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5 Hearing Officer

6
7 **CITY OF NEWPORT BEACH**
8 **GROUP HOME HEARINGS**

9
10 IN THE MATTER OF:)

11 THE REQUEST OF PACIFIC SHORES)
12 PROPERTIES, LLC, FOR A)
13 REASONABLE ACCOMODATION TO)
14 OPERATE A RESIDENTIAL CARE)
15 FACILITY)

**DECISION OF HEARING OFFICER ON
FINANCIAL NECESSITY**

16 REASONABLE ACCOMMODATION NO.)
17 RA 2008-001

18 **Background:** On November 10, 2009, the City Council of the City of Newport
19 Beach adopted Resolution No. 2009-81, entitled:

20 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWPORT
21 BEACH APPROVING AN APPEAL, AND MODIFYING THE DECISION OF
22 THE HEARING OFFICER TO DENY WITHOUT PREJUDICE REQUEST NO.
23 5 OF A REQUEST FOR REASONABLE ACCOMMODATION NO. 2008-001,
24 AND CONDITIONALLY GRANTING A MODIFIED REASONABLE
25 ACCOMMODATION REQUEST FOR AN EXISTING SOBER LIVING
FACILITY LOCATED AT 492 ORANGE AVENUE, AND 492 ½ ORANGE
AVENUE (PA2008-181)

1 CONDITIONS OF APPROVAL OF REASONABLE ACCOMMODATION NO.
2 2008-001, PACIFIC SHORES PROPERTIES, LLC, LOCATED AT 492
3 ORANGE AVENUE AND 492 ½ ORANGE AVENUE. Project-specific
4 Conditions of Approval of City Council Resolution No. 2009-81 include:

5 1. Financial Viability/Finding of Necessity. Pacific Shores Properties, LLC,
6 shall submit sufficient evidence to demonstrate the applicant requires up to 12
7 residents in each of the Orange Avenue addresses and six residents in the
8 3309 Clay Street residence to achieve financial viability. Financial information
9 shall be submitted to the Planning Department within 10 days of the date of
10 adoption of this resolution. Staff, with the assistance of the Administrative
11 Services Department designee, shall review and analyze the financial
12 information and make a recommendation to the Hearing Officer.

13 The finding of necessity on the basis of financial viability shall be remanded to
14 the Hearing Officer, who shall conduct a hearing to determine whether Pacific
15 Shores has demonstrated financial necessity.

16 **Hearing Officer Decision:** After review of the financial information provided
17 and the testimony at the hearings, the Hearing Officer hereby finds that Pacific Shores
18 Properties, LLC, has demonstrated by sufficient evidence that to achieve financial
19 viability, the applicant requires up to 12 residents in each of the two residences located
20 at 492 Orange Avenue and 492 ½ Orange Avenue.

21 **So Determined.**

22
23 March 26, 2010

/s/ Thomas W. Allen, Hearing Officer