

**REGULAR MEETING OF THE CITY OF  
COSTA MESA PLANNING COMMISSION**

**April 14, 2014**

*These meeting minutes represent an "action minute" format with a concise summary of the meeting. A video of the meeting may be viewed on the City's website at [www.costamesaca.gov](http://www.costamesaca.gov) or purchased on DVD upon request.*

Chair Fitzpatrick led in the Pledge of Allegiance.

**ROLL CALL:**

Present: Chair Jim Fitzpatrick  
Vice-Chair Robert Dickson  
Commissioner Colin McCarthy  
Commissioner Jeff Mathews  
Commissioner Tim Sesler

Staff: Gary Armstrong, Economic and Development Services Director  
Jerry Guarracino, Interim Assistant Development Services Director  
Yolanda Summerhill, City Attorney  
Elena Gerli, City Attorney  
Fariba Fazeli, City Engineer  
Mel Lee, Senior Planner  
Antonio Gardea, Senior Planner  
Martha Rosales, Recording Secretary  
Janet M. Taylor, Hanh & Bowersock Certified Court and Deposition Reporter

**PUBLIC COMMENTS**

Beth Refakes, Costa Mesa resident and member of the Costa Mesa Military Affairs Team announced that on April 15<sup>th</sup> a trunk was being placed in the lobby of City Hall to collect care package items for the 1/5 Marine Battalion deployed in Australia. She encouraged everyone to donate items.

**PLANNING COMMISSIONER COMMENTS AND SUGGESTIONS:**

Commissioner McCarthy thanked and apologized to City staff for the inaccurate article written by the Daily Pilot regarding the 125 E. Baker project.

Commissioner Sesler echoed Commissioner McCarthy's comments regarding the Daily Pilot article. He highlighted items in the Annual Report of the Neighborhood Improvement Task Force (NITF) and encouraged residents to visit the City's website for more information.

Chair Fitzpatrick thanked Commissioner Sesler for his work on the Neighborhood Improvement Task Force.

**CONSENT CALENDAR:**

1. Minutes for the meeting of March 24, 2014
2. Code Enforcement Update
3. 2013 Annual Review of General Plan

**MOTION: Approve the items on the Consent Calendar. Moved by Commissioner McCarthy, second by Vice-Chair Dickson.**

The motion carried by the following roll call vote:

Ayes: Fitzpatrick, Dickson, McCarthy, Mathews, Sesler  
Noes: None  
Absent: None  
Abstained: None

## **PUBLIC HEARINGS:**

- Application No.:** PA-03-15 A1  
**Applicant:** Hugh R. Coffin  
**Site Address:** 708 and 714 Randolph Avenue  
**Zone:** CL  
**Project Planner:** Antonio Gardea  
**Environmental Determination:** Exempt-per Section 15301 Existing Facilities

### **Description:**

Amendment to an approved Conditional Use Permit (CUP) and Variance to modify the conditions of approval for off-site parking for the Lab. The CUP and Variance were granted on June 23, 2003. The applicant requests that the condition(s) of approval that limit the approval of the Variance to ten years be removed and allow the Variance to run concurrent with the approved CUP. The Variance was approved to allow a four foot landscaped setback along Randolph Avenue where 20 feet is required. The smaller setback enabled the provision of standard size diagonal parking spaces and two-way drive aisle widths.

Antonio Gardea, Senior Planner, summarized the staff report which was an amendment for an approved conditional use permit for the off-site parking and Variance for the required landscape setback (20-foot required, 4-foot provided).

## **PUBLIC COMMENTS**

Hugh Coffin, Attorney for the Applicant Harold Cozen who could not be present, thanked staff for the excellent staff report and stated Mr. Cozen had read the staff report, the recommendations, findings and conditions of approval and was in agreement with them.

**MOTION: Adopt Planning Commission resolution based on the evidence in the record, findings set forth in Exhibit A and subject to the conditions set forth in Exhibit B as follows: Find the project to be exempt from further California Environmental Quality Act (CEQA) review per Section 15301-Existing Facilities; approve the amendment for the Conditions of Approval for PA-03-15 to allow the Variance and Conditional Use Permit use for off-site parking to remain in effect until the parking lot's use ceases. Moved by Commissioner McCarthy, second by Commissioner Mathews (PC Resolution 14-18).**

The motion carried by the following roll call vote:

Ayes: Fitzpatrick, Dickson, McCarthy, Mathews, Sesler  
Noes: None  
Absent: None  
Abstained: None

The Chair explained the appeal process.

- Application No.:** PA-98-44 and PA-99-09 (Review/Modification/Revocation)  
**Applicant:** City of Costa Mesa  
**Site Address:** 1967 & 1977 Newport Boulevard



**Zone:** C2  
**Project Planner:** Mel Lee  
**Environmental Determination:** Exempt per Section 15321(a) (2) Enforcement Action by Regulatory Agencies

**Description:**

The City of Costa Mesa has initiated the review of Conditional Use Permits PA-98-44 and PA-99-09 allowing the Sandpiper Motel to rent more than 25% of the rooms for long-term occupancy, i.e., more than 28 consecutive days. A maximum of 19 (41%) long-term occupancy units were approved, subject to conditions of approval. The purpose of this review is to determine if modification or revocation of Conditional Use Permits PA-98-44 and PA-99-09 is warranted based on non-compliance with the conditions of approval.

Mel Lee, Senior Planner, stated Elena Gerli of the City Attorney's office would be presenting the evidence related to the project.

Elena Gerli, Attorney, stated she would be providing a summary of the evidence on behalf of City staff and added that Jon Neal (Code Enforcement) and Mel Lee (Planning) were present to answer any questions.

Yolanda Summerhill, Attorney, asked that those witnesses providing testimony on this agenda item be sworn in before any further testimony was given. Witnesses were sworn in by Recording Secretary/Notary Public Martha Rosales.

Chair Fitzpatrick announced that Court Reporter Janet Taylor from Hahn & Bowersock Corp. was also present.

Ms. Gerli stated the Commission would have to direct staff to: 1) Make findings that the Sandpiper Motel has been operated in violation of conditions of approval in Conditional Use Permit PA-99-09 and/or is a public nuisance, such that the revocation of the CUP is justified; and revoke, or in lieu of the revocation, amend the conditions of approval for the CUP; or 2) Conclude that there is insufficient evidence to make a finding that the Sandpiper Motel has been operated in violation of the conditions of approval of Conditional Use Permit PA-99-09 or as a public nuisance. The existing conditions of approval regulating the motel would remain as originally approved. Ms. Gerli clarified this CUP would not affect the motel's ability to operate and proceeded with her presentation of the Evidence Packet.

The Commission asked questions of staff with reference to Tabs 2 and 3 in the Evidence Packet, the hoarding conditions in Room 139, inspections conducted by the motel and Conditions of Approval Nos. 7, 9 and 10.

Ms. Summerhill asked the Commission to allow the property owner and/or his representative to examine staff on the evidence that had been presented.

Chair Fitzpatrick asked if this was the time to swear-in witnesses for the property owner. Ms. Summerhill concurred.

Recording Secretary/Notary Public Martha Rosales swore in the property owner, Mike Lin and the following witnesses for Mr. Lin: Richard Pleasant, Ginger Roberts, Bob Washer, Ava Khamneian, Marjorie Bolton and Christopher Samson.

Allan Calomino, Attorney representing Mr. Lin, presented his case and addressed items in the staff report (Room 139) and the letter from Sam Kim & Associates dated April 14,



2014 as proof that Mr. Lin did make congenial attempts to get the tenant of room 139 out and gain access to the room.

Mike Lin, owner and General Manager of the Sandpiper Motel, responded to questions regarding compliance of inspection requirements in Condition of Approval No. 9 regarding long-term stay. Mr. Lin stated the rooms were inspected by the maids every day. It was a small hotel, 44 rooms, he and the Resident Manager were there all the time - they knew all of the tenants/guests as well as the conditions of every room. Mr. Lin explained the hoarding conditions in Room 139 were first discovered in January 2013. He tried working with the tenant but the tenant threatened him saying he would see him in court if he touched his personal belongings (tenant was a highly knowledgeable 89-year-old retired attorney). Mr. Lin sought legal advice and served the tenant with a 60-day notice on March 16, 2013. In May 2013, a City inspector stopped by with Code Enforcement and the original 60-day notice process was interrupted. Mr. Lin had to file another 60-day notice to evict the tenant which prolonged the eviction process.

The Commission discussed maintenance logs, mechanisms for the 28-day occupancy threshold, inspections and inspection logs, owner's options (red-tagging for safety issues) to begin an eviction process and Mr. Lin's responsibility to take action, etc. They did not feel it was the City's obligation to maintain Mr. Lin's property.

Mr. Calomino stated Mr. Lin had asked City officials in May to red-tag Room 139 to help expedite the eviction process. Mr. Lin said he contacted Code Enforcement Officer Neal because he knew the hoarding problem was severe and he had to do something about it. He asked Mr. Neal to red-tag the room so he could have the power and a tool that would allow him to take action immediately.

Mr. Neal stated the Fire Department opted not to red-tag Room 139 because the tenant had been moved to an adjoining room and was not sleeping, cooking or eating in Room 139. The tenant gave the impression he was cleaning out Room 139.

Witnesses for Mr. Lin took testified and were not held to the 3-minute rule.

Richard Pleasant, 28-day Sandpiper resident since January 2013, spoke favorably of the Sandpiper Motel. The staff was always very cordial, his stays comfortable and his room always clean. Mr. Pleasant never saw hoarding conditions. He spoke of interactions he had with the tenant in Room 139.

Ginger Roberts, Rolling Hills Mobile Home Park resident, stayed in the Sandpiper Motel in 1994 after she and her husband lost their home and business. Now, as neighboring residents, they had no complaints about the Sandpiper Motel. Mrs. Roberts said long-term occupancy helped people who were down on their luck and solved the shortage of affordable housing. Mrs. Roberts was bothered by the City's lack of concern for poor families and the elderly and felt the City had to take a good look at those concerns.

Bob Washer, Corona del Mar resident and previous owner of the Sandpiper Motel, sold the motel 10 years ago to Mr. Lin because he owned the Travel Lodge next door, was a good operator and knew he would do a good job. Mr. Washer stated the Sandpiper was a budget motel that helped people. He asked the Commission to give Mr. Lin a chance because he had a good family and was an honorable and hard-working person who took on more responsibility than he should.

Ava Khamneian, Assistant Manager, was employed by Mr. Lin in November 2013. She did see problems in November but they have since been corrected. The long-term residents were not the problem - it was the people who rented rooms on a daily basis, partyers from clubs on 19<sup>th</sup> Street that created nuisances.



Marjorie Bolton, previous Sandpiper Motel employee, worked as a Desk Clerk for approximately 9 years. Ms. Bolton gave a detailed depiction of her experiences with the tenant in Room 139.

Chris Samson, Resident Manager, stated the hotel was generally clean and monitored by staff. When problems were discovered or reported to Maintenance they were handled. Mr. Samson added the Sandpiper provided low-cost housing to people who could not afford apartments. Mr. Samson responded to questions posed by the Commission.

Ava Khamneian, Assistant Manager, provided additional information and reported the rooms were cleaned on Mondays, Wednesdays and Fridays of every week and she personally inspected all vacant rooms once a week. The maids notified the Front Desk of any problems they noticed in the room and Maintenance was then notified. Maintenance logs were kept by staff.

## **PUBLIC COMMENTS**

Suzanne Wright, Costa Mesa resident, felt there was a need to have low-cost hotels in Costa Mesa – it would help alleviate the current homeless problem.

Andrea Marr, Costa Mesa resident, stated the long-term occupants of the Sandpiper were families, individuals like Mr. Pleasant who in some cases were living one paycheck away from homelessness. Ms. Marr felt that instead of making it difficult, the City had to make every effort to make life better for the long-term residents by including permanent supportive housing, provisions for low-income housing and a different attitude about the way fellow Costa Mesa residents were being treated.

Kathy Esfahani, Costa Mesa resident and member of the Costa Mesa Affordable Housing Coalition, stated the motels are a last resort accommodation for the poor. She said the Sandpiper Agenda item was tied with Goal No. 4 (long-term occupancy concern) on the Planning Commission's 2013 Goals. She invited the Commissioners to think about what they were doing because people with hardships needed low-cost motels to help them until their situations improved. Ms. Esfahani urged the Commission not to take any action against any motel to cut-down on the affordable housing that Costa Mesa did have.

Jean Forbath, Costa Mesa resident and member of the Costa Mesa Affordable Housing Coalition, gave an overview of her experience working with homeless families when she served as Executive Director of S.O.S. (Share Ourselves). Ms. Forbath said there was a real need for long-term affordable housing to accommodate the needs of these families - the City should demand that at least 10% of the 238-units at 125 E. Baker be affordable housing units.

**MOTION: Based on the Evidence Package for PA-99-09, approve resolution revoking Conditional Use Permit 99-09 as follows: Under Item A, strike No. 1A, B, C and D and replace it with Condition of Approval No. 7, referencing all items listed under No. 2, 3 and 4. Moved by Commissioner McCarthy, second Commissioner Mathews - (PC Resolution 14-19).**

Vice-Chair Dickson mentioned it was important not to confuse housing. He took to heart how the Commission was treating Costa Mesa residents and said that allowing broken fixtures, mold, dirt, broken furniture and torn linens to exist did not give Costa Mesa residents a decent quality of life. They needed to focus on how to best help people and Mr. Lin could be part of the solution. The status quo was not acceptable nor was allowing such conditions to persist because they allowed affordable housing.

The motion carried by the following roll call vote:

Ayes: Fitzpatrick, Dickson, McCarthy, Mathews, Sesler

Noes: None

Absent: None

Abstained: None

The Chair explained the appeal process.

## **NEW BUSINESS**

### **1. Report on the Status of the Planning Commission's 2013 Goals**

Interim Assistant Development Services Director Jerry Guarracino gave an update regarding the 2013 Planning Commission Goals which included status of the 2013 Goals, clarifying plans for completing the outstanding goals, summarizing ongoing work efforts and discussion of 2014-15 Goals.

Vice-Chair Dickson requested a Study Session as soon as possible to review and discuss implementations of the Urban Master Plans and Specific Plans to see where they were at today.

### **PUBLIC COMMENTS**

Lili Graham, Public Law Center Attorney, spoke about her concerns regarding affordable housing, the passing of excessive use ordinance, efforts to lower the long-term occupancy and guest rights vs. tenant rights. Ms. Graham urged the Commission to not eliminate the long-term occupancy from 25% to zero but rather increase it. If Costa Mesa could not create affordable housing then they should try to keep as much last resort accommodations as possible.

Chair Fitzpatrick urged Ms. Graham to send the Commission a memorandum that summarized her public comments and provide background information. Vice-Chair Dickson suggested getting on the City Council's and Planning Commission's mailing lists because this was an active item.

The Commission received and filed the 2013 Planning Commission Goals report.

**ADJOURNMENT: NEXT PLANNING COMMISSION MEETING AT 6:00 P.M. ON MONDAY, APRIL 28, 2014.**

Submitted by:



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CLAIRE FLYNN, SECRETARY  
COSTA MESA PLANNING COMMISSION