

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

January 8, 2018

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 (00:00:04).

Vice Chair de Arakal 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, Director of Economic and Development Services
Jennifer Le, Assistant Director of Development Services
Tarquin Preziosi, Assistant City Attorney
Yolanda Summerhill, Deputy City Attorney
Sheri Vander Dussen, Consultant
Julie Colgan, Recording Secretary

ANNOUNCEMENTS AND PRESENTATIONS:

None.

PUBLIC COMMENTS:

An unidentified speaker spoke on the City's sober living homes.

An unidentified speaker stated concerns with the number of treatment facilities in the City.

The Chair closed the public comments.

PLANNING COMMISSIONER COMMENTS AND SUGGESTIONS:

Commissioner Navarro Woods expressed gratitude towards the Commission, staff and public.

Commissioner Kerins thanked all the public that sent in emails for tonight's meeting.

Commissioner Harlan stated appreciation for the investment from the community and their input.

Chair Andranian explained which sober living home items will be heard tonight; and asked that public comments on tonight's items be specific and respectful

CONSENT CALENDAR (00:13:40)

1. MINUTES FOR THE MEETING OF NOVEMBER 27, 2017.

2. **MINUTES FOR THE SPECIAL MEETING OF NOVEMBER 27, 2017.**
3. **MINUTES FOR THE MEETING OF NOVEMBER 13, 2017.**

There were no public comments on consent calendar items.

MOTION: Move approval of 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 (00:14:38)

1. **CONDITIONAL USE PERMIT PA-16-25 TO OPERATE A STATE LICENSED DRUG AND ALCOHOL TREATMENT FACILITY SERVING 21 RESIDENTS; INCLUDING AN APPEAL OF DENIAL OF REASONABLE ACCOMMODATION REQUEST FOR A LAND USE REQUIREMENT; OPERATED BY NORTHBOUND TREATMENT SERVICES AT 2417 ORANGE AVENUE**

Project Description: Conditional Use Permit (CUP) PA-16-25 is a request to operate a state-licensed alcohol and drug treatment facility housing 21 residents. The applicant also submitted a request for reasonable accommodation to allow this facility to be within 502 feet of three state-licensed drug and alcohol treatment facilities, and for relief from other land use requirements. The application for accommodation was denied. 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 CEQA Guidelines Section 15301 (Class 1), Existing Facilities.

No ex-parte communications to report.

Sheri Vander Dussen, Consultant, presented the staff report.

PUBLIC COMMENTS

Chair Andranian asked Steven Polin, applicant's attorney, if all his general statements pertaining to this item could be used on all of the other public hearing items tonight. Mr. Polin responded yes; for all of the Northbound Treatment Services items. The Chair also asked Mr. Polin to understand that the Commission will not be making any decisions tonight based on case law. Mr. Polin responded that he understood and stated he will not get into the appellant arguments.

Mr. Polin stated that the applicant will do one presentation on all three Northbound Treatment Services applications for tonight's meeting. He provided his opening statements and explained how institutionalization does not apply to Northbound Treatment Services; how this item is a treatment facility; how it was in operation before Ordinance 15-11 was created; stated concerns with the denial of the application being based on the compatibility with the neighborhoods; talked about reasonable accommodation factors; and HUD's Keating Memo on occupancy standards.

Devon Wayt, Chief Operating Officer for Northbound Treatment Services, presented a slideshow on Northbound Treatment Services; explained the differences between a treatment facility versus a sober living home; treatment programs; legacy of leadership; the company's mission; good neighbor policy; success rate; and average length of stay.

Paul Alexander, President and Founder of Northbound Treatment Services, gave a background on his own recovery; why their program is a quality treatment program; and reasons to approve the application.

Michael Neatherton, Chief Executive Officer of Northbound Treatment Services, talked about his own sobriety; the model that Northbound delivers; and his own daughter's sobriety success through Northbound Treatment Services.

Commissioners, Mr. Wayt, and Mr. Polin, discussed the client to staff ratio; whether clients park on-site; how the information in their satisfaction survey was compiled; clients daily schedule; if locking clients out during particular times of the day occurs; treatment facilities viewed as residential facilities under Federal law; length of stay for patients; what happens after the residents finish with their treatment; and whether overconcentration complicates treatment of their patients.

Flo Martin, Costa Mesa resident, commented on who owns the property and stated concerns with the high density of the application.

An unidentified speaker asked what percentage of the clients are from Orange County and what efforts have they made to spread their treatment facilities to other cities.

An unidentified speaker spoke on this item.

Jay Humphrey, Costa Mesa resident, stated concerns with setting a precedent of allowing additional facilities within the 650-foot separation distance if this application is approved and whether the garage space is going to be used for a meeting room.

Barrie Fischer, Costa Mesa resident, asked how many of the residents are from Costa Mesa; how many residents are from out-of-state; cost of the program per month; how the applicant claims the benefits of a residential area but hold the clients to an institutionalized schedule; and if the clients walk in between the houses.

Tom Johnson, President of Costa Mesa Chamber of Commerce, stated he toured the facility and suggested that the City work with the good operators.

Warren Franklin asked how could the neighbors of these facilities know if they are a bad operator or not; stated concerns with the clients not connected to the community; asked that Public Hearing Item No. 2 be considered as two separate facility applications; not as one.

Emily Blynn, Costa Mesa resident, stated that she lives near the Northbound Treatment Services facility and spoke in support of the facility.

An unidentified speaker lives near a couple of the Northbound facilities on tonight's agenda and spoke in opposition to these items.

Melanie Trapp stated she is an alumna of Northbound Treatment Services and RAW Recovery and spoke about her recovery success.

Andrea Mar, Costa Mesa resident, spoke about preserving neighborhoods and not have them overrun by institutions and facilities; and stated concerns with the increase in density.

Rene Genovese, Costa Mesa resident, spoke about her own sobriety and support for the recovery community in Costa Mesa.

Loni Grovum, Costa Mesa resident, stated concerns with the sober living facilities near her and suggested working with the good operators.

Jennifer Mathews, Costa Mesa resident, spoke about her own son's sobriety with Northbound Treatment Services and spoke in support of this item.

Richard Kelly Austin stated his concerns about Public Hearing Item No. 4.

Chris Shimmels spoke about his recovery at Northbound Treatment Services and spoke in support of this item.

Emily Barber, Costa Mesa resident, spoke about her own sobriety and spoke in support of this item.

Les Fisher, Costa Mesa resident, spoke in opposition to this item.

Zac Spowart, Director of Compliance for Northbound Treatment Services, spoke in support of this item.

Bill Klosiski stated it is a zoning problem and asked to preserve the neighborhoods.

An unidentified speaker spoke in opposition to Public Hearing Item No. 2.

Dennis O'hearn, resident of the area, asked that the Commission comply with the 650-foot separation rule.

Robert Long talked about his sobriety at this location.

Robert (did not say his last name) stated he would like there to be a public notice that goes out to a homeowner when a treatment facility is going to buy a property near them.

Leslie Brennon, Costa Mesa resident, stated concerns with there being too many. 3:00:10.

An unidentified speaker read a letter from someone that could not be here; asked if Mr. Polin can practice law in California; and spoke in opposition to this item.

An unidentified speaker stated his comments apply to all of tonight's applications and asked if they are in ADA compliance; and asked that 650-foot separation rule be upheld.

Mr. Wayt responded to public comments.

The Chair closed the public hearing.

Vice Chair de Arakal asked if the Commission has the ability to limit how many patients they can serve at a facility. Tarquin Preziosi, Assistant City Attorney, responded that the Commission can put conditions on the property that might limit the number of occupants.

Vice Chair de Arakal stated is he willing to overturn the director's denial if the resident count at the facility is less than 20.

**MOTION: Move that the Planning Commission adopt the Resolution upholding the director's denial of request for reasonable accommodation and adopt Resolution denying the Conditional Use Permit PA-16-25, incorporating the reasons as outlined in the findings for denial in Exhibit A, beginning on handwritten page 81.
Moved by Chair Andranian, seconded by Commissioner Harlan with discussion.**

Chair Andranian stated it is a land use decision based on the City's Ordinance and there is a 650-foot separation issue.

Commissioner Harlan stated this item is a land use and zoning issue and will be supporting the motion.

Vice Chair de Arakal stated he will support the motion since there is not an interest in regulating the number of patients at the facility.

Commissioner Kerins thanked the public for their comments and will be upholding the laws of Costa Mesa and supports the motion.

Commissioner Navarro Woods thanked everyone that came out to speak on this item and will be supporting the motion.

Mr. Preziosi asked to set the record straight on a comment made by Mr. Polin on the applicable standard for reasonable accommodation and clarified that the staff report does discuss the current legal standard on reasonable accommodation as amended by the most recent ordinance.

Ms. Vander Dussen asked that the resolution in the supplemental memo be used as the basis for the Commission's action tonight. Chair Andranian stated that was the intent of the maker of the motion.

RESOLUTION PC-18-01 – A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA UPHOLDING THE DENIAL OF A REQUEST FOR REASONABLE ACCOMMODATION TO ALLOW A STATE LICENSED DRUG AND ALCOHOL FACILITY TO DEVIATE FROM VARIOUS REQUIREMENTS OF THE ZONING CODE; AND DENYING CONDITIONAL USE PERMIT PA-16-25 TO ALLOW A STATE LICENSED DRUG AND ALCOHOL TREATMENT FACILITY OPERATED BY NORTHBOUND TREATMENT SERVICES HOUSING 21 OCCUPANTS WITHIN SIX EXISTING UNITS AT 2417 ORANGE 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.

The Chair called for a break at 9:27 p.m.

The Chair reconvened the meeting at 9:37 p.m.

2. CONDITIONAL USE PERMITS PA-16-26 AND PA-16-32 TO OPERATE A SOBER LIVING FACILITY SERVING 22 RESIDENTS; INCLUDING AN APPEAL OF DENIAL OF A REQUEST FOR REASONABLE ACCOMMODATION FOR LAND USE REQUIREMENTS; OPERATED BY RAW RECOVERY, LLC, AT 3016 AND 3018 JEFFREY DRIVE

Project Description: Conditional Use Permits (CUP) PA-16-26 and PA-16-32 are requests to operate a sober living facility housing up to 22 gender specific residents. The applicant also submitted a request for reasonable accommodation to allow this facility relief from various land use requirements. The application for accommodation was denied. 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 CEQA Guidelines Section 15301 (Class 1), Existing Facilities.

No ex-parte communications to report.

Sheri Vander Dussen, Consultant, presented the staff report.

Chair Andranian asked if the application has two separate pieces of property owned by two separate owners but is run as the same facility. Ms. Vander Dussen responded yes. Chair Andranian and Ms. Vander Dussen discussed why the CUP's are being heard together and not separate; and the approval or denial options outlined in the staff report.

PUBLIC COMMENTS

Mr. Polin, applicant's attorney, requested that the Commission incorporate his comments made in Public Hearing Item No. 1 opening statements to these items and spoke about the CUP being heard on its own merit; overcrowding ratio; and stated these applications are sober living homes and not treatment facilities.

David Alexander, Operator, spoke about how he got involved in the addiction field; suggested using a task force to address unethical sober living home providers; and spoke about untrue claims against his business.

Commissioners and Mr. Alexander discussed what the garages are used for; how many cars residents have; vacancy rate; bed count for all facilities he owns; occupancy head count; and average count per bedroom.

Chair Andranian asked Mr. Alexander if he has read the conditions of approval for PA-16-26 and PA-16-32 and agrees to them. Mr. Alexander stated he had not yet but would be in agreement to them if they were reasonable.

An unidentified speaker spoke in opposition to these items.

Matt Howell spoke in support of this facility and Mr. Alexander, the operator.

Flo Martin, Costa Mesa resident, asked that the Commission follow precedent and only allow one of these two properties to exist.

Glenn Conamoto, property owner in the neighborhood, stated concerns with the parking on the street, and that he sees some of the residents go to a nightclub down the street.

Bill Klosiski stated concerns with the facility affecting the character of the neighborhood.

Michael Bahonich, Costa Mesa resident, stated concerns with the parking and density but is supportive of one application getting approved.

An unidentified speaker spoke about her negative observation at the sites and asked that the Commission deny both.

Aaron Oliver, Costa Mesa resident and RAW Recovery employee, spoke in support of these items.

Max (did not say his last name), Costa Mesa resident, spoke about his recovery through RAW Recovery and Northbound Treatment Services and shared positive stories about things the residents of the facilities did in the community to help out.

Fisher Harwell spoke about his personal recovery at RAW Recovery and how Mr. Alexander has helped him.

An unidentified speaker spoke in opposition to these items.

An unidentified speaker spoke in opposition to these items.

Mr. Alexander provided closing comments.

The Chair closed the public hearing.

Vice Chair de Arakal and Ms. Vander Dussen discussed whether either application could be approved and then the other one would be denied.

Chair Andranian and Ms. Vander Dussen discussed the log that was attached to a correspondence that included a description of disruptive activity at the proposed locations.

**MOTION: Move that the Planning Commission adopt the Resolution upholding the director's denial of the request for reasonable accommodation and denying Conditional Use Permit PA-16-26, subject to the findings in Exhibit A.
Moved by Vice Chair de Arakal, seconded by Commissioner Harlan.**

RESOLUTION PC-18-02 – A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA UPHOLDING THE DENIAL OF A REQUEST FOR REASONABLE ACCOMMODATION TO ALLOW A SOBER LIVING FACILITY TO DEVIATE FROM VARIOUS LAND USE REQUIREMENTS OF THE ZONING CODE; AND DENYING CONDITIONAL USE PERMIT PA-16-26 TO ALLOW A SOBER LIVING FACILITY OPERATED BY RAW RECOVERY HOUSING TEN OCCUPANTS WITHIN THREE EXISTING UNITS AT 3016 JEFFREY DRIVE

The motion carried by the following roll call vote:

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

Noes: None

Absent: None

Abstained: None

**MOTION: Move that the Planning Commission adopt a Resolution approving Conditional Use Permit PA-16-32, subject to findings and conditions of approval.
Moved by Vice Chair de Arakal, seconded by Commissioner Harlan.**

Chair Andranian stated he will be not supporting the motion based on the specific testimony by neighbors and residents at tonight's meeting attesting to the problems of this particular home and an activity log provided in a correspondence.

SUBSTITUTE MOTION: Move that the Planning Commission deny the application based on the non-compliance with City Ordinances regarding limited secondary impacts; compatibility with surrounding neighborhoods; the goal to maintain normal residential surroundings; and regarding public, health, safety, and general welfare. Moved by Chair Andranian and seconded by Commissioner Kerins.

RESOLUTION PC-18-03 – A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA UPHOLDING THE DENIAL OF A REQUEST FOR REASONABLE ACCOMMODATION TO ALLOW A SOBER LIVING FACILITY TO DEVIATE FROM VARIOUS LAND USE REQUIREMENTS OF THE ZONING CODE; AND DENYING CONDITIONAL USE PERMIT PA-16-32 TO ALLOW A SOBER LIVING FACILITY OPERATED BY RAW RECOVERY HOUSING TWELVE OCCUPANTS WITHIN THREE EXISTING UNITS AT 3018 JEFFREY DRIVE

The motion carried by the following roll call vote:

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

The Chair explained the appeal process.

3. CONDITIONAL USE PERMITS PA-16-34 AND PA-16-35 TO OPERATE A STATE-LICENSED DRUG AND ALCOHOL TREATMENT FACILITY SERVING 20 RESIDENTS; INCLUDING AN APPEAL OF DENIAL OF A REQUEST FOR REASONABLE ACCOMMODATION FOR LAND USE REQUIREMENTS; OPERATED BY NORTHBOUND TREATMENT SERVICES AT 171 AND 175 ROCHESTER STREET

Project Description: Conditional Use Permits (CUP) PA-16-34 and PA-16-35 are requests to operate a state-licensed alcohol and drug treatment facility housing up to 20 gender specific residents. The applicant also submitted a request for reasonable accommodation to allow this facility to be within 596 feet of another property that contains a state-licensed treatment facility, and for relief from other land use requirements. The application for accommodation was denied. 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 CEQA Guidelines Section 15301 (Class 1), Existing Facilities.

No ex-parte communications to report.

Sheri Vander Dussen, Consultant, presented the staff report.

PUBLIC COMMENTS

Mr. Polin, applicant's attorney, requested that his previous comments and remarks for the RAW Recovery application and Northbound Treatment Services application be incorporated by reference and stated that he had no additional comments. He also stated that Northbound Treatment Services is requesting that the presentation that they made in their first application be incorporated by reference. Chair Andranian agreed to the requests.

Georgia Fox, Costa Mesa resident, spoke in opposition to these items.

An unidentified speaker spoke in opposition to these items.

An unidentified speaker stated concerns with Northbound Treatment Services not watching their residents.

Zac Spowart, Director of Compliance for Northbound Treatment Services, asked how the activity log from a correspondence can be validated.

The Chair closed the public hearing.

MOTION: Move that the Planning Commission adopt the Resolution upholding the director's denial of the request for reasonable accommodation and denying Conditional Use Permit PA-16-34.

Moved by Commissioner Navarro Woods, seconded by Vice Chair de Arakal.

RESOLUTION PC-18-04 – A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA UPHOLDING THE DENIAL OF A REQUEST FOR REASONABLE ACCOMMODATION TO ALLOW A STATE-LICENSED DRUG AND ALCOHOL FACILITY TO DEVIATE FROM VARIOUS LAND USE REQUIREMENTS OF THE ZONING CODE; AND DENYING CONDITIONAL USE PERMIT PA-16-34 TO ALLOW A STATE-LICENSED DRUG AND ALCOHOL TREATMENT FACILITY OPERATED BY NORTHBOUND TREATMENT SERVICES HOUSING 10 OCCUPANTS AT 171 ROCHESTER 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 the Resolution upholding the director's denial of the request for reasonable accommodation and denying Conditional Use Permit PA-16-35.

Moved by Commissioners Kerins, seconded by Vice Chair de Arakal.

RESOLUTION PC-18-05 – A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA UPHOLDING THE DENIAL OF A REQUEST FOR REASONABLE ACCOMMODATION TO ALLOW A STATE-LICENSED DRUG AND ALCOHOL FACILITY TO DEVIATE FROM VARIOUS LAND USE REQUIREMENTS OF THE ZONING CODE; AND DENYING CONDITIONAL USE PERMIT PA-16-35 TO ALLOW A STATE-LICENSED DRUG AND ALCOHOL TREATMENT FACILITY OPERATED BY NORTHBOUND TREATMENT SERVICES HOUSING 10 OCCUPANTS AT 175 ROCHESTER 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.

- 4. CONDITIONAL USE PERMITS PA-16-37 AND PA-16-38 TO OPERATE A STATE-LICENSED DRUG AND ALCOHOL TREATMENT FACILITY SERVING 26 RESIDENTS; INCLUDING AN APPEAL OF DENIAL OF A REQUEST FOR REASONABLE ACCOMMODATION FOR LAND USE REQUIREMENTS; OPERATED BY NORTHBOUND TREATMENT SERVICES AT 125 AND 131 E. WILSON STREET**

Project Description: Conditional Use Permits (CUP) PA-16-37 and PA-16-38 are requests to operate a state-licensed alcohol and drug treatment facility housing up to 26 gender specific residents. The applicant also submitted a request for reasonable accommodation to allow this facility to be within 366 feet of another property that contains a state-licensed treatment facility, and for relief from other land use requirements. The application for accommodation was denied. 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 CEQA Guidelines Section 15301 (Class 1), Existing Facilities.

No ex-parte communications to report.

Sheri Vander Dussen, Consultant, presented the staff report.

PUBLIC COMMENTS

Mr. Polin, applicant's attorney, requested that his previous remarks concerning the Northbound Treatment Services applications be incorporated by reference and the Northbound Treatment Services presentation and initial application that was presented be incorporated by reference. Chair Andranian agreed to the requests.

Commissioner Navarro Woods asked whether the outdoor space is used for a meeting space instead of parking. Mr. Wayt responded it is used as a smoking area so the residents do not use the backyard for smoking.

An unidentified speaker stated concerns with the overconcentration of sober living homes in the area and asked to deny these items.

Chair Andranian asked that a previous public comment made during the first public hearing item about Public Hearing Item No. 4 be incorporated in the comments for this item.

The Chair closed the public hearing.

MOTION: Move that the Planning Commission adopt the Resolution upholding the director's denial of the request for reasonable accommodation and denying Conditional Use Permit PA-16-37.

Moved by Commissioner Harlan, seconded by Commissioner Kerins.

RESOLUTION PC-18-06 – A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA UPHOLDING THE DENIAL OF A REQUEST FOR REASONABLE ACCOMMODATION TO ALLOW A STATE-LICENSED DRUG AND ALCOHOL FACILITY TO DEVIATE FROM VARIOUS LAND USE REQUIREMENTS OF THE ZONING CODE; AND DENYING CONDITIONAL USE PERMIT PA-16-37 TO ALLOW A STATE-LICENSED DRUG AND ALCOHOL TREATMENT FACILITY OPERATED BY NORTHBOUND TREATMENT SERVICES HOUSING 13 OCCUPANTS WITHIN THREE UNITS AT 125 EAST WILSON 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 to adopt the Resolution upholding the director's denial of the request for reasonable accommodation and denying Conditional Use Permit PA-16-38, subject to findings in Exhibit A.
Moved by Vice Chair de Arakal, seconded by Commissioner Harlan.**

RESOLUTION PC-18-07 – A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA UPHOLDING THE DENIAL OF A REQUEST FOR REASONABLE ACCOMMODATION TO ALLOW A STATE-LICENSED DRUG AND ALCOHOL FACILITY TO DEVIATE FROM VARIOUS LAND USE REQUIREMENTS OF THE ZONING CODE; AND DENYING CONDITIONAL USE PERMIT PA-16-38 TO ALLOW A STATE-LICENSED DRUG AND ALCOHOL TREATMENT FACILITY OPERATED BY NORTHBOUND TREATMENT SERVICES HOUSING 13 OCCUPANTS WITHIN THREE UNITS AT 131 EAST WILSON 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.

5. CONDITIONAL USE PERMITS PA-16-39 AND PA-16-40 TO OPERATE A STATE-LICENSED DRUG AND ALCOHOL TREATMENT FACILITY SERVING 24 RESIDENTS; INCLUDING AN APPEAL OF DENIAL OF A REQUEST FOR REASONABLE ACCOMMODATION FOR LAND USE REQUIREMENTS; OPERATED BY NORTHBOUND TREATMENT SERVICES AT 235 AND 241 E. 18TH STREET

Project Description: Conditional Use Permits (CUP) PA-16-39 and PA-16-40 are requests to operate a state-licensed alcohol and drug treatment facility housing up to 24 gender specific adults in six units on two parcels. The applicant also submitted a request for reasonable accommodation to allow this facility to be within 230 feet of another property that contains a state-licensed treatment facility, and for relief from other land use requirements. The application for accommodation was denied. 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 CEQA Guidelines Section 15301 (Class 1), Existing Facilities.

No ex-parte communications to report.

Sheri Vander Dussen, Consultant, presented the staff report.

Vice Chair de Arakal and Ms. Vander Dussen discussed whether the applicant had provided necessity for reasonable accommodation request for this application or any of the other ones and why staff did not feel it was justified.

PUBLIC COMMENTS

Mr. Polin, applicant's attorney, requested that his previous remarks concerning the Northbound Treatment Services applications be incorporated by reference. Chair Andranian agreed to his request.

Mr. Polin gave comments on Ms. Vander Dussen's statement about the burden on the applicant for reasonable accommodation. He also asked that his previous comments and presentation on Northbound Treatment Services be incorporated by reference. Chair Andranian stated he agreed.

An unidentified speaker stated incidents she has had with Northbound Treatment Services in her neighborhood.

An unidentified speaker stated concerns with Northbound Treatment Services not being a good neighbor and the overconcentration in the area.

An unidentified speaker spoke in opposition to these items and asked to deny them.

Mr. Wayt responded to public comments.

The Chair closed the public hearing.

MOTION: Move that the Planning Commission adopt the Resolution upholding the director's denial of the request for reasonable accommodation and denying Conditional Use Permit PA-16-39.

Moved by Commissioner Kerins, seconded by Commissioner Harlan.

RESOLUTION PC-18-08 – A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA UPHOLDING THE DENIAL OF A REQUEST FOR REASONABLE ACCOMMODATION TO ALLOW A STATE-LICENSED DRUG AND ALCOHOL FACILITY TO DEVIATE FROM VARIOUS LAND USE REQUIREMENTS OF THE ZONING CODE; AND DENYING CONDITIONAL USE PERMIT PA-16-39 TO ALLOW A STATE-LICENSED DRUG AND ALCOHOL TREATMENT FACILITY OPERATED BY NORTHBOUND TREATMENT SERVICES HOUSING 12 OCCUPANTS WITHIN THREE EXISTING UNITS AT 235 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.

MOTION: Move that the Planning Commission to adopt the Resolution upholding the director's denial of the request for reasonable accommodation and denying Conditional Use Permit PA-16-40.

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

Commissioner Kerins thanked the public that sent in emails for this item.

RESOLUTION PC-18-09 – A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA UPHOLDING THE DENIAL OF A REQUEST FOR REASONABLE ACCOMMODATION TO ALLOW A STATE-LICENSED DRUG AND ALCOHOL FACILITY TO DEVIATE FROM VARIOUS LAND USE REQUIREMENTS OF THE ZONING CODE; AND DENYING CONDITIONAL USE PERMIT PA-16-40 TO ALLOW A STATE-LICENSED DRUG AND ALCOHOL TREATMENT FACILITY OPERATED BY NORTHBOUND TREATMENT SERVICES HOUSING 12 OCCUPANTS WITHIN THREE EXISTING UNITS AT 241 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.

DEPARTMENTAL REPORT(S)

1. Public Services Report – none.
2. Development Services Report – none.

CITY ATTORNEY'S OFFICE REPORT(S)

1. City Attorney – none.

ADJOURNMENT (05:38:49) TO A PLANNING COMMISSION MEETING AT 6:00 P.M., OR SHORTLY THEREAFTER, ON MONDAY, JANUARY 22, 2018.

Submitted by:



BARRY CURTIS, SECRETARY
COSTA MESA PLANNING COMMISSION