

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

February 11, 2019

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.

Vice Chair de Arakal called the meeting to order at 6:00 p.m.

Kedarious Colbert led the Pledge of Allegiance.

SWEARING IN OF NEWLY-APPOINTED PLANNING COMMISSIONERS BY CITY CLERK.

The City Clerk administered the oath of office to Council-appointed Planning Commissioners Kedarious Colbert, Carla Navarro Woods, and Jon Zich.

ROLL CALL

Present: Vice Chair Byron de Arakal
Commissioner Jeffrey Harlan
Commissioner Carla Navarro Woods
Commissioner Jon Zich
Commissioner Kedarious Colbert

Staff: Barry Curtis, Director of Economic and Development Services
Jennifer Le, Assistant Director of Development Services
Tarquin Preziosi, Assistant City Attorney
Bart Mejia, City Engineer
Captain Bryan Glass, Police Department
Willa Bouwens-Killeen, Zoning Administrator
Dan Inloes, Economic Development Administrator
Julie Colgan, Recording Secretary

ELECTION OF OFFICERS:

- 1. Selection of Chairperson: Director of Economic and Development Services, or his designee, declares nominations open for Chairperson and calls for Commission vote.**

Barry Curtis, Director of Economic and Development Services, declared the position of Chairperson of the Planning Commission open and asked if there were any nominations.

MOTION: Commissioner Harlan nominated Vice Chair de Arakal as Chair.

Moved by Commissioner Harlan, seconded by Commissioner Zich.

The motion carried by the following roll call vote:

Ayes: de Arakal, Harlan, Navarro Woods, Zich, Colbert
Noes: None

Absent: None
Abstain: None

2. Selection of Vice Chairperson: Newly elected Planning Commission Chair declares nominations open for Vice Chairperson and calls for Commission vote.

Chair de Arakal asked for nominations for Vice Chairperson of the Planning Commission.

MOTION: Commissioner Navarro Woods nominated Commissioner Harlan for Vice Chair.

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

The motion carried by the following roll call vote:

Ayes: de Arakal, Harlan, Navarro Woods, Zich, Colbert
Noes: None
Absent: None
Abstain: None

Chair de Arakal asked that New Business Item No. 1 be moved to follow Announcements and Presentations. The Commission agreed to move it.

Chair de Arakal announced that Yolanda Summerhill was not able to attend tonight and the presentation of her Resolution will be deferred to the February 25 meeting.

ANNOUNCEMENTS AND PRESENTATIONS:

None.

NEW BUSINESS:

1. RESOLUTIONS FOR STEPHAN ANDRANIAN AND YOLANDA SUMMERHILL

Chair de Arakal presented former Planning Commission Chair Stephan Andranian a Resolution thanking him for his service on the Planning Commission.

RESOLUTION PC-19-03 - A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA, CALIFORNIA COMMENDING STEPHAN ANDRANIAN FOR SERVICE ON THE PLANNING COMMISSION

PUBLIC COMMENTS:

Mary Spadoni, Costa Mesa resident, stated that attendance should have been taken into consideration when choosing vice chairman; spoke on a public records request she did on how many sober living homes could be accommodated City-wide given the 650-foot separation requirement and was concerned that the numbers were not available.

Chair de Arakal asked that Ms. Spadoni's concern about the sober living homes be looked into. Mr. Curtis stated that staff will look into it.

Ann Parker, Costa Mesa resident, stated that she appreciated how former Planning Commission Chair Stephan Andranian returned her calls within 24 hours; complimented Commissioners Navarro Woods and Zich for listening to the residents' concerns regarding an accessory unit at 1989 Orange Avenue and indicated there appears to be a sober living home at this location; and spoke on owners of sober living homes intimidating residents that are involved in court cases.

The Chair closed public comments.

PLANNING COMMISSIONER COMMENTS AND SUGGESTIONS:

Commissioner Navarro Woods stated that she is honored to serve on the Planning Commission for another two years and is open to phone calls and emails from the public.

Vice Chair Harlan welcomed back Commissioners Zich and Navarro Woods to the Planning Commission and welcomed newly-appointed Commissioner Colbert to the Planning Commission, noting he looks forward to serving with him.

Chair de Arakal welcomed the returning Commissioners and new Commissioner Colbert; stated that he will give Ann Parker his cell number and return her calls; thanked the Commissioners for his nomination as Chair; spoke about a ride-along he did with Code Enforcement and commended Senior Code Enforcement Officer Mike Brumbaugh and Mariel Ullman with the hard work that they do with the homeless population in the City.

CONSENT CALENDAR:

1. MINUTES FOR THE MEETING OF JANUARY 28, 2019

MOTION: Move the item.

Moved by Commissioner Zich, seconded by Vice Chair Harlan.

The motion carried by the following roll call vote:

Ayes: de Arakal, Harlan, Navarro Woods, Zich, Colbert

Noes: None

Absent: None

Abstain: None

PUBLIC HEARINGS (00:18:31)

1. CONDITIONAL USE PERMIT PA-17-10 TO OPERATE A SOBER LIVING FACILITY HOUSING UP TO 45 ADULTS IN FIVE UNITS; 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 THE OHIO HOUSE AT 115 EAST WILSON STREET

Project Description: Planning Application 17-10 is a request for a Conditional Use Permit (CUP) to operate a sober living facility housing up to 45 residents in five units, with up to seven male adults and a maximum of two resident managers in each unit. The applicant also submitted a request for reasonable accommodation to allow this facility to be within 650 feet of another property that contains a state-licensed treatment facility and/or sober living home, 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.

Jay Bullard, court reporter for the Applicant was present.

Willa Bouwens-Killeen, Zoning Administrator, presented the staff report.

Commissioners, Ms. Bouwens-Killeen, and Jennifer Le, Assistant Director of Development Services, discussed whether the five units are separately owned; whether the conditional use permit runs with the land even if the property is sold; whether the reasonable accommodation and the conditional use permit are processed separately from each other; what the calls for service record was for 165 East Wilson Street; that the subject property has a separation conflict with 165 East Wilson Street; that the application is still missing information to process the operator's permit; whether the individual lots have their own APN numbers and what makes the entire property a common interest development; that, from a sequencing preference, a conditional use permit should first be obtained and then the operators permit; whether most jurisdictions define over-crowding in their Housing Elements; and to what extent staff has communicated with the applicant to confirm whether care and supervision is being provided in compliance with Code requirements.

PUBLIC COMMENTS

The applicants introduced themselves as: Garrett Prybylo, counsel for Ohio House, Ryan Stump, Chief Operations Officer of Ohio House, and Brandon Stump, one of the property owners.

Mr. Prybylo clarified that Ohio House has been operating since 2012; that a maximum of 25 percent of the residents are allowed to have cars; the typical occupancy rate is six individuals per home; and that they are relatively compatible with the average home on the block.

Commissioner Zich and Ms. Le discussed whether the applicant's conditional use permit could be based on an occupancy limit of 30 adults, reflecting the applicant's stated typical occupancy rate.

Commissioner Zich and Mr. Prybylo discussed whether the applicant has "over applied" if their average occupancy is 30 adults. Mr. Prybylo stated that they would consider, reducing the occupancy rate to gain approval of their conditional use permit.

Commissioner Zich and Ms. Le discussed how the 650-foot separation rule was established.

Commissioners, Mr. Prybylo, Ryan Stump, and Brandon Stump discussed to what extent the applicant was involved, objected, or provided input to the process that established the group home ordinance and whether they were aware that the City was putting an ordinance in place in 2015 that would affect their operation; what the average occupancy of each unit is; whether

each unit has its own house manager; what the house rules are for congregating in the front yard; whether there are people congregating in the alley; the service work they do for the Costa Mesa community; the application process for an individual at the Ohio House; how the residents of Ohio House reintegrate back into the community; the success rate; whether the applicant was aware of the sober living home property at 165 East Wilson Street; when they first operated at this location; whether the applicant operates other houses in the City and if their other houses are at maximum occupancy; whether the residents at Ohio House could go to another one of their facilities with vacancies if the application was denied; whether the residents of Ohio House interview a potential resident and collectively decide if they should live there; and the waiver the applicant requested from the Costa Mesa Municipal Code requirements.

Flo Martin, Costa Mesa resident, stated concerns with having a nine-person occupancy per house.

Barbara Ward, landlord in Costa Mesa, stated that sober living homes belong in a commercial area and that sober living homes are businesses.

Ann Parker, Costa Mesa resident, stated opposition for sober living homes having out-of-state clients; spoke about the other sober living homes the applicant operates; stated concerns with the Ohio House residents not following the house rules; noted the sober living house is located near a corner in Costa Mesa that is known to have a lot of drug activity; and stated that the operator is not a good operator.

Igal Israel spoke about the history of the lot; stated concerns with the inadequate parking in the area and the number of Ohio House residents loitering in the alley; and asked who pays for the extra-curricular activities that are offered to the Ohio House residents.

Ryan Stump and Brandon Stump 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-17-10, subject to the findings for denial in Exhibit A.

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

Commissioner Zich, Commissioner Colbert, Commissioner Navarro Woods, and Vice Chair Harlan spoke in support of the motion.

RESOLUTION PC-19-05 - A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA, CALIFORNIA UPHOLDING THE DIRECTOR'S DENIAL OF A REASONABLE ACCOMMODATION REQUEST TO DEVIATE FROM VARIOUS REQUIREMENTS OF THE ZONING CODE; AND TO DENY CONDITIONAL USE PERMIT PA-17-10 TO ALLOW A SOBER LIVING FACILITY OPERATED BY OHIO HOUSE HOUSING UP TO 45 OCCUPANTS AT 115 EAST WILSON STREET, UNITS A THROUGH E

The motion carried by the following roll call vote:

Ayes: de Arakal, Harlan, Navarro Woods, Zich, Colbert

Noes: None
Absent: None
Abstain: None

The Chair explained the appeal process.

2. PLANNING APPLICATION 18-23 FOR VARIANCES FROM INTERIOR LANDSCAPING AND SETBACK REQUIREMENTS WITH A MINOR CONDITIONAL USE PERMIT FOR COMPACT PARKING TO ACCOMMODATE THE EXPANSION OF A PRIVATE PARKING LOT INTO PUBLIC RIGHT-OF-WAY WITH AN ENCROACHMENT PERMIT AT 234 EAST 17TH STREET

Project Description: Planning Application 18-23 is a request for variances and a minor conditional use permit to allow for the expansion of a private commercial center parking lot into public right-of-way. The expansion of the parking lot would allow the provision of an additional 16 parking stalls onsite. An encroachment permit would also be required and is being processed concurrently. No building expansions are proposed. This item was continued from the January 14, 2019 Planning Commission meeting

Environmental Determination: The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15304 (Class 4), Minor Alterations to Land.

No ex-parte communications to report.

Willa Bouwens-Killeen, Zoning Administrator, presented the staff report.

Commissioners and Ms. Bouwens-Killeen discussed why the curb adjacent to the parking lot is painted red; whether the original conditions of approval, specifically Condition of Approval No. 6, are still enforceable; that the existing ficus trees are on private property; and the process for removing trees on the private property and within the parkway.

PUBLIC COMMENTS

Bryon Ward, applicant, explained the alternative plan for the application and that the extra parking spaces proposed is not because there is a parking problem on-site.

Commissioners and Mr. Ward discussed the reason behind the valet operation at Greenleaf. Mr. Ward explained that he wants to keep his patrons off the street and have the street parking available for the residents. They discussed why the landscape areas in the parking lot were not explored instead of encroaching onto City property; and what the species and size would be of the proposed trees.

Sarah Leland, 240 Cabrillo Street resident, spoke in opposition to this item.

Andrew Leland, 240 Cabrillo Street resident, spoke in opposition to this item.

Travon Metodiev, 222 Cabrillo Street resident, spoke in opposition to eliminating the landscape buffer between the proposed property and the adjacent residential property.

Ann Parker, Costa Mesa resident, spoke in opposition to removing the wall and the ficus trees; and stated concerns with the originally-approved project for Greenleaf being under-parked.

A 30-year resident of Cabrillo Street spoke in opposition to this item and spoke in support of the removal of the wall.

Mr. Ward responded to public comments.

Commissioners and Mr. Ward discussed whether there has been an issue with transients near the wall and within the landscape area and what the applicant's preference would be with the additional setback to occur either on the street side or towards the parking lot to have a better design to enhance walkability.

Commissioner Zich, Ms. Bouwens-Killeen, and Bart Mejia, City Engineer, discussed who is responsible for the maintenance of the existing parkway space between the sidewalk and curb; and whether there is a requirement for landscaping in that area.

Mr. Mejia responded to a previous question asked about the curb adjacent to the parking lot painted red.

Commissioner Navarro Woods and Mr. Ward discussed how the alternative plan provides the aesthetic buffer, noise buffer, and light buffer, provides for an overall improvement in the walkability of the neighborhood, and whether he has spoken to the adjacent neighbors about the overflow parking issue.

The Chair closed the public hearing.

MOTION: Move that the Planning Commission deny Planning Application 18-23 based on the findings described in Exhibit A.

Moved by Commissioner Zich, seconded by Commissioner Colbert.

Commissioner Zich explained why he is not in support of the request.

SUBSTITUTE MOTION: Move that the Planning Commission find that the project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) Section 15304 Minor Alterations to Land; and approve Planning Application 18-23, subject to conditions of approval.

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

Chair de Arakal explained why he supports the project.

Commissioner Zich spoke in opposition to the motion.

Vice Chair Harlan spoke in support of the motion.

The motion failed by the following roll call vote:

Ayes: de Arakal, Harlan

Noes: Navarro Woods, Zich, Colbert

Absent: None
Abstain: None

Chair de Arakal called for the question on the original motion to deny the application.

Moved by Commissioner Zich, seconded by Commissioner Colbert.

RESOLUTION PC-19-06 - A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA, CALIFORNIA DENYING PLANNING APPLICATION 18-23 FOR A VARIANCE FROM LANDSCAPE STREET SETBACK REQUIREMENTS, A VARIANCE FROM INTERIOR LANDSCAPE REQUIREMENTS, AND A MINOR CONDITIONAL USE PERMIT FOR COMPACT PARKING FOR PROPERTY AT 234 EAST 17TH STREET

The motion carried by the following roll call vote:

Ayes: Navarro Woods, Zich, Colbert
Noes: de Arakal, Harlan,
Absent: None
Abstain: None

The Chair explained the appeal process.

Commission took a break at 8:42 p.m.

Commission reconvened at 8:47 p.m.

3. PLANNING APPLICATION 18-29 AND ZA-18-41 FOR A CONDITIONAL USE PERMIT FOR A 3,000-SQUARE-FOOT EVENT SPACE AND MINOR CONDITIONAL USE PERMITS FOR AN OUTDOOR ACTIVITY SPACE, A COFFEE SHOP, AND A DEVIATION FROM PARKING STANDARDS BASED ON UNIQUE OPERATING CHARACTERISTICS FOR A MULTI-TENANT OFFICE COMPLEX AT 150 PAULARINO AVENUE

Project Description: Planning Application 18-29 and ZA-18-41 is a request for the following within an existing multi-tenant office complex:

1. Conditional Use Permit to allow for a 3,000-square-foot event space; and
2. Minor Conditional Use Permit to allow for a coffee shop; and
3. Minor Conditional Use Permit for an outdoor activity space within the courtyard area of the office complex; and
4. Minor Conditional Use Permit to deviate from parking requirements for the site (required 298 spaces, proposed 237 spaces), based on unique operating characteristics.

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.

Dan Inloes, Economic Development Administrator, presented the staff report. As part of this report, Mr. Inloes informed the Commission that a parking study completed for this use supported an updated parking ratio for event centers at 12.33 spaces per 1,000 square feet of gross floor area. Staff will be using this ratio moving forward for event centers.

Commissioners and Mr. Inloes discussed the condition of approval not allowing food trucks; the mitigation actions list which are potential solutions that can be used to resolve future parking issues (if any); that food trucks are allowed on other example sites identified in the staff report because those applicants were not requesting a deviation from parking; that the parking study determined that activated outdoor space does not generate additional parking demand when collocated near office uses but may when located next to a coffee shop; and that the parking study showed that peak demand for parking on case study sites never exceeded capacity.

Chair de Arakal stated concerns with the flexible language used in the mitigation action list from the draft parking management plan and indicated a preference for more directive language to be included in the final plan.

PUBLIC COMMENTS

Park Miller, applicant, discussed the proposed project.

Commissioner Zich and Mr. Miller discussed that there is no dedicated parking associated with the coffee shop but there is a parking space nearby which will be dedicated for rideshare; there will be advertisement to the public facing the street for the coffee shop; and that the parking management plan obligates the applicant to take care of any future parking problems.

Chair de Arakal asked Mr. Miller if he has read the conditions of approval and agrees to them. Mr. Miller responded yes.

Chair de Arakal and Mr. Miller discussed whether he would be in agreement if the Commission added a condition requiring the implementation of a shared parking agreement or a valet parking plan now, instead of having to come back for a discretionary approval at a later date. Mr. Miller stated concerns with the expense valet parking would place on the tenants and that this is not something he is in favor of, especially if the parking demand onsite shows it is not necessary. He further stated he supports the parking management plan as proposed.

Ann Parker, Costa Mesa resident, stated concerns with the project being under parked.

Igal Israel stated concerns with the project being under parked.

Mr. Miller stated he had no further comments.

Commissioner Navarro Woods stated concerns with the project being under parked and supports integrating the mitigation actions list for parking directly into the conditions of approval.

Commissioner Zich stated that the parking is under parked by 35 spaces not 61 based on the IBI parking study and also has concerns with the weak language in the parking management plan.

Vice Chair Harlan spoke in support of the design of the project and is less concerned with the parking because Condition of Approval No. 11 addresses it.

Chair de Arakal stated that he agrees with Vice Chair Harlan that the conditions of approval provide an ability to mandate a parking solution; spoke in support of the design of the project; and stated opposition to the installation of mechanical parking lifts as a solution in the parking management plan.

MOTION: Move that the Planning Commission approve Planning Application 18-29 and ZA-18-41, subject to conditions of approval and findings; and find that the project is categorically exempt from the provisions of the California Environmental Quality Act, pursuant to CEQA Guidelines Section 15301 (Class 1), Existing Facilities.

Moved by Chair de Arakal, seconded by Commissioner Zich.

Commissioner Navarro Woods spoke in support of the project; stated that the City's parking standards need to be updated; and would like the Planning Commission to be a part of that conversation.

Commissioner Colbert spoke in support of the motion.

Chair de Arakal stated that he is supportive of the project because it does have a parking management plan to address parking issues if they arise and responded to Commissioner Navarro Woods' statements about the City's parking standards.

RESOLUTION PC-19-07 - A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA, CALIFORNIA APPROVING PLANNING APPLICATION 18-29 AND ZA-18-41 FOR A CONDITIONAL USE PERMIT FOR A 3,000-SQUARE-FOOT EVENT SPACE AND MINOR CONDITIONAL USE PERMITS FOR AN OUTDOOR ACTIVITY SPACE, A COFFEE SHOP, AND A DEVIATION FROM PARKING STANDARDS BASED ON UNIQUE OPERATING CHARACTERISTICS FOR A MULTI-TENANT OFFICE COMPLEX AT 150 PAULARINO AVENUE

The motion carried by the following roll call vote:

Ayes: de Arakal, Harlan, Navarro Woods, Zich, Colbert

Noes: None

Absent: None

Abstain: None

The Chair explained the appeal process.

DEPARTMENTAL REPORT(S)

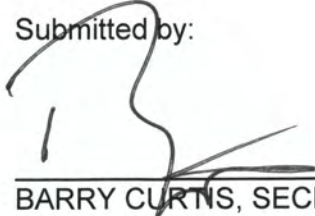
1. Public Services Report – none.
2. Development Services Report – none.

CITY ATTORNEY'S OFFICE REPORT(S)

1. City Attorney – none.

ADJOURNMENT AT 9:41 PM

Submitted by:



BARRY CURTIS, SECRETARY
COSTA MESA PLANNING COMMISSION