



CITY OF COSTA MESA

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ECONOMIC AND DEVELOPMENT SERVICES DEPARTMENT

June 21, 2023

SENT VIA ELECTRONIC & FEDEX

Christopher Brancart, Esq.
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**Subject: Request for Reasonable Accommodation
The Ohio House, 115 E. Wilson Street, Units A-E in Costa Mesa**

Dear Mr. Brancart,

The City is in receipt of your April 24, 2023 letter requesting a reasonable accommodation to allow Ohio House LLC to continue its operation of a sober living home at 115 E. Wilson St., Units A through E ("Wilson St. Property"). As noted in your letter, this same request was made by Ohio House in 2017. That request was denied by the Director of Economic and Development Services, which denial was upheld on appeal to the City Council in 2019. The stated basis for this renewed request is a purported "change in the law" resulting from the 2020 revisions to the regulations of the Fair Employment and Housing Commission (FEHC) under the California Fair Employment and Housing Act (FEHA). No changed facts or circumstances beyond the FEHC regulations were presented or alleged.

However, not addressed in your letter is the preclusive effect of the 2022 District Court's Final Judgment in the matter of *Ohio House, LLC v. City of Costa Mesa*, USDC, Central District of CA, Case No. 8:19 cv 01710 DOC (KESx). As you are aware, the court and jury, in finding and/or ruling for the City on all causes of action upheld the City's denial of the 2017 reasonable accommodation request. The City understands that the regulations you claim to be "new" since Ohio House's 2017 request were actually considered by the jury in the 2022 trial.

The FEHA regulations you cite do not undermine the judgement, because the judicial process clearly found that no unlawful discrimination occurred, even in light of the 2020 amendments. See, e.g., 2 CCR 12162. Accordingly, as a matter of law, the City's denial of the reasonable accommodation request was justified. The District Court's ruling remains

undisturbed on appeal and is binding. Therefore, this request is both untimely and barred by the doctrine of res judicata/collateral estoppel.

Sincerely,



Jennifer Le
Director of Economic and Development Services

c: Kimberly Barlow, Esq., City Attorney
Tarquin Preziosi, Esq., Assistant City Attorney
Christopher Le, Esq., Everett & Dorey, LLP