

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

December 5, 2016

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 Mathews led the Pledge of Allegiance.

ROLL CALL

Present: Chair Robert Dickson
Vice-Chair Jeff Mathews
Commissioner Colin McCarthy
Commissioner Tim Sesler
Commissioner Stephan Andranian

Staff: Jay Trevino, Development Services Department Consultant
Sheri Vander Dussen, Interim Assistant Development Services Director/Community Improvement Division
Yolanda Summerhill, Deputy City Attorney
Tarquin Preziosi, Deputy City Attorney
Julie Colgan, Recording Secretary

Chair Dickson announced that the attorney for all Public Hearing items requested a continuance and the Commissioners will vote on each item separately.

PUBLIC COMMENTS

A Costa Mesa resident spoke against continuing the Public Hearing items.

A Costa Mesa resident spoke about items collected for Standing Rock and presented a slide show about dog biscuits that were available to purchase to help out Standing Rock.

Katie Arthur, Costa Mesa resident, spoke about sober living homes and enforcing the City's Group Home Ordinances.

Susan Wernicke stated she owns a property that backs up to Public Hearing Item No. 4 (Northbound Treatment Services) and asked that their request for a conditional use permit be denied. Chair Dickson asked that she save her comment for when that item is heard on the agenda.

Doran Mongul, Costa Mesa resident, stated concerns with sober living homes affecting the sanctity and safety of neighborhoods; and asked who is representing the residents.

A Costa Mesa resident stated sober living homes are a business; they do not belong in residential zone; they are devaluating the property value of homes; and asked the Planning Commissioners to listen to the residents' concerns.

A speaker asked for clarification on the timing of the continuation request for the public hearing items.

Flo Martin, Costa Mesa resident, spoke about the negative impacts sober living homes are having in the City and asked the Planning Commission to uphold the denials of the conditional use permits.

Ron Moss, Costa Mesa resident, asked if the group home located at 362 East 20th Street fits the definition of a group home because then it would be within 650 feet of the 2041 Tustin Avenue facility.

Dan Miller, Irvine resident, spoke against sober living homes in residential areas and suggested a solution for them.

A speaker stated that in Attachment 14 (Public Hearing Item No.4), the attorney states he will not be able to attend today's meeting.

Richard Russell, Costa Mesa resident, asked that the Planning Commission take a strong consideration about the continuance requests because they will keep asking for a continuance and the applications should be heard.

A Costa Mesa resident spoke about his experience working at a detox treatment facility; the crime he experienced off Hamilton Street and Harbor Boulevard; and stated residential treatment facilities should not be in a residential zone.

The Chair closed the public comments.

PLANNING COMMISSIONER COMMENTS AND SUGGESTIONS

Commissioner Sesler spoke about the passing of Jeff Arthur from the Pension Oversight Committed and responded to public comments.

Commissioner McCarthy spoke about the passing of Jeff Arthur and asked staff to provide information on how many high density projects the Planning Commission approved within the last four years.

Vice Chair Mathews stated his desire to see code enforcement empowered to serve 24-hour notice to inspect every sober living home in the City on a continuous basis and questioned how sober living homes were allowed in residential zones in the first place.

Chair Dickson spoke about the passing of Jeff Arthur and asked staff to address the applicability of Group Home Ordinance 15-11 to residential care facilities.

Sheri Vander Dussen, Interim Assistant Development Services Director/Community Improvement Division, responded that the City's Ordinance says that sober living homes and alcohol and drug treatment facilities shall be separated by 650 feet from another such facility. The code specifically exempts residential care facilities from that classification. The property that was mentioned earlier tonight is a residential care facility. It provides elder care. Similarly, a home that provides care for disabled people or people with mentally disabilities would not be included in the City's 650-foot radius for sober living and alcohol and drug treatment facilities.

Commissioner Andranian asked for clarification. Per the City's Group Home Ordinances, sober living homes are not required to be 650 feet from residential care facilities like the home on 20th Street that was mentioned in public comments. Ms. Vander Dussen responded that was correct.

Chair Dickson asked if staff wanted to respond to the public comment about having sober living homes in commercial areas. Tarquin Preziosi, Deputy City Attorney, responded that would be subject to a future Planning Commission meeting.

CONSENT CALENDAR: None

PUBLIC HEARINGS

1. **Application No.:** PA-16-04

Applicant: Keith Randle

Site Address: 2041 Tustin Avenue

Zone: R2-MD

Project Planner: Sheri Vander Dussen

Environmental Determination: The project is categorically exempt under Section 15301 of the State CEQA (California Environmental Quality Act) Guidelines – Class 1 (Existing Facilities).

Description: Conditional Use Permit, pursuant to Costa Mesa Municipal Code Section 13-323, to allow an all-male Sober Living Facility operated by Summit Coastal Living. The facility will serve thirteen occupants, including a resident house manager, within three existing units. This hearing was continued from the Planning Commission meeting of November 14, 2016.

No ex-parte communications to report.

Sheri Vander Dussen, Interim Assistant Development Services Director/Community Improvement Division, explained that the applicant has requested to continue his application since his attorney was not able to be present.

Yolanda Summerhill, Deputy City Attorney, advised the Planning Commission to continue the item to insure that the procedural due process rights of the applicant are protected.

Vice Chair Mathews asked if the attorney has to be present to protect the due process rights of the applicant and if so, why. Ms. Summerhill responded that the Planning Commission would want to make sure the applicant is fairly represented and not having their attorney here could compromise their rights.

Commissioner Sesler asked Ms. Summerhill to explain what a procedural due process is and what it means to not provide the applicant that right. Ms. Summerhill explained that due process is essentially fairness and we want the applicant to have a fair hearing and knowing that their attorney is not going to be here potentially compromises that ability.

Staff and Commissioners discussed continuing the item.

MOTION: Hereby move that the Planning Commission continue Public Hearing Item No. 1, Conditional Use Permit PA-16-04, for an all-male Sober Living Facility operated by Summit Coastal Living within three existing units serving thirteen occupants including one resident house manager at 2041 Tustin Avenue to a meeting to be noticed at a later date.

Moved by Commissioner McCarthy, seconded by Chair Dickson.

The motion carried by the following roll call vote:
Ayes: Dickson, Mathews, McCarthy, Sesler, Andranian
Noes: None
Absent: None
Abstained: None

2. **Application No.:** PA-16-15

Applicant: Casa Capri, LLC

Site Address: 166 East 18th Street

Zone: R2-HD

Project Planner: Sheri Vander Dussen

Environmental Determination: The project has been found to be categorically exempt under Section 15301 of the CEQA Guidelines. Notwithstanding the foregoing, if this action were found to be a project, it would be exempt from CEQA under Section 15321 for Enforcement Actions by Regulatory Agencies.

Description: Conditional Use Permit to allow a Sober Living Facility serving 14 occupants within three units. The application includes an appeal of the decision of the Economic and Development Services Director to deny a request for Reasonable Accommodation to allow this facility to be located within 650 feet of another property that contains a group home, sober living home or state licensed drug and alcohol treatment facility. This hearing was continued from the Planning Commission meeting of November 14, 2016.

No ex-parte communications to report.

Sheri Vander Dussen, Interim Assistant Development Services Director/Community Improvement Division, explained that the applicant has requested to continue his application since his attorney was not able to be present.

The Chair called for a quick break during Ms. Vander Dussen's presentation while residents left chambers.

The Chair called for the meeting to reconvene.

The Commissioners discussed whether to continue the item.

MOTION: Move that the Planning Commission hereby continue Public Hearing Item No. 2, Conditional Use Permit PA-16-15, to operate a sober living home serving 14 women at 166 East 18th Street including an appeal of the denial of reasonable accommodation for land use requirement for a future meeting to be noticed at a later date.

Moved by Commissioner McCarthy, seconded by Chair Dickson.

Commissioner Andranian and Vice Chair Mathews stated they will not support any more continuances of the item.

The motion carried by the following roll call vote:

Ayes: Dickson, Mathews, McCarthy, Sesler, Andranian

Noes: None

Absent: None

Abstained: None

3. **Application No.:** PA-16-34 and PA-16-35
Applicant: Northbound Treatment Services
Site Address: 171 and 175 Rochester Street
Zone: R2-HD

Project Planner: Sheri Vander Dussen

Environmental Determination: The project has been found to be categorically exempt under Section 15301 of the CEQA Guidelines. Notwithstanding the foregoing, if this action were found to be a project, it would be exempt from CEQA under Section 15321 for Enforcement Actions by Regulatory Agencies.

Description: Conditional Use Permits to allow a state licensed drug and alcohol addiction treatment facility on contiguous sites serving 20 residents in four units; and an appeal of the decision of the Economic and Development Services Director to deny a request for Reasonable Accommodation to allow this sober living facility to be located within 650 feet of

another property that contains a group home, sober living home or state licensed drug and alcohol treatment facility.

No ex-parte communications to report.

Sheri Vander Dussen, Interim Assistant Development Services Director/Community Improvement Division, explained that the applicant has requested to continue his application since his attorney was not able to be present.

**MOTION: Move that the Planning Commission continue Conditional Use Permit PA-16-34 and PA-16-35 to operate a state licensed drug and alcohol addiction treatment facility serving 20 residents in four units including an appeal of denial of reasonable accommodation for land use requirements operated by Northbound Treatment Services at 171 and 175 Rochester Street to a date uncertain.
Moved by Chair Dickson, seconded by Commissioner McCarthy.**

The motion carried by the following roll call vote:

Ayes: Dickson, Mathews, McCarthy, Sesler, Andranian
Noes: None
Absent: None
Abstained: None

4. **Application No.:** PA-16-39 and PA-16-40
Applicant: Northbound Treatment Services
Site Address: 235 and 241 East 18th Street
Zone: R2-HD

Project Planner: Sheri Vander Dussen

Environmental Determination: The project has been found to be categorically exempt under Section 15301 of the CEQA Guidelines. Notwithstanding the foregoing, if this action were found to be a project, it would be exempt from CEQA under Section 15321 for Enforcement Actions by Regulatory Agencies.

Description: Conditional Use Permits to allow a state licensed alcohol and drug addiction treatment facility on contiguous properties serving 24 residents within six units; and an appeal of the decision of the Economic and Development Services Director to deny a request for Reasonable Accommodation to allow this sober living facility to be located within 650 feet of another property that contains a group home, sober living home or state licensed drug and alcohol treatment facility.

No ex-parte communications to report.

Sheri Vander Dussen, Interim Assistant Development Services Director/Community Improvement Division, explained that the applicant has requested to continue his application since his attorney was not able to be present.

**MOTION: Hereby move that the Planning Commission continue Public Hearing Item No. 4, Conditional Use Permit PA-16-39 and PA-16-40, to operate a state licensed alcohol and drug addiction treatment facility serving 24 residents including an appeal of denial of reasonable accommodation for land use requirements operated by Northbound Treatment Services at 235 and 241 East 18th Street to a future Planning Commission meeting to be noticed at a later date.
Moved by Commissioner McCarthy, seconded by Chair Dickson.**

The motion carried by the following roll call vote:

Ayes: Dickson, Mathews, McCarthy, Sesler, Andranian
Noes: None

Absent: None
Abstained: None

DEPARTMENTAL REPORT(S)

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

CITY ATTORNEY'S OFFICE REPORT(S)

1. City Attorney – none.

ADJOURNMENT: CHAIR DICKSON ADJOURNED THE MEETING IN HONOR AND MEMORY OF JEFF ARTHUR TO A PLANNING COMMISSION MEETING AT 6:00 P.M., OR SHORTLY THEREAFTER, ON MONDAY, DECEMBER 12, 2016.

Submitted by:



JAY TREVINO, ACTING SECRETARY
COSTA MESA PLANNING COMMISSION