

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

**October 9, 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 (00:00:16).

Commissioner Navarro Woods 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  
Peggy Schneble, Interim Assistant Development Services Director  
Yolanda Summerhill, Deputy City Attorney  
Tarquin Preziosi, Assistant City Attorney  
Scott Porter, City Attorney's office  
Mino Ashabi, Principal Planner  
Sheri Vander Dussen, Consultant  
Julie Colgan, Recording Secretary

**ANNOUNCEMENTS AND PRESENTATIONS:**

None.

**PUBLIC COMMENTS:**

Jay Humphrey, Costa Mesa resident, presented a slideshow of a greenery wall located at the Cadillac dealership off Harbor Boulevard and stated concerns with the growth of the plants.

A speaker asked that the Commissioners have the appellants at the meetings speak only on the facts of the item being heard.

Debra Morales, Costa Mesa resident, asked why there are so many sober living homes in Costa Mesa.

A speaker spoke about the City's sober living home issue.

**PLANNING COMMISSIONER COMMENTS AND SUGGESTIONS:**

Commissioner Kerins thanked Willa Bouwens-Killeen, Zoning Administrator, for her help with PDAOC Forum event registration; thanked the residents that come out to the meetings and give comments; asked residents to call with any concerns; and thanked the City Council for the opportunity to serve on the Planning Commission.

Vice Chair de Arakal extended his thoughts and prayers for all the first responders fighting the Canyon fire.

Chair Andranian directed staff to provide a report back on the Cadillac dealership. Barry Curtis, Economic and Development Services Director, responded that staff will come back with a report within the next couple of meetings.

#### **CONSENT CALENDAR (00:16:17)**

##### **1. MINUTES FOR THE MEETING OF AUGUST 28, 2017.**

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

##### **MOTION: Move Approval of the Consent Calendar.**

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

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 (00:17:16)**

##### **1. PLANNING APPLICATION PA-17-04: CONDITIONAL USE PERMITS FOR THE RENOVATION AND CONVERSION OF AN EXISTING INDUSTRIAL BUILDING TO A BANQUET FACILITY, ON-SITE AND OFF-SITE VALET PARKING, AND MINOR CONDITIONAL USE PERMIT FOR SALE OF ALCOHOLIC BEVERAGES AFTER 11:00 PM NOT WITHIN 200 FEET OF RESIDENTIAL AND DEVIATION FROM PARKING REQUIREMENTS WITH OFF-SITE SHARED PARKING WITH 729 OHMS WAY, 1609 POMONA AVENUE, AND 1626 PLACENTIA AVENUE FOR A PROPOSED PROJECT AT 1618 OHMS WAY**

**Project Description:** Planning Application PA-17-04 is a request for a conditional use permit for the renovation of an existing one-story 6,451 square-foot industrial building to an event venue. The public hearing for this item was scheduled for October 9<sup>th</sup>, and required public hearing notices were sent out. The applicant has made a revision to their parking plan requiring additional review and therefore, staff is requesting this item be continued to the November 13<sup>th</sup> meeting.

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

The Chair opened the Public Hearing.

No public comments.

**MOTION: Move that the Planning Commission continue the public hearing to November 13, 2017.**

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

The motion carried by the following roll call vote:

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

Noes: None

Absent: None

Abstained: None

**2. 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:** This item was continued from the September 11, 2017, Planning Commission meeting. The proposed Code Amendment (CO-17-01) will amend Title 13 of 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 multifamily residential zoning districts where the parcel is developed with a single residential unit.

**Environmental Determination:** The project is exempt from environmental review under the California Environmental Quality Act ("CEQA") pursuant to Public Resources Code Section 21080.17 and CEQA Guidelines Section 15282(h), "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" are exempt from the requirements of CEQA. Similarly, the ministerial approval of ADUs would not be a "project" for CEQA purposes, and environmental review would not be required prior to approving individual applications.

Minoo Ashabi, Principal Planner, presented the staff report.

Commissioners, staff, and Scott Porter, the City Attorney's office, discussed whether the public transit definition was going to be clarified in the pending legislation; which other cities have adopted an ADU Ordinance that includes mechanical lifts; minimum parcel size required by surrounding cities; whether the 8,500-square-foot minimum lot size requirement would comply with State law; how the City will enforce the owner occupied residence restriction; R1 lot size minimum requirement; and garage conversions.

**PUBLIC COMMENTS**

A speaker spoke in opposition to the ordinance.

Jason Vandersteen, Costa Mesa resident, spoke in support of the ordinance and suggested having four parking spaces required instead of five.

Julia Carol, Costa Mesa resident, spoke in support of the ordinance and suggested having a minimum lot size requirement of 6,000 square feet.

Jay Humphrey, Costa Mesa resident, stated concern with parking in the City.

Caroline Burns, Costa Mesa resident, spoke in support of a smaller lot size requirement like 7,500 square feet and suggested requiring on-site parking.

Shirley Froates, Costa Mesa resident, stated that the City's Ordinance is loosening the restrictions on the ADUs and stated concerns with how it is impacting the houses in the R1 zone.

Rick Huffman, Costa Mesa resident, suggested having an ordinance like Newport Beach to catch illegal ADUs.

A speaker stated concerns with the additional parking space requirement.

A speaker spoke in opposition to this item.

The Chair closed the public hearing.

Commission de Arakal asked Mr. Curtis to explain why the minimum lot size of 7,500 square feet is a better option than 8,500 square feet and stated that smaller lot sizes could help Costa Mesa meet its share of the regional housing need.

Commissioner Kerins read the percentages listed in Table 1 of the staff report to address a public comment.

Commissioner Harlan stated support for a minimum lot size requirement greater than 7,260 square feet and questioned the need for language in the ordinance restricting public transit to a facility.

Commissioner Kerins stated that she wanted to strike the proposed mechanical lift verbiage and add the option of having mechanical lifts as a parking option.

Commissioner Navarro Woods stated concerns with a larger minimum lot size requirement being too restrictive and precluding options for ADUs.

**MOTION: Move that the Planning Commission recommend that the City Council find this project statutorily exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15282(h) of the CEQA Guidelines and recommend that the City Council approved Code Amendment CO-17-01 including the revised supplemental memo dated October 9<sup>th</sup> 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 per bedroom or a minimum of one parking for detached ADU with certain exceptions to allow for carpool, transit use, etc.**

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

The motion carried by the following roll call vote:

Ayes: Andranian, de Arakal, Kerins, Navarro Woods

Noes: Harlan

Absent: None

Abstained: None

**3. APPEAL OF THE DENIAL OF SPECIAL USE PERMIT SL-15-0010 FILED BY SOCAL RECOVERY TO OPERATE A SOBER LIVING HOME SERVING SIX MEN AT 783 HUDSON AVENUE**

**Project Description:** The applicant applied for a Special Use Permit (SUP) to operate a group home serving six men at 783 Hudson Avenue. The Zoning Administrator denied the SUP based

on its proximity to another recovery facility. 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 (CEQA) under Section 15301 (Class 1), Existing Facilities.

No ex-parte communications to report.

Sheri Vander Dussen, Consultant, presented the staff report.

## **PUBLIC COMMENTS**

Darryl Shinder, applicant, stated that on November 28, 2016 their attorney, Steve Polin, submitted a letter about a survey they did measuring the distance in between the sober living homes as a walking view instead of a bird's eye view that the City did.

Jay Humphrey, Costa Mesa resident, asked the Commissioners to deny this application.

John Frasier, Costa Mesa resident, spoke in opposition to this item.

Justin, Costa Mesa resident, stated concerns with having the sober living facility in his neighborhood.

Jessica Lawrence, Costa Mesa resident, spoke in opposition to this item.

Robert Colston, Costa Mesa resident, stated concern with parking in the area.

Julie Patterson, Costa Mesa resident, stated concerns with the repercussion that sober living residents have when they leave a facility and end up on the City streets; and incidents occurring at her commercial property.

A speaker asked the Commissioner to deny this application.

A speaker spoke in opposition to this item.

Long, Costa Mesa resident, spoke about the negative incidents occurring near his house, which is located across the street from the subject property.

Vice Chair de Arakal stated that on December 5<sup>th</sup> the City's attorney's office did send a letter to Mr. Polin acknowledging the November 28<sup>th</sup> letter that the applicant handed out tonight and asked for clarification on why the applicant did not request a reasonable accommodation. Mr. Shinder replied that he thought his attorney had taken care of it.

The Chair closed the public hearing.

**MOTION: Move that the Planning Commission adopt the attached resolution upholding the decision of the Zoning Administrator to deny this application.  
Moved by Chair Andranian, seconded by Commissioner Kerins.**

Chair Andranian and Ms. Vander Dussen discussed how group homes that have not been approved by the City or licensed by the State do not contribute to 650-foot separation rule as depicted on the map on handwritten page 7 of the staff report.

Vice Chair de Arakal stated support for the motion.

Commissioner Kerins thanked the members of the public that submitted email correspondences and came to the meeting to speak on this item.

**RESOLUTION PC-17-42 – A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA UPHOLDING THE ZONING ADMINISTRATOR’S DENIAL OF SPECIAL USE PERMIT SL-15-0010 TO ALLOW SO CAL RECOVERY TO OPERATE A SOBER LIVING HOME SERVING SIX OR FEWER MEN AT 783 HUDSON AVENUE**

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

**4. APPEAL OF THE DENIAL OF SPECIAL USE PERMIT SL-15-0011 FILED BY SOCAL RECOVERY TO OPERATE A SOBER LIVING HOME SERVING SIX MEN AT 208 CECIL PLACE**

**Project Description:** The applicant applied for a Special Use Permit (SUP) to operate a group home serving six men at 208 Cecil Place. The Zoning Administrator denied the SUP based on its proximity to another recovery facility. 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 (CEQA) under Section 15301 (Class 1), Existing Facilities.

No ex-parte communications to report.

Sheri Vander Dussen, Consultant, presented the staff report.

Commissioner Navarro Woods asked if 206 Cecil Place was a separate parcel. Ms. Vander Dussen responded yes.

**PUBLIC COMMENTS**

Darryl Shinder, applicant, stated that the information that he submitted depicts a separation of 720 feet from a sober living facility using a walking distance versus the 638-foot separation that the City came up with.

Matthew Berliner stated that the Commission should deny this item by procedure alone.

Cheryl Ohlhaber, Costa Mesa resident, spoke in opposition to this item.

Kris Mongo, Landlord at 206 Cecil Place, spoke in opposition to this item.

Harry Lewellyn, Costa Mesa resident, spoke about his brother’s drug addiction.

Richard Mongo, Landlord at 206 Cecil Place, stated concerns with the facility and asked the Commissioners to consider if this facility is what is best for the patients residing there.

Kacey Walker, Costa Mesa resident, spoke in opposition to this item.

Bruce Johnson, Costa Mesa resident, asked the Commissioners deny this item.

Vince Mungon, Costa Mesa resident, stated concerns with the facility.

Matt Mercado, Costa Mesa resident, stated he lives next door to the facility; has concerns with the facility; and stated he will be moving away from it.

A speaker asked what the procedure is if someone's insurance runs out; if the lot is R1 non-conforming; and spoke in opposition to this item.

Kathleen Whitesinger, Costa Mesa resident, spoke in opposition to this item.

Tyler Collum, Costa Mesa resident, asked the Commissioners to deny this item.

The Chair closed the public hearing.

**MOTION: Move that the Planning Commission adopt the attached resolution upholding the decision of the Zoning Administrator to deny this application.  
Moved by Chair Andranian, seconded by Vice Chair de Arakal.**

**RESOLUTION PC-17-43 – A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA UPHOLDING THE ZONING ADMINISTRATOR'S DENIAL OF SPECIAL USE PERMIT SL-15-0011 TO ALLOW SOCIAL RECOVERY TO OPERATE A SOBER LIVING HOME SERVING SIX OR FEWER MEN AT 208 CECIL PLACE**

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.

**5. CONDITIONAL USE PERMIT PA-16-18 TO ALLOW A SOBER LIVING FACILITY SERVING 32 MEN IN SIX UNITS OPERATED BY SOCIAL RECOVERY AT 175 EAST 21ST STREET, INCLUDING AN APPEAL OF A DENIAL OF A REQUEST FOR A REASONABLE ACCOMMODATION FROM A LAND USE REQUIREMENT**

**Project Description:** Conditional Use Permit (CUP) PA-16-18 is a request to allow a sober living home serving up to thirty-two (32) men within six (6) 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 request for the 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 (CEQA) under Section 15301 (Class 1), Existing Facilities.

No ex-parte communications to report.

Sheri Vander Dussen, Consultant, presented the staff report.

Commissioner Navarro Woods and Ms. Vander Dussen discussed how many of the clients keep a car on-site.

## **PUBLIC COMMENTS**

Sally Warwick, Costa Mesa resident, stated concern with the parking in the area and spoke in opposition to this item.

Mike Cherney, property owner of 187 East 21<sup>st</sup> Street, stated concerns with this item.

Mathew Berliner spoke in opposition to this item.

Karen Canyon, Costa Mesa resident, spoke in opposition to this item.

Cindy Foley, Costa Mesa resident, asked the Commission to deny this application.

Sarah Usain, Costa Mesa resident, asked the Commission to deny this application.

Mark Cazares, Costa Mesa resident, asked the Commission to deny this application.

Matt Christenson, Costa Mesa resident, asked the Commission to deny this application.

Bethany Semeiks, Costa Mesa resident, asked the Commission to deny this application.

Jeremy Rhyne, Costa Mesa resident, spoke in opposition to this item.

Michelle Lopez, Costa Mesa resident, spoke in opposition to this item.

Julie Patterson, Costa Mesa resident, stated that sober living homes are operating illegally at 158 and 160 East Bay Street, and 2028 Fullerton Avenue.

Harry Lewellyn, Costa Mesa resident, spoke in opposition to this item.

Craig Reese, Costa Mesa resident, stated concern with high density living situation occurring.

Paul Pines, Costa Mesa resident, asked to deny this item.

A speaker spoke in opposition to this item.

The Chair closed the public hearing.

**MOTION: Move that the Planning Commission adopt a resolution upholding the Director's denial of the reasonable accommodation request and denying Conditional Use Permit PA-16-18 subject to the findings in Exhibit A.**

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

**RESOLUTION PC-17-44 – A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA UPHOLDING THE DIRECTOR'S DENIAL OF A REQUEST FOR REASONABLE ACCOMMODATION TO ALLOW THE OPERATION OF A SOBER LIVING FACILITY WITHIN 650 FEET OF TWO PROPERTIES THAT CONTAIN A STATE-LICENSED DRUG AND ALCOHOL TREATMENT FACILITY, AND DENYING CONDITIONAL USE PERMIT PA-16-18 FOR A SOBER LIVING FACILITY OPERATED BY SOCIAL RECOVERY HOUSING 32 MEN AT 175 EAST 21ST STREET**



Chair Andranin thanked the residents that came out and stated their concerns for their neighborhood.

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 – Mr. Curtis reported that the City Council took no action on Code Amendment 16-04 A, relating to accessory structures, so the item died. Code Amendment 16-04 B, which addresses non-commercial banners, is scheduled for a future meeting.

#### **CITY ATTORNEY'S OFFICE REPORT(S)**

1. City Attorney – none.

#### **ADJOURNMENT (03:17:32)**

Commissioner Kerins adjourned the meeting in recognition of all the victims and first responders of the Las Vegas shooting incident.

Chair Andranian stated that the next Planning Commission meeting will be held at 6:00 P.M., or shortly thereafter, on Monday, October 23, 2017.

Submitted by:

  
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BARRY CURTIS, SECRETARY  
COSTA MESA PLANNING COMMISSION