egress. The back-up illumination shall operate automatically and shall last for a minimum of 90 minutes. Please indicate how the illumination will be accomplished.
3. Bedroom egress windows shall be in accordance with CBC Section 1026. Please indicate the net clear opening dimensions as well as the height above the floor for each bedroom window opening.

January 29, 2009

Code Analysis for Yellowstone Recovery: 1561 Indus Street; 1621 Indus Street;
1571 Pegasus; 20172 Redlands, Newport Beach.

20172 Redlands Drive

1. Item # 5: Exception 1 to California Building Code (CBC) Section 903.2.7 excludes single family homes "unless...classified as Group R4."
2. Item # 6: Stairwell and other components of the means of egress must be illuminated at all times. A switched circuit is not permitted. CBC Section 1006.3 requires back-up emergency lighting for the means of egress. The back-up illumination shall operate automatically and shall last for a minimum of 90 minutes. Please indicate how the illumination will be accomplished.
3. Bedroom egress windows shall be in accordance with CBC Section 1026. Please indicate the net clear opening dimensions as well as the height above the floor for each bedroom window opening.

If you have any questions regarding these issues, please call me at 949-644-3106.

Sincerely,



Steve Buntling
Fire Marshal

January 29, 2009

RECEIVED BY
PLANNING DEPARTMENT

JAN 29 2009

CITY OF NEWPORT BEACH

Mr. Steve Bunting
Fire Marshall
CITY OF NEWPORT BEACH
FIRE AND MARINE DEPARTMENT
3300 Newport Boulevard
P.O. Box 1768
Newport Beach, Ca 92658-8915

RE: Yellowstone Recovery ("Pegasus House" Residence)
Coda Analysis For The Existing Building

Dear Mr. Bunting,

Alfred J. Boder, Architect has been contracted by Yellowstone Recovery to review details of their existing building, titled "Pegasus House", located at 1571 Pegasus Street, Santa Ana, Ca 92707. Yellowstone Recovery intends to change the use of the building from a single-family residence to a Residential Facility for the non-medical rehabilitation of drug abuse and alcoholism. We have surveyed the existing building and the summary of our findings and conclusions are as follows:

- A. The existing building was constructed in 1961, and was built as a single-family residence, occupancy type R-3. The building is a two-story structure with an attached garage.
- B. The building is set back from the front property line 26'-0". The side yard set back is 6'-0" clear on both sides of the structure.
- C. As the attached plans indicate, the residence is entered through the front door that faces the addressed street. The first floor consists of a living room, dining room, kitchen, bathroom, and two bedrooms. The second floor consists of four bedrooms, and two bathrooms.

Based on this research, the following code issues are in compliance with the current code requirements of the California Building Code, CBC 2007.

- 01. **Location On The Property:** As indicated on the attached plans, the building setbacks for the side yards is five (6) feet from the property line. This distance includes the attached garage. Per CBC section 6, Table 602, the minimum fire separation distance is five feet. This setback is achieved to the property line and from the property line; the

adjacent R-3 residence is also setback five (5) feet from the property line for a total of a ten (11) foot separation from the two buildings.

Conclusion: The wall of the garage at the side yard is not required to be of fire rated construction and there are no penetrations or openings in the attached garage wall.

02. **Section 419, Group I-1, R-1, R-2, R-3, R-3.1, R-4:** 419.2, Separation walls. Section does not apply. Note that the common wall between the attached garage is of one-hour fire rated construction to the bottom of the roof diaphragm and there are no penetrations in this wall.
03. **Section 419.3, Horizontal Separation:** This section does not apply per section 711.1.
04. **Section 425, Special Provisions For Licensed 24-Hour Care Facilities in Group R-1, R-3.1 or R-4 Occupancy (SFM):** Per section 425.3.5, Limitations – Seven or More Clients; The second floor area is less than three thousand (3,000) square feet and therefore a one-hour fire rated construction is not required.
05. **Section 425.7, Fire Protection System Provisions:** Section 425.7.1, Automatic Fire Sprinkler Systems. Per section 903.2.7, Group R, an automatic fire sprinkler system is not required per exceptions 1 and 3.
Section 425.7.2, Fire Alarm Systems; Per section 907.2.8 an approved, hard-wired fire alarm system is installed as required per section 907.2.8.2.
Section 427.7.3, Smoke Alarms; Per section 907.2.8.3, battery powered smoke detectors/alarms are installed in the required areas per section 907.2.10.
Section 906.1, Portable Fire Extinguishers; Portable fire extinguishers are installed and located per the California Fire Code.
06. **Chapter 10 Means Of Egress:** Section 1006, means of egress illumination. There is illumination at the top, middle, and bottom of the staircase.
Section 1009, Stairways; Per section 1009.1, exception 1, the staircase complies with the code requirement.

I believe that this is a complete analysis of the code related items which apply to this building during the change of occupancy. Please call Anthony Grillo, my representative, at (949) 678-3214 if you have any questions.

Sincerely,

Alfred Bodor – Architect

Attachments; Scale as-built plans



YS 00743

EXHIBIT 6

**LETTERS IN SUPPORT
(Submitted by Applicant)
AND
LETTERS IN OPPOSITION**

DATE: 01/24/09

TO WHOM IT MAY CONCERN

FROM: THE CROSSING CHURCH, JACKIE DAVIS

THE CROSSING CHURCH IS JUST A MILE AWAY FROM YELLOWSTONE.

WE ALL NOTICE WOMEN COMING TO OUR MEETINGS AND GETTING INVOLVED.
THEY HELP WITH HANDLING OUT THE CHURCH BULLETINS, FOR EXAMPLE.

LAST YEAR THEY HELPED US SERVE FOOD TO THE HOMELESS.

YELLOWSTONE WOMEN AND MEN STAY INVOLVED WITH OUR CHURCH

WE ARE VERY PROUD THAT YELLOWSTONE IS PART OF OUR COMMUNITY.

WE DO WHAT WE CAN TO HELP OUR NEIGHBOR YELLOWSTONE

JUST AS THEY HELP US.

PLEASE CALL IF WE CAN ANSWER ANY QUESTIONS:



JACKIE DAVIS, THE CROSSING CHURCH, 949 566 7901

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JAN 29 2009

CITY OF NEWPORT BEACH

YS 00745


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A PROFESSIONAL LAW CORPORATION

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FEB 02 2009

CITY OF
NEWPORT BEACH

January 29, 2009

VIA FIRST CLASS MAIL

Ms. Janet Brown
CITY OF NEWPORT BEACH
3300 Newport Boulevard
Newport Beach, CA 92658-8915

Re: *Yellowstone – Letters of Support*

Dear Janet:

I noticed that the Exhibits to previous Use Permit Applications included letters from neighbors surrounding the homes. Enclosed are copies of letters from alumni of the Yellowstone homes showing their support. I thought you may like to include these as exhibits to our Use Permit Application. As always, please feel free to contact me if you have any questions.

Very truly yours,

DAVIS ZFATY



NICOLE COHRS

Enclosures

cc: Cathy Walcott, City of Newport Beach

My name is Angie and I checked into Yellowstone in 2002. My using and drinking had really spun my life out of control, I was completely lost and felt like I was being eaten alive from the inside out, I was so empty and broken down in the final days of my disease. I couldn't imagine my life any other way.

Yellowstone introduced me to A.A. and Recovery and to a higher power. My life has surely been turned around in a way I could have never thought possible. I feel free today and not a slave to a life that had no promise what so ever nor a purpose. I will forever be grateful to have the days and years that Yellowstone taught me how to live sober.....I built my foundation at Yellowstone, I learned how to be a friend again, how to be honest again, how to be dependable again, how to be a good sister, auntie, and daughter.....I have made TRUE and REAL FRIENDS through Yellowstone.....I trade in my old friends for these new sober ones. My life has a real purpose today and Yellowstone helped me find my way to it.

I could go on and on about all the wonderful things that recovery and Yellowstone has given me but I doubt any words could ever truly express what I've been given by being freed from my disease. I come to Yellowstone every week and am still apart of this place still to this day....6 years later.

I hope it is here for other girls to come back and work with the new comers the way I have been given the chance too. It saves me in times when I need it most.

Truly Blessed,

Angela M.

Angela M.

Sobriety Date 11-16-02

My name is Gina and I have been sober for 92 days.

I came to Yellowstone because my life was going nowhere and I couldn't get sober on my own.

Yellowstone has helped me in so many ways. I'm learning the program of Alcoholics Anonymous and how to live as a sober woman. I'm learning how to be responsible. I've met wonderful people here that care about me and support me.

My relationship with my family and my son is being restored and I'm working again.

I am forever grateful to Yellowstone for teaching me a new way of life ONE DAY AT A TIME.

Sincerely,

Gina 

Gina G

Sobriety Date 10/20/08

Hi my name is Gloria I have been sober for two and a half years. I went through Yellowstone and truly believe that had this home not provided me with the foundation that I needed in AA I would not have a life today, nor would my daughter have her mother or my husband her wife. When I decided to get help I couldn't think of going anywhere else. This is where I had seen women come back from the gates of hell and learn to become women of dignity with a joy for life that was unimaginable to me. Had I not found Yellowstone I would have never known that there was a way out of the misery and despair my life had become.

Yours Truly



Sobriety Date
8-21-2006

My name is Erika and I have been sober for 2 ½ years. If it wasn't for a place like Yellowstone, I would probably be dead today. I lived at Yellowstone for over a year where I was able to build a foundation upon how to live life on life's terms. Because of the opportunity that I got at Yellowstone I no longer have that hopelessness that I lived with for so long. I am able to be present in the lives of my children who I now have joint custody of.

Yellowstone is the place that I will continue to come back to and visit the new girls who are struggling the same way I once did. Thank God for Yellowstone.

A handwritten signature in cursive script, appearing to read 'Erika [redacted]', followed by a long horizontal black redaction bar.

Sincerely Yours,

Erika [redacted]

7/15/06 - sobriety date.