

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

March 27, 2017

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 or purchased on DVD upon request.

The Chair called the meeting to order (00:00:21).

Commissioner Harlan led the Pledge of Allegiance.

ROLL CALL

Present: Chair Stephan Andranian
Vice-Chair Byron de Arakal
Commissioner Jeffrey Harlan
Commissioner Isabell Kerins

Absent: Commissioner Carla Navarro Woods

Staff: Jay Trevino, Development Services Department Consultant
Peggy Schneble, Interim Assistant Development Services Director
Sheri Vander Dussen, Interim Assistant Director/ Community Improvement
Yolanda Summerhill, Deputy City Attorney
Tarquin Preziosi, Assistant City Attorney
Bart Mejia, City Engineer
Mino Ashabi, Principal Planner
Roger Rath, Assistant Planner
Julie Colgan, Recording Secretary

ANNOUNCEMENTS AND PRESENTATIONS:

Chair Andranian spoke about Claire Flynn, former Assistant Development Services Director, and her service to the City of Costa Mesa.

PUBLIC COMMENTS:

Kim Hendricks, Costa Mesa resident, presented a slideshow about how sober living homes are affecting the city and parks.

A speaker gave examples of how the Small Lot Ordinance is affecting the city and asked for a review of the Small Lot Ordinance.

Cindy Black, Costa Mesa resident, stated concerns with sober living homes located at the corner of 18th Street and Pomona Avenue. She wants the city to be proactive with the sober living home issue and help the residents.

Barrie Fischer, Costa Mesa resident, stated concerns with name calling and labeling of sober living home residents.

A speaker spoke about the city’s sober living home issue.

A speaker suggested working together on the city’s sober living home issue.

A speaker stated concerns with the sober living homes in the city.

A speaker stated concerns on the Planning Commissioner selection process.

Jane, Costa Mesa resident, stated she could not stay for Public Hearing Item No. 3 so she wanted to speak on it now. She stated concerns with the affect that sober living homes are having on the city.

A speaker stated concerns with the sober living homes in the city.

The Chair announced that he is going to move Public Hearing Item No. 3 to the first item.

A speaker spoke about an incident that happened on her street and stated concerns with problems the city is having potentially due to sober living homes.

PLANNING COMMISSIONER COMMENTS AND SUGGESTIONS:

Chair Andranian stated moving the items around on the agenda is within his discretion and gave reasons why he moved Public Hearing Item No. 3 to the first item.

The Chair closed Commissioner comments.

CONSENT CALENDAR (00:30:03)

The Chair asked if anyone wanted to pull the Consent Calendar item. No one responded.

1. MINUTES FOR THE MEETING OF MARCH 13, 2017

MOTION: Move approval of the Consent Calendar.

Moved by Vice-Chair de Arakal, seconded by Commissioner Harlan.

The motion carried by the following roll call vote:

Ayes: Andranian, de Arakal, Harlan, Kerins

Noes: None

Absent: Navarro Woods

Abstained: None

PUBLIC HEARINGS (00:30:18)

3. CO-17-02: CODE AMENDMENT TO AMEND SECTIONS OF TITLE 13 OF THE COSTA MESA MUNICIPAL CODE (PLANNING, ZONING AND DEVELOPMENT), RELATING TO GROUP HOMES, RESIDENTIAL CARE FACILITIES, AND REASONABLE ACCOMMODATION

Description: The proposed ordinance for Planning Commission consideration will modify Title 13 of the Costa Mesa Municipal Code with regard to group homes, state licensed facilities and boardinghouses in the Multiple-Family and Single-Family Residential zones and Planned Development zones. The revisions are intended to streamline the City's review of these applications and provide additional protections for residents of these facilities.

Environmental Determination: The ordinance is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) under Section 15061(b)(3) (General Rule).

Sheri Vander Dussen, Interim Assistant Director/ Community Improvement, presented the staff report.

Commissioners, Ms. Vander Dussen and Tarquin Preziosi, Assistant City Attorney, discussed the cost of the appeal process and the required separation for group homes.

PUBLIC COMMENTS

Barrie Fischer, Costa Mesa resident, spoke in opposition to the code amendment.

Kim Hendricks, Costa Mesa resident, spoke in opposition to the code amendment.

Dan Miller spoke in support of the revisions to require transportation to be provided to any sober living home resident that is evicted; spoke in opposition to the modifications of the 650-foot separation requirement and the minor conditional use permit determination; and suggested looking into if the definition of boarding homes applies to the group homes in the city.

Frank Clarkson, Costa Mesa resident, spoke in opposition to the code amendment.

Julie Patterson, Costa Mesa resident, spoke against amending the 650-foot separation requirement.

A speaker spoke in opposition to the sober living homes in the city.

Karen McClurry, Costa Mesa resident, spoke in opposition to the sober living homes in the city.

A speaker stated concerns with sober living homes' conditional use permits running with the land and density issues sober living homes create in the city.

Pat Finn, Costa Mesa resident, spoke in opposition to the code amendment.

A speaker asked to delete the director's approval to deviate from the 650-foot determination in the code amendment and stated concerns with living near a sober living home.

Sally Hansen, Costa Mesa resident, stated concerns with proximity to schools not being included in the ordinance and asked to keep the 650-foot separation requirement.

A speaker stated concerns with the sober living homes in the city and asked to make it harder on the operators.

Cindy Black, Costa Mesa resident, asked who initiated the code amendment and spoke in opposition to the code amendment.

A speaker stated concerns with the city's group home ordinances.

A speaker asked to put proximity to school in the ordinance; stated incidents occurring at sober living homes; and stated concerns with the code amendment.

The Chair closed the public hearing.

Commissioners, Staff, and Assistant City Attorney discussed the city's group home ordinances and the proposed changes in the code amendment.

Vice-Chair de Arakal made a motion to adopt the modified ordinance to only add the transportation requirement of a patient is involuntarily evicted from a facility, leaving the rest of

the ordinance as it currently stands as is. Commissioner Harlan seconded it for discussion purposes.

Commissioner Kerins suggested adding to the motion that noticing be expanded to a 650-foot radius instead of 500-foot; and the 650-foot radius noticing should include other types of group housing and schools, daycares, tot lots, and elderly facilities.

Vice-Chair de Arakal stated he was willing to include that change in his motion.

Mr. Preziosi asked for clarification on what the motion was for the reasonable accommodation procedure of Section 13-200.62 of Article 15 on handwritten page 12 of the staff report. Chair Andranian clarified that staff proposes to strike the last paragraph in Section D and in Section E proposes striking the existing subsections 1-10 and replace it with new sections 1 and 2.

Vice-Chair de Arakal and Mr. Preziosi discussed the reasons behind the changes to reasonable accommodation procedure in the code amendment.

MOTION: (substitute motion) Move that the Planning Commission recommend to the City Council approval of Code Amendment CO-17-02 with the understanding that the existing ordinance as it exists in law remains and find that the amendments are categorically exempt from the provision of the California Environmental Quality Act (CEQA) under Section 15061(b)(3) as follows:

Planning Commission supported

- Revisions regarding reasonable accommodation
- Revisions regarding involuntary termination of residency with minor clerical changes
- Provisions allowing denial of special use permit in the R1 zone

Planning Commission did not support

- Use of a minor conditional use permit instead of a conditional use permit
- Modifications to the provisions to allow deviations from the 650-foot separation requirement

Planning Commission recommended the following additions to the ordinance

- The number of persons on probation or parole be limited to one in each facility
- To collect transient occupancy tax
- Noticing for group homes be expanded from 500 feet to 650 feet.

Moved by Vice-Chair de Arakal, seconded by Chair Andranian.

Ms. Vander Dussen asked if the maker of the motion and the second agreed with not requiring a hearing to deny a special use permit in the R1 zone. Vice-Chair de Arakal agreed to adding it to the motion.

Commissioner Harlan encouraged sober living home operators to give their perspective on the issue and suggested using compassion when dealing with the sober living home issue.

The motion carried by the following roll call vote:

Ayes: Andranian, de Arakal, Harlan, Kerins
Noes: None
Absent: Navarro Woods
Abstained: None

The Chair explained this matter will be automatically scheduled for City Council review so there is no appeal process.

1. PA-16-64: CONDITIONAL USE PERMIT AT 1901 NEWPORT BOULEVARD, SUITES 100, 177, 261 AND 269

Project Description: The proposed project is a request for a conditional use permit to continue operation of an existing church (Saddleback Church) with a deviation from the shared parking requirements due to off-set hours of operation. Saddleback Church is currently occupying 19,312 sq. ft. of tenant space in four suites within the 1901 Newport office building. Uses include: an assembly/worship hall in Suite 100, religious education in Suite 177, youth education in Suite 261, and administrative offices in Suite 269. The proposed hours for three main services on Sunday are 8:00 a.m., 9:30 a.m. and 11:15 a.m.; and evening ministry services are Monday through Wednesday from 6:00 p.m. to 8:00 p.m.

Environmental Determination: The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) under Section 15301 (Class 1), Existing Facilities.

No ex-parte communications to report.

Minoo Ashabi, Principal Planner, presented the staff report.

Commissioners and Ms. Ashabi discussed the sunset clause in the past conditional use permit; how many staff members handle the traffic flow; maximum number of attendees; and 2014 traffic study.

PUBLIC COMMENTS

Randy Craft, applicant, stated he has read the conditions of approval and agrees to them.

Vice-Chair de Arakal asked Mr. Craft if the location will be a permanent or temporary location. Mr. Craft responded this is a temporary location and he would agree to come back in two years to request another conditional use permit to operate at the location.

No public comments.

The Chair closed the public hearing.

MOTION: Find that the project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) under Section 15301, and that the Planning Commission adopt a resolution to approve Planning Application PA-16-64, subject to conditions of approval with the following modification:

Condition of Approval No. 17 to read: “The City grants this conditional use permit for a period of two (2) years from March 27, 2017 to March 27, 2019 based on the applicant’s temporary need to operate at this location. The two (2) year approval period is generally consistent with the applicant’s lease term at the Property. On March 28, 2019, whether or not the applicant extends the lease term, the approvals set forth herein shall have no further force or effect nor shall it require additional notice and/or hearing to terminate. Any operation beyond this period shall require a new application for conditional use permit”.

Moved by Commissioner Kerins, seconded by Vice-Chair de Arakal.

RESOLUTION PC-17-10 – A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA APPROVING PLANNING APPLICATION PA-16-64 FOR CONTINUED OPERATION OF A CHURCH USE LOCATED AT 1901 NEWPORT BOULEVARD, SUITES 100, 117, 261 & 269

The motion carried by the following roll call vote:
Ayes: Andranian, de Arakal, Harlan, Kerins
Noes: None
Absent: Navarro Woods
Abstained: None

The Chair explained the appeal process.

2. PA-16-70: CONDITIONAL USE PERMIT AT 704 WEST 16TH STREET

Project Description: Conditional use permit for a dog day care and boarding facility (The Puppy Playhouse) in an existing 2,400 square foot industrial building with 2,700 square feet of outdoor play space. The applicant proposes to accommodate for a maximum of 60 dogs and operate during the hours of 6:00 a.m. to 9:00 p.m. daily. The business also offers incidental services in obedience training, hydro-therapy, and dog walking.

Environmental Determination: The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) under Section 15301 (Class 1), Existing Facilities.

No ex-parte communications to report.

Roger Rath, Assistant Planner, presented the staff report.

PUBLIC COMMENTS

Mark Seltzer, applicant, stated he has read the conditions of approval and agreed with them. He stated they will direct their clients to not use the alley to enter their location; have trained their employees on keeping the area clean; and explained the importance of affordable hydrotherapy that they offer.

Commissioner Harlan asked if they could accommodate sixty dogs for overnight stays. Mr. Seltzer responded yes.

Commissioner Kerins asked what the staff ratio was to take care of the sixty dogs. Mr. Seltzer responded the ratio is 20 dogs to 1 staff.

Chip Butera, Costa Mesa resident, stated concerns with traffic, parking, and noise. Michelle Moore spoke in support of the application.

Christen Blankenship spoke in support of the application.

Bridgett Steiner spoke in support of the application.

Lynn Jenetta spoke in support of the application.

The Chair closed the public hearing.

Vice-Chair de Arakal asked if a conditional use permit can be reviewed for compliance at any time. Ms. Ashabi responded yes.

Chair Andranian asked where in the conditions it addresses noise concerns. Mr. Rath responded in Condition of Approval No. 10.

Commissioner Kerins stated concerns with the employee ratio per dog. Ms. Ashabi responded it could be added in Condition of Approval No. 13; 15 dogs to 1 staff ratio.

MOTION: Move that the Planning Commission finds that the project is categorically exempt from the provisions of the California Environmental Quality Act section 15301; and that the Planning Commission adopt a resolution to approving Planning Application PA-16-70, subject to conditions of approval with the following modifications:

Condition of Approval No. 10 to read: “The business shall be conducted, at all times, in a manner that will allow the quiet enjoyment of the surrounding neighborhood. The applicant and/or business owner shall institute whatever security and operational measures are necessary to comply with this requirement, such as reducing the number of dogs, limiting outdoor breaks, number and frequency of walks, etc”.

Condition of Approval No. 13 to read: “A staff or caretaker shall remain on the premises overnight with the dogs. A ratio of 1 employee to 15 dogs shall be on-site at all times”.

Moved by Chair Andranian, seconded by Vice-Chair de Arakal.

Commissioner Kerins asked to include in the motion a minimum of two employees during business hours.

Chair Andranian and Vice-Chair de Arakal did not agree on including it in their motion.

RESOLUTION PC-17-11 - A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA APPROVING PLANNING APPLICATION PA-16-70 FOR A CONDITIONAL USE PERMIT TO ALLOW A DOG DAYCARE AND BOARDING FACILITY LOCATED AT 704 WEST 16TH STREET

The motion carried by the following roll call vote:

Ayes: Andranian, de Arakal, Harlan

Noes: Kerins

Absent: Navarro Woods

Abstained: None

The Chair explained the appeal process.

DEPARTMENTAL REPORT(S)

1. Public Services Report – none.
2. Development Services Report – Jay Trevino, Development Services Department Consultant, reported that the next meeting for the Planning Commissioner is tomorrow night. The next regular Planning Commission meeting is on April 10th and the agenda includes a small lot residential project, new drive through restaurant, ordinance amendments dealing with Measure Z and accessory buildings, and a review of the alcohol permit for the 99 Cents Only Store on Harbor Boulevard. Mr. Trevino ended his comments recognizing Claire Flynn; and newly hired city planners Roger Rath and Johnwilly Aglupos.

CITY ATTORNEY’S OFFICE REPORT(S)

1. City Attorney – none.

ADJOURNMENT (03:29:11) TO A PLANNING COMMISSION MEETING AT 6:00 P.M., OR SHORTLY THEREAFTER, ON MONDAY, APRIL 10, 2017.

Submitted by:



JAY TREVINO, ACTING SECRETARY
COSTA MESA PLANNING COMMISSION