

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

**September 11, 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](http://www.costamesaca.gov) or purchased on DVD upon request.*

The Chair called the meeting to order (00:00:07).

Yolanda Summerhill, Deputy City Attorney, 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  
Bart Mejia, City Engineer  
Mino Ashabi, Principal Planner  
Sheri Vander Dussen, Consultant  
Julie Colgan, Recording Secretary

**ANNOUNCEMENTS AND PRESENTATIONS:** None

**PUBLIC COMMENTS:**

A speaker thanked the Planning Commissioners for their decision on the sober living home items at the last meeting; suggested having a police officer at the meeting for protection of the residents; and stated concerns with PA-17-25 that went before City Council on September 5<sup>th</sup>.

Olga Reynolds invited the Commissioners to the cleanup happening at the Santa Ana River marsh on Saturday, September 16<sup>th</sup>.

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

A speaker started speaking about Public Hearing Item No. 2 and was advised by the Chair to return and speak on that item during the public hearing.

**PLANNING COMMISSIONER COMMENTS AND SUGGESTIONS:**

Commissioner Navarro Woods announced that Saturday is State Coastal Cleanup day.

Vice Chair de Arakal asked staff to monitor Coolidge Avenue north of Baker Street to Paularino Avenue to make sure it is safe and suggested speed bumps on that section of the road. He asked staff’s input if a warrant study has been done for a left turn traffic signal from east-bound Baker Street onto Coolidge Avenue and what the process is to see if a signal is necessary. He also announced the Mayor’s State of the City Breakfast event happening on September 28<sup>th</sup>.

Commissioner Isabell Kerins asked staff to examine Gisler Avenue's approach to Harbor Boulevard for getting onto the 405 Freeway, north and southbound.

#### **CONSENT CALENDAR (00:15:07)**

The Chair asked if anyone wanted to pull the Consent Calendar item.

A speaker pulled it; thanked the Commissioners for denying the CUP; and asked the Commissioners to continue to deny other sober living home items.

#### **1. CONDITIONAL USE PERMIT PA-16-04 TO ALLOW A SOBER LIVING HOME OPERATED BY SUMMIT COASTAL LIVING TO SERVE UP TO 13 OCCUPANTS WITHIN 3 UNITS AT 2041 TUSTIN AVENUE**

**MOTION: Move approval of the Consent Calendar.**

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

**RESOLUTION PC-17-32 – A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA DENYING CONDITIONAL USE PERMIT PA-16-04 FOR A SOBER LIVING FACILITY OPERATED BY SUMMIT COASTAL LIVING HOUSING 13 OCCUPANTS (INCLUDING ONE LIVE-IN HOUSE MANAGER) WITHIN THREE EXISTING UNITS ON PROPERTY LOCATED AT 2041 TUSTIN AVENUE**

The motion carried by the following roll call vote:

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

Noes: None

Absent: None

Abstained: None

#### **PUBLIC HEARINGS (00:17:08)**

#### **1. AN ORDINANCE TO ADOPT CODE AMENDMENT CO-17-01 AMENDING TITLE 13, ARTICLE 2 CHAPTER I, IV, V, VI OF THE COSTA MESA MUNICIPAL CODE RELATED TO ACCESSORY DWELLING UNITS**

**Project Description:** The proposed Code Amendment CO-17-01 will amend Title 13 of the Costa Mesa Municipal Code related to second units for compliance with new state regulations (Senate Bill SB 1069 and Assembly Bill 2299) approved by the Governor on September 27, 2016. Specifically, the amendment would establish regulations permitting the development of Accessory Dwelling Units (ADU) in single-family residential zoning districts and multiple family residential zoning districts where the parcel is developed with a single residential unit.

**Environmental Determination:** Statutorily exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15282(h) of the CEQA Guidelines, which states that "the adoption of an ordinance regarding second units in a single-family or multifamily zone by a city or county to implement the provisions of Sections 65852.1 and 65852.2 of the Government Code" relating to "granny" housing and "second unit ordinances" is exempt from the requirements of CEQA.

Mino Ashabi, Principal Planner, presented the staff report.

Commissioners, staff, and Yolanda Summerhill, Deputy City Attorney, discussed minimum lot size; replacement parking requirements; the reasoning behind staff's recommendation of a

6,000-square-foot minimum lot size; parking requirement per bedroom count; whether the maximum 800 square feet staff is proposing for ADU's would limit the users; public transit as defined by State and included in Section 6.D.1; why Section 13-35 (l), on handwritten page 14, was added when it is not in the State requirement; whether the lot coverage criteria in the zoning still applies; if the law mandates the City to allow garages to be converted to ADU's; whether State law allows any latitude to the Planning Commission or City Council to adopt a minimum lot size greater than the minimum R1 lot size; provisions related to mechanical lifts; and the average house size in R1 Zones.

## **PUBLIC COMMENTS**

Keri Conser-Hornsby, Costa Mesa resident, spoke in support of the code amendment but did have concerns with the ADU's being offered as affordable rental units.

A speaker asked if ADU's could be built in a Small Lot Ordinance lot.

Cindy Brahs, Costa Mesa resident, asked that public transit; parking; and setbacks language be clarified in the ordinance.

The Chair closed the public hearing.

Vice Chair de Arakal asked whether, according to the ordinance, an R2 lot still has to be developed with a single-family unit. Ms. Ashabi responded yes. Vice Chair de Arakal stated concerns with the 6,000-square-foot minimum lot size requirement and the allowance of garage conversions to ADU's.

Commissioner Harlan preferred holding off on a vote until after the Joint Study Session Meeting with the City Council.

Commissioner Kerins stated concerns with the size of the ADU units; minimum lot size; and the allowance of only one ADU unit per lot.

Commissioner Navarro Woods liked the flexibility the ADU units provide, but stated concerns with the impacts they may cause and suggested to continue the item.

Chair Andranian addressed a public comment about ADU units being allowed to be built on a Small Lot Ordinance lot. He stated concerns with the parking impact and mechanical lifts as a parking option in the proposed ordinance. He would like to see an ordinance that will allow flexibility but preserve the nature of the neighborhoods.

**MOTION: Recommend that City Council find this project statutorily exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15282(h) of the CEQA Guidelines Recommend that the City Council approved Code Amendment CO-17-01 for the following:**

- **Chapter I, Article 2, Section 13-6: Replace Second Unit definition with Accessory Dwelling Units (ADU) definition;**
- **Chapter IV, Section 13-30: Create a consistent reference to ADU as a land use category for R-1 and R2-MD zones;**
- **Chapter V, Article 1, Section 13-35: Revise certain development standards of Second Units (parking, owner occupancy, maximum size, etc.);**
- **Chapter VI, Section 13.85: Amend residential parking requirements to include a minimum of one parking space for detached ADU with certain exceptions to allow for carpool, transit use, etc.**

**With the following proposed changes:**

- 1. Minimum lot size be changed from 6,000 square feet to 7,000 square feet**

2. Remove any reference to mechanical lifts with regard to meeting the parking requirements
  3. City staff provide further clarification on the public transit issue.
  4. City staff provide clarification on the parking and setback requirements.
- Moved by Chair Andranian. Motion died due to lack of second.**

Vice Chair de Arakal asked if there was a time line for when an ADU Ordinance needed to be adopted. Ms. Ashabi responded there is no time line, but if an application was submitted in the interim, the City would have to abide by the State requirements. He suggested continuing the item.

Commissioner Harlan agreed with continuing the item.

**MOTION: Continue the item to the October 9, 2017 Planning Commission meeting.  
Moved by Vice Chair de Arakal, seconded by Chair Andranian.**

The motion carried by the following roll call vote:

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

2. **CONDITIONAL USE PERMITS PA-16-12 AND PA-16-13 FOR A SOBER LIVING FACILITY SERVING 32 PERSONS IN EIGHT UNITS OPERATED BY CLEAN PATH RECOVERY AT 574 AND 578 JOANN STREET, INCLUDING AN APPEAL OF DENIAL OF REASONABLE ACCOMMODATION FOR A LAND USE REQUIREMENT**

**Project Description:** Conditional Use Permits (CUP) PA-16-12 and PA-16-13 are applications for a sober living facility housing up to 30 residents and two resident house managers in eight units. The subject properties are contiguous and operated as a single facility, so the applicant submitted a request for reasonable accommodation for relief from the zoning requirement that limits operation of group homes to a single parcel. The request for a reasonable accommodation was denied. The applicant has appealed that denial 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.

Commissioner Harlan recused himself at 7:18 p.m. from the hearing.

**Motion: Move that the Planning Commission hold a single public hearing for these two applications since the sites are contiguous and operated as a single facility.  
Moved by Chair Andranian, seconded by Vice Chair de Arakal.**

The motion carried by the following roll call vote:

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

Sheri Vander Dussen, Consultant, presented the staff report.

Vice Chair de Arakal and Tarquin Preziosi, Assistant City Attorney, and Ms. Vander Dussen discussed the Fair Housing Act's meaning of "a dwelling" with respect to the application of

reasonable accommodation; and if a City's General Plan typically assesses how non-conforming lots impact housing policies.

## **PUBLIC COMMENTS**

Lee Heiligman, CEO and founder of Clean Path Recovery, spoke about his personal recovery and the history of his business.

Robert Mann, Public Relations Director for Clean Path Recovery, explained the history of their submittal process; explained that sober living facilities do not provide treatment services or bill insurance companies; stated disagreement with the staff's findings and conclusion regarding reasonable accommodation; clarified that the facility has 28 residents with 2 house managers; and explained why the 650-foot separation rule should not apply to them.

Commissioners, Mr. Mann, and Mr. Heiligman discussed house rules; mental health services offered; average length of stay for the residents; parking; transportation services offered; all of their locations and treatments offered; occupancy rate; what occurs if a resident relapses; and success rate.

Maria Ayala, Costa Mesa resident, manages units right across the street and spoke in support of the applications.

Bob Parker, owner of property at 610 Joann Street, spoke about his own sobriety and stated support for sober living homes being located in commercial zones versus residential.

A speaker spoke in opposition to the applications.

A speaker spoke about his experience recovering in a sober living home and spoke in support of the applications.

Grant McNiff, former Chair of the Orange County Sober Living Coalition, spoke about the Sober Living Network and the Sober Living Coalition.

Mr. Mann responded to public comments.

Vice Chair de Arakal and Mr. Mann discussed the Sober Living Network.

Commissioner Navarro Woods and Mr. Mann discussed how the residents of the facility are kept away from the negative things occurring around their property.

Mr. Heiligman 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 deny Conditional Use Permit PA-16-12, subject to the findings in Exhibit A.**

**Moved by Vice Chair de Arakal, seconded by Chair Andranian for the purpose of discussion.**

Vice Chair de Arakal stated the reasons for his motion are the overconcentration of the sober living homes in the City and that this use is too intense for substandard parcels.

Commissioner Navarro Woods stated her agreement with the staff findings.

**RESOLUTION PC-17-36 – A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA UPHOLDING THE DIRECTOR’S DENIAL OF CLEAN PATH RECOVERY’S REQUEST FOR REASONABLE ACCOMMODATION TO ALLOW THE OPERATION OF A SOBER LIVING HOME 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-16-12 TO ALLOW A SOBER LIVING FACILITY SERVING UP TO 16 MEN AT 578 JOANN STREET**

The motion carried by the following roll call vote:

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

**Motion: Move that the Planning Commission adopt a resolution upholding the Director’s denial of the request for reasonable accommodation and deny Conditional Use Permit PA-16-13.**

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

**RESOLUTION PC-17-37 – A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA UPHOLDING THE DIRECTOR’S DENIAL OF CLEAN PATH RECOVERY’S REQUEST FOR REASONABLE ACCOMMODATION TO ALLOW THE OPERATION OF A SOBER LIVING HOME 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-16-13 TO ALLOW A SOBER LIVING FACILITY SERVING UP TO 16 MEN AT 574 JOANN STREET**

The motion carried by the following roll call vote:

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

The Chair explained the appeal process.

**DEPARTMENTAL REPORT(S)**


2. Development Services Report – Barry Curtis, Economic and Development Services Director, reported a Joint Study Session with the City Council happening tomorrow night at 6pm at the Orange County Fair Administrator Offices regarding the City’s Small Lot Ordinance and Overlay Zones.
1. Public Services Report – Bart Mejia, City Engineer, reported updates on the Lions Park Project, Fire Station No. 1 and Arlington Drive Bioswale Project.

**CITY ATTORNEY’S OFFICE REPORT(S)**

1. City Attorney – none.

**ADJOURNMENT (03:10:38) TO A PLANNING COMMISSION MEETING AT 6:00 P.M., OR  
SHORTLY THEREAFTER, ON MONDAY, SEPTEMBER 25, 2017.**

Submitted by:



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BARRY CURTIS, SECRETARY  
COSTA MESA PLANNING COMMISSION