

CITY OF ALISO VIEJO  
CITY COUNCIL MINUTES  
SPECIAL MEETING  
MAY 24, 2017, 6:30 P.M.  
Council Chambers, City Hall, 12 Journey  
Aliso Viejo, California

**CALL TO ORDER:** Mayor Harrington called the Special Meeting of the City Council of the City of Aliso Viejo to order at 6:33 p.m.

PRESENT: MAYOR DAVID C. HARRINGTON  
MAYOR PRO TEM PHILLIP B. TSUNODA  
COUNCILMEMBER ROSS CHUN  
COUNCILMEMBER MIKE MUNZING

ABSENT: COUNCILMEMBER WILLIAM A. PHILLIPS

STAFF PRESENT: DAVID A. DOYLE, CITY MANAGER  
SCOTT C. SMITH, CITY ATTORNEY  
TODD LEISHMAN, DEPUTY CITY ATTORNEY  
ALAN R. BURNS, SPECIAL COUNSEL, HARPER & BURNS  
MITZI ORTIZ, CITY CLERK  
OMAR DADABHOY, PLANNING DIRECTOR  
ISAAC AZIZ, INFORMATION TECHNOLOGY MANAGER

**DISCUSSION ITEM:**

1. ADMINISTRATIVE APPEAL FROM DENIAL OF REQUESTED ACCOMMODATION FOR ILLEGAL LODGING USE AT 16 GOLF DRIVE

Mayor Harrington introduced the item and opened the public hearing. Alan Burns, Special Counsel, provided an overview of the matter. Councilmembers each noted they did not have communications related to the matter prior to the public hearing. Mayor Harrington opened for public comment and there were no speakers.

Mayor Harrington introduced Garrett Prybylo (Zfaty Burns), who provided additional information on behalf of the appellant, Sober Network Properties. Mr. Prybylo presented information related to Sober Network Properties operations, guest agreement terms for residents, mitigation of neighborhood concerns and nuisance complaints and house manager oversight. Mr. Prybylo noted that sober living homes are not eligible for licensing by the Department of Health Care Services (DHCS) because treatment is not provided in the home. Mr. Prybylo commented on the condition of the home, house rules, resident needs,

transportation and economic viability of operations. Mr. Prybylo states Sober Network Properties willingness to reduce the number of residents in order to continue operations.

Mayor Harrington introduced Deputy City Attorney Todd Leishman, who provided an overview of the staff report. Mr. Leishman commented on the City's regulations relating to lodging uses in low-density residential zones and exceptions under California law, including exception for small state licensed facilities and for reasonable accommodation due to a disability. Mr. Leishman stated that the first exception does not apply, as the facility is unlicensed, and staff has not received evidence to support findings for reasonable accommodation.

Mayor Harrington called upon Mr. Prybylo for his rebuttal. Mr. Prybylo indicated that housing costs paid through insurance benefits do not allow for traditional tenancy options.

Mayor Harrington opened for Council questions and comments. Mayor Pro Tem Tsunoda requested clarification on exceptions due to reasonable accommodation. Mr. Leishman provided information related to the Fair Housing Act, which requires a local agency to grant a request for an accommodation when the request is both reasonable and necessary. Mayor Pro Tem Tsunoda requested additional information on instances in which the accommodation is found to be necessary. Mr. Leishman provided an example of groups homes for people with Alzheimer's. Mayor Harrington stated he did not receive evidence to compel reversal of the denial.

**MOTION: COUNCILMEMBER MUNZING MOVED AND MAYOR PRO TEM TSUNODA SECONDED TO:**

1. **CONSIDER THE APPLICANT'S REQUEST THAT ITS TRANSITORY-LODGING USE AT 16 GOLF DRIVE BE TREATED AS A "SINGLE FAMILY USE" AS AN ACCOMMODATION UNDER FAIR-HOUSING LAW; AND**
2. **DENY THE REQUESTED ACCOMMODATION BECAUSE THE APPLICANT HAS NOT PROVIDED SUFFICIENT EVIDENCE TO DEMONSTRATE THAT THE ACCOMMODATION IS REASONABLE AND NECESSARY.**

**MOTION CARRIED 4-1, WITH COUNCILMEMBER PHILLIPS ABSENT**

**CLOSED SESSION:**


1. **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**  
Significant exposure to litigation pursuant to Government Code section 54956.9(d)(2)  
Number of Potential Cases: 1

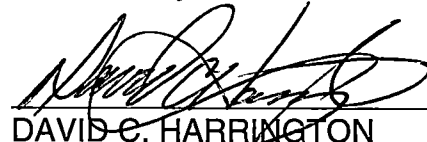
City Manager David Doyle clarified that Closed Session was included on the agenda to provide the City Council with an opportunity to discuss the matter, if necessary. Due to the conclusion of the matter, Closed Session was cancelled.

**ADJOURNMENT:** Mayor Harrington adjourned the meeting at 7:15 p.m. to the June 7, 2017 Regular City Council Meeting.

Respectfully submitted:

Approved by:

  
MITZI ORTIZ, MMC  
CITY CLERK

  
DAVID C. HARRINGTON  
MAYOR