

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

August 28, 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 (00:00:13).

Barry Curtis, Economic and Development Services Director, led the Pledge of Allegiance.

ROLL CALL

Present: Chair Stephan Andranian
Vice Chair Byron de Arakal
Commissioner Jeffrey Harlan
Commissioner Isabell Kerins
Commissioner Carla Navarro Woods

Staff: Barry Curtis, Economic and Development Services Director
Yolanda Summerhill, Deputy City Attorney
Tarquin Preziosi, Assistant City Attorney
Sheri Vander Dussen, Consultant
Martha Rosales, Recording Secretary

ANNOUNCEMENTS AND PRESENTATIONS: None

PUBLIC COMMENTS:

Kim Hendricks, Costa Mesa resident, complemented some of the Commissioners; asked the Commissioners to do their own homework on items that come before them; and spoke in support of having single-family homes in the City.

Linda Tuttle, Costa Mesa resident, stated concerns with cars using the middle lane to drive down Victoria Street.

Steve McNally, Costa Mesa resident, spoke about sober living home issues.

A speaker spoke about a petition regarding the City's Small Lot Ordinance.

A speaker stated concerns with the number of sober living home beds in Costa Mesa and spoke about Western States Sober Living Home Reform Coalition website.

A Costa Mesa resident asked the Commissioners to consider the 650-foot separation rule on sober living homes and suggested that sober living homes have a license or a certificate to treat the people that live there.

Bill Hanck stated he is a resident of a sober living facility; appreciated living in a well-operated one; spoke about the operation; and the positive aspects of being in one.

PLANNING COMMISSIONER COMMENTS AND SUGGESTIONS:

Commissioner Navarro Woods thanked the last public speaker for his bravery on sharing his story.

PUBLIC HEARINGS (00:20:36)

1. CONDITIONAL USE PERMIT PA-16-04 TO ALLOW A SOBER LIVING HOME OPERATED BY SUMMIT COASTAL LIVING TO SERVE UP 13 OCCUPANTS WITHIN THREE UNITS AT 2041 TUSTIN AVENUE

Project Description: This conditional use permit (CUP) will allow the continued operation of a sober living home serving up to 13 men within three existing units.

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

Five ex-parte communications to report: All Commissioners reported receiving an email invitation from Mr. Randle for Saturday to visit his property and they communicated back that they could not make it.

Sheri Vander Dussen, Consultant, presented the staff report.

Chair Andranian asked if proximity to a school is basis for denial for the application. Ms. Vander Dussen responded that the Costa Mesa Municipal Code does not state that there has to be a separation provided between a sober living home and a school. There are State laws regarding where sex offenders can live and the applicant could not provide housing to any registered sex offender if there is a certain proximity to schools.

Chair Andranian asked how the applicant proves that no sex offenders are housed in their facility. Ms. Vander Dussen responded that the applicant can explain their procedures and if the application is approved, Condition of Approval No. 17 covers it.

Chair Andranian also asked if there are other sober living home facilities within 650 feet of the application. Ms. Vander Dussen stated no.

Chair Andranian, staff, and Tarquin Preziosi, Assistant City Attorney, discussed conditions of approval preventing van transportation use; what can be built by right on the property; and parking.

Vice Chair de Arakal and staff discussed why the City requires conditional use permits for sober living homes; how reasonable occupancy is determined; and if modifications can be made to a CUP already approved if a new property owner moves in.

Commissioner Kerins and staff discussed what specifically in the application was not in compliance with City's Development Standards.

Commissioner Navarro Woods and staff discussed the resident parking concerns and if police calls for service to the property had occurred.

Commissioner Harlan asked if the City approved the proposed application, would it then be the standard for the 650-foot radius separation requirement. Ms. Vander Dussen responded yes.

PUBLIC COMMENTS

Steven Polin, attorney for the applicant, stated he has read the conditions of approval and agrees to all of them except Condition of Approval No. 4 and Condition of Approval No. 5. He explained the history of why a conditional use permit is required for sober living homes and the purpose of them. He also responded to Commissioners' questions and concerns.

Keith Randle, applicant, gave an overview of himself; addressed negative comments he has received; showed slides about the parking in the area; spoke about the Commissioners' concerns; Condition of Approval No. 4; and Condition of Approval No. 5.

Commissioners and Mr. Randle discussed visitation policy and the maximum time a client can stay at the facility.

A speaker talked about Mr. Randle's comments about Ms. Parker.

Ernie Groll, Costa Mesa resident, stated concerns with the density and the site's compliance with The Americans with Disabilities Act by having disabled features in the houses.

Jeff Davis spoke on behalf of the Mesa Wood Homeowner Association. He stated concerns with the application's deficient lot size; lot width; setback; parking; and density when considered to current code.

Chair Andranian asked Mr. Davis where homes in his HOA are located. Mr. Davis responded within 500 feet of the application.

Kacey, Costa Mesa resident, spoke in opposition to the application.

Martin Dedrich, Costa Mesa resident, spoke in opposition to the application.

Erika Parsons, Costa Mesa resident, spoke in support of Summit Coastal Living recovery homes.

Nancy Brundage, President of the Cape Series Homeowners Association, stated concerns with the parking and density; and spoke in opposition to the application.

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

Ron Moss, Costa Mesa resident, stated concerns with the application's proximity to a school.

A speaker spoke in opposition to the application.

Jay Humphrey, Costa Mesa resident, stated concerns with setting a precedence with approving this application; being in full ADA compliance for the disabled since it is business; and recommended the exclusion of the use of vans through a condition of approval.

Mr. Polin responded to public comments.

Mr. Randle responded to public comments.

Commissioner Harlan and Mr. Randle discussed Condition of Approval Nos. 4 and 5.

Yolanda Summerhill, Deputy City Attorney, clarified that Condition of Approval No. 4 is a standard condition in all applications.

Mr. Polin explained that under the Fair Housing Act, he did not believe Condition of Approval No. 4 should be a required condition.

Commissioners and Mr. Randle discussed the procedure for residents that test positive for drugs or alcohol; house rules; and parking.

The Chair closed the public hearing.

**MOTION: Move that the Planning Commission deny Conditional Use Permit PA-16-04 and direct staff to present a resolution of denial.
Moved by Chair Andranian, seconded by Vice Chair de Arakal, with discussion.**

Vice Chair de Arakal stated he supports the motion based on it being too intense of a use in the context of a conditional use permit and because the applicant does not agree with the indemnification Condition of Approval No. 4.

Ms. Vander Dussen stated that she had a denial resolution drafted based on previous consideration of this case by the Planning Commission in November 2016. Chair Andranian responded that he would like a new denial resolution that includes evidence from tonight's meeting. Vice Chair de Arakal agreed with Chair Andranian.

Commissioner Harlan stated not being in support of the reasons behind the denial motion and appreciated everyone that came out to speak on the matter.

Commissioner Kerins stated concerns with the site's density; procedure for a resident that tests positive for drugs or alcohol; and the facility's proximity to a school.

Commissioner Navarro Woods agreed with some of the density concerns for the property; stated parking is a concern; and Woodland Elementary School impacts the parking.

Chair Andranian responded to Commissioner Navarro Woods comments about parking.

Commissioner Kerins asked staff to do some research about having a sober living facility in close proximity to a school and asked to add it in the City's group home ordinance.

The motion carried by the following roll call vote:

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

The Chair explained the appeal process.

The Chair recessed into a break at 8:53 p.m.

The Chair reconvened at 9:08 p.m.

2. CONDITIONAL USE PERMIT PA-16-15 TO OPERATE A LICENSED DRUG OR ALCOHOL TREATMENT FACILITY SERVING 14 WOMEN AT 166 EAST 18TH STREET, INCLUDING AN APPEAL OF DENIAL OF REASONABLE ACCOMMODATION FOR A LAND USE REQUIREMENT

Project Description: Conditional Use Permit (CUP) PA-16-15 is a request to allow a licensed drug or alcohol treatment facility housing up to 14 residents in three units. The applicant also submitted a request for reasonable accommodation for relief from the zoning requirement that this facility be at least 650 feet from another property that contains a similar facility. The

application for accommodation was denied by the Economic and Development Services Director. The applicant has appealed that decision to the Planning Commission.

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

No ex-parte communications to report.

Sheri Vander Dussen, Consultant, presented the staff report.

Commissioner Harlan asked if the existing operation could still occur if Conditional Use Permit PA-16-15 was denied. Ms. Vander Dussen responded yes.

Commissioners and Ms. Vander Dussen discussed the potential code violation; reasons behind the police calls for service; how the three properties will be used for a six bed facility; and if the house managers live on-site.

PUBLIC COMMENTS

Steven Polin, attorney for the applicant, stated they disagree with the findings, conclusion, and recommendation by City staff. He spoke about how the Fair Housing Act applies to this application; why it's important for recovering addicts to live with a support system; how the 650-foot separation rule causes displacement; and requested the Planning Commission approve the reasonable accommodation request so the operator can do what they do.

Melissa Goodman, owner of Casa Capri, spoke about her facility.

Commissioner Navarro Woods asked for clarification on what happens to a resident of the facility if they relapse. Ms. Goodman responded that they are required to go to a detox facility. They also discussed the facility's good neighbor policy and how the house is well-maintained.

Commissioners and Ms. Goodman discussed the number of occupants originally and currently; what type of other sober living facilities surround them; and if they are the only facility serving women.

Alfred Kirsch, Costa Mesa resident, spoke in opposition to the application.

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

Jay Humphrey, Costa Mesa resident, spoke in opposition to the application.

A speaker spoke in opposition to the application.

A speaker stated concern with the lack of parking in the area.

Mr. Polin responded to public comments.

Ms. Goodman responded to public comments.

The Chair closed the public hearing.

Chair Andranian responded to a comment made by Mr. Polin and explained that City's Group Home Ordinances do not apply to state-licensed facilities serving six or fewer adults. He stated the City's 650-foot separation requirement does not apply to state run facilities, so the housing for recovering addicts would not become unavailable.

Motion: Uphold the Director’s denial of the request for reasonable accommodation and adopt a resolution denying Conditional Use Permit PA-16-15 based upon the specific findings and facts included therein.

Moved by Chair Andranian, seconded by Commissioner Navarro Woods.

Vice Chair de Arakal stated that the law allows for group homes of seven or more to be regulated; supports the 650-foot separation rule; and is in support of the motion.

Commissioner Kerins, Harlan, and Navarro Woods all spoke in support of the motion.

RESOLUTION PC-17-33 – A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA UPHOLDING THE DIRECTOR’S DENIAL OF A REASONABLE ACCOMMODATION REQUEST TO ALLOW THE OPERATION OF A GROUP HOME, RESIDENTIAL CARE FACILITY OR STATE LICENSED DRUG AND ALCOHOL TREATMENT FACILITY WITHIN 650 FEET OF ANOTHER PROPERTY THAT CONTAINS A GROUP HOME, SOBER LIVING HOME OR STATE LICENSED DRUG AND ALCOHOL TREATMENT FACILITY, AND DENYING CONDITIONAL USE PERMIT PA-16-15 FOR A SOBER LIVING FACILITY OPERATED BY CASA CAPRI HOUSING 14 OCCUPANTS AT 166 EAST 18TH STREET

The motion carried by the following roll call vote:

Ayes: Andranian, de Arakal, Harlan, Kerins, Navarro Woods

Noes: None

Absent: None

Abstained: None

The Chair explained the appeal process.

3. CONDITIONAL USE PERMITS PA-16-42 AND PA-16-43 TO OPERATE A SOBER LIVING FACILITY SERVING 28 PERSONS AT 351 VICTORIA STREET AND 357 VICTORIA STREET, INCLUDING AN APPEAL OF DENIAL OF REASONABLE ACCOMMODATION FOR A LAND USE REQUIREMENT

Project Description: Conditional Use Permits (CUP) PA-16-42 and PA-16-43 are requests to allow a sober living facility housing up to 28 residents in eight units on two parcels. The applicant also submitted a request for reasonable accommodation for relief from the zoning requirement that this facility be at least 650 feet from another property that contains a similar facility. The application for accommodation was denied by the Economic and Development Services Director. The applicant has appealed that decision to the Planning Commission.

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

No ex-parte communications to report.

Sheri Vander Dussen, Consultant, presented the staff report.

Chair Andranian asked if there should be a vote on holding a single public hearing for these two applications. Mr. Preziosi responded yes.

Motion: Move that the Planning Commission combine the Public Hearings for Conditional Use Permits PA-16-42 and Conditional Use Permits PA-16-43.
Moved by Chair Andranian, seconded by Commissioner Harlan.

The motion carried by the following roll call vote:

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

PUBLIC COMMENTS

Steven Polin, attorney for the applicant, asked the Planning Commission to incorporate his previous remarks on behalf of Casa Capri concerning reasonable accommodations, single housing keeping unit, and spacing requirements into the record for this application. He explained how economic viability can be grounds when considering reasonable accommodation and stated concerns with the City's 650-foot separation requirement.

Jeremy Broderick, founder of Windward Way, gave a history of Windward Way; spoke about his own recovery; and about the sober living home issue.

Commissioner Navarro Woods asked if the residents of Windward Way go to AA Meetings at the Costa Mesa Grange or College Hospital. Mr. Broderick responded no.

Linda Tuttle, Costa Mesa resident, stated concerns with the number of sober living facilities in the City.

Kim Hendricks, Costa Mesa resident, asked the Commission to uphold the 650-foot separation requirement.

A speaker stated concern with the over-concentration of sober living facilities in the area and renovations occurring without proper permits.

Mr. Broderick responded to public comments.

The Chair closed the public hearing.

Motion: Move that the Planning Commission adopt a resolution upholding the Director's denial of the request for reasonable accommodation and denying Conditional Use Permit PA-16-42 based on the findings in the staff report on handwritten pages 81-86.

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

RESOLUTION PC-17-34 – A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA UPHOLDING THE DIRECTOR'S DENIAL OF WINDWARD WAY RECOVERY'S REASONABLE ACCOMMODATION REQUESTS TO ALLOW THE OPERATION OF A GROUP HOME, RESIDENTIAL CARE FACILITY OR STATE LICENSED DRUG AND ALCOHOL TREATMENT FACILITY WITHIN 650 FEET OF ANOTHER PROPERTY THAT CONTAINS A GROUP HOME, SOBER LIVING HOME OR STATE LICENSED DRUG AND ALCOHOL TREATMENT FACILITY, AND TO ALLOW THIS FACILITY TO BE LOCATED ON TWO PARCELS, AND DENYING CONDITIONAL USE PERMIT PA-16-42 TO ALLOW A SOBER LIVING FACILITY SERVING UP TO 14 MEN AT 351 VICTORIA STREET

The motion carried by the following roll call vote:

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

The Chair explained the appeal process.

Motion: Move that the Planning Commission adopt a resolution upholding the Director's denial of the request for reasonable accommodation and denying Conditional Use Permit PA-16-43 based on the findings in the staff report on handwritten pages 91-96.

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

RESOLUTION PC-17-35 – A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA UPHOLDING THE DIRECTOR'S DENIAL OF WINDWARD WAY RECOVERY'S REASONABLE ACCOMMODATION REQUESTS TO ALLOW THE OPERATION OF A GROUP HOME, RESIDENTIAL CARE FACILITY OR STATE LICENSED DRUG AND ALCOHOL TREATMENT FACILITY WITHIN 650 FEET OF ANOTHER PROPERTY THAT CONTAINS A GROUP HOME, SOBER LIVING HOME OR STATE LICENSED DRUG AND ALCOHOL TREATMENT FACILITY, AND TO ALLOW THIS FACILITY TO BE LOCATED ON TWO PARCELS, AND DENYING CONDITIONAL USE PERMIT PA-16-43 TO ALLOW A SOBER LIVING FACILITY SERVING UP TO 14 MEN AT 357 VICTORIA STREET

The motion carried by the following roll call vote:

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

The Chair explained the appeal process.

DEPARTMENTAL REPORT(S)

1. Public Services Report – none.
2. Development Services Report – Barry Curtis, Economic and Development Services Director, reported a Joint Study Session with the City Council was happening on September 12th to discuss the Small Lot Ordinance.

CITY ATTORNEY'S OFFICE REPORT(S)

1. City Attorney – none.

ADJOURNMENT (05:08:58) TO A PLANNING COMMISSION MEETING AT 6:00 P.M., OR SHORTLY THEREAFTER, ON MONDAY, SEPTEMBER 11, 2017.

Submitted by:



**BARRY CURTIS, SECRETARY
COSTA MESA PLANNING COMMISSION**