

14:20	5:2,4,9,17	69:1 86:10	amended	31:17
16:25 23:1	5:23 7:16	86:24	11:23	33:19
23:18 30:9	13:17	87:16	amending	102:2
68:20	32:24 39:3	102:25	64:15	110:18
affords 18:1	42:1,14	103:1	amendment	114:25
afternoon	43:11,14	107:1	14:12	analyzing
7:16 75:12	43:15 44:4	allowed	117:8	15:19
77:24 86:5	44:22 46:9	22:10	amendments	17:23
88:12 91:9	46:18,25	23:10	11:23	32:25
102:10	47:3,7,10	32:16	13:23	and/or 9:14
agencies	47:14 48:2	34:11 35:2	64:16	Angeles 3:5
14:6,10	51:4 53:14	90:22	amortiza...	anger 99:11
115:3	56:23 58:6	103:2	104:7	animosity
agenda 5:19	61:10,20	allowing	108:5	99:11
ago 78:5	61:23	29:14 35:9	amount 64:9	annual 41:16
92:12	62:13,16	35:12	64:10 73:6	answer 23:7
agonized	62:23	allows 7:23	Ana 35:18	28:2 40:3
103:9	63:23	30:25	analyses	41:25 55:3
agree 98:22	64:21	37:21	29:3	89:25
99:22,23	66:24	56:13	analysis	91:16
109:19	67:20,24	110:18	15:6 16:4	anybody 5:9
agreeable	68:1 69:7	allusive	16:22	13:19
90:19	69:25 70:5	76:19	18:13	56:11
agreed 35:5	70:6,8,20	alter 32:21	21:20	91:16
agreement	71:9,22	101:14	22:25	113:8
12:4	74:10	103:17	23:21 25:8	anybody's
agrees 35:1	77:24 83:4	alteration	25:15	4:20
Airways	83:9,10	15:13	28:20 29:7	Anyway 95:24
49:17	86:1,4	22:21 35:7	31:4 32:4	apartment
alcohol	91:12 94:5	50:12	32:19	85:5,9
12:10	94:17,20	116:8	33:11 38:3	appeal 4:24
16:11 27:4	96:6,14	altered	42:24,25	4:25
52:3 76:20	98:9 101:9	72:15	43:9,22,22	Appeals
80:10	101:11	alternate	45:5,10,12	108:21
81:24 82:9	106:23	27:6	46:12	appear 11:8
82:11 90:5	107:1	118:24	65:25	APPEARANCES
92:3	108:1,8	alternative	67:19	3:1
alcoholic	110:1,5,12	23:17	111:8	appeared
16:9	110:22	91:24 92:2	114:22	8:13
100:11	112:2	alternat...	117:16	appears
alcoholism	114:3,20	7:3	118:5	111:11
49:25	118:21	alters 50:8	analyze 20:1	116:12
52:24	119:1,5,16	altogether	30:23	applicable
alike 113:3	119:20	84:6,11	38:25 39:1	18:17
allegation	allow 8:18	altruistic	63:24	19:19 44:1
10:23	8:21 9:21	100:15	analyzed	81:18
Allen 1:9	16:15 23:3	ameliorated	15:25 19:8	87:13
4:4,7,23	37:6 65:24	109:13	29:17 30:3	117:22

applicant	applicant's	43:19	articulate	44:20
6:17,24	6:19 70:22	appointed	117:3	attack 50:15
7:1 8:3	75:15	4:8	articulated	50:16
11:18 12:2	80:17,19	appreciate	118:13	attempts
12:7,11,14	80:20	77:21	aside 98:25	9:24
12:16,20	application	approached	asked 16:2	attend 12:22
12:24 13:3	6:4,13	78:18	17:25	attention
15:8 16:1	7:14 11:21	appropriate	42:20 55:1	9:5 119:23
16:7 19:17	22:24	27:10 28:3	56:11,17	attest 99:13
19:20	58:12	32:4 106:2	58:10	attestation
20:22	61:24	119:21	73:23	82:7
23:16	77:18	approval	78:21,23	attitude
26:17	96:19	4:15 9:15	89:12	89:2
27:17,25	109:20	61:13	92:22	attorney 3:8
29:18,19	117:15	80:21,22	96:15	3:13 6:5
30:20,22	applicat...	107:22	106:13	74:19
32:1 34:18	42:18	approve 5:15	108:12	75:15
34:18,21	119:14	41:12,12	asking 48:11	80:18,20
35:1 37:15	applied	approved	57:11,12	82:14 91:6
38:1,7,15	18:18 25:5	33:23	57:16 58:5	92:21
38:16,18	25:8 26:22	114:8	62:16 68:1	96:16
41:18 42:4	43:16	approving	68:10,17	120:16
43:2,6	57:13	7:3 81:12	69:15,20	attorneys
47:3,13	58:24 66:3	approxim...	69:21	47:15 75:2
51:6 63:21	66:21	29:13 45:6	91:18	75:5
66:8 70:11	67:21	45:7 49:6	102:3,4,5	Attorney's
71:3 75:18	110:11	72:18	102:6,7	13:13
77:19 82:8	113:2,11	April 8:21	106:5	audacity
82:23	117:12,23	8:24,25	asks 103:20	84:10
88:15 89:6	applies 10:8	architect	aspect 84:15	audience 6:7
90:12 91:4	12:16	92:25	87:21	August 79:16
96:9,12,20	100:16	area 13:5,7	aspects	authority
97:4,25	117:17,19	35:18,25	20:17	25:19 27:1
102:2	apply 10:10	36:24 45:7	assertion	27:5,8,22
103:20,25	12:18	73:11 77:7	82:2	57:7
104:10,15	24:21,22	93:14	assess 43:24	authoriz...
104:17	24:24 26:6	112:1	Assistant	87:3
105:23	38:24	116:2	3:8,9	available
106:1	47:23	areas 20:21	assists	12:13
107:9	53:25 54:1	35:16 36:8	12:12	19:15,18
109:11	56:21	52:2	Associate	100:10
111:10	58:20	argue 117:5	3:9 7:17	Avenue 3:5
112:4	81:11	argued	atomic 104:1	4:11 7:21
117:4	85:22	104:23	attached	8:2,16,20
118:9	111:12	arguing 50:9	12:6 13:9	59:19
119:6	113:15	artful 70:1	37:22 44:7	70:17,24
applicants	applying	artfully	44:16,17	76:1 94:15
66:3	10:14 25:9	71:12	attaching	average

29:12	29:21 46:4	105:12	110:15	82:4 103:1
107:10	55:5,6	beautiful	114:24	Bob 80:5
avoiding	76:6 81:23	60:12,13	118:7,18	Bobko 3:4
36:23	87:1 106:1	bed 39:10	119:1	70:6
aware 33:24	116:13	104:12,13	belong 66:20	102:10
71:20 72:3	118:8	bedroom 67:1	beneficial	106:25
92:11 93:4	baseline	78:9	89:25	107:3
a.m 39:18,22	106:10	105:22	benefit	112:21
B	basic 15:15	106:15	17:21 18:4	boils 99:16
back 5:19	15:20 22:1	bedrooms	23:14	Bolsa 70:17
17:7 18:6	22:20	29:21 34:1	30:16 31:4	72:10 74:5
32:5,25	29:15 30:5	67:17	37:2	78:7 79:7
33:21	35:10,13	beds 7:9	best 28:3	86:21 87:7
34:22	40:12	49:7,9,21	32:13	bonus 34:1
42:19	basically	63:8 64:20	89:25	book 58:20
44:22	19:11 48:4	66:23	better 44:12	bottle 79:6
47:10	51:4 56:5	86:25	75:3	79:8
56:20	58:5,18	100:6,7	beyond 85:1	bottom 93:5
59:14	63:10	101:20	bicycle	94:5 101:9
64:14	65:21	114:8,9	90:11	bought 77:3
67:21	68:19	began 89:10	bicycles	77:15 96:1
69:19	69:20 81:5	beginning	90:5,6,9	Boulevard
71:13	81:5 97:10	2:9 30:8	bike 86:16	2:8 3:10
78:21 85:3	97:13	71:24	86:17	4:12,16
86:4 87:7	99:19	88:15 89:6	bit 29:25	71:4,7
87:10,16	100:5	93:25	83:15	Brancart
89:22	113:1,8	behalf 2:7	84:20	64:14
102:15	114:25	14:16	102:15	break 83:12
105:19	basis 12:13	79:13 92:9	104:13	breaking
110:25	15:25	believe	106:18	78:20
117:7	84:13	16:24	118:1	brief 6:12
119:21	94:11	20:22	block 45:3,7	114:2
backed 73:8	117:4	41:15	45:8,8,15	briefly 6:2
background	Beach 1:10	42:21	45:16,22	bring 41:14
6:1,12	2:8,9 3:3	50:23	46:2,2,4,5	66:19
13:18	3:7,10 4:1	56:12	46:15 77:9	83:16
77:11	18:24	60:19,25	blocks 45:17	88:24
back-to-...	23:19	61:16 62:4	86:12	102:15
45:19	25:21	62:6 63:20	blood 106:5	Bringing
Balboa 4:16	30:25	63:23	blue 64:20	65:17
5:5 94:2	31:13	65:21,24	board 7:13	brings 63:1
114:10	47:18 56:2	71:3 72:16	57:22 67:9	broad 23:8
Barbara	56:12	75:1 82:1	84:17	45:15
52:14	76:21 77:5	82:13,16	108:19	80:21,21
Barrett	78:12 80:8	82:17	boarding	80:22
49:16	92:10	83:17 98:1	8:14 54:21	81:11 86:6
based 12:1	93:13,17	98:14	76:13	87:7
26:10	95:5 99:10	104:14	77:16 81:7	brought 9:5

66:25	44:11,17	79:25	105:3	118:13
88:22 90:2	45:14 77:4	campus 59:13	106:17	Certified
90:16	81:6 84:23	71:15,15	108:18	2:11 120:4
94:25	85:22	111:21,23	109:2,4,6	certify
99:24,25	111:23	cap 112:22	112:16,17	120:5,14
Brown 3:9	built 73:11	car 73:1,3	cases 17:11	certifying
4:22,25	81:6 88:18	78:6,9,14	34:15 37:5	40:8
6:2 7:13	92:14	86:18 95:4	109:23	challenge
7:15 44:11	bunch 66:20	95:6	case-by-...	71:10
44:14,24	Bunting	care 8:9,14	15:25	challenged
45:1,10,13	27:25	10:10	catch 78:8	47:19
Browning	burden 14:25	18:10,12	catch-me...	chance
86:5,6	34:15 50:5	19:1,2,11	89:2	106:10
114:12	50:6,10,11	19:19,22	categories	change 15:1
Bryer 49:16	101:12	20:3,7	31:18 33:6	27:8 36:19
build 95:5	108:22	22:3,9,16	category	48:12
102:5	burned 85:16	23:10,24	33:5	98:17
building	business	25:10	Catherine	changes
8:12,13,18	89:3 93:6	26:23 37:6	13:12	59:22 80:9
8:18,20,21	93:10 94:6	39:15	CATHERING	changing
9:1,10,13	94:7,11	48:19 49:3	3:8	36:5
9:19,19	104:5	53:21,24	Cathy 6:4	channeling
10:6,7	butt 74:16	60:11	caught 70:2	80:10
15:19,22	button 99:10	93:20 96:2	89:22	chapter 6:15
18:17,20	butts 74:8	109:3	cause 22:3	character
21:18 25:5		115:20	50:12	36:5,19
25:17,17	C	116:11	101:12	characte...
25:21 26:1	CA 3:5,10	117:23	causes 50:5	11:25
26:3,7,11	calendar 5:4	carefully	50:6	21:12
26:15,16	California	35:1	causing	26:10
31:21,22	1:10 2:9	carry 99:13	101:21	27:15 36:3
32:8 41:9	4:1 15:22	cars 40:22	census 45:4	44:5
43:21,23	18:20	41:1 73:6	45:10,21	characte...
43:25	21:18	73:7,17	46:2,5	86:8
44:23	25:17,19	86:19,22	Center 5:6	charges
48:25 60:3	41:9 52:11	86:23	certain 7:5	76:17
72:5 75:25	52:19	case 15:17	8:8 20:17	chasing
77:20 81:9	93:16	16:7 30:12	21:19	61:16
81:15,19	117:21	46:13	24:10,17	check 9:19
85:5,9	120:5	49:16	24:21	9:22,25
87:3 88:17	call 40:3	51:20	39:21	checked
89:4 95:2	103:10	52:13,14	41:15	92:17
106:20	called 51:18	57:23,24	54:12 56:9	checks 77:11
111:24	52:13	65:7,9	61:4,15	children
117:19,21	57:23 65:8	67:3,4	100:23	74:5 79:7
buildings	67:3	103:21	certainly	choice 31:7
7:20 8:6	100:19	104:18,24	5:11 42:5	69:4,5
13:8 26:18	Camacho	104:25	83:6 118:8	100:18
	79:13,14			

chores 20:22	50:22	103:23	57:18	client's
chosen 21:2	51:10,19	104:18,20	classified	110:11
Circuit	52:13,16	105:12	10:6 18:9	close 6:23
57:24,25	53:9,12,15	106:13,17	18:12,14	63:10,12
65:9	53:20,22	111:12	19:10	70:12 74:6
108:21,21	54:20	112:16,17	20:11	74:19 96:8
circuits	55:20,20	112:21	26:19	105:13
17:4 30:16	55:21,24	114:15	44:12	closed
circumst...	56:5,12	115:24	115:18	119:24
30:4 51:7	57:7,10,24	116:1	classifies	closest 78:2
56:13	58:15 59:4	117:6,20	53:23	clubs 54:22
citation	59:9,25	119:5	classify	clustering
10:2	60:25 61:6	city's 10:12	20:6 48:19	33:16
cite 65:7	61:17,19	15:2 22:7	classifying	code 6:15
cited 60:25	62:5,8,21	24:5 48:22	55:5	8:4 9:5,13
cities 13:24	63:4,10	51:13 52:4	Clay 4:10	10:7,16,19
14:9,12	64:15,18	57:4 64:24	7:8,11,21	11:10,20
116:19	65:1,15	72:3 84:8	7:25 8:8	14:21,22
citizen	66:12,22	100:4	9:9 13:6	15:18,19
92:10	66:25 67:1	101:14	29:20	15:21,22
95:25	67:3,10,20	114:5	31:21 32:6	16:10,21
citizens	68:3,14,17	116:8	41:3,4	16:24
92:9 98:12	69:8,10	117:3	45:14,25	18:17,20
100:23	70:2 71:20	118:23	59:15 71:7	18:25 19:1
city 2:8 3:3	72:12	119:8	73:14	21:17,18
3:7,8,8,9	75:18 77:5	claim 104:22	75:22,24	22:22,22
4:8 7:1	79:22 81:1	104:24	76:1,11	23:9 25:10
8:11,12	81:2 83:24	claiming	78:1,7,17	25:17,18
9:5,11,12	84:5,17	64:6 88:5	79:14 81:8	25:23 26:1
9:13 10:1	85:6 87:3	claims 70:22	84:3 86:20	26:3,5,11
10:25	88:8,20,22	Clarific...	87:6 88:24	26:21 27:3
11:12,16	89:12 91:5	110:22	88:25,25	29:16 30:2
11:23	92:16,22	118:21	95:1	30:6,25
13:12 14:7	92:22 93:4	clarify 6:24	clean 79:20	31:22
14:25 15:4	93:7,9,11	107:4	clear 46:17	34:19
15:9 21:24	93:13,16	class 54:25	64:22	36:10
22:8,12,17	93:17,22	55:6	110:6,20	37:21
23:19	95:7 96:10	classes 55:7	115:4,21	38:22
25:20,22	96:16 98:2	classifi...	clearly 15:9	40:12,20
27:5,20	98:5,12	19:16 20:3	92:14	41:9 43:22
31:1 33:22	99:14,24	20:8 54:2	109:21	43:25,25
43:18	99:24	54:10,16	117:16,23	44:14
47:18,25	100:23	81:20,21	Clerk 3:9	51:15
48:15,18	101:1,3,5	116:10	client 61:12	53:13
48:21 49:2	101:19,25	classifi...	clients 12:3	57:15,16
49:7,10,11	102:2,4,5	18:20	12:21	57:18 58:3
49:13,22	102:6,7	19:13,15	39:11	58:6,7,18
50:9,14,21	103:9,13	19:18	107:17,19	58:24

61:11	comment 70:7	comparing	compressed	conduct 4:9
62:18 65:2	70:13	46:7 97:11	33:24	61:2
66:6,6	96:15	99:6,7	comprised	116:21
72:5 81:9	114:14	comparison	7:19	conducting
81:13,15	comments	97:23	compromise	77:10
81:15,15	6:20,25	comparisons	119:9	confirm 35:4
81:19,20	70:3 71:25	97:12	conceded	41:17 93:1
81:20	74:11 80:7	compelled	101:13	conflict
92:14 93:1	96:10,11	53:18	concept 55:9	83:8
101:14	96:12	compelling	75:17	conform
103:17	102:11	116:5	87:12,13	41:20
105:1,3,5	114:2,19	compile	87:14	conforming
105:17,20	118:20	97:17	concern 5:13	117:9
108:7,17	119:16	compiled	77:8 91:25	confronted
110:15,18	commercial	99:24,25	91:25	94:4
113:16	13:5 28:10	complaint	concerned	confused
117:16,21	28:15,15	10:22	4:19 5:13	81:20
118:10	32:8 41:3	complaints	92:10 95:2	112:4
Codes 25:5	58:6,18	8:10	116:3	confusion
48:25	59:17,20	complete	concerns	24:14
57:19 58:1	100:12,19	9:22,24	5:10 40:1	consider
58:12	100:19	103:10	40:5,6	31:1 32:17
77:20	commerci...	107:16	76:3 98:15	48:3 65:18
80:15	45:20	118:5,5	118:20	66:7,14
85:14,14	commitment	completed	119:17	72:25 75:8
85:15,20	5:17	92:18	concluded	83:3,19
87:4	commits 88:9	completely	114:18	91:12 92:5
117:15,19	committing	73:8,18	concludes	100:1
combination	88:7	complex	13:11	consider...
23:3	common 20:20	71:11	condition	58:1 59:9
111:15,16	74:17	72:22	37:3 48:11	60:2,2
combine	105:15	74:13	48:12 94:1	91:8,23
84:10	111:24	94:16,22	98:3 101:5	consider....
come 5:11,15	communities	compliance	113:25	4:20
17:16 49:7	75:4	41:8,10,14	conditional	considered
52:25 56:3	community	43:24	36:19	14:23 51:5
56:8 63:12	7:9 60:11	62:18	conditions	52:21 65:6
64:8 66:12	72:15 76:2	comply 9:12	14:14,15	80:22,24
67:15	77:20	14:10	21:24	81:3 82:4
78:21 80:6	90:10	110:14	24:17 35:3	84:7 91:13
85:21	98:13,17	compose	36:3 37:22	97:13
98:13,21	98:17	105:7	38:2,4,4	111:18,19
comes 81:9	114:9	composition	39:10,19	111:21
99:9	communit...	72:16	41:19	considers
100:16	37:5	compound	55:23 57:6	18:21
coming 5:5	compare 45:4	75:25 80:6	65:16	consistent
60:15	66:2,2	86:7 88:18	68:16	42:24
73:16 88:8	97:5,14,14	92:13	75:19	consolid...

6:10	controls	112:5	64:24,24	David 75:12
107:18	37:18	114:2	crime 88:10	75:23
Consolid...	controversy	course 104:9	crimes 88:7	day 19:19
107:20	60:23 61:6	106:25	criminals	72:8 74:25
constant	convene	Court 11:13	87:24	75:6,7,7
73:17 89:1	71:17	14:4 17:10	criteria	79:4
constitute	conversa...	44:25	81:11	107:22
117:4	79:25	47:19	critical	days 12:18
constituted	conversa...	51:18,21	82:6	74:22
112:23	37:4 47:12	67:4 81:16	cross 86:20	deal 49:19
constitutes	converted	105:3	crowded	51:5 58:23
52:12	8:9	108:21	87:25	80:3 94:4
constructed	conviction	109:8,16	crux 72:17	99:2 108:6
8:17 44:17	90:7	112:25	CSR 120:23	dealing
construc...	copies 11:3	courts 15:12	curfew 12:14	113:17
8:12 9:8	copy 12:5	16:10	12:16	115:8
9:12,14	corner 7:21	17:16,25	39:16,17	deals 58:17
26:8 60:18	32:6 59:15	51:16	current 29:4	dealt 67:5
60:24 62:3	59:21	57:22	29:6,14	108:5
62:5,6,8,9	75:22,25	58:22,23	31:19 33:5	death 85:17
92:17	77:2 78:1	65:11,24	107:5,8,12	debate 61:18
contact	86:7	100:18	107:16,25	119:22
39:25	Corona 83:14	102:1	currently	decide 48:2
contacted	85:7	cover 24:2	47:18	114:22
92:12	correct	covered 67:2	68:24	decided
contains	10:14	co-counsel	cut 59:16	45:23
118:17	19:25	64:15	Cynthia	75:21
continuance	112:14	crafted	91:10	83:23
43:7,8	113:4	52:16	C-a-m-a-...	decision
continue	Council	118:8	79:15	103:19
4:15,17	98:12	crash 79:19		decisions
5:18 8:5	103:9	79:22	D	119:13
11:20	Counsel	crashed	daily 72:11	decision...
34:20 35:9	31:16	79:17	damage 79:21	98:25
35:13	38:18	create 22:21	dangerous	declined
47:12 63:1	count 39:10	27:21	86:21	30:21
83:9	46:4	28:21 34:4	data 97:11	42:22
101:16	counted	created	97:17,24	defended
117:10	45:22	22:14	98:6	81:16
continuing	counter-...	46:16 56:6	date 7:5	defense 75:1
4:21 7:4	70:21	90:24 98:2	8:23,24	define 13:25
continuity	counties	111:21,22	10:4 18:23	defined
101:21	14:9	creates 50:5	114:8	16:11 46:2
contract	County 76:9	60:7,14	120:17	defines
104:5	couple 44:6	71:14	Dated 120:20	105:8
control	78:2,5	creating	dates 24:8	definition
39:12	80:7	33:15,16	Dave 3:8	16:13
92:17	102:11	creation	17:7	20:16,17

52:17	35:24 45:4	29:23	29:7 53:1	54:17
71:11,14	46:7	104:1	53:1 59:23	55:17 60:7
90:17	deny 54:18	details	67:7 98:24	60:16
111:22	77:18	23:25 87:4	104:2	67:11,13
112:20,22	94:10	detectable	110:7	67:24
113:3	118:22	39:23	111:13	87:23
115:22,25	denying 7:4	determin...	112:6	102:14
116:9	54:12	7:3 27:14	differently	109:4,17
definitions	68:22	110:3	54:8 67:12	114:13,15
115:17	Denys 92:8	116:16,25	difficult	115:4,7,8
116:14	Department	determin...	55:9 56:1	disagree
117:17	6:3 7:18	106:11	99:4 118:1	57:8 98:23
del 83:14	8:18,21	determine	dimensions	discard 74:8
85:7	9:19 35:19	27:22	74:15	discounted
delay 9:20	76:10	determined	direct 16:19	75:2
65:4,13,13	78:13	11:5 21:6	17:12	discretion
delays 73:9	departments	28:5 29:24	72:13	105:25
delibera...	92:16	29:25	108:24	106:6
93:10	Departme...	determines	directed	discrimi...
deliveries	9:20 24:15	6:21 21:10	27:2	90:20
73:17	depending	determining	103:11	discrimi...
democracy	35:18	31:1	direction	54:7,19
98:20	85:22	develop	118:22	93:13
demonstrate	depends 64:1	92:23	120:12	discuss 5:4
30:17	85:11	developed	directly	13:13
53:15	deprived	8:1,2	59:16 60:3	71:17
demonstr...	29:10	80:14	76:12	discussed
93:6 109:9	Deputy 3:8	develope...	102:19	9:7 25:13
demonstr...	6:4	96:20	disabili...	30:12
108:23	described	developing	52:23	31:25
denial 25:9	11:25	80:12	53:24 54:4	41:15
25:16	70:23	development	54:23,24	100:25
49:11 63:5	describing	7:24 92:20	55:14 56:7	108:10,16
65:6 90:3	69:10	106:8	58:25	116:20
116:22	design 73:12	diagram	115:11	discussing
118:19	designated	59:14	disability	59:25
denied 31:5	12:9	dialog 6:25	31:4 55:11	discussion
53:22	designed	Dick 83:13	58:2 59:1	55:19
65:12 69:2	72:19,21	90:16	96:21,22	119:22
69:3	82:18 83:2	dictate	disabled	disjustice
102:20	85:14,15	89:16	14:7,16,20	95:25
117:24	114:5	dictionary	15:3 16:6	dismissed
denies 68:17	despicable	49:18	16:12,16	11:16
dense 94:3	96:5	difference	16:17,25	disregard
94:23	destroy 96:4	65:11	18:1 22:16	93:7
density 34:2	detached	different	23:1,3,6	disregarded
35:17,19	44:15	17:4 26:5	30:9 31:5	116:11
35:22,22	detail 9:7	26:9 29:2	36:22 54:8	disrupted

73:19	drug 16:12	41:5 44:8	elderly	14:21 17:1
disruption	27:4 49:25	59:10,19	109:4	18:2 23:2
101:21	52:24	72:21	element	30:10 31:6
disservice	76:20	D.C3:14	108:10,23	31:12
60:8	80:10	75:6	111:20,20	68:21,23
distinct	81:24 82:9		Elementary	69:3
119:12	82:11 88:2	E	86:13	enjoyment
district 6:4	88:5 92:2	earlier	elements	12:11
21:14 77:6	drugs 12:10	11:16	48:1	ensue 6:25
districts	52:3 78:8	30:12	111:18	ensure 12:10
19:4 22:7	78:24	96:15	emergency	36:9
24:12,19	drug-rel...	100:3	58:4 59:2	ensuring
52:1	76:17	early 9:4	emotion 99:5	36:18
110:17	drunk 79:17	34:22	emphasize	enter 37:10
111:5	79:23	easily 61:9	103:14	41:13
dividing	due 34:4,18	economic...	employee	entire 20:16
59:20	34:18,20	96:24	120:15	21:3 53:16
divvied 7:9	103:24	Edmonds 67:3	employees	81:1
document...	dump 66:19	104:19	89:12	entirely
97:1	66:19	106:17	enable 30:4	22:6,20
dog 61:16	duplex 26:13	112:16,17	enacted	118:10
dogs 79:4	32:5 44:12	112:21	53:22	entirety
doing 48:13	84:21	effect 4:23	93:24	118:25
61:12,13	duration	11:15	enactment	entities
67:10 78:8	107:14	68:17,19	56:16,21	14:10
78:11,24	duty 14:5	104:5	enclosed	entitled
91:11	93:23	109:13	13:9	19:14
95:24 98:9	dwelling 8:1	effort 119:5	endeavored	67:16 68:8
100:15	8:2,8	efforts 10:2	93:22	100:20
112:15	12:11 14:3	92:16	enforce	114:16,25
119:14	14:21	Eighteen	39:12	entitlement
door 75:24	16:16,17	34:7	enforced	37:25
78:19,20	17:2 18:2	eight-month	25:20	entity 48:9
79:2	20:19 21:3	65:13	93:18	entry 86:17
dormitories	23:2,4,6	either 8:14	enforcement	enumerated
81:6	28:13,19	14:24	9:5,21	55:7
dormitory	30:10	24:16	10:1,16,19	environment
34:8 87:18	31:13,24	28:20	11:10	33:23 34:4
doubled...	32:2,9	38:19	34:19	36:1 85:19
73:18	33:12,17	40:18	61:11	85:23
doubles 73:7	34:7 39:15	43:24	76:16	equal 14:3
drink 89:17	61:12	48:11 56:8	enforces	14:20
89:19	68:21,23	59:20 65:3	27:20	16:20 17:1
drive 99:14	69:3,4,4	67:12 68:5	enforcing	17:13,18
driver 79:17	105:6	98:11	25:23	18:1 23:18
79:23	107:18	101:3	engages 15:9	30:10 31:6
dropped	dwellings	elder 109:3	enhance 31:3	68:21
83:20	18:18 25:6	109:4	enjoy 14:3	108:25

113:2	100:15,16	118:9	extension	11:21 12:3
117:17	101:20	exempted	108:6	12:23 13:1
equated	evict 107:25	16:2 21:23	extent 61:4	17:19,24
109:16	evicted	81:10	61:15	17:24
equitable	49:24	exemption	100:23	18:10,12
93:23	68:24	22:13	117:21	18:18
equivalent	103:22	81:12	extra 27:16	19:11 20:2
27:7,23	112:7	111:13	27:17	20:7,18
especially	eviction	112:18	71:22	21:25
114:10	101:18,22	Exhibit 12:6	75:16	22:16,19
ESQ 1:9 3:4	114:1	exist 56:2	84:20	23:11,24
essence	evidence	existence	ex-council	24:11
98:20	21:8 30:18	84:5	83:11	25:10
essential	79:8,24	existing	ex-patients	26:14,16
73:15	106:1	31:10	81:25	27:16 28:6
essentially	exact 105:19	exists		28:9,9,15
21:22 22:8	112:11	114:11	F	29:5 30:5
24:5,9	exactly	exit 28:14	F 77:25	30:13,19
25:11,15	34:21 72:1	expect 39:3	Fabian 77:24	33:25
25:25 26:3	73:13	113:12	77:25	34:21,23
26:17	exaggera...	118:16	fabric 53:16	35:23 37:8
established	104:14	expectation	face 54:7	38:6,10,14
24:10	Examiner 4:8	80:15	facilities	38:17
26:24	example	expected	4:9 7:19	39:13,14
32:12 44:2	51:18	12:5,22	10:11 19:2	40:4,9,22
77:6	74:18 76:8	experience	19:2,5	44:5 45:9
establishes	examples	56:25 79:1	20:1 22:3	48:19
26:8	73:20	experts 37:4	22:9 26:24	53:21,24
establis...	exceed 73:12	expired	27:4,11	54:11 72:6
11:14	excellent	104:6,6	28:5,18,23	76:4,6,13
establis...	119:9	explain	29:12,22	76:24
8:7 24:8	exception	96:22	31:10	77:12,17
estimating	14:19 38:6	explanation	33:16	81:25 89:8
76:24	41:21	38:20	38:11,13	89:9 92:11
estimation	50:17	40:10	40:7 42:25	92:23,25
42:11	59:12	41:22	43:17,21	93:1,15
116:7	111:12	expressed	49:4 56:2	94:7 96:24
117:13	exceptions	76:3 98:14	58:17	97:19
evaluate	14:13	98:15	90:25	100:19,21
66:15	excuse 18:11	expresses	93:20	107:13,17
event 62:2	22:24 41:3	5:10	97:15,23	109:3,9
62:12	80:22	expressly	100:19	110:11
103:6	82:18	27:2	facility 5:5	111:8,9
116:22	116:10	expunged	8:5,14 9:2	114:24
everybody	executed	92:4	9:6 10:18	115:20
16:8 90:18	41:12	extend 104:7	10:18,20	116:11
90:18	exempt 18:24	extended	10:24 11:1	117:23
98:20	112:24	24:24	11:2,6,7,9	facility's
			11:11,15	

facing 45:14	false 71:1	28:21	120:14	85:20
fact 16:21	familiar	29:14 37:1	financing	fires 28:17
32:16	83:14	94:9	64:1	28:17
49:15	families	feeling	find 46:23	first 4:10
51:23	53:25 77:3	71:15	76:19	12:17
55:24	95:16	feelings	95:20	13:21 16:4
62:15 71:6	family 38:17	29:5	106:6	16:6 18:6
71:16 82:8	49:1 51:24	feels 59:9	109:3	29:9 37:1
85:18 93:1	52:1,6,12	108:11	finding	43:18
103:5,16	68:11 78:4	feet 44:16	28:20	49:25
103:21	79:3 90:16	66:18 74:6	33:18	70:24
104:15	90:17	84:23	34:23	73:21
108:10	91:13	fellow 75:5	38:21	83:16
116:6	95:12,19	felons 88:2	46:18	97:16
factors	96:2,3	felony 76:17	108:15	102:12
17:22 31:1	105:7,8	felt 34:25	115:11	115:16
32:18 34:3	112:20,22	35:24	findings	fit 20:8
48:3	113:4	FEP 111:16	13:15	five 6:10
facts 15:25	fancy 74:19	fewer 105:10	23:21	18:5 28:20
51:6 76:6	far 84:14	106:16	32:17,19	28:25 40:8
99:2,17,18	85:1 88:20	fifth 18:22	33:12	42:2 43:10
factually	93:12	65:9,17	34:13 38:5	48:14
93:7	116:1	fifty 90:16	38:8 55:18	50:12 68:5
fact-int...	fast 106:4	filed 4:24	107:9	68:13 86:1
51:4	fault 118:4	11:12	115:10	105:10
failed 81:14	favorable	filled 86:15	118:7,8,15	106:16
failure	103:4	final 8:17	118:17	107:7,8
13:25	fears 98:14	8:23 9:1	finds 51:21	117:25
73:13	99:1	finally 49:2	fine 87:16	118:12,19
fair 13:23	February	78:13	fire 10:12	118:22
14:12	10:16	87:22	18:17 25:5	five-minute
47:21 48:6	Fed 85:21	financial	25:21	47:6,7
49:23	Federal	14:25	26:24,25	flair 102:13
50:16 54:9	13:23,24	17:25	26:25	flash 99:14
54:25 55:4	13:24 14:9	23:13	27:20,20	flexibility
55:8 56:12	16:10,10	30:15,19	28:1,13,18	38:25
63:20	16:13	30:22 31:9	41:13	floor 3:5
68:25	17:14	34:14	43:20	78:9
93:22 94:9	34:12	63:24 64:6	48:25	fly 75:5
98:1	47:19,21	96:16 98:6	57:18,18	focus 72:13
100:12	48:6 54:25	109:15,16	57:22 58:6	folks 102:20
112:18,24	55:4 81:16	financially	58:12,18	102:23
114:16	83:17	17:20 50:6	60:19 62:1	104:15,20
fall 62:2	90:18,22	50:10	62:11,17	111:1
fallacies	93:8	64:10	66:18 72:5	114:15
70:23	109:23	97:19	81:9,12,15	follow 51:13
fallacy	111:12,13	101:12	81:15,19	followed
51:15	feel 27:9,17	109:22	85:13,14	88:20

91:21	33:5 41:1	95:6	29:24 33:4	90:8,11
following	72:10	gate 80:13	40:15	91:2 95:8
9:10 10:1	73:22	gather 97:24	44:22	95:22
31:18	86:12	gears 25:25	56:20 63:4	100:24
follows 12:1	117:15	gee 85:11	69:19	101:11,13
foot 73:16	fourth 18:16	general	71:17	102:11
87:19	Frank 77:25	13:19	80:12 83:5	103:16,18
footprint	fraterni...	36:14,18	83:6,11	106:23
72:19	54:21	50:21	84:7 89:2	113:10,23
force 77:18	103:2	73:11	89:3 92:4	116:24
forced	friends	generally	96:2 97:16	good 7:16
101:23,25	95:20	73:2	99:18	46:25
foregoing	front 74:2,8	generated	100:18	75:12
120:6,8,12	104:25	99:10,11	101:11	77:24
forensic	fulfill	99:12	103:7	83:10 85:8
92:25	93:23	genetics	104:1	86:5,17
forgery 92:3	full 23:21	105:9	105:19	88:12
forgot 71:23	fully 80:14	106:15	110:17,25	102:10
form 13:9	fundamental	gentleman	111:3	116:15
20:2 60:21	15:1,13,20	78:6	113:20,22	gotten 84:14
forth 44:22	22:21	114:12	117:7	92:21
50:10	32:20 35:7	gentlemen	goals 36:18	103:3
64:14 87:8	50:12	78:19	goes 20:25	government
87:11 89:7	103:16	GERSHON 3:4	45:15,15	17:14
89:22	116:7,16	getting 5:10	58:15	115:3
90:13	fundamen...	5:14	72:11	governme...
111:5	30:2 50:7	give 15:10	going 4:13	14:10
118:17	101:14	25:1 33:23	5:3 15:19	Governor
120:7	108:17	40:5 42:22	20:15 26:6	88:1
forthcoming	furniture	49:8,10	27:24	Grand 3:5
92:19	9:2	51:17 52:9	32:25	grandfat...
forum 42:10	further 9:20	66:22	47:10 48:2	69:23,23
54:5	31:25 43:2	71:22	49:20,21	70:1
forward 49:7	120:12,14	84:20	50:19,24	grant 13:15
80:12	furthermore	91:19	50:25 54:6	15:4 49:10
88:22	23:13	101:20	56:1 61:19	50:17
90:14 91:6	93:17	given 15:8	61:20	51:13
98:13	F-a-b-i-a-n	25:2 35:24	63:14	53:18
99:24,25	77:25	40:2 41:7	64:19 68:3	56:18 65:9
found 8:12	F.3d 108:20	49:14,19	71:22	69:17 75:9
30:16		103:24	72:11	110:2
37:16	G	gives 106:9	74:10	115:3
41:19 50:3	G3:13	giving 77:21	80:14	117:20
50:4 74:15	gain 61:13	91:6	87:10 88:3	118:11,22
78:13,15	gained	109:16	88:4,8,19	granted 15:9
81:17	119:12	go 5:11,15	89:10,12	22:18
four 25:4	game 34:1	13:21	89:14,15	37:14
28:24 31:1	garage 13:10	23:25	89:16,16	51:12
	40:25 95:4			

53:10	guess 74:23	6:9,13,18	Hill 51:23	12:18
54:15 68:2	guide 32:19	6:19,21,23	history	39:18,21
68:16 69:8	106:9	6:24 7:1,2	34:18	40:4 73:16
69:21	guy 84:9	7:5 10:12	41:18	house 8:14
97:13		13:20	hold 66:17	12:5,9
108:12	H	37:19 39:4	home 5:5	23:11
110:24	hand 61:5	39:7 40:11	11:11	26:17
117:6	119:6	41:11 43:4	21:15	29:19
granting	handicapped	48:5 65:21	26:13 34:9	51:20,23
14:24 24:5	14:2 22:14	66:17	34:11 53:7	52:15 59:5
28:24	48:7,7	70:10,12	56:24	63:7 64:11
34:14 35:6	108:25	72:17 75:6	72:14,22	64:12
37:17	109:13	77:22 82:7	74:6 76:6	66:23 67:2
53:17 69:1	handle 73:11	87:9 96:8	76:10 78:7	67:3 76:13
100:4	Hanna 94:14	96:11	78:23,25	76:19,20
107:11	94:14,19	105:24	79:17 87:5	77:3,16
117:5	94:21	106:5	87:14 88:4	82:4 87:6
graphic	happen 65:14	107:23	89:8 91:14	88:16 95:1
70:25	73:10 89:8	108:2,4,13	95:8,9	95:5 100:6
grasp 55:9	104:3	110:2,8	100:13	104:21
great 49:19	happened	115:7	homes 12:13	housed 46:7
59:11	62:2 73:24	119:11,24	19:19 20:4	household
Groome 65:8	happening	hearings 4:9	51:25	12:17
grounds 90:3	73:14	5:25 83:6	52:22 53:7	20:21 21:5
group 4:9	happens 21:1	96:13	72:20	84:12
8:9 14:17	73:5	98:11,11	74:14 77:2	housekee...
17:24	happy 24:1	98:12	77:9 87:2	4:14 18:8
19:19,21	30:23	heart 72:17	91:15,15	19:10,15
20:19	41:25	heavily 75:2	91:17,22	19:23
43:17	68:12 69:9	Heights 4:11	92:5 93:21	20:12,15
50:20	119:10	7:22 35:18	95:3	20:24
51:25	hard 76:19	76:1 86:13	102:24	21:12,13
52:22 53:6	106:4	88:10	103:1	21:16,21
53:7 54:8	hardship	held 108:21	honest 62:12	21:22 22:6
54:10	63:25	hell 84:9	98:16	22:11,19
56:23 74:6	109:13	help 74:2	honestly	23:1,12,15
76:6,20	Haven 51:19	92:21	75:7	23:22
89:8 92:9	head 66:11	helpful	Honor 102:10	25:12,14
92:11 93:3	health 27:2	19:17,20	hope 61:7	41:6 48:17
93:19	36:17	heywire 97:6	75:8	50:18
100:13	hear 69:10	Hi 91:10	hot 99:10	51:14
102:22	99:2	hiding 79:6	hotel 85:23	52:17,21
105:10	heard 13:20	high 35:17	86:10	53:4,11
106:16	26:1 80:5	35:21	87:17	64:4 68:10
groups 22:5	98:12	highway 73:1	hotels 87:19	83:17,18
54:7 58:24	hearing 1:7	73:6	hour 39:21	83:21
60:15	1:9 2:7	high-priced	73:6	102:16
67:10,12	4:4,8,18	74:19	hours 12:15	103:7,15
	5:2,12 6:8			

105:14	ideas 114:21	importantly	76:15 78:8	90:2
115:18,22	identified	72:15 80:1	78:15,22	informed
116:9	78:23	impose 14:24	79:5 80:1	10:19
houses 49:6	identify	21:24	80:2 81:25	76:15,18
54:21,21	78:22	34:14	84:24	initial 64:3
60:5,11,11	Ignore 66:12	37:19 52:7	individuals	64:13
60:13 63:9	illegal	58:6 67:6	8:6 14:7	initially
63:11	24:18	119:8	14:17,20	11:21
66:21 68:7	52:11 67:2	imposed	16:12 17:1	input 10:13
72:23 77:1	67:6,14,17	21:16 30:4	18:1,4	31:25 42:3
81:2,7	72:22	37:20	21:19	43:2 83:7
87:19	84:25	75:19	22:16 23:2	inquiry
100:6,10	89:19 94:8	101:5	23:6,18	97:17
housing 8:6	94:11	imposing	25:22	inside 26:7
13:23	104:19	14:5	27:15	insides
14:12	116:2,4	imposition	29:19 31:3	60:12
26:14,16	illegally	57:6,25	31:5,12	inspected
29:10 31:6	72:20	58:18	33:12 37:2	8:12,20
46:15	illustrated	impossible	37:8 45:24	inspection
47:22 48:7	33:22	52:24	74:9,13	8:17,23
49:23	immaculate	impression	77:11 81:2	9:1,10
50:16,25	60:12	119:12	82:3,11	35:2 41:16
52:23 54:3	immediate	inception	93:13 94:7	instance
54:3,3,9	104:14	94:12	96:21	51:11
54:13,23	impact 36:4	incessant	101:24	115:15
54:25 55:4	72:14,24	73:18	115:9	instances
55:8,16,21	75:4	include 9:7	individu...	77:13 87:4
56:7,13,14	104:15	39:20	81:23	institution
57:2 63:20	impacted	118:23,25	inevitable	34:7 37:12
68:25	78:3 93:14	included	73:12	59:11
91:20	95:14	39:20	inflated	71:11
96:21 98:2	impacts	46:19	103:20	institut...
100:11,12	21:25 22:2	including	information	34:4 59:13
100:13	32:10	20:18 41:9	10:17 12:2	60:8,14
101:25	36:10 76:4	incorrectly	30:23 40:5	institut...
102:3,5,6	impairing	8:23 10:6	42:1,20,23	36:24
112:19,24	4:20	increase	61:5 63:18	46:20
114:16,17	implement	32:23	63:19,22	87:12,21
huge 95:3,8	36:18,22	increases	63:24 64:2	institut...
hundred 82:8	implemen...	73:8,9	64:7,8	37:3 90:25
H-a-n-n-a	103:25	independ...	65:16 66:4	94:2
94:19	104:4	46:19	66:8 76:11	insuffic...
I	implemen...	individual	91:19	32:23
idea 91:21	65:2	14:17 15:3	96:17	53:14
102:19	important	16:16,17	97:22 98:8	insulate
103:6,18	16:22 17:3	21:9 30:9	109:21	32:9
104:12	17:22 36:2	37:6 38:9	112:10	integral
106:13	37:1	38:19	informat...	20:1,2

intended	52:14	joined 84:16	29:8 33:4	language
35:16 77:6	62:14	joining 73:1	39:6 59:4	14:5 16:23
intends	issue 38:5	joins 73:3	61:14	Lapid-La...
22:22	60:18	joint 20:20	63:13 72:9	108:19
intent 83:2	61:11	21:4	74:9,12	109:2
intentional	62:10 63:1	jointly	78:10 79:2	large 17:23
82:19,21	63:25	20:19 21:2	80:13,14	21:24 89:8
interact	76:22 99:2	Jones 51:23	80:15,25	late 63:15
87:16	99:10	Jr 11:10	86:16	73:25
interaction	105:3	July 11:9	87:18	82:23
37:7	117:19	73:25	88:10,18	118:4
interactive	issued 9:11	junior 79:19	88:23 90:4	lateral
15:10	10:3	Justice	90:4,14	106:19
20:19	issues 9:5,6	49:16	91:1,3,15	Laura 2:11
interested	31:22		91:17 93:3	120:22
120:15	34:19	K	95:22	law 3:13
interiorly	40:15	K 3:4	100:25	13:24,24
44:25	60:21	keep 36:4	101:2,16	14:9 25:18
interjec...	62:14 65:1	55:23	102:8	26:8 30:12
47:24	72:12 78:2	114:5	103:8	34:12
65:24	89:21 91:3	kick 55:25	106:11	38:12
intermit...	92:13,14	kicked 53:2	111:14	40:10
63:17	100:22	78:24	113:15,16	64:21 72:8
interpret	101:4	kicking	116:1	76:16
110:4	116:17,19	113:7	knowing	78:20
interpre...	116:21	kid 88:10	113:22,24	83:17
49:15	118:16	kids 74:8	knowledge	85:20
110:7,9	item 4:10,14	95:17	32:13	90:23 93:8
interpreted	4:16 5:18	Kiff 3:8 5:3	84:16	93:8 99:3
14:4 17:4	38:6	5:16,23	104:24	99:16,17
interpre...	items 42:22	7:15 17:9	known 85:21	101:2,3
17:11		41:23	knows 91:14	115:2
interrupted	J	43:13	Kohler 91:10	laws 41:8
101:17	Janet 3:9	44:19 47:2	91:10	80:11
interrup...	6:2 7:16	83:8 104:1	Kramer 5:6	82:19,22
79:3	44:13	110:22		93:7,11,12
intertwine	45:12	112:3,13	L	110:10
115:17	January	114:2	lack 86:14	lawsuit
intimate	110:10,14	118:21	land 18:20	11:12 61:3
104:24	Jefferson	119:1,4,15	18:25	83:23
invented	65:8	kind 50:19	19:13,14	layman's
14:8	job 97:11,16	50:22,23	19:16 20:3	48:10
investig...	98:24,25	57:6 72:24	20:7 37:24	lead 36:23
10:22 11:5	116:15	82:7 98:9	37:25	learn 37:6
investig...	119:3	knock 79:2	landlord	37:10,11
11:3	John 86:5	knocked	21:7,10,10	37:12
involved	Johnson- ...	78:18	landlords	learned
38:19	7:17	know 5:14	14:5	115:2
		19:4 22:15		

lease 21:4	83:4,11	108:24	52:14 55:6	74:20
52:20,25	86:1 96:8	liquor 79:6	56:10 60:7	Longer 88:17
68:11	96:9	Lisa 77:25	60:16 69:2	look 5:3
104:6	102:15	list 40:7	72:18	15:14 16:6
105:15	117:25	listed 14:21	75:25	16:14,23
115:25	level 25:18	litany 68:16	76:13,24	17:23
leased 10:20	27:7,8,9	litigate	76:25 77:3	19:13
leases 11:4	27:13,23	54:5	77:5,9,11	20:16 23:5
21:10	29:2,17,25	litigated	77:17 78:6	35:6,12
leave 7:12	30:14	61:7 116:2	83:25	44:10 45:3
53:1 78:23	31:24 33:8	litigation	84:11	46:22
97:19	33:9 34:16	47:18	85:16,18	49:18
101:20,23	34:17	little 25:25	86:22 87:5	57:25
113:9	35:22,24	29:25	87:13,14	58:20
leaving 79:5	37:14,15	83:15	88:4 89:11	59:22
leeway 49:19	42:25	84:20	89:14	105:17
left 71:5	119:13	102:15	93:21	107:5
87:7	licensed	118:1	101:16	108:18
legal 18:15	19:3,5	live 16:16	102:24	109:3,24
24:14,16	91:16	16:17 18:2	LLC 1:8 3:12	looked 10:23
24:17	93:20	21:14,19	11:13	17:11 28:4
48:20 57:8	licensing	23:2,3,6	108:19	29:3,23
57:10 59:5	11:8	23:19	load 75:21	30:11
62:14 70:1	life 26:9,23	37:11,12	loaded 65:16	33:20 34:6
84:18	31:3 48:25	49:24	loading	34:8 45:2
101:6	57:25 58:3	51:25 52:9	75:17,18	57:22
114:22	59:6 72:14	54:17 55:2	75:20	looking
116:25	73:15	56:4 60:9	local 38:12	15:17 16:5
117:9	lifestyle	70:17	41:8 77:10	17:4 76:11
119:22	85:17	74:23 75:7	80:6,15	76:16
legally 75:7	light 51:22	75:23	locate 22:12	88:19
89:18 90:9	96:24 97:5	78:25 86:6	22:17	109:22
Legislature	97:7	94:14	located 7:20	looks 61:21
25:19 27:2	limit 40:23	95:11	7:25 8:16	Lori 88:12
legitimate	83:23	101:16	19:3,5	Los 3:5
77:8	limitations	102:20	49:4 52:1	lose 49:24
length	52:8,12	109:5,17	59:24 71:2	loss 101:25
107:10	limited 6:19	113:14	75:25	lot 24:1
lengthy	6:20 9:8	lived 72:9	76:12 77:9	45:24
22:15	29:7	96:1	93:15	57:17
letter 31:15	limits 15:5	lives 79:3	location	64:13 70:8
72:7 90:3	105:25	living 8:5	29:1 35:18	80:9 82:14
90:12	line 59:20	11:6,11,15	38:2	82:15 85:4
letters	85:3 93:5	11:21	lock 51:10	99:11,11
43:21	94:5 101:9	19:22	logic 51:13	lots 35:25
let's 16:23	link 16:19	20:11,12	long 20:12	45:17,18
45:12 47:7	17:12	22:5 34:6	28:13 52:6	46:3 73:21
70:10 72:2	linkage	34:8,9,11	62:18 74:6	84:2,5,16

84:19 85:6	Marshal	35:19,21	misrepre...	11:20
85:9	10:12	35:24	34:20	18:24
loud77:13	25:21	meet20:18	38:15	30:25
love119:2	26:25,25	meeting4:16	mitigate	37:21
lower26:21	27:1,20	meetings	22:2	80:15
27:10,19	28:1 41:13	12:22	mitigated	108:7
luck113:16	43:20	melt73:9	36:11	municipa...
	60:19 62:2	member38:16	mixed70:25	52:18
M	62:11,17	43:7 83:11	modified	Mustafa
machine	Marshal's	members	33:2	70:16
120:10	27:21	12:17	moment42:9	M-o-r-r-i-s
mainstream	Mary94:14	73:23	Monday63:15	88:13
37:10	massive	mention	money88:6	
maintenance	101:21	71:12	monitor35:4	N
12:13	material	81:14	35:4	name4:7
makeup21:5	75:3	mentioned	months29:13	47:14
21:11	materials	22:5 75:15	29:15	70:14,16
making32:18	27:6	80:20	41:15	73:24
61:24	matrix18:25	114:4	74:21	75:12,13
106:18	matter4:13	merely54:16	107:15,21	75:23
manager3:8	10:4 47:17	54:16	113:9,24	77:25
9:2 10:18	49:15	met14:14	moratorium	79:13
11:9 12:8	54:12	115:23	11:14,15	81:25 86:5
21:7 39:11	55:11 61:7	metaphor	32:12,13	88:12
67:2 74:3	84:4 88:8	72:25	61:1,2	94:14,17
107:19	maximum	methods27:6	72:6	120:18
Manderson	29:15	MFR19:3	morning76:8	narrowly
10:19,25	107:14,21	29:1 35:15	76:10 79:2	57:19 58:2
11:3,10	meals20:22	35:20 63:3	Morris88:12	58:19
12:12 82:1	20:23	middle42:17	88:13	nasty95:18
manner51:24	mean15:4	Millsap2:11	motives	national
Mar83:14	46:18 82:6	120:22	100:15	55:12
85:7	83:24	mind36:25	move24:3	nature15:1
Marbrunic	84:25 85:5	46:14	32:15	31:11
57:23	88:22 90:1	mine95:20	76:19	32:21 35:7
March1:11	90:11 95:4	minute42:3	89:24	58:2,25
2:10 4:1	meaning	118:2	90:14 91:5	61:6
11:24,24	71:13	minutes6:21	107:17,25	100:12
18:22	114:6	71:24 72:1	moving9:2,3	NBMC72:4
42:16,21	means38:14	86:2	multi-fa...	near86:11
Mark10:19	56:20	misappli...	20:9 25:14	necessarily
11:9 12:12	measured	83:1	35:21 49:5	101:6
82:1	74:15	misdemeanor	59:18,20	necessary
market96:25	mechanism	76:17	60:4	14:2,14,19
96:25 97:7	113:17	misleading	multi-use	15:7 16:15
97:7,11,12	medical	98:5	71:5	16:25
marriage	90:25	misnomer	Municipal	17:19 23:1
105:10	medium35:17	113:8	6:15 8:4	29:4 30:1
106:16				30:9,17

31:8 62:15	118:14	43:25	25:3 36:8	40:2 42:2
64:9 65:25	negative	52:16	36:11	42:5 43:10
68:20	21:25	86:16	48:21,22	45:23 52:7
96:23 97:5	72:13 76:4	Newport 1:10	56:18,19	52:8 56:9
98:4 99:20	neglected	2:8,8,9	57:8,9	67:15 68:4
100:9	71:12	3:3,7,10	69:8,9,11	68:5 69:8
101:15	negotiate	3:10 4:1	69:14,16	71:8,10
109:15	42:10	4:11 7:21	110:2,16	75:21 78:5
necessity	negotiating	13:5 18:24	110:25	82:22,22
16:22	42:6	23:19	111:4	93:5 105:9
17:11,17	neighbor	25:20	117:1,11	107:7
23:13 29:8	40:1 79:11	30:25	non-disa...	108:6
30:8,17	79:18	31:13 41:2	54:1,8	116:6,25
31:1,14,17	neighbor...	47:18 56:2	67:12	117:14,25
64:6	7:22 32:21	56:12 71:4	non-disc...	117:25
108:10,13	33:15 36:4	71:7 76:1	81:18	118:12,21
108:18,22	36:6 37:7	76:21 77:5	non-peak	numbers 46:6
108:23	37:10,12	78:12 80:8	73:2	60:21 99:6
109:10	52:10	86:12	non-state	99:6,7
115:14	59:10 60:1	88:10	93:20	112:11
need 5:6	72:16	92:10	norms 37:9	numerical
13:15	73:19 76:5	93:13,17	nose 93:11	52:7,12
17:24 18:3	77:7 78:3	94:3 95:5	note 8:22	numerous
41:13 42:9	86:11,18	99:10	noted 10:5	93:1 98:10
51:25 53:8	87:15 94:3	105:12	notes 70:9	98:11
55:21,22	95:15 96:4	Nichols	notice 9:11	nursery
55:23,23	109:18	83:13,13	9:17	77:10
57:3 60:2	112:12	90:16	103:24	86:11
74:10	neighbor...	night 63:16	noticing	NW 3:14
87:22	22:4 36:20	74:25	74:24	
100:1	80:11	78:14	notion 64:19	O
103:13	90:23	nine 93:18	113:7	oath 120:9
109:22	neighboring	nine-bed...	115:23	Obbage 75:12
110:5	28:18,22	35:23	Notwiths...	75:13,23
115:10	neighbors	nobody's	105:23	Oberman 92:8
119:13	32:10 95:2	118:3	November	92:8
needed 42:24	neither 93:3	noise 73:8	76:8	object 43:10
84:21	120:14	73:17,21	nullified	47:24
needles	network	nonprofit	22:20	objected
78:10	76:20	100:17	number 5:19	30:20 98:3
needs 14:6	never 84:17	non-comm...	15:17,21	115:23
22:13	88:20	13:7	19:7,7	objects 97:3
26:11	95:22	100:21	24:3 25:4	obligated
27:15	neverthe...	non-conf...	25:8 28:24	15:4
30:19 39:6	68:13	18:15 24:4	28:25 29:2	obligates
42:11 53:8	84:22	24:7,12,14	29:21 30:1	93:9
57:20 96:7	new 11:9	24:14,16	30:1,3,16	OBORNY 3:9
117:3	12:17	24:16,19	33:11 34:5	observe 79:5

observed 9:2	11:12	ones 66:16	12:4,24	13:5,7
78:5 92:23	offenders	one's 101:22	40:4 72:6	29:20,21
obtain 9:15	88:2	one-quarter	72:20 75:2	31:19 32:5
9:22 52:3	offered	45:7	75:9,21	32:6 41:4
69:13	86:24	one-time	77:15	59:15,19
obviously	office 13:13	51:5 103:6	91:24 93:6	70:24 71:7
34:5 101:4	32:8 60:3	ongoing 44:2	94:6	73:14
occasion	officer 1:9	60:18,18	operators	75:22 76:1
73:23	6:18,21,23	60:23	106:14	76:9 79:18
occupancies	7:1,2	61:18	opinion	84:4,21
26:14,16	10:24	on-site 11:8	98:22,23	88:25
26:19	37:19	12:21 13:9	opportun...	94:15
occupancy	40:11	39:11	25:2 54:13	112:9,9
8:18,21	41:11 43:5	40:18 41:2	opportunity	order 9:12
10:6,7,8,9	66:17 76:9	on-the-spot	6:17 7:2	9:18 42:24
10:14	76:15,18	111:8	9:22 14:3	63:24
21:15,17	105:24	open 4:4	14:20	97:12
26:2,4,9	106:5	6:20 40:25	16:20 17:1	109:5,10
26:12 28:8	107:23	71:13	17:14,18	orders 88:1
28:10 35:5	108:2,4,13	78:19	18:2 23:18	88:1
41:17	110:2	opened 72:6	24:21,22	ordinance
43:16	115:8	87:5	24:23	11:14
66:25 67:5	119:11	operate	30:10 31:6	15:21 22:1
67:6,11	offices 34:1	50:18	31:12	22:20
105:24,25	89:3	90:15	68:21,23	24:20 36:7
106:2	Official	117:10	69:3 70:12	48:23
112:18,19	25:21	operated	77:21	52:16
112:23,25	officially	40:8	98:21	53:16
occupants	114:14	operates	102:22	56:16,21
75:21	Oh 95:9	51:23	106:9	57:13
105:5	113:6	operating	108:25	64:24
115:6,24	okay 41:19	11:20	109:17	66:16
occupied	41:24	26:10 36:3	oppose 68:14	92:20
8:13 92:18	43:11,11	38:11 40:9	68:15	93:23,24
112:8,9	47:1 55:14	63:2 71:20	opposed	103:4,9,10
occupy 21:2	62:23 68:1	72:3 77:16	50:20 76:5	103:11
39:14	71:15,19	90:15	113:21	104:4
occupying	72:2 74:22	operation	opposing	111:4
20:19 21:5	83:20	31:11	31:16	114:5,8
occur 79:9	89:12 96:8	38:20 45:6	opted 113:20	117:8,13
107:20	108:8	76:3	option 15:10	ordinances
occurred	112:2	107:17	options	92:23
8:19 77:15	Old 13:4	operational	22:15 23:9	ordinary
79:10	41:2 71:4	11:25	24:25 25:2	48:13
113:13	71:7	27:14 38:9	Orange 4:11	origin 55:12
occurring	once 35:2	41:20	7:8,10,10	originally
11:8	50:3	106:8	7:21 8:1	72:21
October	117:16	operator	8:16,20	outside

21:13	48:24	part 36:23	86:3	95:25 96:1
47:12 95:4	50:17,20	39:8 54:22	pay 95:25	96:4 99:21
95:21	51:1 53:10	56:16	paying 89:20	101:15
overall 60:1	54:14	58:10 61:2	peace 98:21	102:14,21
overboard	55:16	63:25	peacefully	106:14
103:16	56:15 57:7	65:19	60:22	109:5
overconc...	57:14	76:12	penalized	112:4,6,7
93:15	59:12 61:1	80:17 87:8	113:19,22	113:14
overconc...	66:2 97:3	116:5,13	pending	114:6,14
33:15	113:13	116:16	31:21	percent
36:23	pack 74:16	particip...	Peninsula	80:14 82:8
46:10,11	page 8:24	96:25 97:8	94:3	perfect
46:16 60:6	23:20	particip...	114:10	80:16
76:22 94:2	107:6	98:10	people 20:11	perfectly
114:11	108:20	particip...	33:17,19	69:9
overcrowded	pages 88:23	114:21	33:25 34:6	period 19:24
37:3	paid 79:22	particip...	34:7,7	24:10,22
overcrow...	paper 99:13	98:20	46:8,15	24:24 29:7
72:25	99:15	particular	48:7 49:23	29:11
owned 40:7	parcel 45:24	16:1,1	50:19	41:15,17
owner 9:18	parcels 7:20	17:5 30:5	52:14,23	103:24
9:21,25	45:11,17	32:14 38:1	53:23 54:1	104:7,7
71:20 72:3	45:18,19	38:1,2	54:4,8,9	107:21
79:19	45:23 46:3	42:15 43:7	54:13,17	permission
Oxford 51:20	parents	43:9,9,23	55:6,12,13	56:4,8,9
51:23 67:3	89:10,14	45:22	55:24 56:7	56:14 62:7
104:18	Parish 65:8	51:11 53:5	56:9 58:25	permit 19:4
o'clock	park 13:4,5	59:2 93:14	60:7,9,16	24:21 29:1
39:22	13:6 41:2	104:20	64:9,10	35:13,14
76:10	41:4 74:5	106:20	67:7,8,11	36:1,12,15
78:14 79:1	74:14,15	particul...	67:13,13	36:15
83:5	79:6 95:12	19:17	67:14	37:13,16
O-b-b-a-g-e	parked 86:19	52:23	68:22 69:2	37:20 38:5
75:13	parking 13:7	parties	70:9 71:16	38:8,23,24
P	13:8 32:23	119:2	73:16 75:6	42:7,17
Pacific 1:8	40:14,17	120:16	76:25 77:4	47:23 48:1
3:12 4:5	40:19,25	parts 73:15	84:11	48:3 49:5
4:10 5:20	41:2 56:24	passage	85:15,16	63:3 65:18
6:11,16	57:4 86:14	24:20	86:22 87:1	66:4,6
7:7,19 9:6	86:15,22	patently	87:6,10,10	69:17,19
10:17,24	95:9,13,14	71:1	87:13,14	88:24
11:1,6,11	116:20	patients	87:17,18	104:9,11
11:13,16	parlance	81:24	87:18,23	111:2,3,5
12:1 17:6	24:15	patio 112:1	88:7,9	111:12,13
18:5 24:6	parolee 92:1	PATRICK 3:4	90:10,16	111:17
25:1,24	parolee/...	pattern	90:21 91:1	113:16,21
32:8 47:15	20:4	38:10	91:14 93:5	117:12
47:17,23	parse 38:13	Pause 47:9	94:24	permits 9:15

9:23 36:2	physically	94:18	30:14	38:20
36:7 40:2	92:24	96:22 97:1	55:16	40:23
41:7 62:4	pick 85:7	plus 67:1	57:21	55:25
62:9 65:3	picture	105:22	populations	98:11
69:13	70:25 71:5	point 46:10	45:3	115:12
71:21 72:4	pipeline	62:21 69:7	portion	116:18,21
89:5 92:24	114:9	82:12,13	13:11	presenta...
107:12	place 28:12	84:4 90:1	31:14 46:1	13:12 47:4
permitted	28:16	94:1 96:9	46:8	presented
12:25 63:2	49:24	104:17	position	42:5,23
103:5	52:11	111:1	50:23 75:4	43:4 51:6
permitting	62:10	pointed	99:4	51:7 99:3
88:21	77:20	116:17	103:14	99:3
person 14:3	95:12,18	pointing	117:3	presenting
40:9 68:20	97:10	44:19	possession	6:15
71:24 80:2	102:13	points 70:21	78:15	114:21
94:23	110:10	71:18	possibility	pretend
109:1	111:22	police 54:20	24:9	114:13
personal	120:7	78:12	possible	pretending
12:25 13:4	placed 120:9	policies	15:10 56:2	87:23
40:13,23	places 33:11	14:1,13	107:20	pretty 52:17
personally	Plains	policy 48:9	potentially	64:22 73:7
74:13 93:3	108:20	Polin 3:13	5:6 68:22	116:13
persons	plaintiff's	47:5,8,14	power 59:18	prevent
16:11 23:3	108:22	47:15	60:4	28:16,17
45:22,24	plan 9:19,22	61:15,22	powers 54:20	previous
46:3,5	9:25 36:18	62:1,20,24	practice	5:24
48:8 52:2	43:22	64:1 67:23	9:20 10:1	pre-2008
52:5,8	104:16	67:25	38:11 48:9	69:20
54:23,24	Planner 3:9	69:15 70:4	practices	primary 76:5
105:8,11	7:17	96:14	14:1,14	printer 97:6
106:16	planners	102:12	preceden...	prior 4:13
112:23	106:9	104:23	51:8	32:12
113:3	planning 6:3	108:10	preliminary	56:15,20
115:4	7:17 24:15	109:19	47:17	110:10,14
person's	35:19	110:6	premises	117:7
73:24	106:9	112:5,10	21:3,5	120:6,8
perspective	plans 9:15	112:14	preparation	prison 86:10
34:6 118:2	9:18 10:5	114:4	42:19	88:1
pervades	33:22	115:23	113:10	prisons
73:14	plant 59:18	116:17	prepared	87:24
photo 45:16	60:4 79:6	Polin's	70:18	private
46:1 59:17	play 60:25	110:8	118:17	54:22
phrase 17:5	64:8 79:7	Pollution	prerequi...	probably
phrases	100:10	73:9	20:10	20:18
16:22	please 42:8	pool 112:1	present	44:11 65:7
physical	47:12	population	23:10	79:11
44:4	70:14 83:3	29:17	30:21,22	81:17

PRECISE REPORTING SERVICE

(800) 647-9099

PS-RA 00315

116:18	proffers	46:7 119:6	31:15	114:7
probation	53:12	119:7	39:25	116:20
87:24	program 15:2	proposed	42:21 66:5	119:18
probatio...	35:8	15:13	97:21	public's 7:6
92:1	prohibited	35:22	106:1	pull 5:6
problem	20:4 22:6	39:10	108:25	79:7
56:25 65:4	prohibits	108:24	provider	purpose 6:9
problematic	54:9	proposes	56:13 57:2	15:15,20
56:24	prolonged	26:17 35:3	providers	15:20
problems	82:18,21	proposing	50:25	22:20
55:8 73:2	promote	7:8 63:4	52:22 53:7	29:15 30:2
77:14	36:17	63:10	56:6	35:10,14
88:23 92:3	promptly	proposition	100:14	36:9,9,12
procedure	64:23	104:19	provides	36:14,17
48:9	prong 17:11	prospective	17:21	36:21
procedures	22:24 30:8	31:23 33:5	55:16	37:11,13
36:16	30:17	33:7	99:14	38:22
88:20	31:15	protect	105:5	40:12
proceed	36:25 39:2	28:17	113:17	103:17
47:13	43:9	36:21	providing	108:17
proceeded	proofread	93:23	40:7,10	109:12
29:10	21:1	protected	100:13,13	111:24
proceeding	proper 42:10	54:24 55:4	provision	purposes
47:9,25	118:15	protection	48:25	10:7 22:1
79:20 86:3	properties	27:7,8,9	52:19 53:5	30:6 35:15
proceedings	1:8 3:12	27:16,17	65:23 66:6	37:5 39:15
51:8 120:6	6:11 7:7	27:23 59:9	66:10	65:22
120:8,10	7:22 17:6	protections	provisions	push 42:18
process 9:22	18:5 28:22	114:16	11:19	put 45:9
9:25 10:5	45:19 71:6	proven 87:1	18:17	48:10
15:10	71:13	provide 8:5	47:20,21	52:19
22:10,14	property	10:13 13:8	57:13,16	55:23 57:4
37:22 44:2	7:25 8:2	17:15 18:3	57:17 58:3	69:22
66:10 84:8	8:16 9:18	27:6,18	proviso	84:11
91:2 92:20	9:21,25	31:12	117:6	85:11
103:23	16:9 21:7	35:16,20	proximity	87:14,17
110:17	39:24	54:3,23	34:5	88:3 90:9
111:2,3,5	44:18	63:20,22	public 1:7	90:13
113:18	71:14	66:9 93:9	2:7 5:12	98:25
114:7	74:20	96:16 97:1	6:19,20,23	103:18
processes	75:20	97:11 98:4	13:2 14:6	104:8
88:19	77:16	98:6	32:1 36:17	106:14
processing	79:22	100:10	39:8 43:5	puts 99:4
65:2	81:21	102:3,4	43:8 70:7	putting 50:9
profanity	83:14 85:3	provided	70:10,12	89:7
77:14	87:8,10	10:24 11:3	83:6 93:24	puzzled
proffered	94:25	12:2,21,23	96:8,11,13	61:23
49:22	proposal	19:23	99:18	62:17

p.m 2:9,10	quote 105:7	54:17	100:4,7,8	100:14
4:2,2	105:8	56:17 76:5	100:17,20	114:15
12:15,15	114:5	reasonable	101:6,10	recommend
39:16,17	quoting	4:5 5:20	102:24	28:24 32:3
39:18 73:5	105:4	5:24 6:5,8	104:9	64:19
119:25		6:14 8:3	108:11	recommen...
	R	11:19	109:20	32:2 34:10
Q	race 55:10	13:14,18	111:17	100:4
quadruples	55:12	13:20,22	113:11,12	107:5,24
73:7	102:13	13:25	113:18,20	118:24
qualific...	raise 27:17	14:18 15:7	115:1,3,14	recommen...
80:21	raised	15:24 16:5	115:15	43:2
qualify	100:22	21:21 22:8	116:9,24	recommended
82:24	ramp 73:3	23:17	117:14	24:4 25:9
quality 31:3	rated 83:24	24:23 29:4	118:23	25:16
question	rating 10:14	32:16	reasonab...	31:24 33:9
23:8 44:4	read 20:16	37:18,20	29:11	33:21
55:15,17	70:19	37:21,24	31:17	34:16
55:21 71:7	71:19	38:25	108:14,15	37:14
96:18 98:7	79:12	42:17	108:16	53:10 68:4
106:17	105:1	47:20,25	reasonably	117:6
109:19	112:21	48:4,6,8	14:6	recommen...
110:1	readily 52:2	48:10,15	reasons	49:11
112:3	reading 37:5	49:12,14	28:19	110:1
115:7	82:15	49:14,18	37:16	recommends
questioned	readings	49:22 50:2	53:14 99:7	107:11,15
105:2	82:16	50:4,5	118:3	record 8:22
115:5	ready 47:13	51:3,12,22	reassurance	39:4,7,8
questions	real 46:12	53:3,11,18	38:18	47:11
24:8 28:1	86:10 88:9	54:15,18	rebut 6:24	70:15,18
41:24 42:6	115:13	57:3,12	receive 40:3	86:4 90:13
43:15	really 44:6	58:8 63:5	received	94:21
102:9	46:10	63:6,14,22	18:22	112:15
106:21	60:14 62:9	64:2,17,22	42:15	120:10
115:13	62:15	65:3,5,17	recess 47:6	recover
quick 4:14	74:20 86:9	65:19,20	47:7	49:24
6:1 43:15	86:21 88:6	65:23,25	reclassi...	recovering
69:7 80:7	102:17,18	66:9,10	62:11	16:9 37:2
102:11	104:2	67:18 68:2	recognition	37:6 76:23
quickly 5:14	105:15	68:9,18	53:6 70:11	80:10 82:9
27:24	116:15	75:9 80:23	recognize	100:11
32:24	rear 44:18	81:4 82:15	43:3	recovery 4:9
quiet 12:11	reason 4:19	82:16,17	recognized	5:5 7:9
12:15,18	27:12	82:24 83:2	45:21	11:1 16:11
39:18,20	28:11 32:6	86:9 94:9	118:3	26:14,15
73:23	36:15	94:10	recognizes	27:4 33:23
quite 91:11	49:22	96:18 97:4	48:21	36:22 37:4
103:23	50:14 53:9	97:25	100:12,14	52:2
110:6	53:12			

101:17,22	relation	31:25 33:3	32:16,25	97:22,25
114:6,15	105:15	33:4 39:19	34:14 35:6	98:7
red31:21	relative	40:14	42:2,16	requesting
reduce21:25	120:15	42:19 43:3	43:6,8,9	8:3 43:22
reduces	relearning	46:12,17	48:3,8	60:21 63:7
100:5,6	37:9	46:23	49:10,11	63:8,9
reference	release88:1	55:19	49:14 50:1	97:18
46:11,20	relevant	63:15	51:11,14	102:2
referenced	61:4 96:25	78:12 87:4	53:4,18,21	118:11
46:24	97:7,11,17	89:4,5	54:18	requests6:6
refuse98:6	relief8:4	107:6,10	56:19 57:4	6:8 11:23
refused	11:19	116:14	58:13 61:8	15:11,18
73:24	relinquish	118:15,18	63:6,15,16	15:23,24
regard31:18	106:22	reported	63:21 64:2	18:6 20:13
105:9	remain29:14	10:25	64:13,17	23:17 24:1
117:15	100:10	20:23	64:22 65:3	25:8 48:14
regarding	102:6	92:15	65:5,6,10	50:1,12
9:6 79:19	remaining	111:10	65:10,12	63:17 66:1
80:19	20:3	Reporter	65:14,17	68:6,13
regardless	107:14	2:11 51:18	65:20 68:2	115:15
98:22,22	remains10:4	120:5	68:4,18	require11:7
101:10	remedied	represent	69:22,25	36:3 40:21
regards8:7	57:1	79:13	75:9 80:23	40:24 41:6
regular37:9	remind	represented	86:9,10	41:16
regulate	108:12	5:25 29:22	97:3,12,12	109:5,23
54:20	114:7	request4:5	101:9	required
55:22	reminder6:7	4:14,17	105:23	13:15,23
regulation	remove9:14	5:20 6:16	107:6	13:24 14:8
93:18	removed52:1	7:4,4 11:3	110:21	16:20
regulations	rent89:20	13:14,16	115:16,18	17:18,20
14:22	rental89:15	14:16,18	116:5,23	18:3 27:16
16:11	89:18,19	14:23,24	116:24	28:7,11,11
27:21 52:4	90:8	15:4,5,6,8	117:14	30:13,14
52:7	rented11:2	15:13,14	118:6,9	33:12
reintegrate	20:25	16:2 17:23	requested	34:13 36:2
37:7	renter89:19	18:6,9,14	6:10 10:17	38:5 40:19
reintegr...	renters	18:16,22	11:18 17:6	41:8 49:13
36:22	89:16	19:7,9,10	17:13	59:7 61:17
reject	repeatedly	19:12	25:24	66:5,8,19
114:14	14:4 92:15	21:21,21	29:18	69:12 97:5
rejected	94:8 115:2	21:23	30:13,14	98:1 107:9
119:7	repeating	22:18	30:19 33:8	111:3,11
related	100:3	23:23,23	34:17	111:19
13:14 52:8	report5:22	24:3,3,5	37:15	113:13
67:8,13,13	8:24 9:7	25:4,4	51:21	117:12
105:9	12:6 18:23	28:24 29:3	60:20 61:8	requirement
106:15,20	23:20	30:21	65:10	5:12 15:15
113:2	29:24	31:18	96:22	28:25

35:14 44:3	78:18 79:5	116:11,12	respect4:21	rhetorical
48:12,12	residences	118:10	42:2 69:7	102:12
49:3 67:1	54:2	resident...	117:3,20	RICHARDS 3:4
68:12	resident	45:18	respectful	riders 86:17
103:15	39:11	residents	119:23	86:17
112:23	76:11	10:11 12:9	respond42:9	right4:4,11
113:1,2	78:16 80:8	12:19,25	58:4 59:2	33:2 42:9
requirem...	92:8	13:1,3,6	70:3,3,7	43:18
9:13 17:17	105:22	21:1,2,6	75:14 96:9	44:19 46:1
18:24 26:9	107:10,19	22:14	96:11	46:9 47:1
33:14	107:19	26:11	response	47:10
47:19 48:1	residential	27:11	8:10 9:17	50:15
58:7,9,19	7:23 8:9	28:13,23	97:2	51:11
58:24 59:7	8:10,14	29:4,6,14	responsi...	54:12
65:18,19	10:10	31:19,23	20:20 21:4	59:14,21
67:5,7	18:10,12	31:24 33:6	97:24	62:24
69:17,19	19:1,2,4,6	33:7 34:24	responsible	64:25 71:2
75:19	19:11,14	35:1,23	20:23	71:9 72:2
77:19	19:20,21	40:3,13,19	25:22	78:1 79:8
108:13	19:22,24	40:22,23	rest111:25	80:13,16
115:24	19:24 20:2	41:1 51:25	restrict...	86:4 96:3
116:14	20:5,7	52:25 57:2	21:15,17	98:18
117:22	21:14 22:3	58:4 74:7	21:23 57:5	99:22
118:10	22:7,9,16	75:5 80:6	57:23	102:9,20
requires	23:10,24	82:9 90:5	result15:1	110:12,25
9:13 14:12	24:12,19	92:12	32:22 35:7	112:2
17:14	25:3,10,11	105:21	results69:1	114:20
34:12 36:7	26:23 28:6	107:5,8,13	92:18	119:16
44:14 56:6	28:7,8,12	107:16,25	resumed10:2	rights4:20
63:21	35:17,21	111:10,25	return6:24	risk28:21
99:16,17	36:5,8,20	113:19,21	41:5 45:7	28:22
108:16,23	39:15 45:9	resides	review23:20	100:3
115:3	45:14,23	79:14	reviewed	Road41:3
requiring	48:19 49:3	residing	15:12	roads73:10
28:2,2	49:4 50:20	13:1 31:20	83:15	roof44:16
38:23	50:24	resolution	92:24,24	44:18,20
41:22	53:21,24	4:15 5:1	reviewing	60:16
requisite	54:11	31:22 39:8	10:5	room34:1,1
62:4	80:24	41:11,11	revisit	83:8 84:18
resembling	86:11,18	42:11	119:10	104:21
60:20	87:15,15	107:22	rewordings	rooming
reside12:3	93:19,19	117:2	19:11	54:20
16:8 78:1	94:3	118:7,14	rezoned	rooms10:20
107:13	102:22,23	118:16	84:17	11:2 99:12
112:4,8	109:6,7,17	resolved	rezoning	99:12,12
residence	110:16	60:22,22	85:10	99:12,12
23:11	111:4	61:9 62:21	rhetic	99:13
51:24	115:20	62:25	103:21	RPR 2:11

120:22	59:7 85:14	116:8	seeks 15:15	26:18
rule 48:9	85:14	school 77:10	35:10,14	43:17,21
78:21	sake 100:2	86:11,13	seen 30:18	94:22
106:4	sample 11:4	Scotch	74:14 80:9	111:9
rules 12:5	sand 74:17	108:20	seminal 65:7	seven-month
14:1,13	Santa 35:18	screen 20:17	semi-rid...	65:13
39:12 53:2	52:13	Sea 83:25	84:2	severe 94:1
91:21	sat 100:25	seamlessly	send 50:19	share 20:21
run 37:25	satisfac...	73:4	50:24	20:22
100:25	41:14	second 18:9	sending	74:18 78:2
running 55:8	satisfac...	36:21,25	43:20	sheriff 79:2
100:24	40:10	39:14 50:3	senior 79:19	Sheriff's
rush 73:5	satisfy	74:1 78:9	sense 85:12	76:9
80:5,5	61:19	84:1,15	sent 79:22	SHIRLEY 3:9
R-1 85:2	saw 33:22	109:14	sentencing	Shores 1:8
R-2 7:22	69:25	secondary	91:25 92:2	3:12 4:6
35:9,10,15	saying 20:13	21:25 22:2	sentiment	4:10 5:21
35:15 59:6	40:17	32:10	99:19	6:11,16
59:6,7,21	46:15	36:10	separate	7:7,19 9:6
63:2 77:6	55:13 58:7	secondhand	12:4 18:6	10:17,24
81:21 84:2	66:22	39:23	44:10	11:1,6,11
84:16	67:10	77:14	48:14	11:13,16
R-2's 84:24	69:11	seconds	separation	12:1 17:6
84:24	82:23	71:23	44:8,15	18:5 24:6
R-3 10:6,8	85:12	75:16	September	25:1,24
25:25	88:14	section 16:2	8:19 11:22	32:9 47:16
26:11,20	98:17,18	18:25 41:3	18:7 63:16	47:17,23
26:21	100:7	43:13	63:17	48:24
58:16	113:9	105:18,18	sequence	50:18,20
R-3.1 26:15	says 19:1	106:7	24:25	51:1 53:10
R-4 10:7,9	35:19	see 16:23	serious 88:9	54:14
26:14,19	40:22	21:1 23:21	serve 109:12	55:16
28:8,10	50:14	27:24	services	56:15 57:8
43:16,19	52:20	29:23 35:2	11:7 12:21	57:14
58:16 84:7	53:20	45:12,16	12:23 14:1	59:13 61:1
R-4's 81:19	55:22 57:7	45:25	54:4	66:2 97:3
R-4.1's	58:7,15,20	46:23	set 12:5	113:14
81:19	61:17 62:5	49:18	41:17	short 29:11
	66:7,14	64:16	54:11	83:11,12
	67:5 83:17	70:25 71:6	105:25	shorthand
S	97:13	72:10 83:4	118:17	2:11 120:4
S 3:5	107:7	95:18,22	120:7	120:11
safe 85:15	schedule	117:25	sets 111:5	show 17:17
85:18	41:13 83:5	119:2,4	setting 42:7	108:22
safely 28:14	scheme 50:8	seek 27:18	87:15	109:11,11
safety 26:9	50:13,15	61:13	108:5	shown 23:15
26:21,23	53:23 56:6	102:23	116:15	shows 90:12
27:3,10	64:23	104:6,8,10	seven 26:15	shuts 100:5
36:18 49:1				
58:1,3				

side 32:7	68:9 83:16	67:16	93:21	6:5,14,18
45:13,19	83:18,21	72:22	102:24	7:13 72:11
71:5 73:1	84:12 85:4	83:18,19	sobriety	96:7
78:6 84:22	91:23 95:1	90:18	101:17	SPEAKER
sides 32:7,8	102:16	107:15,21	society	119:18
86:19	103:7,15	113:9,24	37:11	speaking
sight 55:24	105:13	Sixth 57:24	87:16	92:9
114:6	107:18	57:24	solid 32:2	speaks
signal 50:19	115:17,22	size 17:24	44:16,18	118:15
50:22,23	116:8	18:3 21:19	44:20	special
signed 16:7	single-f...	33:20	solution	22:13
signific...	7:23 8:1	35:25	86:24,25	27:15 36:3
10:14	10:8 20:9	58:17	somebody	36:15 53:7
significant	25:6,13	109:9,10	89:4,5	81:10
116:20	26:13	109:11,14	something's	83:19
similar 26:4	58:13	skinny 86:20	73:12	91:18
31:11 34:5	61:11	sleep 113:22	somewhat	specific 6:3
37:17	72:20	sleeping	60:20	6:16 7:14
38:11,13	80:24 81:1	78:14	103:20	13:13 15:5
40:7 51:9	81:8 84:3	slide 13:21	113:8	16:1 17:13
51:16,17	105:6,6	36:13	soon 6:9	23:7 27:3
51:24	109:7	74:16	73:7	28:1 32:2
111:15,16	sir 4:22	slippery	107:20	38:1,16
simply 73:3	5:16 45:1	87:25	sooner 5:10	57:20
106:8	47:2 53:18	slope 87:25	sororities	70:22
115:22	74:12	small 87:19	54:21	73:19
single 17:7	94:13	87:20	103:1	81:12
18:7,19	98:16	smaller 46:2	sorry 17:8	102:21
19:9,15,22	site 91:24	smoke 39:23	46:16	103:12
20:12,15	106:3	71:17 74:7	105:19	specific...
20:19,24	situation	77:14	sort 5:13	6:6 29:18
21:3,12,13	61:16	smoking	66:9 78:16	30:20
21:15,20	62:20	73:17	93:9	33:20
21:22 22:6	72:14 75:1	78:10 79:3	sought 76:16	54:24 55:7
22:11,19	103:12	89:21,22	115:1	81:10
23:1,12,15	situations	smugly 79:20	sounds 110:9	109:2,6,8
23:22	51:9,17,17	sober 8:5	source 14:21	specifics
25:12,14	56:24	11:6,11,14	southwest	57:20
26:12	115:5	11:21 34:6	7:20	81:17
35:16,20	six 10:11	34:8,9,11	Soylemez	specs 73:13
41:5 44:20	19:3,5	55:21	70:16,17	speculation
48:16 49:1	26:16	58:17	71:10 72:1	76:7
50:18	29:13,15	75:25	74:12	spell 70:14
51:14,24	33:25	76:13 77:9	space 84:20	94:17
52:1,5,9	35:23	77:17	84:23	spelled
52:17,21	40:13,19	83:25	spaces 40:17	75:13
53:4,11	40:24,24	84:11 87:5	spare 40:16	spend 74:20
64:4,12	41:15	87:14 88:4	speak 6:1,3	74:21,22

spent 57:17	114:18,25	77:16	107:16	44:15,20
spirit 72:7	115:5,15	78:25 86:2	staying 29:6	85:16
spoke 79:18	116:14	87:2 88:17	stereoty...	students
112:5	118:4,15	95:2	60:15 99:1	55:2
spot 85:8	118:18,20	starters 4:7	Steven 3:13	stuff 66:20
spousal 92:3	staff's	starts 21:20	47:15	80:11
spread 28:16	31:23 33:8	state 9:13	stood 114:13	style 90:16
28:18 34:2	34:16	11:13	stop 9:17	90:17
Spring 8:11	35:22	25:18,18	87:22	subject
9:11 34:22	staff-type	25:19,23	107:2	69:18 87:9
sprinkler	106:20	26:8,24,25	stops 73:8	103:11
28:6,7,10	stage 61:25	27:1,13,20	Stowe 57:24	115:25
28:12,16	82:23	38:12 41:8	street 7:21	submit 53:13
square 87:19	stake 98:13	52:18 58:7	7:25 8:9	59:4 74:11
square-f...	stand 6:17	60:19	9:9 13:6	79:24
113:1	74:8	70:14	41:3,4	101:10
Sr 10:19	standard	81:15,18	45:13,14	submitted
St 3:14	9:20 10:1	85:20 90:7	45:15,25	9:18 11:22
staff 4:15	standards	93:8	59:16,18	11:23 16:7
5:7,22 7:1	26:8,20,21	104:20	59:19,22	18:6 21:8
8:7,12,24	26:23 27:3	112:21	60:3 73:1	61:17
9:7 10:5	27:10,12	120:5	74:1 75:24	subscribed
10:16,19	37:9 38:9	stated 6:12	76:1,12	120:17
10:25	39:1 40:19	8:23 11:18	78:1,17,25	subsequent
11:10 12:6	41:20	12:12,20	79:7,14,18	11:22
15:6 18:23	43:16,19	70:24	86:6,12,14	64:16
23:20 24:4	44:1 56:21	79:21	86:20,20	substantial
25:8,22	67:21	104:10	86:23 87:6	32:23
28:23	69:12	109:21	87:7 88:4	116:13
29:23,24	106:8	statement	88:25	substitute
30:3 31:17	111:14,14	16:8 70:18	94:16,24	27:5 55:10
31:25 33:3	112:19	71:19	95:11,13	102:13,16
33:4,7,21	standing	79:12	95:23	sudden 83:22
35:3 36:25	55:12	114:4	103:19	suddenly
37:14	standpoint	119:19	stress 38:4	43:19
38:17	42:6	statements	stretch	sufficient
39:19	stands 61:12	80:20	106:18	31:11 59:8
40:11,14	66:9	112:6	strictly	suggested
40:21 42:8	104:19	states 12:7	100:15	104:18
42:19 43:1	start 16:21	12:16,24	strongly	suggesting
43:3,12,13	37:9 55:5	13:3 48:7	28:23	33:1 39:5
46:12,17	55:8 62:7	105:20	47:24 75:8	suggestions
46:23 47:1	72:2 80:16	stating	structure	119:8
83:7 86:24	89:4	78:16	21:19 60:4	suit 11:16
87:4	started	status 94:8	80:25 81:1	summarize
106:19	60:24 62:7	stay 29:12	81:8 82:5	40:17
107:6,11	70:10	56:8	structures	summary
107:15,24	75:20	107:11,14	10:9,10,15	107:6

super 74:3	S-o-y-l-...	tell 44:6,13	91:8 92:7	69:19 70:8
supply 31:10	70:17	49:12 54:6	94:13,20	72:25
63:24		57:19	96:14	80:17
support	T	65:15	102:8	81:16 82:6
118:11,18	tagged 31:21	66:24 79:9	109:25	82:25 83:1
supposed	tail 61:16	89:18 95:3	112:2,13	84:21
99:5,6	tailor 58:2	96:17	114:20	88:25
supposedly	58:9	tells 62:21	119:22	89:21
95:8	tailored	ten 71:22	Thanks 113:5	94:23
suppress	57:19,20	93:18	therapeutic	95:24 96:5
28:12,17	58:19	tenancy	17:21 18:4	99:20,23
Supreme 67:4	tainted 48:5	12:18	23:14	100:9,23
105:3	taints 65:21	tenants 9:3	30:15 31:4	101:2,5,13
112:25	take 46:22	10:21 11:2	109:12	103:13,20
sure 12:9	47:5,7	11:4,4	thereof	104:22
36:12	49:13,21	12:10	120:13	105:12
42:14	50:1 58:1	Tennyson	thing 51:3	112:11
70:16	59:8,11	3:14	55:3 62:1	114:18
76:23	60:2,11	term 24:16	62:17	115:21
78:22	61:19	70:1	64:21	116:5
88:22	62:19 70:7	terms 26:6	71:12	117:1
104:1,22	83:10,12	48:11 53:3	72:24 84:1	119:9,20
surprise	84:5 85:8	53:19 57:2	84:12	third 18:11
99:9	86:1 91:7	59:12 65:2	85:13 90:4	18:14
surprised	92:6 96:2	65:2 66:7	91:12	39:15 74:5
79:21	104:5	67:11	94:10	81:7
surrounded	taken 2:7	101:4,6	105:14,17	108:21
32:7	33:21 59:1	113:6	108:9	Thomas 1:9
surrounding	59:3 60:1	terrifying	113:6	4:7
22:3 97:23	62:17	95:21	things 17:10	thought
suspects	120:6	terrorized	71:17	62:21
76:18	talk 26:1	95:16	74:21,24	67:21 80:6
suspicious	30:6 68:20	testified	75:15	thoughts
77:14	71:17	93:6	84:13 93:4	114:21
sustained	75:17	testifying	96:3 101:7	three 5:25
67:18	105:18	120:9	102:1	6:21 7:20
swayed 99:5	106:23	testimony	104:2	8:6 24:3
99:6	talking	75:3 82:1	think 5:7	33:12,16
swished	59:12	tests 106:5	29:12	45:6 46:15
87:20	83:21	thank 5:23	32:18 39:7	49:6 50:11
Switching	94:24	7:15 13:17	39:21 42:8	52:6 60:5
25:25	102:14,17	46:25 47:8	44:7 45:4	63:9 66:21
system 14:7	105:13	47:14 69:6	53:17	68:5,6
28:16 88:1	tats 95:17	70:4,5	55:15,17	69:9 71:13
systematic	taxes 95:25	75:11	56:19 57:3	71:24 72:1
73:13	teenagers	77:23 80:4	57:5 66:13	75:24
systems	95:17	83:4 85:25	68:8,25	76:25 77:4
28:11	television	86:1 88:11	69:15,18	85:6,9
	39:21			

86:12	96:6 112:5	treated 17:7	107:2	35:16
92:12	112:8,11	18:7,13	110:13	58:13
100:9	113:8	19:8,9	trying 34:10	typing 84:24
104:2	today's 87:9	21:22	62:24	type 28:6,7
111:23	told 10:25	22:19	64:18 71:3	31:6 54:3
116:25	11:10	23:11,14	82:17 94:4	56:25
thrust 64:2	22:11	23:23 24:4	101:1	58:24
64:3	29:12 49:7	24:6 25:24	Tsombanidis	65:24
thumbs 93:10	63:13	26:20	51:18	76:18 80:1
time 4:23,25	92:13	48:16	turn 89:15	80:2 93:19
6:19 10:18	116:3	51:14	114:22	103:2,3,5
19:8 24:22	tomorrow	53:21	turned 45:5	103:5
24:25 28:3	104:13	56:18 64:4	Twenty-f...	types 26:10
29:7,11	tonight	64:12	39:25	54:13,22
30:21	103:19	67:11 68:9	two 5:7,20	102:25
31:20	104:13	68:11	7:20 8:2	typical
41:10,15	113:22,23	69:16	12:8 17:16	60:15
42:19	Tony 79:13	110:20	17:20 19:7	T-s-o-m-...
43:18 47:4	top 59:17	115:19,19	20:13 25:9	51:19
55:22	70:25	treating	29:10 32:7	
57:17	toss 103:15	22:25	32:8 33:6	U
74:22 77:1	total 46:2	24:11	35:20 44:9	ultimately
84:18 87:8	townhomes	25:11 54:7	44:10,20	117:2
87:11 88:9	71:1 94:22	57:7,10	44:23	unable 16:17
88:17	Township	81:24 82:2	63:11 67:1	23:6
89:22 91:8	108:20	82:25	68:14	unaccept...
94:1,25	tracks 52:18	110:19	70:21	116:22
103:8,24	traffic	treatment	71:10,18	undergone
104:7,16	32:23	10:23 11:7	72:19,21	103:23
110:14	40:15 73:1	12:20	76:2 77:2	undermine
111:22	73:3,8,16	93:20	77:2 78:7	15:15
119:23,25	86:18	103:4	78:13 79:4	35:10
120:7	transcribed	tried 78:7	79:4 81:5	38:21
times 44:6	120:11	112:21	81:22,22	40:12 53:5
53:1,1	transcri...	triplex 77:9	84:2,6,16	108:17
73:2,22	120:13	truck 66:19	84:24 95:3	undermined
79:4	transformed	true 71:6	100:6	15:22 30:2
tired 56:3	72:21	90:11	105:21	30:5 37:13
title 66:13	transpor...	102:21	115:16,16	37:17 39:2
106:7	12:23 13:2	110:3	116:6,23	51:15
today 4:10	trash 73:17	truly 60:8	117:17	53:17
10:13 42:5	74:1 79:3	82:9	118:9	undermines
65:10	95:14	trust 87:1	two-car 13:9	29:15
72:11	treat 20:13	trusted 87:2	two-family	35:13 50:7
74:15	24:11	truth 91:7	7:23 10:9	65:22
76:14	48:24 52:5	try 45:4	18:19 20:9	undermining
77:22	58:11 67:6	86:20	25:7,14	53:13
81:23 83:9	111:8	92:16	26:12	undersigned
				120:4

understand	41:6 48:17	85:17	38:24 41:5	110:16
42:4 46:19	50:18	113:25	41:6,7,20	111:4
55:10 70:2	51:14	unrelated	42:17 44:2	115:23
111:25	52:21 53:4	52:5 67:7	45:9 47:20	117:23,23
112:7	53:12 64:5	67:12	47:23 48:1	usual 14:13
117:1	68:10	105:11	48:3,21,22	116:17
understa...	80:24	112:22	49:1,5	U.S 14:22
46:21	83:17,18	113:2	56:18,19	16:21
understa...	83:19,22	unresolved	57:8,9	49:17 67:3
7:6 61:10	94:23	10:4	58:13 59:6	105:2
110:24	102:16	unrestri...	59:7,13,21	
111:6	103:8,15	71:16	60:8,14	V
Understood	105:14	unsubsta...	62:18 63:3	v 108:19
119:15	107:18	99:1,1	63:3 65:3	value 51:8
undue 14:24	115:18,22	untruthful	65:18 66:3	variety 9:4
34:14 50:5	116:9	89:7 91:5	66:5 68:21	118:3
50:6,10,11	unitary	upper 83:22	68:23 69:3	various
65:4	52:20	urge 77:18	69:8,9,11	92:15
101:12	68:11	usage 85:22	69:13,14	vehicle
unfortun...	United 49:17	85:23	69:16,17	40:25
93:25	49:17	USC 65:22	69:19 71:1	vehicles
95:11	units 8:2	use 8:7,8,10	102:22	12:25 13:2
UNIDENTI...	21:14	8:13,15	103:3	13:4,4
119:18	25:15	10:17	104:9,11	40:14,23
uniformly	33:13,17	12:10 13:2	110:2,25	verbally
67:8	40:18 45:6	14:3,20	111:2,3,5	10:20
unilater...	46:15	17:1 18:15	111:16	verbatim
119:8	52:17	18:19,19	113:15,21	120:9
unique 53:7	81:22	18:20,25	117:1,7,9	versus 49:16
unit 18:8	86:25	19:4,13,14	117:11	51:19
19:10,16	105:7	19:16 20:3	uses 10:10	52:13
19:23	115:6	20:3,7,10	19:21,21	57:23 65:8
20:12,15	unlicensed	20:11,20	19:23	67:3
20:24,25	8:5 10:23	21:4 24:4	24:12,19	104:18
21:3,6,6	11:20 49:3	24:7,15,18	25:3,14	viability
21:11,13	unmakeable	24:21 25:7	26:5,24	23:14
21:16,21	106:12	25:11,25	34:5 35:17	30:15 31:9
21:22 22:6	unnecess...	26:3,5,6	35:21 36:2	109:15,16
22:12,19	23:8	29:1 30:10	36:8,11,19	viable 17:20
23:1,12,15	unpermitted	31:12	50:21	17:25
23:22	8:11 9:8	32:11 35:9	52:19	64:10
25:12	9:12,14,15	35:12,13	54:22 55:5	96:24
31:24 32:2	9:23 60:24	35:14 36:1	59:17,21	97:19
32:3,5,9	62:3	36:2,7,14	59:23	109:23
32:14	unreason...	36:15	67:22	view 22:8
33:19,20	14:23	37:13,16	93:19	46:10
33:21 34:2	67:17	37:19,24	102:25	viewing
34:8 39:15	80:17	38:5,8,23	103:2	76:14

violate 32:13	91:19	Web 91:24	69:15, 20	17:10 33:3
violated 87:3	95:21	Wednesday 1:11 2:10	69:21	39:6 41:24
violating 61:1 72:7	97:14, 14	4:1	76:23, 24	42:13, 15
violation 9:11, 17	104:17	weekdays 12:15	80:2, 13	43:20
38:11 40:9	112:7, 14	Weekend 39:17	83:5 94:4	44:10 45:2
48:22	wanted 43:6	weekends 12:16	101:1, 2	46:6, 14, 22
50:16 53:2	43:8 64:4	Weeknight 39:16	102:4, 5, 6	57:17 58:5
82:19, 21	64:12 70:1	weeks 5:7	102:7, 17	59:12
92:15	71:23	74:22 78:7	105:13	63:13
violations 11:13	88:14 96:2	78:13	106:4	81:14
47:21 72:5	97:22	welcome 110:13	113:7	106:23
72:12 93:2	107:4	went 33:10	115:8, 9	107:2, 4
violators 9:14	113:4	33:10	117:25	108:3, 9
virtually 42:2	114:6, 14	34:13 44:5	we've 14:21	110:4, 8, 13
visitors 95:12	117:11	46:14	22:12	110:23
	wanting 73:6	89:11 95:7	24:10	111:7
	wants 80:20	97:6 111:7	25:13 35:5	113:7
	80:21, 22	weren't 64:6	42:25	word 26:4, 5
	80:23 81:2	111:19	58:10	38:13
	81:10, 11	West 4:16	66:21	81:24
	81:11, 12	51:19 94:3	68:13 80:5	wording 17:3
	90:15, 20	we'll 4:4	88:16 90:1	words 111:2
	91:13	5:17 6:12	95:8	work 9:16, 18
	101:5, 7, 19	66:22	108:16	9:23 21:2
	101:25	83:12	115:2	35:1 60:10
W	Washington 3:14	101:19	WHEREOF 120:17	61:13
W1:9	wasn't 46:11	we're 4:20	whichever 58:16	64:18
Wait 87:25	62:16	5:3 15:17	wide 49:15	92:21 98:9
waive 27:8	84:18	15:19	width 44:16	119:2
49:3 68:11	watching 88:16, 18	32:16, 18	willing 5:11	worked 42:11
waiver 28:25	WATSON 3:4	33:24	27:18 49:8	57:1, 5
48:11 53:4	way 7:10	38:23	wiped 85:2	58:11
54:15	16:21	47:10	wish 83:9	101:1, 7
57:16	20:13	48:20 49:2	91:12 92:5	works 6:13
69:17	24:10, 11	49:8, 20, 21	wishes 96:10	wouldn't 43:18 57:9
117:20	26:4, 4	56:1 57:16	WITNESS 120:17	57:11, 11
walk 51:1	27:10	60:21	witnessed 78:9	57:12 82:3
74:7, 14	33:22	61:18	witnesses 120:8	wrap 74:10
79:4 87:6	58:15	62:24 63:6	witnessing 74:21	writing 10:20
95:21 96:4	65:15 78:8	63:7, 8	Wolcott 3:8	written 12:4
walked 73:22	85:4 95:13	64:17, 19	6:4, 14	21:4 70:18
want 8:22	95:14	68:1, 8, 10	13:12, 17	71:19
23:25 32:1	101:11			74:11
62:12, 13	110:15			110:16
62:18	ways 83:6			wrong 28:5
65:14	108:6			66:13, 15
66:14 68:6				
69:23 78:2				
84:6 89:7				
90:21, 22				

98:19	116:13	29:19	20.91A.0...	268:21
wrote 66:16	zoning 15:2	31:24	105:20	284 108:20
66:18	15:18, 21	33:19, 25	2000 45:3, 10	3
X	18:16	34:25	45:21 46:5	3rd 108:20
X 64:9, 10	21:17	35:23	80:9	3.5 45:24
Y	22:22, 22	39:11 46:3	2001 53:14	3.58 46:4
yard 84:22	23:9 25:5	49:9 52:14	2005 8:17, 19	30 12:17
yards 72:9	25:9, 16	63:8 64:20	2006 56:22	112:12
yeah 29:13	26:5 29:16	66:23	62:8	3034 3:14
year 9:24	30:2, 6	67:16	2007 8:11, 22	3256 86:6
11:17 35:2	35:8, 10	72:21	8:24 9:3, 4	3300 2:8
35:5 43:22	36:10	86:25, 25	9:11 10:16	3:10
61:21	38:22	100:6	10:22 11:9	3301 78:1
79:11	40:12, 20	101:20	11:12	3305 79:14
years 40:8	44:14	107:19	34:22	3307 75:24
41:17	48:23, 25	118:24	43:25 44:1	3309 7:8, 11
72:10	50:13, 15	12-Step	56:22 76:9	7:25 8:8
74:21, 25	51:15 52:4	12:22	88:17	9:8 29:20
76:2 78:5	53:13, 23	13 11:24	93:24	31:20
82:22	56:6 59:25	13th 18:23	111:9	76:11
88:16, 16	64:23 72:5	42:16	2007-2006	78:17 81:8
91:11	77:6, 19	13135 27:3	110:20	112:8
92:12	81:20 84:8	18 7:10	2008 11:22	331-5848
93:18	98:11	29:20 44:9	18:7 79:16	3:15
98:10	101:14	84:3	81:16	355 3:5
yesterday	103:17	18th 42:21	93:25	3604BF3
44:5	108:17, 19	180 29:13	110:10, 14	65:22
young 78:6	116:8	1995 105:3	2008-05	3745:18
95:17	117:8, 16	1998 94:25	15:21	3849:21, 23
Z	118:10	2	22:20	68:22
zone 19:6	0	2.1 94:22	24:20 36:7	107:6
35:10 49:5	08 73:22, 25	20 7:10	53:16	112:6
59:6, 24	1	19:14	2009 1:11	39 23:20
63:2 69:14	1/27:7, 10	29:20 34:7	2:10 4:1	39-page
102:23	8:16 29:20	44:9 45:17	11:24	46:23
109:6, 7	31:19 32:5	45:17	56:22	4
zoned 7:22	44:7 112:9	66:13 84:3	2023:15	444:16 83:4
45:20	10 11:24	98:10	218:19	83:5
72:19 85:4	12:15	20,000 87:19	2133:6	4:00 2:9 4:2
zones 19:14	39:16, 18	20.10.020	22 110:10, 14	40 72:18, 23
19:24, 24	39:22	18:25	233 114:8	74:6 76:25
20:5 25:3	75:16	20.9A.050	24 8:24	77:4 86:22
35:15	100 80:14	41:21	11:22 40:3	87:18
45:18	11 12:6, 15	20.91A 36:16	24-year 80:8	112:12
54:12	39:17	20.91A.050	25 1:11 2:10	40th 3:5
102:21	78:14	38:9	4:1 72:9	407 70:17
	12 7:10	105:18	25th 8:25	72:10

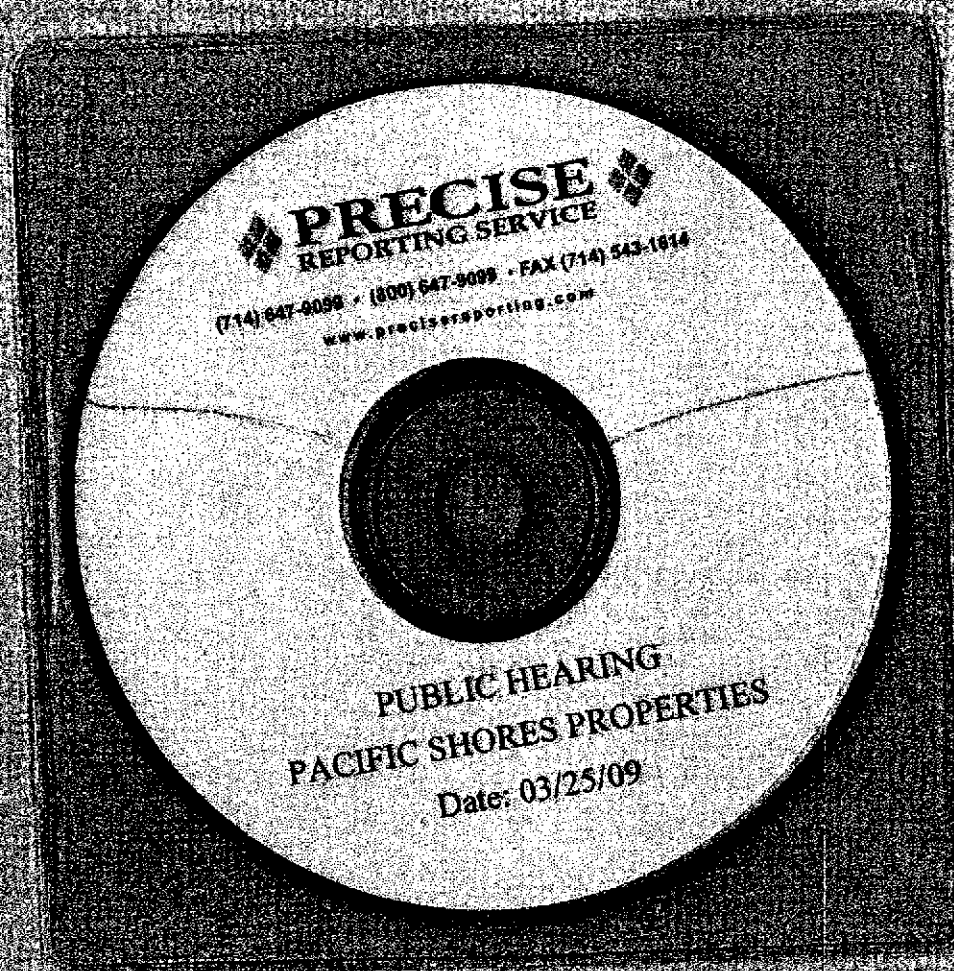
PRECISE REPORTING SERVICE

(800) 647-9099

4346:3	8			
442108:20	89:3 39:18			
4529:12	39:22			
4927:7,7,10	8-year-old			
7:10 8:16	86:16			
8:20 29:20				
29:21	9			
31:19,19	9004:16			
32:5 44:7	90071-3101			
44:7 79:17	3:5			
112:8,9	92658-8915			
	3:10			
5	92662:12			
58:24 73:5	120:23			
507:9 8:6	9466:13			
29:19	9493:11			
31:23	95-bed109:3			
33:12,17				
34:6,23				
46:7,15				
49:6 74:6				
81:2 83:21				
83:22				
85:23				
86:22				
87:18				
90:10				
91:13				
94:24				
100:7				
51194:15				
51467:3				
105:2				
6				
676:8 84:23				
6-year-old				
86:16				
6:052:10				
4:2 119:25				
626-84843:6				
644-3002				
3:11				
7				
776:10 79:1				
7045:22,23				
725105:2				

PRECISE REPORTING SERVICE
(800) 647-9099

PS-RA 00328



TAB 7

**Hearing Officer's
Resolution No. HO-2009-017 Denying
Request No. 1 of Pacific Shores' Reasonable
Accommodation Request**

(July 2, 2009)

RESOLUTION NO. HO-2009-017

A RESOLUTION OF A HEARING OFFICER OF THE CITY OF NEWPORT BEACH DENYING WITH PREJUDICE REQUEST NO. 1 OF A REQUEST FOR REASONABLE ACCOMMODATION NO. 2008-001 FOR AN EXISTING SOBER LIVING FACILITY LOCATED AT 3309 CLAY STREET, 492 ORANGE AVENUE, AND 492 ½ ORANGE AVENUE (PA 2008-181).

WHEREAS, Ordinance No. 2008-05 was adopted by the Newport Beach City Council on January 22, 2008, following noticed public hearings; and

WHEREAS, the adoption of Ordinance No. 2008-05 amended the City of Newport Beach's Municipal Code (NBMC) relating to Group Residential Uses; and

WHEREAS, Ordinance No. 2008-05 added Chapter 20.98 to the NBMC. Chapter 20.98 sets forth a process to provide reasonable accommodations in the City's zoning and land use regulations, policies, and practices when needed to provide an individual with a disability an equal opportunity to use and enjoy a dwelling; and

WHEREAS, an application was filed by Pacific Shores Properties, with respect to properties located at 3309 Clay Street, 492 Orange Avenue, and 492 ½ Orange Avenue, and legally described as Lot 2 and Lot 1 in Block 6 of Tract No. 27 in the City of Newport Beach, County of Orange, State of California (APN 425-282-02 and 425-282-01), requesting approval of the following five requests for reasonable accommodation:

1. That residents of its facility at 3309 Clay Street, 492 Orange Avenue and 492 ½ Orange Avenue be treated as a single housekeeping unit as defined in Section 20.03.030 of the Newport Beach Municipal Code;
2. That the City no longer classify or treat the properties at 3309 Clay Street, 492 Orange Avenue and 492 ½ Orange Avenue as "Residential Care Facilities," as defined by NBMC Section 20.05.010;
3. That the City classify the use of the dwellings at 3309 Clay Street, 492 Orange Avenue and 492 ½ Orange Avenue as a legal nonconforming use;
4. That all code provisions applicable to the use of 3309 Clay Street, 492 Orange Avenue and 492 ½ Orange Avenue (including Zoning Code, Building Code, fire safety and any other applicable code) be applied to those properties in the same manner that those codes are applied and enforced to single family and two family residential uses located in residential districts zoned R-2; and
5. That the City waive the requirement of NBMC Section 20.91A.020 that unlicensed residential care facilities may be located only in a residential district zoned MFR with a use permit.

WHEREAS, a public hearing was held on March 25, 2009, in the City Hall Council Chambers, 3300 Newport Boulevard, Newport Beach, California. A notice of time, place and

purpose of the meeting was given in accordance with the Municipal Code. Evidence, both written and oral, was presented and considered at this meeting; and

WHEREAS, the hearing was presided over by Thomas W. Allen, Hearing Officer for the City of Newport Beach; and

WHEREAS, pursuant to Section 20.98.025(B) of the NBMC, the written decision to approve, conditionally approve, or deny a request for reasonable accommodation shall be based on findings, all of which are required for approval.

WHEREAS, with respect to Reasonable Accommodation Request No. 1, that residents of its facility located at 3309 Clay Street, 492 Orange Avenue and 492 ½ Orange Avenue be treated as a single housekeeping unit as defined in Section 20.03.030 of the Newport Beach Municipal Code, not all of the five findings required can be made pursuant to Section 20.98.025 (B) of the NBMC, as follows:

1. **Finding: That the requested accommodation is requested by or on the behalf of one or more individuals with a disability protected under the Fair Housing Laws.**

Facts in support of finding. The applicant submitted a statement signed by the facility manager that every resident of the facility is in recovery from alcohol or drug addiction. Federal regulations and case law have defined recovery from alcoholism and drug addiction as a disability, because it is a physical or mental condition that substantially impairs one or more major daily life activities.

2. **Finding: That the requested accommodation is necessary to provide one or more individuals with a disability an equal opportunity to use and enjoy a dwelling.**

Facts do not support the finding. The request to be considered a single housekeeping unit is essentially a request to be exempted from all of the provisions of Ordinance No. 2008-05 which place any sort of reasonable regulation on the operations of residential care facilities.

The applicant asserts that being treated as a single housekeeping unit is necessary because residents cannot live independently without the threat of relapse, because the environment provided by the facility is necessary to achieve an opportunity for residents to live in a setting which is a self-paced recovery option that provides time for personal psychological growth while avoiding the use of alcohol and other substances. The applicant also asserts that without the sober living environment offered by the facility, residents of the facility would not be able to live in a supportive environment in a residential area.

The Hearing Officer finds that total exemption from the provisions of Ordinance No. 2008-05 is not necessary to afford residents of the facility the opportunity to live in and enjoy a dwelling or a similar sober living setting.

The Hearing Officer finds that the facility does not operate in manner consistent with the NBMC definition of a single housekeeping unit. The NBMC Section 20.03.030 (Definitions) defines a single housekeeping unit as:

"The functional equivalent of a traditional family, whose members are an interactive group of persons jointly occupying a single dwelling unit, including the joint use of and responsibility for common areas, and sharing household activities and responsibilities such as meals, chores, household maintenance, and expenses, and where, if the unit is rented, all adult residents have chosen to jointly occupy the entire premises of the dwelling unit, under a single written lease with joint use and responsibility for the premises, and the makeup of the household occupying the unit is determined by the residents of the unit rather than the landlord or property manager."

The facility's operations most closely resemble a boarding house use. Copies of leases submitted to the California Department of Alcohol and Drug Programs (ADP), entitled "Agreement to Stay in My House," indicate that each resident enters a separate written agreement to reside at the facility. Based upon the applicant's characterization of the facility as being one of leased rooms to tenants and the use pattern described by the individual leases, the facility's operations are much closer to the NBMC's definition of a boarding house or group residential use than a single housekeeping unit. Except for the fact that facility residents are recovering alcoholics, the facility would be classified as a prohibited Group Residential use, or a Boarding or Rooming House as that term is defined in NBMC Section 20.05.030. ("Residential Use Classifications: A residence or dwelling unit, or part thereof, wherein a room or rooms are rented under two or more separate written or oral rental agreements, leases or subleases or combination thereof . . . ")

No evidence was provided that clients are an interactive group of persons jointly occupying a single dwelling unit who share common areas. It appears there is no joint responsibility for meals or expenses, no single written lease, and the makeup of the household is determined by the facility operator rather than the residents. Furthermore, contradictory information exists in the record, submitted by the applicant in 2007, regarding whether the facility was a sober living facility or a group of boarding houses.

Pursuant to NBMC Section 20.98.025(C), the City may consider the following factors in determining whether the requested accommodation is necessary to provide the disabled individual an equal opportunity to use and enjoy a dwelling:

- A. *Whether the requested accommodation will affirmatively enhance the quality of life of one or more individuals with a disability.*

If the requested accommodation were to be granted, any number of the applicant's current and potential clients could live in the home located in an R-2 District along with other individuals in recovery. This situation can serve to affirmatively enhance the quality of life of a person in recovery from addiction, unless overcrowding of the facility or institutionalization of the neighborhood interferes with the resident's re-integration into society.

- B. Whether the individual or individuals with a disability will be denied an equal opportunity to enjoy the housing type of their choice absent the accommodation.*

The Hearing Officer finds that the exemption requested goes beyond what is necessary to achieve the goal of affording disabled individuals an equal opportunity to enjoy the housing type of their choice. The City indicated that more narrowly tailored exemptions could be requested by the applicant that would enable disabled individuals to reside at the applicant's facility, and the applicant submitted additional requests as a result.

- C. In the case of a residential care facility, whether the requested accommodation is necessary to make facilities of a similar nature or operation economically viable in light of the particularities of the relevant market and market participants.*

The applicant did not submit evidence that treating the facility as a single housekeeping unit is necessary to make the facility viable in light of the current market for the type of services it provides. The applicant objected to requests by the City for such evidence. Therefore, the Hearing Officer is unable to determine that being treated as a single housekeeping unit is necessary for the facilities to be financially viable.

- D. In the case of a residential care facility, whether the existing supply of facilities of a similar nature and operation in the community is sufficient to provide individuals with a disability an equal opportunity to live in a residential setting.*

The City has estimated that there are approximately 233 approved sober living beds in the City. Operators of many sober living facilities within the City have reported decreased census and vacant beds, which could afford potential Pacific Shores clients an equal opportunity to live in a sober living environment. The evidence presented as part of the application does not support the applicant's contention that treating residents of its facility as a single housekeeping unit will change the availability of the existing supply of facilities of a similar nature, or afford them a substantially greater access to an equal opportunity to live in a residential setting.

3. **Finding: That the requested accommodation will not impose an undue financial or administrative burden on the City as "undue financial or administrative burden" is defined in Fair Housing Laws and interpretive case law.**

Facts in support of finding. The Hearing Officer finds that treating the facility as a single housekeeping unit will not impose a currently identifiable undue financial or administrative burden on the City. However, in making this finding, it is noted that approximately 56 to 58 individuals could be housed at the three properties if some rooms not currently labeled as "bedrooms" on plans on file at the City were used as bedrooms. If resident populations are unregulated and previous code violations associated with the property were continued, currently unidentifiable financial or administrative burdens could arise as a result.

4. **Finding: That the requested accommodation will not result in a fundamental alteration in the nature of the City's zoning program, as "fundamental alteration" is defined in Fair Housing Laws and interpretive case law.**

Facts do not support the finding. The purpose of the NBMC's definition of a single housekeeping unit is to allow the City to determine whether groups of related or unrelated individuals are living together in a dwelling as a single housekeeping unit. This definition is necessary because of the persistent attempts by property owners acting as landlords to establish illegal boarding houses and illegal units in dwellings within the City.

Groups living as a single housekeeping unit are permitted to live together in any residential zone in Newport Beach. Groups not living as a single housekeeping unit are prohibited from establishing residences in any of the City's residential zones, with the single exception of those groups not living as a single housekeeping unit in residential care facilities of any size. All residential care facilities in the City have already received a reasonable accommodation from the NBMC restrictions on groups not living as a single housekeeping unit through provisions of the NBMC that offer opportunities for new facilities to be established, and existing facilities to continue in their current locations, subject to approval of a use permit with appropriate impact mitigation. Licensed facilities housing six or fewer residents are permitted in any residential zone of the City.

Although the residents of residential care facilities receive preferential treatment because of their disabled status, the NBMC applies regulations to unlicensed and larger (more than seven residents) licensed facilities. These regulations are in place to ensure that the fundamental purposes of the Zoning Code can be achieved, and to ensure that the adverse secondary impacts higher density residential care facilities may have on the surrounding neighborhood can be mitigated. If a residential care facility is treated as a single housekeeping unit, it is entirely exempt from any of the reasonable controls the City might place on the facility, and the City would be unable to make any reasonable effort to reduce the adverse secondary impacts resulting from the facility such as noise, overcrowding, unruly

behavior by residents of applicant's facility to the detriment of neighbors, the disproportionate consumption of available on-street parking, and the overconcentration of facilities within a single block to the point of creating a quasi-institutional environment in this neighborhood.

Pursuant to Section 20.98.025(D) of the NBMC, the City may also consider the following factors in determining whether the requested accommodation would require a fundamental alteration in the nature of the City's zoning program:

A. Whether the requested accommodation would fundamentally alter the character of the neighborhood.

Since the establishment of the first of the dwellings as a sober living environment, a number of adverse secondary impacts have been reported to the City by residents of the neighboring properties, thereby altering the character of the neighborhood. Some of the impacts reported associated with the operation of the facility include, but are not limited to:

- Meetings held at one or more of the applicant's facilities
- Excessive use of on-street parking by facility residents and their guests
- Secondhand smoke
- Noise late at night

B. Whether the accommodation would result in a substantial increase in traffic or insufficient parking.

The applicant has stated that residents are permitted to have personal vehicles at the properties, but that few residents own cars. The applicant has stated that "all park along Old Newport or along the commercial park area on Orange. No resident parks along Clay or the non-commercial parking area along Orange (i.e., Orange NE of Clay)."

Each building at the subject site provides two enclosed parking spaces, consistent with the NBMC parking requirement of two parking spaces per dwelling unit for single-family and two-family residential uses. The NBMC parking requirement for residential care facilities is one off-street parking and loading space for every three beds. As a residential care facility, with 50 resident clients, the Pacific Shores facility would be required to provide 17 off-street parking spaces. Since the facility does not provide the required 17 off-street parking spaces, granting the requested accommodation would result in insufficient on-site parking.

The Institute of Transportation Engineers (ITE) establishes standards for trip generation rates based on the use classification of a site. In the case of a single family dwelling, the standard trip rate is 9.57 average daily trips per dwelling, and for

duplexes the standard trip rate is 6.72 average daily trips per dwelling. Trip rates for residential care facilities are 2.74 average daily trips per each occupied bed. Based on these standards, a 50-bed residential care facility would generate approximately 137 average daily trips. The evidence shows this facility will generate average daily trips substantially in excess of the surrounding single- and two-family dwellings.

C. Whether granting the requested accommodation would substantially undermine any express purpose of either the City's General Plan or an applicable Specific Plan.

General Plan Policy LU 6.2.7 requires the City to regulate day care and residential care facilities to the maximum extent allowed by federal and state law. A request for reasonable accommodation is consistent with this policy. The City adopted Ordinance No. 2008-005 in order to implement General Plan Policy LU 6.2.7. Granting the reasonable accommodation request to treat the facility as a single housekeeping unit rather than as a residential care facility would exempt the facility from the provisions of Ordinance No. 2008-005, and preclude the City from applying any reasonable regulations on the facility, thereby undermining the express purpose of the General Plan with regard to these facilities.

The Hearing Officer finds that the facility does not operate in manner consistent with the NBMC definition of a single housekeeping unit, as provided for in NBMC Section 20.03.030 (Definitions):

"The functional equivalent of a traditional family, whose members are an interactive group of persons jointly occupying a single dwelling unit, including the joint use of and responsibility for common areas, and sharing household activities and responsibilities such as meals, chores, household maintenance, and expenses, and where, if the unit is rented, all adult residents have chosen to jointly occupy the entire premises of the dwelling unit, under a single written lease with joint use and responsibility for the premises, and the makeup of the household occupying the unit is determined by the residents of the unit rather than the landlord or property manager."

There was no evidence provided that clients may be an interactive group of persons jointly occupying a single dwelling unit and sharing common areas. There is no evidence of joint responsibility for meals or expenses or a single written lease, and the members of the household are selected by the facility operator rather than by other residents. The applicant characterizes the facility as one of leased rooms to tenants with a use pattern described by the individual leases as more closely resembling a boarding house or group residential use, as defined by the NBMC, than a single housekeeping unit. Except for the fact that facility's residents are recovering alcoholics, the facility would be classified as a prohibited Group Residential use, or a

Boarding or Rooming House as that term is defined NBMC 20.05.030. A and C, "Residential Use Classifications, "A residence or dwelling unit, or part thereof, wherein a room or rooms are rented under two or more separate written or oral rental agreements, leases or subleases or combination thereof..." and "Shared living quarters, occupied by two or more persons not living together as a single housekeeping unit."

D. In the case of a residential care facility, whether the requested accommodation would create an institutionalized environment due to the number of and distance between facilities that are similar in nature or operation.

There are no other documented facilities, similar in nature or operation to the subject facility, within the vicinity of the subject facility. In considering whether granting the requested accommodation would create an institutionalized environment, however, it is noted that approximately 56 to 58 individuals could be housed at the three subject facilities if some rooms, not currently labeled as "bedrooms" on the plans on file at the City, were used as bedrooms. An unregulated occupancy of the facility would result in an overconcentration of the use of the facility and the potential institutionalization of the residential neighborhood with associated adverse secondary impacts such as noise, overcrowding, unruly behavior by residents of the facility, a disproportionate utilization of available on-street parking by the facility, and traffic impacts.

- 5. Finding: That the requested accommodation will not, under the specific facts of the case, result in a direct threat to the health or safety of other individuals or substantial physical damage to the property of others.**

Facts in support of finding. A request for reasonable accommodation may be denied if granting it would pose "a direct threat to the health or safety of other individuals or result in substantial physical damage to the property of others," (refer to 42 U.S.C. § 3604(f)(9)). This is a very limited exception and can only be used when, based on the specific facts of a situation, a requested accommodation results in a significant and particularized threat. Federal cases interpreting this exception in the Fair Housing Amendment Act, adopted in 1988, indicate that requested accommodations cannot be denied due to generalized fears of the risks posed by disabled persons.

WHEREAS, the project qualifies for a Categorical Exemption pursuant to Section (Section 15061(b)(3) (Existing Facilities). This class of projects has been determined not to have a significant effect on the environment and is exempt from the provisions of CEQA. This activity is also covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment of the CEQA Guidelines. It can be seen with certainty that there is no possibility that this activity will have a significant effect on the environment and therefore it is not subject to CEQA.

NOW THEREFORE, BE IT RESOLVED:

Section 1. The Hearing Officer of the City of Newport Beach hereby denies with prejudice Request No. 1 of Reasonable Accommodation No. 2008-001.

Section 2. This action shall become final and effective fourteen days after the adoption of this Resolution unless within such time an appeal is filed with the City Clerk in accordance with the provisions of Title 20 Planning and Zoning, of the Newport Beach Municipal Code.

PASSED, APPROVED AND ADOPTED THIS 2nd DAY OF July 2009.

By: _____

Thomas W. Allen

Thomas W. Allen, Hearing Officer

ATTEST:

Shana Shady

City Clerk



TAB 8

Hearing Officer's
Resolution No. HO-2009-018 Denying
Request No. 2 of Pacific Shores' Reasonable
Accommodation Request

(July 2, 2009)

RESOLUTION NO. HO-2009-018

A RESOLUTION OF A HEARING OFFICER OF THE CITY OF NEWPORT BEACH DENYING WITH PREJUDICE REQUEST NO. 2 OF A REQUEST FOR REASONABLE ACCOMMODATION NO. 2008-001 FOR AN EXISTING SOBER LIVING FACILITY LOCATED AT 3309 CLAY STREET, 492 ORANGE AVENUE, AND 492 ½ ORANGE AVENUE (PA 2008-181).

WHEREAS, Ordinance No. 2008-05 was adopted by the Newport Beach City Council on January 22, 2008, following noticed public hearings; and

WHEREAS, the adoption of Ordinance No. 2008-05 amended the City of Newport Beach's Municipal Code (NBMC) relating to Group Residential Uses; and

WHEREAS, Ordinance No. 2008-05 added Chapter 20.98 to the NBMC. Chapter 20.98 sets forth a process to provide reasonable accommodations in the City's zoning and land use regulations, policies, and practices when needed to provide an individual with a disability an equal opportunity to use and enjoy a dwelling; and

WHEREAS, an application was filed by Pacific Shores Properties, with respect to properties located at 3309 Clay Street, 492 Orange Avenue, and 492 ½ Orange Avenue, and legally described as Lot 2 and Lot 1 in Block 6 of Tract No. 27 in the City of Newport Beach, County of Orange, State of California (APN 425-282-02 and 425-282-01), requesting approval of the following five requests for reasonable accommodation:

1. That residents of its facility at 3309 Clay Street, 492 Orange Avenue and 492 ½ Orange Avenue be treated as a single housekeeping unit as defined in Section 20.03.030 of the Newport Beach Municipal Code;
2. That the City no longer classify or treat the properties at 3309 Clay Street, 492 Orange Avenue and 492 ½ Orange Avenue as "Residential Care Facilities," as defined by NBMC Section 20.05.010;
3. That the City classify the use of the dwellings at 3309 Clay Street, 492 Orange Avenue and 492 ½ Orange Avenue as a legal nonconforming use;
4. That all code provisions applicable to the use of 3309 Clay Street, 492 Orange Avenue and 492 ½ Orange Avenue (including Zoning Code, Building Code, fire safety and any other applicable code) be applied to those properties in the same manner that those codes are applied and enforced to single family and two family residential uses located in residential districts zoned R-2; and
5. That the City waive the requirement of NBMC Section 20.91A.020 that unlicensed residential care facilities may be located only in a residential district zoned MFR with a use permit.

WHEREAS, a public hearing was held on March 25, 2009, in the City Hall Council Chambers, 3300 Newport Boulevard, Newport Beach, California. A notice of time, place and

purpose of the meeting was given in accordance with the Municipal Code. Evidence, both written and oral, was presented and considered at this meeting; and

WHEREAS, the hearing was presided over by Thomas W. Allen, Hearing Officer for the City of Newport Beach; and

WHEREAS, pursuant to Section 20.98.025(B) of the NBMC, the written decision to approve, conditionally approve, or deny a request for reasonable accommodation shall be based on findings, all of which are required for approval.

WHEREAS, with respect to Reasonable Accommodation Request No. 2, that the City no longer classify or treat the properties at 3309 Clay Street, 492 Orange Avenue and 492 ½ Orange Avenue as "Residential Care Facilities," as defined by NBMC Section 20.05.010; not all of the five findings required can be made pursuant to Section 20.98.025 (B) of the NBMC, as follows:

1. **Finding: That the requested accommodation is requested by or on the behalf of one or more individuals with a disability protected under the Fair Housing Laws.**

Facts in support of finding. The applicant submitted a statement signed by the facility manager that every resident of the facility is in recovery from alcohol or drug addiction. Federal regulations and case law have defined recovery from alcoholism and drug addiction as a disability, because it is a physical or mental condition that substantially impairs one or more major daily life activities.

2. **Finding: That the requested accommodation is necessary to provide one or more individuals with a disability an equal opportunity to use and enjoy a dwelling.**

Facts do not support the finding. In the request for reasonable accommodation, the applicant requests that the facility not be treated as a residential care facility, and states that it is necessary the facility be treated as a single housekeeping unit. The applicant asserts that the residents cannot live independently without the threat of relapse, because the environment provided by the facility is necessary to achieve an opportunity for residents to live in a setting which is a self-paced recovery option that provides time for personal psychological growth while avoiding the use of alcohol and other substances. The applicant also asserts that without the sober living environment offered by the facility, residents of the facility would not be able to live in a supportive environment in a residential area. The Hearing Officer finds that the requested accommodation is not necessary because the requested exemption goes beyond that which is necessary to achieve the goal of enabling disabled individuals to reside at the applicant's facility.

The residential use classifications listed in Section 20.10.020 of the NBMC are limited to:

- Day Care, Limited (*Large and Small Child Care Homes – not applicable*)
- Group Residential (*Not Single Housekeeping Units – prohibited in all residential districts*)
- Multifamily Residential (*Single Housekeeping Units a prerequisite to be considered MFR use*)
- Parolee/Probationer Homes (*Prohibited in all residential districts*)
- Residential Care (General Licensed, General Unlicensed, Small Licensed, Small Unlicensed) (*Not Single Housekeeping Units, but not prohibited Group Residential because residents are disabled*)
- Integral Facilities/Integral Uses (*Two or more residential care facilities that are integrated components of one operation*)
- Single-Family Residential (*Single Housekeeping Unit a prerequisite to be considered a single family residential use of a dwelling*)
- Two-Family Residential (*Single Housekeeping Units a prerequisite to be considered a two-family residential use of a dwelling.*)

NBMC Section 20.05.030 defines the various Residential Care use classifications as follows:

Residential Care Facilities, General. Any place, site or building, or groups of places, sites or buildings, licensed by the State or unlicensed, in which seven or more individuals with a disability reside who are not living together as a single housekeeping unit and in which every person residing in the facility (excluding the licensee, members of the licensee's family, or persons employed as facility staff) is an individual with a disability.

Residential Care Facilities, Small Licensed. State-licensed facilities that provide care, services, or treatment in a community residential setting for six or fewer adults, children, or adults and children and which are required by State law to be treated as a single housekeeping unit for zoning purposes. Small licensed residential care facilities shall be subject to all land use and property development regulations applicable to single housekeeping units.

Residential Care Facilities, Small Unlicensed. Any place, site or building, or groups of places, sites or buildings, which is not licensed by the State of California and is not required by law to be licensed by the State, in which six or fewer individuals with a disability reside who are not living together as a single housekeeping unit and in which every person residing in the facility (excluding persons employed as facility staff) is an individual with a disability.

The applicant's facility is also considered an Integral Facility. Integral Facility residential use classifications are defined as follows:

Integral Uses. Any two or more licensed or unlicensed residential care programs commonly administered by the same owner, operator, management company or

licensee, or any affiliate of any of them, in a manner in which participants in two or more care programs participate simultaneously in any care or recovery activity or activities so commonly administered. Any such integral use shall be considered one use for purposes of applying Federal, State and local laws to its operation.

If the facility is not treated and classified as a residential care facility or integral facility land use, the most similar land use classification for the subject use is a group residential use, as defined in NBMC Section 20.05.030(C). The group residential use classification is defined as:

Group Residential. Shared living quarters, occupied by two or more persons not living together as a single housekeeping unit. This classification includes, without limitation, boarding or rooming houses, dormitories, fraternities, sororities, and private residential clubs, but excludes residential care facilities (general, small licensed, and small unlicensed) and residential hotels (see Single-Room Occupancy (SRO) Residential Hotels, Section 20.05.050(EE)(4)).

Group residential uses include boarding houses, rooming houses, dormitories, fraternities, sororities, and private residential clubs but expressly exclude residential care facilities; however, group residential uses are not permitted in any residential district in the City. Parolee/Probationer homes are also prohibited in all residential districts.

The remaining applicable land use classifications provided by Section 20.10.020, Single-Family, Two-Family and Multifamily Residential, are land use classifications that are also considered for use by single housekeeping units. If occupancy of a dwelling categorized as a single-family residential use was not conducted as a single housekeeping unit, the occupancy would transform the use of that dwelling to a prohibited group residential use.

The Hearing Officer finds that the facility does not operate in manner consistent with the NBMC definition of a single housekeeping unit, NBMC Section 20.03.030 (Definitions):

"The functional equivalent of a traditional family, whose members are an interactive group of persons jointly occupying a single dwelling unit, including the joint use of and responsibility for common areas, and sharing household activities and responsibilities such as meals, chores, household maintenance, and expenses, and where, if the unit is rented, all adult residents have chosen to jointly occupy the entire premises of the dwelling unit, under a single written lease with joint use and responsibility for the premises, and the makeup of the household occupying the unit is determined by the residents of the unit rather than the landlord or property manager."

The facility's operations most closely resemble a boarding house use. Copies of leases submitted to ADP, entitled "Agreement to Stay in My House," indicate that each resident enters a separate written agreement to reside at the facility. The applicant characterizes the facility as one of leased rooms to tenants with a use pattern described by the individual lease

that more closely resembles the NBMC definition of a boarding house or group residential use than a single housekeeping unit. Except for the fact that facility residents are recovering alcoholics, the facility would be classified as a prohibited group residential use, or a boarding or rooming house as that term is defined in NBMC 20.05.030. A and C, "Residential Use Classifications, "A residence or dwelling unit, or part thereof, wherein a room or rooms are rented under two or more separate written or oral rental agreements, leases or subleases or combination thereof....," and "Shared living quarters, occupied by two or more persons not living together as a single housekeeping unit."

There was no evidence provided that clients may be an interactive group of persons jointly occupying a single dwelling unit and sharing common areas, of joint responsibility for meals or expenses, or of a single written lease. Additionally, the members of the household are determined by the facility operator and not by other residents. Contradictory information exists in the record, submitted by the applicant in 2007, regarding whether the facility was a sober living facility or a group of boarding houses.

The Hearing Officer has determined that the requested accommodation to not be classified or treated as a residential care facility is not necessary to achieve the goal of providing individuals with a disability an equal opportunity to use and enjoy a dwelling.

Pursuant to NBMC Section 20.98.025(C), the City may consider the following factors in determining whether the requested accommodation is necessary to provide the disabled individual an equal opportunity to use and enjoy a dwelling:

- A. *Whether the requested accommodation will affirmatively enhance the quality of life of one or more individuals with a disability.*

If the requested accommodation were to be granted, that the applicant's current and potential clients could live in the home located in an R-2 District along with other individuals in recovery. This is a situation can serve to affirmatively enhance the quality of life of a person in recovery from addiction, unless overcrowding of the facility or institutionalization of the neighborhood interferes with the resident's re-integration into society.

- B. *Whether the individual or individuals with a disability will be denied an equal opportunity to enjoy the housing type of their choice absent the accommodation.*

The Hearing Officer has determined the exemption requested goes beyond what is necessary to achieve the goal of enabling disabled individuals an equal opportunity to enjoy the housing type of their choice. The City indicated that more narrowly tailored exemptions could enable disabled individuals to reside at the applicant's facility, and the applicant submitted additional requests as a result.

- C. *In the case of a residential care facility, whether the requested accommodation is necessary to make facilities of a similar nature or operation economically viable in light of the particularities of the relevant market and market participants.*

The applicant did not submit evidence that not treating the facility as a residential care facility is necessary to make the facility viable in light of the current market for the type of services it provides. The applicant did not respond to requests by the City for such evidence. Therefore, the Hearing Officer has concluded that not being treated as a use classification other than a residential care facility use is not necessary for the facility to be financially viable.

- D. *In the case of a residential care facility, whether the existing supply of facilities of a similar nature and operation in the community is sufficient to provide individuals with a disability an equal opportunity to live in a residential setting.*

The City has estimated that there are approximately 233 approved sober living beds in the City. Operators of many sober living facilities within the City have reported decreased census and vacant beds, which could afford potential Pacific Shores clients an equal opportunity to live in a sober living environment. The evidence presented as part of the application does not support the applicant's contention that not treating the facility as a residential care facility use will change the availability of the existing supply of facilities of a similar nature, or afford disabled individuals a substantially greater access to an equal opportunity to live in a residential setting.

3. **Finding: That the requested accommodation will not impose an undue financial or administrative burden on the City as "undue financial or administrative burden" is defined in Fair Housing Laws and interpretive case law.**

Facts in support of finding. The Hearing Officer has determined that treating the facility as a residential care facility would not impose a identifiable undue financial or administrative burden on the City. However, in making this finding, it is noted that approximately 56 to 58 individuals could be housed at the three properties if some rooms not currently labeled as "bedrooms" on plans, on file at the City, were used as bedrooms. If resident populations are unregulated and previous code violations associated with the property were continued, currently unidentifiable financial or administrative burdens could arise as a result.

4. **Finding: That the requested accommodation will not result in a fundamental alteration in the nature of the City's zoning program, as "fundamental alteration" is defined in Fair Housing Laws and interpretive case law.**

Facts do not support the finding. The Hearing Officer finds that other than being treated as a single housekeeping unit, there was no benefit to the applicant for being treated as anything other than a residential care facility. The Hearing Officer also found in the applicant's request for Reasonable Accommodation Request No. 1 that treating the applicant's facility as a single housekeeping unit would fundamentally alter the nature of the City's zoning program. Groups living as a single housekeeping unit are permitted to live together in any residential zone in Newport Beach. The NBMC states that, with the exception of groups living together in a residential care facility, groups not living as a single housekeeping unit are prohibited from establishing residences in any of the City's residential zones.

All residential care facilities in the City have already received a reasonable accommodation from the NBMC restrictions on groups not living as a single housekeeping unit pursuant to provisions of the NBMC allowing new facilities to be established and existing facilities to continue in their current locations, subject to approval of a use permit with appropriate impact mitigation. Licensed facilities housing six or fewer residents are permitted in any residential zone of the City.

Although the residents of residential care facilities receive preferential treatment because of their disabled status, the NBMC applies regulations to unlicensed facilities and large licensed facilities of seven or more residents. These regulations are in place to ensure that the fundamental purposes of the Zoning Code can be achieved and to mitigate the adverse secondary impacts that higher density residential care facilities may have on the surrounding neighborhood. Treating a residential care facility as a single housekeeping unit entirely exempts the facility from any reasonable controls allowed by the City. As such the City is unable to make any reasonable effort to reduce the adverse secondary impacts such as noise, overcrowding, or unruly behavior by residents of the facility, disproportionate use of available on-street parking to the detriment of the neighborhood, and to insure that an overconcentration of facilities within a single block does not occur resulting in a quasi-institutional environment for the neighborhood.

Pursuant to Section 20.98.025(D) of the NBMC, the City may also consider the following factors in determining whether the requested accommodation would require a fundamental alteration in the nature of the City's zoning program:

- A. *Whether the requested accommodation would fundamentally alter the character of the neighborhood.*

Since the establishment of the first of the dwellings as a sober living environment, a number of adverse secondary impacts have been reported to the City by residents of the neighboring properties, thereby altering the character of the neighborhood. Some of the impacts reported associated with the operation of the facility include, but are not limited to:

- Meetings held at one or more of the applicant's facilities
- Excessive use on on-street parking by facility residents and their guests
- Secondhand smoke
- Noise late at night

B. Whether the accommodation would result in a substantial increase in traffic or insufficient parking.

The applicant has stated that residents are permitted to have personal vehicles at the properties, but that few residents own cars. The applicant has stated that "all park along Old Newport or along the commercial park area on Orange. No resident parks along Clay or the non-commercial parking area along Orange (i.e., Orange NE of Clay)."

Each building at the subject site provides two enclosed parking spaces, consistent with the NBMC parking requirement for single-family and two-family residential uses. The NBMC parking requirement for residential care facilities is one off-street parking and loading space for every three beds. As a residential care facility, with 50 resident clients, the Pacific Shores facility would be required to provide 17 off-street parking spaces. Since the facility does not provide the required 17 off-street parking spaces, granting the requested accommodation would result in insufficient on-site parking.

The Institute of Transportation Engineers (ITE) establishes standards for trip generation rates based on the use classification of a site. In the case of a single family dwelling, the standard trip rate is 9.57 average daily trips per dwelling, and for duplexes the standard trip rate is 6.72 average daily trips per dwelling. Trip rates for residential care facilities are 2.74 average daily trips per each occupied bed. Based on these standards, a 50-bed residential care facility would generate approximately 137 average daily trips. The evidence shows this facility will generate average daily trips substantially in excess of surrounding single- and two-family dwellings.

C. Whether granting the requested accommodation would substantially undermine any express purpose of either the City's General Plan or an applicable Specific Plan.

General Plan Policy LU 6.2.7 requires the City to regulate day care and residential care facilities to the maximum extent allowed by federal and state law to minimize impacts on residential neighborhoods. The City adopted Ordinance No. 2008-005 in order to implement General Plan Policy LU 6.2.7. Granting the reasonable accommodation request to not classify or treat the facility as a residential care facility, but rather to treat the facility as a single housekeeping unit, would exempt the facility from the provisions of Ordinance No. 2008-005, and preclude the City from applying

any reasonable regulations on the facility, thereby undermining the express purpose of the General Plan with regard to these facilities.

- D. In the case of a residential care facility, whether the requested accommodation would create an institutionalized environment due to the number of and distance between facilities that are similar in nature or operation.*

There are no other documented facilities, similar in nature or operation to the subject facility, within the vicinity of the subject facility. In considering whether granting the requested accommodation would create an institutionalized environment, however, it is noted that approximately 56 to 58 individuals could be housed at the three subject facilities if some rooms, not currently labeled as "bedrooms" on the plans on file at the City, were used as bedrooms.

The Hearing Officers finds that the unregulated occupancy of the facility could result in an overconcentration of the use of the facility and the potential institutionalization of the residential neighborhood with potentially associated adverse secondary impacts such as noise, overcrowding, unruly behavior by residents of the facility, a disproportionate utilization of available on-street parking by the facility, and traffic impacts.

Each building at the subject site provides two enclosed parking spaces, consistent with the NBMC parking requirement for single-family and two-family residential uses. The NBMC requires one off-street parking and loading space be provided for every three beds in a residential care facility. As a residential care facility, with 50 resident clients, the Pacific Shores facility would be required to provide 17 off-street parking spaces. The facility does not provide the required 17 off-street parking spaces and the facility utilizes on-street parking for staff and visitors.

The Institute of Transportation Engineers (ITE) establishes standards for trip general rates based on the use classification of a site. The standard trip rate for a single-family dwelling is 9.57 average daily trips per dwelling, and for duplexes the standard trip rate is 6.72 average daily trips per dwelling. Trip rates for residential care facilities are 2.74 average daily trips per each occupied bed. Based on these standards, a 50-bed residential care facility would generate approximately 137 average daily trips.

Based on this evidence, the facility would generate average daily trips substantially in excess of the surrounding single- and two-family dwellings, thereby altering the residential character of the neighborhood to a more institutionalized environment.

5. **Finding: That the requested accommodation will not, under the specific facts of the case, result in a direct threat to the health or safety of other individuals or substantial physical damage to the property of others.**

Facts in support of finding. A request for reasonable accommodation may be denied if granting it would pose "a direct threat to the health or safety of other individuals or result in substantial physical damage to the property of others." (refer to 42 U.S.C. § 3604(f)(9)). This is a very limited exception and can only be used when, based on the specific facts of a situation, a requested accommodation results in a significant and particularized threat. Federal cases interpreting this exception in the Fair Housing Amendments Act, adopted in 1988, indicate that requested accommodations cannot be denied due to generalized fears of the risks posed by disabled persons.

WHEREAS, the project qualifies for a Categorical Exemption pursuant to Section (Section 15061(b)(3) (Existing Facilities)). This class of projects has been determined not to have a significant effect on the environment and is exempt from the provisions of CEQA. This activity is also covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment of the CEQA Guidelines. It can be seen with certainty that there is no possibility that this activity will have a significant effect on the environment and therefore it is not subject to CEQA.

NOW THEREFORE, BE IT RESOLVED:

Section 1. The Hearing Officer of the City of Newport Beach hereby denies with prejudice Request No. 2 of Reasonable Accommodation No. 2008-001.

Section 2. This action shall become final and effective fourteen days after the adoption of this Resolution unless within such time an appeal is filed with the City Clerk in accordance with the provisions of Title 20 Planning and Zoning, of the Newport Beach Municipal Code.

PASSED, APPROVED AND ADOPTED THIS 2ND DAY OF JULY, 2009.

By: _____

Thomas W. Allen, Hearing Officer

ATTEST:

Deputy City Clerk



TAB 9

Hearing Officer's
Resolution No. HO-2009-019 Approving
Request No. 3 of Pacific Shores' Reasonable
Accommodation Request

(July 2, 2009)

RESOLUTION NO. HO-2009-019

A RESOLUTION OF A HEARING OFFICER OF THE CITY OF NEWPORT BEACH APPROVING REQUEST NO. 3 OF A REQUEST FOR REASONABLE ACCOMMODATION NO. 2008-001 FOR AN EXISTING SOBER LIVING FACILITY LOCATED AT 3309 CLAY STREET, 492 ORANGE AVENUE, AND 492 ½ ORANGE AVENUE (PA 2008-181).

WHEREAS, Ordinance No. 2008-05 was adopted by the Newport Beach City Council on January 22, 2008, following noticed public hearings; and

WHEREAS, the adoption of Ordinance No. 2008-05 amended the City of Newport Beach's Municipal Code (NBMC) relating to Group Residential Uses; and

WHEREAS, Ordinance No. 2008-05 added Chapter 20.98 to the NBMC. Chapter 20.98 sets forth a process to provide reasonable accommodations in the City's zoning and land use regulations, policies, and practices when needed to provide an individual with a disability an equal opportunity to use and enjoy a dwelling; and

WHEREAS, an application was filed by Pacific Shores Properties, with respect to properties located at 3309 Clay Street, 492 Orange Avenue, and 492 ½ Orange Avenue, and legally described as Lot 2 and Lot 1 in Block 6 of Tract No. 27 in the City of Newport Beach, County of Orange, State of California (APN 425-282-02 and 425-282-01), requesting approval of the following five requests for reasonable accommodation:

1. That residents of its facility at 3309 Clay Street, 492 Orange Avenue and 492 ½ Orange Avenue be treated as a single housekeeping unit as defined in Section 20.03.030 of the Newport Beach Municipal Code;
2. That the City no longer classify or treat the properties at 3309 Clay Street, 492 Orange Avenue and 492 ½ Orange Avenue as "Residential Care Facilities," as defined by NBMC Section 20.05.010;
3. That the City classify the use of the dwellings at 3309 Clay Street, 492 Orange Avenue and 492 ½ Orange Avenue as a legal nonconforming use;
4. That all code provisions applicable to the use of 3309 Clay Street, 492 Orange Avenue and 492 ½ Orange Avenue (including Zoning Code, Building Code, fire safety and any other applicable code) be applied to those properties in the same manner that those codes are applied and enforced to single family and two family residential uses located in residential districts zoned R-2; and
5. That the City waive the requirement of NBMC Section 20.91A.020 that unlicensed residential care facilities may be located only in a residential district zoned MFR with a use permit.

WHEREAS, a public hearing was held on March 25, 2009, in the City Hall Council Chambers, 3300 Newport Boulevard, Newport Beach, California. A notice of time, place and

purpose of the meeting was given in accordance with the Municipal Code. Evidence, both written and oral, was presented and considered at this meeting; and

WHEREAS, the hearing was presided over by Thomas W. Allen, Hearing Officer for the City of Newport Beach; and

WHEREAS, Pursuant to Section 20.98.025(B) of the NBMC, the written decision to approve, conditionally approve, or deny a request for reasonable accommodation shall be based on the following findings, all of which are required for approval.

WHEREAS, with respect to Reasonable Accommodation Request No. 3, that the City treat the use of the dwellings at 3309 Clay Street, 492 Orange Avenue and 492 ½ Orange Avenue as a legal nonconforming use, the required findings of Section 20.98.025(B) of the NBMC, and facts in support of such findings can be made as follows:

1. **Finding: That the requested accommodation is requested by or on the behalf of one or more individuals with a disability protected under the Fair Housing Laws.**

Facts in support of finding. The applicant submitted a statement signed by the facility manager that every resident of the facility is in recovery from alcohol or drug addiction. Federal regulations and case law have defined recovery from alcoholism and drug addiction as a disability, because it is a physical or mental condition that substantially impairs one or more major daily life activities.

2. **Finding: That the requested accommodation is necessary to provide one or more individuals with a disability an equal opportunity to use and enjoy a dwelling.**

Facts in support of the finding. The applicant requested that the use of the dwellings be "grandfathered" as a nonconforming use, with the intent that classifying the facility as a nonconforming use meant that Pacific Shores could legally continue to operate as it had before Ordinance No. 2008-005 was adopted, and that the ordinance would have no effect on Pacific Shores. However, the City was already treating the dwellings as a nonconforming use. If the Pacific Shores facility were not treated as a nonconforming use, it would be considered an illegal use and thus subject to abatement, both before and after adoption of Ordinance No. 2008-05.

Under NBMC Section 20.62.090(A), nonconforming uses in residential zones that had not received a use permit or reasonable accommodation became subject to abatement on the effective date of the ordinance, February 22, 2008. For nonconforming uses not involved in the administrative process through a use permit or reasonable accommodation application, abatement was to proceed by February 22, 2009, unless the use had applied for and received an extension of the abatement period for amortization purposes.

Evidence exists that some or all of the applicant's dwelling units at 3309 Clay Street, 492 Orange Avenue and 492 ½ Orange Avenue had not established as residential care occupancies in accordance with requirements of the Newport Beach Municipal Code. The facility appeared to exceed six residents, and had not received a Federal Exception Permit (FEP), required for facilities housing more than six residents under the ordinance in effect prior to the effective date of Ordinance No. 2008-05.

Pacific Shores expressly declined to apply for a use permit required for Residential Care Facilities, General Unlicensed after the effective date of Ordinance No. 2008-05, and did not submit an application for reasonable accommodation until September, 2008. Therefore, prior to September 24, 2008, the date the applicant's first reasonable accommodation application was filed with the City, the use was subject to abatement as an illegal use. As a result, disabled residents residing at the facility at that time would have been deprived of their current housing if abatement had occurred. Therefore, treating the facility as a nonconforming use was necessary to avoid depriving disabled individuals of their housing.

The Hearing Officer determined that the use could continue to be *treated* as a nonconforming use, but was not willing to permanently *classify* the use as nonconforming, or exempt it from the provisions of Ordinance No. 2008-05. Permanently designating an illegal use as a legally established nonconforming use is a broader accommodation than necessary to afford disabled individuals an opportunity to use and enjoy a dwelling. Therefore, although the City cannot "classify" or "grandfather" an illegal use as a nonconforming use through the reasonable accommodation process, it can continue to accommodate the needs of disabled residents by treating the facility as if it were a nonconforming use, for purposes of the current provisions of Ordinance No. 2008-05.

Pursuant to NBMC Section 20.98.025(C), the City may consider the following factors in determining whether the requested accommodation is necessary to provide the disabled individual an equal opportunity to use and enjoy a dwelling:

- A. *Whether the requested accommodation will affirmatively enhance the quality of life of one or more individuals with a disability.*

As stated above, had the City not treated Pacific Shores as if it were a nonconforming use in a residential zone, the facility would have been subject to abatement prior to Pacific Shores' September 2008 filing of an application for reasonable accommodation. Presumably, the quality of life for disabled individuals living on the premises during this time was affirmatively enhanced because residents were not required to leave their current dwelling.

- B. *Whether the individual or individuals with a disability will be denied an equal opportunity to enjoy the housing type of their choice absent the accommodation.*

If the City had not treated Pacific Shores as if it were a nonconforming use in a residential zone, the facility would have been subject to abatement prior to Pacific Shores' September 2008 filing of an application for reasonable accommodation, and facility residents could have been denied the housing of their choice.

- C. *In the case of a residential care facility, whether the requested accommodation is necessary to make facilities of a similar nature or operation economically viable in light of the particularities of the relevant market and market participants.*

The applicant has expressly declined to submit information on financial viability. Therefore, staff was unable to analyze this factor.

- D. *In the case of a residential care facility, whether the existing supply of facilities of a similar nature and operation in the community is sufficient to provide individuals with a disability an equal opportunity to live in a residential setting.*

The NBMC authorizes the City to consider other facilities that are of a "similar nature and operation." Through implementation of Ordinance No. 2008-005, it is estimated approximately 233 sober living beds have been approved within the City. Operators of sober living facilities within the City have reported a substantial number of vacant beds, which could provide Pacific Shores' residents with an equal opportunity to live in a sober living environment without the requested accommodation.

3. **Finding: That the requested accommodation will not impose an undue financial or administrative burden on the City as "undue financial or administrative burden" is defined in Fair Housing Laws and interpretive case law.**

Facts in support of finding. Treating Pacific Shores as if it were a nonconforming use has not created an undue financial or administrative burden on the City.

4. **Finding: That the requested accommodation will not result in a fundamental alteration in the nature of the City's zoning program, as "fundamental alteration" is defined in Fair Housing Laws and interpretive case law.**

Facts in support of finding. The applicant requested that the use of the dwellings be "grandfathered" as a nonconforming use, with the intent that classifying the facility as a nonconforming use meant that Pacific Shores could legally continue to operate as it had before Ordinance No. 2008-005 was adopted, and that the ordinance would have no effect on

Pacific Shores. There is evidence on file at the City that some or all of the applicant's dwelling units at 3309 Clay Street, 492 Orange Avenue and 492 ½ Orange Avenue had not established as residential care occupancies in accordance with requirements of the Newport Beach Municipal Code.

The Hearing Officer has determined that permanently designating an illegally established use as a legal nonconforming use, as requested by the applicant, would fundamentally alter the nature of that portion of the zoning program that seeks to discourage illegal uses and treat legally established nonconforming uses in a neutral manner. Treating Pacific Shores more favorably than other nonconforming uses in residential districts by exempting it from the provisions of Ordinance No. 2008-05, as requested by the applicant, would fundamentally undermine some of the purposes for adopting the Ordinance. One of the stated purposes is to:

... to promote the public health, safety, and welfare and to implement the goals and policies of the Newport Beach General Plan by ensuring that conditional uses in residential neighborhoods do not change the character of such neighborhoods as primarily residential communities.

and:

... to protect and implement the recovery and residential integration of the disabled, including those receiving treatment and counseling in connection with dependency recovery. In doing so, the City seeks to avoid the overconcentration of residential care facilities so that such facilities are reasonably dispersed throughout the community and are not congregated or over-concentrated in any particular area so as to institutionalize that area.

However, *treating* Pacific Shores as if it were a nonconforming use prior to submittal of its reasonable accommodation application did not fundamentally undermine the basic purposes which Ordinance No. 2008-05 was put in place to achieve. The Hearing Officer has determined that the use could continue to be *treated* as a nonconforming use, but not be permanently *classified* as a nonconforming use or exempted from the provisions of Ordinance No. 2008-05. Permanently designating an illegal use as a nonconforming use is a broader accommodation than necessary to afford disabled individuals an opportunity to use and enjoy a dwelling. Therefore, the Hearing Officer has determined that although the City cannot "classify" an illegal use as a nonconforming use through the reasonable accommodation process, it can continue to accommodate the needs of disabled residents by treating the facility as if it were a nonconforming use, for purposes of the current provisions of Ordinance No. 2008-05.

Pursuant to Section 20.98.025(D) of the NBMC, the City may also consider the following factors in determining whether the requested accommodation would require a fundamental alteration in the nature of the City's zoning program:

- A. *Whether the requested accommodation would fundamentally alter the character of the neighborhood.*

Treating Pacific Shores as if it were a nonconforming use will not fundamentally alter the character of the neighborhood. The facility has continued to operate and was not abated. Testimony from neighbors indicated that the facility had an impact on the neighborhood during this period. However, the impacts should not be permanent, as the Hearing Officer's denial of the other reasonable accommodation requests will result with the impacts being mitigated through the discontinued use of the dwellings as a sober living facility. Therefore, treating Pacific Shores as a nonconforming use has not resulted in a permanent fundamental alteration of the character of the neighborhood.

- B. *Whether the accommodation would result in a substantial increase in traffic or insufficient parking.*

For the same reasons given in Factor A, treating Pacific Shores as if it were a nonconforming use has not resulted in a substantial permanent increase in traffic or insufficient parking.

- C. *Whether granting the requested accommodation would substantially undermine any express purpose of either the City's General Plan or an applicable Specific Plan.*

The General Plan Policy LU 6.2.7 provides that the City shall regulate residential care facilities to the maximum extent allowed by federal and state law to minimize impacts on residential neighborhoods. For the same reasons given in Factor A, treating Pacific Shores as if it were a nonconforming use will not substantially undermined the express purpose of the General Plan.

- D. *In the case of a residential care facility, whether the requested accommodation would create an institutionalized environment due to the number of and distance between facilities that are similar in nature or operation.*

For the same reasons given in Factor A, treating Pacific Shores as if it were a nonconforming use will not permanently create an institutionalized environment in the neighborhood. In analyzing other requests for reasonable accommodation from Pacific Shores, staff found that granting Pacific Shores approval to continue to operate all three dwelling units at the population levels requested by the applicant (50

residents) would have created an institutionalized environment due to the number of resident clients, and number and proximity of units on a single block housing residential care uses. However, treating Pacific Shores as a nonconforming use did not exempt Pacific Shores from the reasonable accommodation process that would have required any accommodation granted to contain conditions to mitigate institutionalization.

5. **Finding: That the requested accommodation will not, under the specific facts of the case, result in a direct threat to the health or safety of other individuals or substantial physical damage to the property of others.**

This finding can be made. A request for reasonable accommodation may be denied if granting it would pose "a direct threat to the health or safety of other individuals or result in substantial physical damage to the property of others." See 42 U.S.C. § 3604(f)(9). This is a very limited exception and can only be used when, based on the specific facts of a situation, a requested accommodation results in a significant and particularized threat. Federal cases interpreting this exception in the FHAA indicate that requested accommodations cannot be denied due to generalized fears of the risks posed by disabled persons.

WHEREAS, the project qualifies for a Categorical Exemption pursuant to Section (Section 15061(b)(3) (Existing Facilities). This class of projects has been determined not to have a significant effect on the environment and is exempt from the provisions of CEQA. This activity is also covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment of the CEQA Guidelines. It can be seen with certainty that there is no possibility that this activity will have a significant effect on the environment and therefore it is not subject to CEQA.

NOW THEREFORE, BE IT RESOLVED:

Section 1. The Hearing Officer of the City of Newport Beach hereby approves Request No. 3 of Reasonable Accommodation No. 2008-001.

Section 2. This action shall become final and effective fourteen days after the adoption of this Resolution unless within such time an appeal is filed with the City Clerk in accordance with the provisions of Title 20 Planning and Zoning, of the Newport Beach Municipal Code.

PASSED, APPROVED AND ADOPTED THIS 2ND DAY OF JULY, 2009.

By: Thomas W. Allen
Thomas W. Allen, Hearing Officer

ATTEST:

Shana Stanley
Deputy City Clerk



TAB 10

Hearing Officer's
Resolution No. HO-2009-020 Denying
Request No. 4 of Pacific Shores' Reasonable
Accommodation Request

(July 2, 2009)

RESOLUTION NO. HO-2009-020

A RESOLUTION OF A HEARING OFFICER OF THE CITY OF NEWPORT BEACH DENYING WITH PREJUDICE REQUEST NO. 4 OF A REQUEST FOR REASONABLE ACCOMMODATION NO. 2008-001 FOR AN EXISTING SOBER LIVING FACILITY LOCATED AT 3309 CLAY STREET, 492 ORANGE AVENUE, AND 492 ½ ORANGE AVENUE (PA 2008-181).

WHEREAS, Ordinance No. 2008-05 was adopted by the Newport Beach City Council on January 22, 2008, following noticed public hearings; and

WHEREAS, the adoption of Ordinance No. 2008-05 amended the City of Newport Beach's Municipal Code (NBMC) relating to Group Residential Uses; and

WHEREAS, Ordinance No. 2008-05 added Chapter 20.98 to the NBMC. Chapter 20.98 sets forth a process to provide reasonable accommodations in the City's zoning and land use regulations, policies, and practices when needed to provide an individual with a disability an equal opportunity to use and enjoy a dwelling; and

WHEREAS, an application was filed by Pacific Shores Properties, with respect to properties located at 3309 Clay Street, 492 Orange Avenue, and 492 ½ Orange Avenue, and legally described as Lot 2 and Lot 1 in Block 6 of Tract No. 27 in the City of Newport Beach, County of Orange, State of California (APN 425-282-02 and 425-282-01), requesting approval of the following five requests for reasonable accommodation:

1. That residents of its facility at 3309 Clay Street, 492 Orange Avenue and 492 ½ Orange Avenue be treated as a single housekeeping unit as defined in Section 20.03.030 of the Newport Beach Municipal Code;
2. That the City no longer classify or treat the properties at 3309 Clay Street, 492 Orange Avenue and 492 ½ Orange Avenue as "Residential Care Facilities," as defined by NBMC Section 20.05.010;
3. That the City classify the use of the dwellings at 3309 Clay Street, 492 Orange Avenue and 492 ½ Orange Avenue as a legal nonconforming use;
4. That all code provisions applicable to the use of 3309 Clay Street, 492 Orange Avenue and 492 ½ Orange Avenue (including Zoning Code, Building Code, fire safety and any other applicable code) be applied to those properties in the same manner that those codes are applied and enforced to single family and two family residential uses located in residential districts zoned R-2; and
5. That the City waive the requirement of NBMC Section 20.91A.020 that unlicensed residential care facilities may be located only in a residential district zoned MFR with a use permit.

WHEREAS, a public hearing was held on March 25, 2009, in the City Hall Council Chambers, 3300 Newport Boulevard, Newport Beach, California. A notice of time, place and

purpose of the meeting was given in accordance with the Municipal Code. Evidence, both written and oral, was presented and considered at this meeting; and

WHEREAS, the hearing was presided over by Thomas W. Allen, Hearing Officer for the City of Newport Beach; and

WHEREAS, pursuant to Section 20.98.025(B) of the NBMC, the written decision to approve, conditionally approve, or deny a request for reasonable accommodation shall be based on findings, all of which are required for approval.

WHEREAS, with respect to Reasonable Accommodation Request No. 4, that all code provisions applicable to the use of 3309 Clay Street, 492 Orange Avenue and 492 ½ Orange Avenue, including Zoning Code, Building Code, fire safety and any other applicable code, be applied to those properties in the same manner that those codes are applied and enforced to single family and two family residential uses located in residential districts zoned R-2, not all of the five findings required can be made pursuant to Section 20.98.025 (B) of the NBMC, as follows:

1. **Finding: That the requested accommodation is requested by or on the behalf of one or more individuals with a disability protected under the Fair Housing Laws.**

Facts in support of finding. The applicant has provided a signed statement certifying that all residents of the facility, excluding staff, are individuals in recovery from alcoholism or drug addiction. Federal regulations classify such individuals as disabled.

2. **Finding: That the requested accommodation is necessary to provide one or more individuals with a disability an equal opportunity to use and enjoy a dwelling.**

Facts do not support the finding. The Hearing Officer has determined that the requested accommodation is not necessary to provide one or more individuals with a disability an equal opportunity to use and enjoy a dwelling. The Newport Beach Fire Marshal has indicated that the changes needed for the facility to comply with the California Building Code can be achieved and are not cost prohibitive.

NBMC Section 20.98.025(C) allows the City to consider the following factors in determining whether the requested accommodation is necessary to provide the disabled individual an equal opportunity to use and enjoy a dwelling:

- A. *Whether the requested accommodation will affirmatively enhance the quality of life of one or more individuals with a disability.*

In light of the improvements necessary to bring the facility into compliance with the

California Building Code, the granting of the accommodation to waive the requirements of the California Building Code would place the life of the facility's residents at greater risk, thereby negatively affecting the quality of life of one or more individuals with a disability.

- B. Whether the individual or individuals with a disability will be denied an equal opportunity to enjoy the housing type of their choice absent the accommodation.*

The Hearing Officer finds that denying the accommodation will not deprive facility residents an opportunity to enjoy the housing type of their choice, assuming the facility residents have an interest in residing in a safe environment.

- C. In the case of a residential care facility, whether the requested accommodation is necessary to make facilities of a similar nature or operation economically viable in light of the particularities of the relevant market and market participants.*

The applicant did not presented evidence that bringing the facility into compliance with the California Building Code requirements for R4 occupancies would be financially infeasible or that the facility will not be economically viable as a result of compliance with the California Building Code.

- D. In the case of a residential care facility, whether the existing supply of facilities of a similar nature and operation in the community is sufficient to provide individuals with a disability an equal opportunity to live in a residential setting.*

Through implementation of Ordinance No. 2008-005, it is estimated approximately 233 sober living beds have been approved within the City. Most of these beds are in facilities that have similar population density or less population density than the applicant's facility. As operators of other sober living facilities have reported decreased occupancy levels, prospective residents seeking a sober living environment of this type will not be deprived of an equal opportunity to live in a residential setting of similar type.

- 3. Finding: That the requested accommodation will not impose an undue financial or administrative burden on the City as "undue financial or administrative burden" is defined in Fair Housing Laws and interpretive case law.**

Facts in support of finding. Granting the requested accommodation would not impose an undue financial or administrative burden on the City. Treating the facility as a single family residential use would not impose a currently identifiable undue financial or administrative burden on the City, however, this finding is made with an acknowledgment of the history of

code violations by the applicant. Plans on file with the City indicate that approximately 56 to 58 individuals could be housed at the three facilities if some rooms not labeled as "bedrooms" on plans were used as bedrooms. If resident populations were unregulated, and code violations continued, currently unidentifiable financial or administrative burdens could arise as a result.

4. **Finding: That the requested accommodation will not result in a fundamental alteration in the nature of a City program, as "fundamental alteration" is defined in Fair Housing Laws and interpretive case law.**

Facts do not support the finding. The State Fire Marshal made the determination that residential care occupancies with more than six residents have characteristics that require a degree of extra protection for their residents. Requirements for sprinklers, adequate egress, fire alarm pull stations and smoke alarms were adopted to provide a greater degree of life safety protection for a population of disabled individuals who live together. The Hearing Officer has determined that waiving such requirements would result in a fundamental alteration of the California Building Code because it undermines the basic purpose the California Building Code's life safety protections.

According to the current 2007 California Building Code, facilities such as the applicant's are considered as R4 occupancies. The California Building Code requires extra protection for R4 occupancies in recognition of the fact that the same disabilities that require federal fair housing protection may also impact or impede the disabled individual's ability to safely and quickly exit a building during a fire. The Hearing Officer has determined that waiving required life safety protections for residents of the facility would fundamentally undermine the basic resident safety standards the California Building Code seeks to achieve.

Granting the accommodation would also place neighboring properties at risk. The 2007 California Building Code requires that R4 occupancies have commercial sprinkler systems installed rather than residential sprinkler systems. Residential sprinklers are intended to protect the occupants of a residence and give them sufficient time to evacuate a building. Commercial sprinklers are intended to extinguish a fire and prevent it from spreading to other structures. The Hearing Officer has determined that waiving this requirement would undermine the basic purpose to provide fire protection to neighboring properties that the regulation seeks to achieve.

Pursuant to Section 20.98.025(D) of the NBMC, the City may also consider the following factors in determining whether the requested accommodation would require a fundamental alteration in the nature of the City's zoning program.

- A. *Whether the requested accommodation would fundamentally alter the character of the neighborhood.*

- B. *Whether the accommodation would result in a substantial increase in traffic or insufficient parking.*
- C. *Whether granting the requested accommodation would substantially undermine any express purpose of either the City's General Plan or an applicable Specific Plan.*
- D. *In the case of a residential care facility, whether the requested accommodation would create an institutionalized environment due to the number of and distance between facilities that are similar in nature or operation.*

These factors pertain to Zoning Code issues rather than California Building Code issues; and therefore, were not analyzed as part of this request. These factors were analyzed in the applicant's Reasonable Accommodation Request No. 1, which was to apply the Zoning Code provisions to the properties in the same manner as a single housekeeping unit as defined in NBMC Section 20.03.030, and Request No. 2, which was to not treat or classify the properties as "Residential Care Facilities" as defined by NBMC Section 20.05.010.

5. **Finding: That the requested accommodation will not, under the specific facts of the case, result in a direct threat to the health or safety of other individuals or substantial physical damage to the property of others.**

Facts do not support the finding. Many of the California Building Code requirements, including the requirement for commercial sprinkler systems, were adopted to protect neighboring structures as much as facility residents. The Hearing Officer finds that granting the requested accommodation would result in a potential direct threat to the safety of neighboring properties and could result in substantial physical damage to the property of others.

WHEREAS, the project qualifies for a Categorical Exemption pursuant to Section (Section 15061(b)(3) (Existing Facilities). This class of projects has been determined not to have a significant effect on the environment and is exempt from the provisions of CEQA. This activity is also covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment of the CEQA Guidelines. It can be seen with certainty that there is no possibility that this activity will have a significant effect on the environment and therefore it is not subject to CEQA.

NOW THEREFORE, BE IT RESOLVED:

Section 1. The Hearing Officer of the City of Newport Beach hereby denies with prejudice Request No. 4 of Reasonable Accommodation No. 2008-001.

Section 2. This action shall become final and effective fourteen days after the adoption of this Resolution unless within such time an appeal is filed with the City Clerk in accordance with the provisions of Title 20 Planning and Zoning, of the Newport Beach Municipal Code.

PASSED, APPROVED AND ADOPTED THIS 2ND DAY OF JULY, 2009.

By: _____

Thomas W. Allen, Hearing Officer

ATTEST:



Deputy City Clerk

Shana Sanchez
City Clerk

TAB 11

Hearing Officer's
Resolution No. HO-2009-021 Denying
Request No. 5 of Pacific Shores' Reasonable
Accommodation Request

(July 2, 2009)

RESOLUTION NO. HO-2009-021

A RESOLUTION OF A HEARING OFFICER OF THE CITY OF NEWPORT BEACH DENYING WITHOUT PREJUDICE REQUEST NO. 5 OF A REQUEST FOR REASONABLE ACCOMMODATION NO. 2008-001 FOR AN EXISTING SOBER LIVING FACILITY LOCATED AT 3309 CLAY STREET, 492 ORANGE AVENUE, AND 492 ½ ORANGE AVENUE (PA 2008-181).

WHEREAS, Ordinance No. 2008-05 was adopted by the Newport Beach City Council on January 22, 2008, following noticed public hearings; and

WHEREAS, the adoption of Ordinance No. 2008-05 amended the City of Newport Beach's Municipal Code (NBMC) relating to Group Residential Uses; and

WHEREAS, Ordinance No. 2008-05 added Chapter 20.98 to the NBMC. Chapter 20.98 sets forth a process to provide reasonable accommodations in the City's zoning and land use regulations, policies, and practices when needed to provide an individual with a disability an equal opportunity to use and enjoy a dwelling; and

WHEREAS, an application was filed by Pacific Shores Properties, with respect to properties located at 3309 Clay Street, 492 Orange Avenue, and 492 ½ Orange Avenue, and legally described as Lot 2 and Lot 1 in Block 6 of Tract No. 27 in the City of Newport Beach, County of Orange, State of California (APN 425-282-02 and 425-282-01), requesting approval of the following five requests for reasonable accommodation:

1. That residents of its facility at 3309 Clay Street, 492 Orange Avenue and 492 ½ Orange Avenue be treated as a single housekeeping unit as defined in Section 20.03.030 of the Newport Beach Municipal Code;
2. That the City no longer classify or treat the properties at 3309 Clay Street, 492 Orange Avenue and 492 ½ Orange Avenue as "Residential Care Facilities," as defined by NBMC Section 20.05.010;
3. That the City classify the use of the dwellings at 3309 Clay Street, 492 Orange Avenue and 492 ½ Orange Avenue as a legal nonconforming use;
4. That all code provisions applicable to the use of 3309 Clay Street, 492 Orange Avenue and 492 ½ Orange Avenue (including Zoning Code, Building Code, fire safety and any other applicable code) be applied to those properties in the same manner that those codes are applied and enforced to single family and two family residential uses located in residential districts zoned R-2; and
5. That the City waive the requirement of NBMC Section 20.91A.020 that unlicensed residential care facilities may be located only in a residential district zoned MFR with a use permit.

WHEREAS, a public hearing was held on March 25, 2009, in the City Hall Council Chambers, 3300 Newport Boulevard, Newport Beach, California. A notice of time, place and

purpose of the meeting was given in accordance with the Municipal Code. Evidence, both written and oral, was presented and considered at this meeting; and

WHEREAS, the hearing was presided over by Thomas W. Allen, Hearing Officer for the City of Newport Beach; and

WHEREAS, pursuant to Section 20.98.025(B) of the NBMC, the written decision to approve, conditionally approve, or deny a request for reasonable accommodation shall be based on findings, all of which are required for approval.

WHEREAS, with respect to Reasonable Accommodation Request No. 5, that the City waive the requirement of NBMC Section 20.91A.020 that unlicensed residential care facilities may be located only in a residential district zoned MFR with a use permit, not all of the five findings required can be made pursuant to Section 20.98.025 (B) of the NBMC, as follows:

1. **Finding: That the requested accommodation is requested by or on the behalf of one or more individuals with a disability protected under the Fair Housing Laws.**

Facts in support of finding. The applicant submitted a statement signed by the facility manager that every resident of the facility is in recovery from alcohol or drug addiction. Federal regulations and case law have defined recovery from alcoholism and drug addiction as a disability, because it is a physical or mental condition that substantially impairs one or more major daily life activities.

2. **Finding: That the requested accommodation is necessary to provide one or more individuals with a disability an equal opportunity to use and enjoy a dwelling.**

While the dwelling unit at the subject facility located at 3309 Clay Street is not currently occupied, the applicant wishes to provide housing for residents in recovery upon resolution of code compliance issues. The dwelling units at the subject facility located at 492 and 492 ½ Orange Avenue are occupied. With all three dwelling units occupied, the applicant proposes to house up to 50 residents at the facility. Such land uses would be classified as "Residential Care Facilities, General" and pursuant to Ordinance No. 2008.005, are permitted in MFR (Multifamily Residential) Districts only, subject to approval of a use permit. Under Ordinance No. 2008-005, such nonconforming uses had the option to apply for a use permit within 90 days following the adoption of the ordinance, or be subject to abatement. As the abatement period established by NBMC Section 20.62.090(A)(2)(a) has passed and the facility chose not to apply for a use permit at this location, this facility is now subject to abatement by the City.

Facts in support of finding - As to current residents: There are currently no residents in the 3309 Clay Street building, but the duplex units on Orange Avenue are occupied. The

Hearing Officer finds that the facility at 492 and 492 ½ Orange Avenue currently houses residents who could be denied housing if abatement proceeds while they are still in residence at the facility.

Facts do not support the finding - As to prospective residents: The Hearing Officer has determined this finding cannot be made at the population level requested by the applicant. The applicant seeks to house up to 50 disabled individuals in three dwelling units. It proposes 12 residents in one six- (or three) bedroom single-family home, 20 in an adjacent duplex with one 10- (or six) bedroom unit, and 18 in the 9-(or six) bedroom unit.¹ Prospective residents seeking a large sober living environment in Newport Beach have an ample supply from which to choose. Through implementation of the ordinance and this process, it is estimated approximately 233 sober living beds have been approved within the City, which could provide prospective residents of Pacific Shores with an equal opportunity to reside in this type of sober living environment. The applicant rejected a staff recommendation that the size of the facility be reduced from three dwelling units to one, with the population of that dwelling unit limited to no more than 12 resident clients, plus one on-site resident manager.

NBMC Section 20.98.025(C) allows the City to consider the following factors in determining whether a requested accommodation is necessary to provide the disabled individual an equal opportunity to use and enjoy a dwelling:

A. *Whether the requested accommodation will affirmatively enhance the quality of life of one or more individuals with a disability.*

The applicant's proposed population level of 50, with 20 residents in one dwelling, 18 in another, and 12 in a third, will likely lead to overcrowding, a condition that will not enhance the residents' quality of life. While living in a supportive environment with other recovering individuals has therapeutic benefits at certain population levels, living in a 50-person facility can also be detrimental to the recovery process of the residents. The purpose of community-based care is to allow residents to re-integrate into the community as their recovery progresses. An environment primarily comprised of others in recovery presents reduced opportunities to interact with non-disabled neighbors and re-learn the norms and standards of living as fully functioning members of society.

¹ Number of bedrooms reported by applicant. Plans filed with the City by the applicant show three rooms identified as bedrooms at 3309 Clay Street, and six bedrooms each in 492 and 492 ½ Orange Avenue. It has been assumed that rooms identified on plans as "sewing room," "office," "computer room," etc. are being used as bedrooms. Compliance with California Building Code requirements for bedrooms cannot be confirmed without inspection. Until this discrepancy is resolved, where the number of bedrooms is relevant to analysis, analysis is provided for the reported number of bedrooms, and the assumed number of bedrooms on the applicant's plans.

- B. *Whether the individual or individuals with a disability will be denied an equal opportunity to enjoy the housing type of their choice absent the accommodation.*

Denial of the requested accommodation could result in abatement proceedings commencing against the facility. After abatement, current and potential residents of this facility could be denied the opportunity to live in a large three-dwelling sober living facility located in a residential district zoned for R-2 use. However, a number of similar facilities are located in the City offering sober living in two dwelling units on a single parcel. Operators of those alternate facilities have informed the City that they are currently occupied at approximately 50 percent of capacity. Therefore, recovering individuals who are denied housing at the subject facility have access to alternate housing opportunities of a similar type at other existing facilities.

- C. *In the case of a residential care facility, whether the requested accommodation is necessary to make facilities of a similar nature or operation economically viable in light of the particularities of the relevant market and market participants.*

In its September 24, 2008 application for reasonable accommodation the applicant declined to provide information regarding this factor. Therefore, the number of residents required to make the facility financially viable cannot be established.

- D. *In the case of a residential care facility, whether the existing supply of facilities of a similar nature and operation in the community is sufficient to provide individuals with a disability an equal opportunity to live in a residential setting.*

In its September 24, 2008 application for reasonable accommodation, the applicant declined to address this factor. The applicant stated that the requested accommodation was necessary for the present and future residents of the facility to enjoy the housing of his or her choice. The City has estimated that there are approximately 233 approved sober living beds in the City. There are many existing facilities that provide sober living environments that occupy more than one unit of a building, or are adjacent to other sober living facilities with a similar client/bedroom ratio, assuming all the bedrooms reported by the applicant prove to meet code requirements for bedrooms. If not, the applicant's proposed population would be substantially more densely populated than a typical 12-person facility found in other areas of the City such as the Balboa Peninsula and West Newport areas.

3. **Finding: That the requested accommodation will not impose an undue financial or administrative burden on the City as "undue financial or administrative burden" is defined in Fair Housing Laws and interpretive case law.**

Facts in support of finding - As to current residents: While the applicant did not report the average length of resident stay, other sober living facilities have reported that their resident stays range from 45 days to 180 days, with an average stay of 90 days. Assuming the applicant's facility has similar lengths of resident stays, the Hearing Officer has determined that allowing current residents to remain at the facility for the remainder of their stay will not impose an undue financial or administrative burden on the City.

Facts do not support the finding - As to prospective residents: At the applicant's proposed population level, this finding cannot be made. In most cases, allowing a facility to remain at its current location when it is necessary to provide disabled individuals with an equal opportunity to use and enjoy a dwelling would not impose an undue financial or administrative burden on the City. However, due to the 2007 illegal construction at 3309 Clay Street, the ongoing delays in obtaining applicant's compliance with Building Code requirements, complaints received from neighbors about the intensity of facility use, the applicant's violation of the 2007 moratorium at 492 Orange Avenue, and the applicant's history of obfuscation regarding the type of use occurring at the facility, substantial financial and administrative burdens have already been incurred with regard to this facility.² The Hearing Officer has determined that if the facility continues at the same intensity of use, negative secondary impacts on neighboring properties seem likely, and the City will have to expend additional resources to get the applicant to reduce those impacts.

4. **Finding: That the requested accommodation will not result in a fundamental alteration in the nature of the City's zoning program, as "fundamental alteration" is defined in Fair Housing Laws and interpretive case law.**

Facts in support of the finding - As to current residents: As the abatement period established by NBMC Section 20.62.090(A)(2)(a) has passed and the facility chose not to apply for a use permit at this location, this facility is now subject to abatement by the City. While the applicant did not report the average length of resident stay, other sober living facilities have reported that their resident stays range from 45 days to 180 days, with an average stay of 90 days. Assuming the applicant's facility has similar lengths of resident stays, the Hearing Officer has determined that allowing current residents to remain at the facility for the remainder of their intended stay will not result in a fundamental alternation in the nature of the City's zoning program.

Facts do not support the finding - As to prospective residents: At the applicant's proposed population level, the Hearing Officer has determined that this finding cannot be made.

² In 2007, applicant's representative Mark Manderson, Sr. informed a City Code Enforcement officer verbally and in writing, and an ADP complaint officer verbally, that Pacific Shores was renting rooms to tenants and was not a recovery facility. Code Enforcement resources were required to clarify whether the property was being used as an illegal boarding house, or as housing for disabled individuals. In addition, the applicant's May 2007 moratorium violation led the City to file a state court action against the applicant, which incurred additional financial burden.

Ordinance No. 2008-05 places regulations on all groups not living in either a single housekeeping unit or a residential care facility classified as "Residential Care Facilities, Small Licensed." The basic purpose of these regulations is to ensure that the fundamental purposes of the NBMC can be achieved, and to mitigate adverse secondary impacts residential care facilities may have on the surrounding neighborhood.

The applicant has applied for reasonable accommodation requesting that the City waive the requirement of NBMC Section 20.91A.020 that unlicensed residential care facilities may be located only in a residential district zoned MFR with a use permit. Section 20.10.20 of the NBMC, "Land Use Regulations," prohibits large residential care facilities within the R-2 District and permits these facilities in the MFR District subject to approval of a use permit. Ordinance No. 2008-05 was adopted to regulate large residential care facilities and states that such nonconforming facilities are subject to abatement unless the owner or occupant of the facility has timely applied for a use permit or reasonable accommodation pursuant to Chapter 20.91.A or Chapter 20.98 of the NBMC.

Purpose and intent of establishing two-family and multi-family residential zoning districts

The basic purposes NBMC Chapter 20.10 seeks to achieve are set forth in NBMC Section 20.10.010. Those purposes include locating residential development in areas which are consistent with the General Plan and with standards of public health and safety established by the Municipal Code, ensuring adequate light, air and privacy for each dwelling, protecting residents from the harmful effects of excessive noise, population density, traffic congestion and other adverse environmental effects, and providing public services and facilities to accommodate planned population and densities.

The specific purpose of the Two-Family Residential (R-2) District is to provide "areas for single-family and two-family residential land uses," and purpose of the MFR District is to provide areas for medium-to-high density residential development up to approximately 36 dwelling units per gross acre, including single-family (attached and detached), two-family and multi-family." Residential districts in the Newport Heights area zoned R-2 provide for medium-density development."

The applicant requests the ability to house 50 residents in the three dwellings at the facility. Thirty-eight residents are proposed for a single parcel resulting in a high level of population density. The Hearing Officer has determined that permitting the facility to remain in its current location in the R-2 District at the applicant's proposed population level would undermine the City's basic zoning program, the purpose of which is to group uses of similar densities in the same zoning districts.

Purpose and intent of the use permit requirement

Use permits are required by the Municipal Code for use classifications typically having operating characteristics that require special consideration, so that they may be located and operated compatibly with uses on adjoining properties and in the surrounding area. NBMC Section 20.91A.010 sets forth the purposes of requiring use permits in residential districts. The first stated purpose is:

"... to promote the public health, safety, and welfare and to implement the goals and policies of the Newport Beach General Plan by ensuring that conditional uses in residential neighborhoods do not change the character of such neighborhoods as primarily residential communities."

The second purpose is:

"... to protect and implement the recovery and residential integration of the disabled, including those receiving treatment and counseling in connection with dependency recovery. In doing so, the City seeks to avoid the overconcentration of residential care facilities so that such facilities are reasonably dispersed throughout the community and are not congregated or over-concentrated in any particular area so as to institutionalize that area."

Even if the facility is exempted from Section 20.10.020 and permitted to remain in its current location without a use permit, it is not exempt from reasonable controls the City might place on it. NBMC Section 20.98.015 states that the Hearing Officer shall approve, *conditionally approve* or deny applications for reasonable accommodation. The Hearing Officer may impose the same conditions through the reasonable accommodation process that it can impose under through the use permit process. A reasonable accommodation with appropriate conditions can mitigate adverse secondary impacts such as noise, overcrowding, parking and traffic impacts, excessive second-hand smoke, and unruly behavior by residents of applicant's facility to the detriment of neighbors.

There are situations where the reasonable accommodation mandates of fair housing laws require the Hearing Officer to grant an exemption from the use permit requirement. However, these situations should be limited to those in which the applicant can demonstrate that the accommodation would not undermine the basic purposes of the use permit requirement by demonstrating that:

- (a) the applicant's facility can meet all standards required for issuance of a use permit, including the operational standards of NBMC Section 20.91A.050, and the required findings of NBMC Sections 20.91A.060 and 20.91.035(A); or

(b) if all standards required for issuance of a use permit cannot be met, or required findings made, the applicant can demonstrate that in its particular case the inability to meet a specific standard or make a required finding does not undermine either of the two basic purposes of the use permit requirement; and

(c) the applicant is willing to meet conditions that would have been required under a use permit to ensure that the character of the surrounding neighborhood is not changed, and that residential care facilities are reasonably dispersed throughout the community and are not congregated or over concentrated in any particular area so as to institutionalize that area.

The Hearing Officer finds that the applicant is unable to meet the standard stated in Section 20.91A.050(C)(4). This subsection establishes a requirement that all persons with an ownership or leasehold interest in the facility, or who will participate in the operation of the facility, shall not have a demonstrated pattern or practice of operating similar facilities in violation of state or local law. Therefore, the finding that the accommodation will not result in a fundamental alteration of the nature of the City's zoning program cannot be made. In 2007, the dwelling at 3309 Clay Street housed either sober living residents or a prohibited Group Residential use in a dwelling with unpermitted construction. The dwelling at 3309 Clay Street appeared to be used by more than six residents in 2007, in violation of the NBMC requirement at that time that unlicensed facilities with more than six residents must apply for and receive a Federal Exception Permit (FEP) to establish such uses. The use at 492 Orange Avenue was established during 2007 the moratorium. Also in 2007, one facility manager made false statements to both City and state code enforcement officers and inspectors. This same manager has a long-standing history of establishing illegal units in other areas of the City. The City regards illegal dwelling units as one form of prohibited Group Residential or boarding house use, as it results in groups not living as a single housekeeping unit in what was originally intended to be a single dwelling unit. The applicant did not demonstrate that the facility manager's past practices of housing tenants in buildings with illegal construction and illegal units, as well as ignoring the City's moratorium ordinance, would not undermine the basic purpose of the use permit requirement.

Furthermore, the applicant was not willing to meet certain conditions that would have been required under a use permit. One of the stated purposes of a use permit for uses in residential districts is to ensure that the character of the surrounding neighborhood is not changed, and that residential care facilities are reasonably dispersed throughout the community and are not congregated or over-concentrated in any particular area so as to institutionalize that area. The Hearing Officer has the discretion to apply any degree of separation of uses which he or she deems appropriate in any given case, and to apply the American Planning Association (APA) standard of permitting one or two uses per block. At the applicant's proposed population level of 50 residents, the Hearing Officer finds it is unlikely that a reasonable accommodation with conditions similar to those imposed through a use permit could ensure that the primarily residential character of the neighborhood is not

changed. With 50 people in three adjacent buildings, the facilities are not reasonably dispersed throughout the community, and are concentrated in a specific area to a degree that institutionalizes that area.

Pursuant to Section 20.98.025(D) of the NBMC, the City may also consider the following factors in determining whether the requested accommodation would require a fundamental alteration in the nature of the City's zoning program:

- A. *Whether the requested accommodation would fundamentally alter the character of the neighborhood.*

At the population levels proposed by the applicant nearly one-quarter of the block that fronts Clay Street would be transformed into a large residential care facility with up to 50 residents thereby fundamentally altering the character of the neighborhood.

- B. *Whether the accommodation would result in a substantial increase in traffic or insufficient parking.*

The dwelling addressed as 492 Orange Avenue includes an attached tandem two-car garage, and the dwelling addressed as 492 ½ Orange Avenue includes a two-car garage (side-by-side parking spaces). The parcel located at 3309 Clay Street is developed with a single-family dwelling with an attached tandem two-car garage. The on-site parking provided at each building is consistent with the Zoning Code requirement for single-family and two-family residential development. However, the NBMC requires that a residential care facility provide one on-site parking space for every three residential care beds. At the applicant's proposed population of 50 residents, 17 on-site parking spaces are required. The facility provides only six. The off-street parking requirements in R-2 zoning districts were not intended to accommodate a use of density proposed, and the on-street parking was not designed to accommodate the degree of overflow parking that would result from a use of this intensity. The operations and management of the facility require the use of on-street parking for residents, staff, and visitors which impacts the availability of on-street parking for use by residents of the subdivision. In addition, meetings held at one or more of the facilities are served by on-street parking, further impacting the availability of on-street parking for use by residents of the subdivision.

The Institute of Transportation Engineers (ITE) establishes standards for trip generation rates based on the use classification of a site. For a single-family home, the standard trip rate is 9.57 average daily trips per dwelling. For a duplex, the standard trip rate is 6.72 average daily trips per dwelling unit. Trip rates for residential care facilities are 2.74 average daily trips per each occupied bed. At the applicant's proposed population level and based on the ITE standards, a 50-bed residential care facility would generate approximately 137 average daily trips. A duplex would

generate approximately 13.44 average daily trips. A single-family home would generate approximately 9.57 average daily trips per dwelling. If occupied by single housekeeping units, the ITE formula projects a total of 23.01 average daily trips for one single-family dwelling and the two units of the duplex. The evidence shows this facility will generate trips substantially in excess of average daily trips of the single housekeeping units in surrounding duplexes and single-family homes.

- C. *Whether granting the requested accommodation would substantially undermine any express purpose of either the City's General Plan or an applicable Specific Plan.*

General Plan Policy LU 6.2.7 requires the City to regulate day care and residential care facilities to the maximum extent allowed by federal and state law. A request for reasonable accommodation is consistent with this policy. The City adopted Ordinance No. 2008-005 in order to implement General Plan Policy LU 6.2.7. Granting the reasonable accommodation request to waive the requirement that unlicensed residential care facility may only be located in a MFR District with a use permit, without imposing operational conditions similar to take of a use permit would undermine the General Plan.

- D. *In the case of a residential care facility, whether the requested accommodation would create an institutionalized environment due to the number of and distance between facilities that are similar in nature or operation.*

There are no other documented facilities, similar in nature or operation to the subject facility, within the vicinity of the subject facility. In considering whether granting the requested accommodation would create an institutionalized environment, however, it is noted that at the applicant's proposed occupancy, approximately 56 to 58 individuals could be housed at the three subject facilities if some rooms, not currently labeled as "bedrooms" on the plans on file at the City, were used as bedrooms. An unregulated occupancy of the facility would result in an overconcentration of the use of the facility and the potential institutionalization of the residential neighborhood with associated adverse secondary impacts such as noise, overcrowding, unruly behavior by residents of the facility, a disproportionate utilization of available on-street parking by the facility, and traffic impacts.

5. **Finding: That the requested accommodation will not, under the specific facts of the case, result in a direct threat to the health or safety of other individuals or substantial physical damage to the property of others.**

Facts in support of the finding. A request for reasonable accommodation may be denied if granting it would pose "a direct threat to the health or safety of other individuals or result in substantial physical damage to the property of others," (See 42 U.S.C. § 3604(f)(9)). This is a

very limited exception and can only be used when, based on the specific facts of a situation, a requested accommodation results in a significant and particularized threat. Federal cases interpreting this exception in the FHAA indicate that requested accommodations cannot be denied due to generalized fears of the risks posed by disabled persons.

WHEREAS, the project qualifies for a Categorical Exemption pursuant to Section (Section 15061(b)(3) (Existing Facilities). This class of projects has been determined not to have a significant effect on the environment and is exempt from the provisions of CEQA. This activity is also covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment of the CEQA Guidelines. It can be seen with certainty that there is no possibility that this activity will have a significant effect on the environment and therefore it is not subject to CEQA.

NOW THEREFORE, BE IT RESOLVED:

Section 1. The Hearing Officer of the City of Newport Beach hereby denies without prejudice Request No. 5 of Reasonable Accommodation No. 2008-001.

Section 2. This action shall become final and effective fourteen days after the adoption of this Resolution unless within such time an appeal is filed with the City Clerk in accordance with the provisions of Title 20 Planning and Zoning, of the Newport Beach Municipal Code.

PASSED, APPROVED AND ADOPTED THIS 2ND DAY OF JULY, 2009.

By: 
Thomas W. Allen, Hearing Officer

ATTEST:




City Clerk

Deputy

TAB 12

**Pacific Shores' Appeal from Hearing
Officer's Denial of Reasonable
Accommodation**

(August 3, 2009)

Brown, Leilani

From: Steven Polin [spolin2@earthlink.net]
Sent: Monday, August 03, 2009 8:23 PM
To: Brown, Leilani; pbobko; Kiff, Dave
Cc: Chris Brancart; ebrancart@brancart.com; james dee; Mark Manderson; Dana (CRT)
Mulhauser; paul.e.smith
Subject: Pacific Shores appeal
Attachments: AppealofHearingOfficersDecision res.5.pdf; AppealofHearingOfficersDecision res. 1.pdf;
AppealofHearingOfficersDecision res. 2.pdf; AppealofHearingOfficersDecision res. 3.pdf;
AppealofHearingOfficersDecision res.4.pdf

Ms. Brown, please find attached Pacific Shore's appeals of the decision of Hearing Officer Thomas Allen denying its request for a reasonable accommodation in accordance with NBMIC 20.94.40. Please do not hesitate to contact me if you have any questions or need additional information.

Thank you.

Steve Polin

Steven Polin
Law Office of Steven G. Polin
3034 Tennyson Street, NW
Washington, DC 20015
202-331-5848
202-537-2986 (fax)

spolin2@earthlink.net

This transmission is protected by the Electronic Communications Privacy Act, 18 U.S.C. Sections 2510-2521 and intended to be delivered only to the named addressee(s) and may contain information that is confidential, proprietary, attorney work-product or attorney-client privileged. If this information is received by anyone other than the named addressee(s), the recipient should immediately notify the sender by E-MAIL and by telephone 202-331-5848 and obtain instructions as to the disposal of the transmitted material. In no event shall this material be read, used, copied, reproduced, stored or retained by anyone other than the named addressee(s), except with the express consent of the sender or the named addressee(s). Thank you.

CITY OF NEWPORT BEACH

APPLICATION TO APPEAL DECISION OF THE HEARING OFFICER

Project No. PA 2008-181 Application No. HO-2009-019
Name of Appellant Pacific Shores Properties Phone 202-331-5848
Site Address 3309 Clay Street, 492 Orange Avenue, 4921/2 Orange Avenue
Date of Hearing Officer's decision July 22*, 20 09
Name of Applicant Pacific Shores Properties for

(Description of application filed with Hearing Officer) Request for a reasonable accommodation
that the City treat the aforementioned properties as a legal non conforming use
by "grandfathering" the use of properties as in compliance with the NBMC prior to the adoption
of Ordinance 2008-005

Reasons for Appeal Granting the request in part and denying in part, by failing to "grandfather" the use of the properties
of the City Council to hear this appeal by virtue of the fact that the denial of the request was dated July 2, 2009, but the applicant was not given notice of the denial.

*By letter dated July 22, 2009, the City notified applicant that the appeal period runs from the date of the letter notwithstanding the provision of NBMC 20.05.040.

Steven G. Polin

Digitally signed by Steven G. Polin
DN: cn=Steven G. Polin, o=City of Newport Beach, ou=City of Newport Beach, email=s.polin@cityofnewportbeach.net, c=US
Date: 2009.08.03 22:44:28 -0400

Signature of Appellant

08/03/2009

Date

FOR OFFICE USE ONLY:

Adrian L. Brown
Received by

[Signature]
Fee received

8/3/09
Date

CITY OF NEWPORT BEACH

APPLICATION TO APPEAL DECISION OF THE HEARING OFFICER

Project No. PA 2008-181 Application No. HO-2009-020
Name of Appellant Pacific Shores Properties Phone 202-331-5848
Site Address 3309 Clay Street, 492 Orange Avenue, 4921/2 Orange Avenue
Date of Hearing Officer's decision July 22*, 20 09
Name of Applicant Pacific Shores Properties for

(Description of application filed with Hearing Officer) Request for reasonable accommodation that the City
apply all code provision to the use of the aforementioned properties, including but not limited to zoning, building, fire safety
and any other applicable codes be applied in the same manner that those codes are applied and enforced to single family
and two family residential uses located in residential districts zoned R-2.

Reasons for Appeal Denial of the request with prejudice. *Pacific Shores Properties does not waive its right to challenge the jurisdiction

of the City Council to hear this appeal by virtue of the fact that the denial of the request was dated July 2, 2009, but the applicant was not given notice of the denial.

By letter dated July 22, 2009, the City notified applicant that the appeal period runs from the date of the letter notwithstanding the provision of NBMC 20.05.040.

Steven G. Polin

Digitally signed by Steven G. Polin
DN: cn=Steven G. Polin, o=ps, email=spolin2@earthlink.net, c=US
Date: 2009.08.03 22:58:42 -0400

Signature of Appellant

08/03/2009

Date

FOR OFFICE USE ONLY:

Received by

Michael L. Brown

Fee received

J

Date

8/3/09

CITY OF NEWPORT BEACH

APPLICATION TO APPEAL DECISION OF THE HEARING OFFICER

Project No. PA 2008-181 Application No. HO-2009-021

Name of Appellant Pacific Shores Properties Phone 202-331-5848

Site Address 3309 Clay Street, 492 Orange Avenue, 4921/2 Orange Avenue

Date of Hearing Officer's decision July 22*, 20 09

Name of Applicant Pacific Shores Properties for

(Description of application filed with Hearing Officer) Request for reasonable accommodation that the City
waive the requirement of NBMC 20.91A.020 that unlicensed residential care facilities may
be located only in a residential district zoned MFR with a use permit.

Reasons for Appeal Denial of the request with prejudice. *Pacific Shores Properties does not waive its right to challenge the jurisdiction
of the City Council to hear this appeal by virtue of the fact that the denial of the request was dated July 2, 2009, but the applicant was not given notice of the denial
By letter dated July 22, 2009, the City notified applicant that the appeal period runs from the date of the letter notwithstanding the provision of NBMC 20.05.040.

Steven G. Polin

Signature of Appellant

Digitally signed by Steven G. Polin
DN: cn=Steven G. Polin, o, ou, email=spolin2@sarthira.net, c=US
Date: 2009.08.03 22:55:46 -0400

08/03/2009

Date

FOR OFFICE USE ONLY:

Debra L. Brown
Received by

σ
Fee received

8/3/09
Date

CITY OF NEWPORT BEACH

APPLICATION TO APPEAL DECISION OF THE HEARING OFFICER

Project No. PA 2008-181 Application No. HO-2009-17
Name of Appellant Pacific Shores Properties Phone 202-331-5848
Site Address 3309 Clay Street, 492 Orange Avenue, 4921/2 Orange Avenue
Date of Hearing Officer's decision July 22*, 20 09
Name of Applicant Pacific Shores Properties for

(Description of application filed with Hearing Officer) _____
that the residents of the aforementioned addresses be treated as a single
housekeeping unit

Reasons for Appeal Denial of the request with prejudice. *Pacific Shores Properties does not waive its right to challenge the jurisdiction
of the City Council to hear this appeal by virtue of the fact that the denial of the request was dated July 2, 2009, but the applicant was not given notice of the denial.
By letter dated July 22, 2009, the City notified applicant that the appeal period runs from the date of the letter notwithstanding the provision of NBMC 20.05.040.

Steven G. Polin

Digitally signed by Steven G. Polin
DN: cn=Steven G. Polin, o, ou, email=spolin2@earthlink.net, c=US
Date: 2009.08.03 22:23:34 -0400

Signature of Appellant

08/03/2009

Date

FOR OFFICE USE ONLY:

Richard L. Brown
Received by

[Signature]
Fee received

8/3/09
Date