

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

February 12, 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 (00:00:05).

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, Director of Economic and Development Services
Jennifer Le, Assistant Director of Development Services
Yolanda Summerhill, Deputy City Attorney
Tarquin Preziosi, Assistant City Attorney
Julie Colgan, Recording Secretary

ANNOUNCEMENTS AND PRESENTATIONS:

None.

PUBLIC COMMENTS:

Chair Andranian reminded everyone that will be speaking on the sober living home items to make sure their public comments are not general ones but specific towards the applications being considered.

Mary Ann Frericks, Barley Forge owner, stated concerns with the notification process for a public hearing item and asked that it be changed.

Barry Fischer, Costa Mesa resident, asked to compile a report with data of who is applying for a special use permit or conditional use permit; what was code enforcement involvement; were they approved or denied; and did it result in a state-licensed operation. She stated concerns with the sober living homes institutionalizing the neighborhoods and overconcentration of them.

Janet Krochman, Costa Mesa resident, stated concerns with the impact the sober living homes are having on the business community.

An unidentified speaker stated how important the work plan for Small Lot Ordinance (SLO) and Overlay Zone is for the residents; spoke about Conditional Use Permit PA-15-22; and the minutes not being available yet.

An unidentified speaker spoke about the Zoning Administrator's decisions on sober living homes.

An unidentified speaker spoke about the sober living home issue.

John Kearl, Costa Mesa resident, spoke about the sober living home issue.

Doug Allenthorp, Costa Mesa resident, spoke about his work with a drug rehab center in Los Angeles and a person he helped there.

Ralph Hernandez, Costa Mesa resident, stated concerns with the 268 Knox Street house having eight bedrooms and asked to look into whether they received permits.

The Chair closed the public comments.

PLANNING COMMISSIONER COMMENTS AND SUGGESTIONS:

Commissioner Kerins asked to look into the history of the sober living home special use permit or conditional use permit denials and if the outcome was that they became state-licensed facilities.

Vice Chair de Arakal commented on the public comment about the Zoning Administrator's decision on sober living home items.

Chair Andranian responded to public comments.

CONSENT CALENDAR:

None.

PUBLIC HEARINGS (00:36:33)

1. CONDITIONAL USE PERMIT PA-16-06 TO OPERATE A SOBER LIVING FACILITY SERVING 46 RESIDENTS; OPERATED BY PACIFIC SHORES RECOVERY AT 200, 202, 204 AND 206 CABRILLO STREET

Project Description: Conditional Use Permit (CUP) PA-16-06 is a request to operate a sober living facility housing up to 46 gender-specific residents. The applicant also submitted a request for a reasonable accommodation to allow this facility to be within 516 feet of another property that contains a state-licensed treatment facility. The application for accommodation was denied. The applicant did not appeal that decision to the Planning Commission. Staff is requesting that the Planning Commission continue this item to be heard at a future date. The item will be re-noticed at that time.

Yolanda Summerhill, Deputy City Attorney, stated that this item did not need a motion to continue it since it will be re-noticed.

Chair Andranian asked if this item was continued due to issues with the noticing requirement. Barry Curtis, Director of Economic and Development Services, responded that was correct and to be cautious, staff is recommending a continuance.

2. CONDITIONAL USE PERMITS PA-16-30 AND PA-16-31 TO OPERATE A SOBER LIVING FACILITY SERVING 37 GENDER-SPECIFIC ADULTS; INCLUDING AN APPEAL OF THE DENIAL OF A REQUEST FOR REASONABLE ACCOMMODATION FOR RELIEF FROM CERTAIN LAND USE REQUIREMENTS; OPERATED BY RAW RECOVERY, LLC, AT 321 AND 327 CABRILLO STREET

Project Description: Conditional Use Permits (CUP) PA-16-30 and PA-16-31 are requests to operate a sober living facility housing up to 37 gender-specific adults. The applicant also submitted a request for reasonable accommodation to allow this facility to be within 195 and 206 feet, respectively, 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.

Jennifer Le, Assistant Development Services Director, presented the staff report.

Commissioners and staff discussed whether there are two APN numbers for the application; whether the Commission could deny an application if they found it was not substantially compatible with the neighborhood; and whether having a non-conforming parcel was a sufficient basis to deny a conditional use permit.

PUBLIC COMMENTS

David Alexander, applicant, gave a background on himself and spoke about the application.

Vice Chair de Arakal and Mr. Alexander discussed why he requested that his facility be treated as a single-housekeeping unit in his request for a reasonable accommodation.

Emert Connecode, Costa Mesa resident, spoke in opposition to these items.

Darrell White, Costa Mesa resident, spoke in opposition to these items.

Speaker spoke in opposition to these items.

Young Zinger, Costa Mesa resident, asked to deny these items.

Kathleen Baerg, owns units behind the subject property, spoke in opposition to these items.

Andrew Hernandez, Costa Mesa resident, spoke in opposition to these items.

An unidentified speaker presented pictures; stated concerns with trash, the garage not being used for parking, and walls being taken down in the garage; and other sober living facilities missing from the 650-foot separation map.

Nat Richards, Costa Mesa resident, spoke on the sober living home issue.

An unidentified speaker spoke on the sober living home issue and asked what the statistics are of the sober living home graduates.

An unidentified speaker spoke about the sober living home issue.

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-16-30, subject to findings in the staff report.

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

Commissioner Kerins encouraged the public to provide comments or correspondences on items that are in their neighborhoods.

Commissioner Harlan spoke in support of the motion.

Chair Andranian spoke in support of the motion.

RESOLUTION PC-18-13 – A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA UPHOLDING THE DENIAL OF A REQUEST FOR REASONABLE ACCOMMODATION AND DENYING CONDITIONAL USE PERMIT PA-16-30 FOR A SOBER LIVING FACILITY HOUSING UP TO 18 GENDER-SPECIFIC ADULTS OPERATED BY RAW RECOVERY, LLC, AT 321 CABRILLO 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-16-31.

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

RESOLUTION PC-18-14 – A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA UPHOLDING THE DENIAL OF A REQUEST FOR REASONABLE ACCOMMODATION AND DENYING CONDITIONAL USE PERMIT PA-16-31 FOR A SOBER LIVING FACILITY HOUSING UP TO 19 GENDER-SPECIFIC ADULTS OPERATED BY RAW RECOVERY, LLC, AT 327 CABRILLO STREET

The motion carried by the following roll call vote: 5-0

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

The Chair explained the appeal process.

- 3. CONDITIONAL USE PERMIT PA-16-33 TO OPERATE A SOBER LIVING FACILITY HOUSING UP TO 10 GENDER-SPECIFIC ADULTS; INCLUDING AN APPEAL OF THE DENIAL OF A REQUEST FOR REASONABLE ACCOMMODATION FOR RELIEF FROM CERTAIN LAND USE REQUIREMENTS OF THE ZONING CODE; OPERATED BY RAW RECOVERY, LLC, AT 268 KNOX STREET**

Project Description: Conditional Use Permit (CUP) PA-16-33 is a request to operate a sober living facility housing up to 10 gender-specific adults. The applicant also submitted a request for a reasonable accommodation for relief from certain land use requirements of the Zoning Code. The application for accommodation was denied. The applicant 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.

Jennifer Le, Assistant Development Services Director, presented the staff report.

Commissioners and staff discussed what kind of facilities are shown on the 650-foot separation map; where the list of state-licensed facilities can be found; building permit history for the site; how many bedrooms have a door to the outside; Condition of Approval No. 23; Condition of Approval No. 12; Zoning Code requirement for parking; whether there is a condition of approval that does not allow residents to have cars on-site; details regarding a prior property maintenance complaint; and what findings the Commission should consider in deciding on the application.

PUBLIC COMMENTS

David Alexander, applicant, has read and agreed to the conditions of approval. He responded to the Commissioners concerns.

Commissioner Kerins and Mr. Alexander discussed whether the doors to the outside in the bedrooms have caused an issue; how many residents currently are there; and how often do they have 10 residents.

Ralph Hernandez, Costa Mesa residents, spoke in opposition to this item.

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

Barry Fischer, Costa Mesa resident, stated there are two state license homes located at 236 and 240 Knox Street and are within 650 feet of the application.

An unidentified speaker asked to deny this item.

Michael Brennon, resident at 268 Knox Street, responded to concerns about this item.

Kathleen Baerg spoke about the additions made to the house while her parents owned it.

Tim Sandor, resident at 268 Knox Street, spoke in support of this item.

Doug Allenthorp, owner of 268 Knox Street, spoke about the building permits that were issued for the house.

An unidentified speaker spoke about the sober living home issue.

James R. Westling, Costa Mesa resident, spoke in opposition to this item.

Martha Hernandez, Costa Mesa resident, stated concerns with this item.

An unidentified speaker showed pictures on the overhead and spoke in opposition to this item.

An unidentified speaker asked that all the data/information be included in the staff report before a decision is made on this item.

Mr. Alexander responded to public comments and provided closing comments.

Commissioners and Mr. Alexander discussed whether parking was occurring in the garage and what the garage is used for.

The Chair closed the public hearing.

Vice Chair de Arakal asked if staff was positive that the 650-foot separation map is accurate.

Mr. Curtis responded that he checked online the state listings and 236 and 248 Knox Street are listed. To be certain, he suggested the Commission continue the item to allow staff to confirm their status before the Commission made a decision.

MOTION: Move that the Planning Commission continue this item to next Planning Commission meeting.

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

Commissioners, staff and Ms. Summerhill discussed that if the motion included a specific date then the item did not have to be re-noticed.

REVISED MOTION: Move that the Planning Commission continue this item to the meeting of February 26th.

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

The Chair called for a break at 8:54 p.m.

The Chair reconvened at 9:02 p.m.

4. CONDITIONAL USE PERMIT PA-16-36 TO OPERATE A SOBER LIVING FACILITY HOUSING UP TO EIGHT GENDER-SPECIFIC ADULTS; INCLUDING AN APPEAL OF THE DENIAL OF A REQUEST FOR REASONABLE ACCOMMODATION FOR RELIEF FROM CERTAIN LAND USE REQUIREMENTS OF THE ZONING CODE; OPERATED BY RAW RECOVERY, LLC, AT 329 ROCHESTER STREET

Project Description: Conditional Use Permit (CUP) PA-16-36 is a request to operate a sober living facility housing up to eight gender-specific adults. The applicant also submitted a request for reasonable accommodation to allow this facility to be within 120 feet of another property that contains a state-licensed treatment facility, and to provide relief from certain land use requirements of the Zoning Code. 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.

Jennifer Le, Assistant Development Services Director, presented the staff report.

Chair Andranian and staff discussed the Zoning Code's parking requirement for this application and the facilities on the 650-foot separation map.

PUBLIC COMMENTS

David Alexander, applicant, stated he is available for questions about the property.

Commissioners and Mr. Alexander discussed house rules; what the consequences are if the residents break the rules; and the resident's expulsion process.

Young Zinger, Costa Mesa resident, spoke about the illegal use of the private alley for access to this property and spoke in opposition to this item.

An unidentified speaker stated concerns with the 650-foot separation map missing facilities.

An unidentified speaker stated concerns with the impact to the neighborhood and asked to get all the information before making a decision.

The Chair closed the public hearing.

Commissioner Navarro Woods and Tarquin Preziosi, Assistant City Attorney, discussed the status of the private alley.

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-16-36.

Moved by Commissioner Kerins, seconded by Commissioner Navarro Woods.

Commissioner Kerins provided comments to the motion.

Chair Andranian spoke to supporting the motion.

RESOLUTION PC-18-15 – A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA UPHOLDING THE DENIAL OF A REQUEST FOR REASONABLE ACCOMMODATION AND DENYING CONDITIONAL USE PERMIT PA-16-36 FOR A SOBER LIVING FACILITY HOUSING UP TO EIGHT GENDER-SPECIFIC ADULTS OPERATED BY RAW RECOVERY, LLC, AT 329 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.

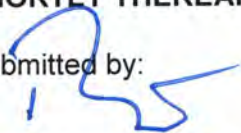
DEPARTMENTAL REPORT(S)

1. Public Services Report – none.
2. Development Services Report – Mr. Curtis reported that the Planning Commission will hold a special meeting on Monday, March 5th; the City will be sending a letter in opposition to Senate Bill 827; gave an update on the City Council's direction to staff regarding the Small Lot Ordinance and Overlay Zone work plan; and noted that the City Council upheld the decision made by the Planning Commission on the Alleylujah event center.

CITY ATTORNEY'S OFFICE REPORT(S)

1. City Attorney – none.

ADJOURNMENT (03:35:30) TO A PLANNING COMMISSION MEETING AT 6:00 P.M., OR SHORTLY THEREAFTER, ON MONDAY, FEBRUARY 26, 2018.

Submitted by: 

BARRY CURTIS, SECRETARY
COSTA MESA PLANNING COMMISSION