REGULAR MEETING OF THE CITY OF COSTA MESA PLANNING COMMISSION

November 14, 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.

Yolanda Summerhill led the Pledge of Allegiance.

ROLL CALL

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

Absent: Commissioner Colin McCarthy

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

Chair Dickson announced that Public Hearing Item Nos. 1, 2, 3 and 12 have been recommended to be continued and will be voted on individually.

PUBLIC HEARINGS

1. **Application No.:** PA-16-54 and PM-2016-167
Applicant: Gavin Sermon
Site Address: 166 Rochester Street
Zone: R2-HD
Project Planner: Dan Inloes
Environmental Determination: The project is categorically exempt under Section 15303 of the State CEQA (California Environmental Quality Act) Guidelines – Class 3 (New Construction).

Description: The proposed project involves:
1. **Design Review PA-16-54** for the demolition of an existing single-family residence and construction of two residences (one with 4 bed/3.5 bath 2,393 square feet and one with 3 bed / 2.5 bath 2,049 square feet) with attached two-car garages.
2. **Tentative Parcel Map PM-2016-167** for the subdivision of a 0.16-acre lot into two fee simple lots, per the Small Lot Subdivision Ordinance.

MOTION: Move that the Planning Commission continue Public Hearing Item No. 1, PA-16-54 and PM-2016-167, design review and subdivision at 166 Rochester Street to the November 21, 2016 Special Planning Commission meeting.
Moved by Chair Dickson, seconded by Vice Chair Mathews.

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

2. **Application No.:** PA-16-57
Applicant: Mark Rogers
Site Address: 321 Rochester Street
Zone: R2-MD
Project Planner: Ryan Loomis
Environmental Determination: The project is categorically exempt under Section 15303 of the State CEQA (California Environmental Quality Act) Guidelines – Class 3 (New Construction).

Description: The proposed project involves the development of a 1,350 square-foot two-story detached accessory structure in the R2-MD zone to be used as an exercise room and storage on the first floor, and office on the second floor, with the following requests:
1. **Variance** from rear yard setback requirements (20 feet required; 5 feet proposed); and
2. **Minor Modification** from building separation requirements (6 feet minimum required; 5 feet – 6 inches proposed).

MOTION: Move that the Planning Commission continue Public Hearing Item No. 2, PA-16-57, planning application for a variance request and minor modification for a new detached 2-story accessory structure at 321 Rochester Street to the November 21, 2016 Special Planning Commission meeting.
Moved by Chair Dickson, seconded by Vice Chair Mathews.

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

3. **Application No.:** ZA-16-34
Applicant: Marc Martine
Site Address: 3033 Bristol Street, Unit A
Zone: C1
Project Planner: Ryan Loomis
Environmental Determination: The project is categorically exempt under Section 15301 of the State CEQA (California Environmental Quality Act) Guidelines – Class 1 (Existing Facilities).

Description: The applicant is requesting approval of a Minor Conditional Use Permit to allow two reserved parking spaces in front of Suite A at the 3033 Bristol Street retail plaza to accommodate patrons of the Watch Connection as follows: **Days:** Tuesday through Saturday and **Hours:** 11 a.m. to 2 p.m.

MOTION: Move that the Planning Commission continue Public Hearing Item No. 3, ZA-16-34, for a minor conditional use permit to allow reserved parking spaces at 3033 Bristol Street, Unit A to the November 21, 2016 Special Planning Commission meeting.
Moved by Chair Dickson, seconded by Vice Chair Mathews.

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

Abstained: None

12. **Application No.:** GP-16-01/R-16-01/PA-16-46/TT-18064
Applicant: Sheldon Development, LLC
Site Address: 440 Fair Drive
Zone: C1 (Local Business District)
Project Planner: Ryan Loomis
Environmental Determination: An IS/MND was prepared for the project in accordance with the Lead Agency's Guidelines implementing the California Environmental Quality Act. The IS/MND was available for public review and comment from October 4, 2016 to October 24, 2016. The IS/MND found that the environmental effects from the project would be less than significant with the incorporation of standard conditions of approval and compliance with the Code requirements. The proposed project site is not on a list compiled pursuant to Government Code Section 65962.5.

Description: The project involves the demolition of the existing two-story retail/office center, and the construction of 28 single-family new residential units. The proposed project involves the following discretionary requests:
1. Adoption of an Initial Study/Mitigated Negative Declaration **(IS/MND)**.
2. **General Plan Amendment GP-16-01** to change the land use designation from Neighborhood Commercial (NC) to High Density Residential (HDR).
3. **Rezone 16-01** to change the zoning classification from C1 (Local Business District) to PDR-HD (Planned Development Residential – High Density).
4. **Planning Application PA-16-46** to implement a Master Plan for the 28-unit residential project with specified deviations from the PDR-HD development standards, for the following:
   - Variance to allow deviation from required open space requirements (42% required; 36.8% proposed);
   - Variance for encroachment of block walls into required perimeter open space area (20 feet required; 6 feet proposed on Fair Drive and 4.7 feet proposed on Carnegie Avenue);
   - Variance to allow deviation from required landscaped parkway requirements (10 feet with no dimension less than 5 feet on house side of private street required; 10 feet/3.6 feet proposed);
   - Administrative Adjustment for encroachment of building into required perimeter open space area along Fair Drive (20 feet required; 15 feet proposed);
   - Minor Modification for encroachment of building into required perimeter open space area along Carnegie (20 feet required; 18 feet proposed); and
   - Deviation from Residential Design Guidelines for multi-story to first floor ratio (100% multi-story to first floor ratio recommended; 150% for 4-story units and 114% for 3-story units proposed).
5. **Tentative Tract Map 18064** for a single lot subdivision for condominium purposes.

MOTION: Move that the Planning Commission continue Public Hearing Item No. 12, GP-16-01/R-16-01/PA-16-46/TT-18064, General Plan Amendment, Rezone, Planning Application for Master Plan and Tentative Tract Map to allow the demolition of the existing 2-story retail office center and construction of eight new three-story detached single family units and twenty 4-story duplex units at 440 Fair Drive to the Special Planning Commission meeting of November 21, 2016.
Moved by Chair Dickson, seconded by Vice Chair Mathews.

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

The Chair announced that the residents could give comments on the items that were continued during public comments.

PUBLIC COMMENTS

Tamar Goldmann spoke about 440 Fair Drive project's compatibility with the City.

A Costa Mesa resident spoke on an article about homelessness and announced a town hall meeting happening on November 28th.

Greg Tunnell, Costa Mesa resident, spoke about City lawsuits and money spent on attorneys.

Beth Refakes, Costa Mesa resident, presented slides from the Trunk or Treat Event at Camp Pendleton and thanked everyone who donated candy for the event.

Nick Matyas, Costa Mesa resident, spoke in opposition to the 440 Fair Drive project.

Steven Chan, Costa Mesa resident, spoke about Measure Y and requested certain Planning Commissioners to vacate their seats.

A Costa Mesa resident spoke about the City's 2016 election.

A Costa Mesa resident spoke about a campaign he ran for and an article written by Geoff West.

Jessica Cvetas, Costa Mesa resident, spoke in opposition to the 440 Fair Drive project.

Denise Davis, Costa Mesa resident, spoke in opposition to the 440 Fair Drive project.

Flo Martin, Costa Mesa resident, spoke in opposition to the 440 Fair Drive project.

A resident spoke in opposition to the 440 Fair Drive project.

Marilyn Packer, Costa Mesa resident, spoke in opposition to the 440 Fair Drive project.

Dave McAllister, Costa Mesa resident, spoke in opposition to the 440 Fair Drive project.

A Costa Mesa resident spoke in opposition to the 440 Fair Drive project.

A Costa Mesa resident spoke about the City's Group Home Ordinances.

Christine Leffeler, Costa Mesa resident, spoke in opposition to the 440 Fair Drive project.

Alexandra Shannon, Costa Mesa resident, spoke in opposition to the 440 Fair Drive project.

A Costa Mesa resident spoke in opposition to the 440 Fair Drive project.

Robin Leffler, Costa Mesa resident, stated concerns with the Planning Commission's comments on the City Council's direction on the 440 Fair Drive application.

Ana Vrska, Costa Mesa resident, spoke in opposition to the 440 Fair Drive project.

Elizabeth Walker, Costa Mesa resident, spoke against high density building and variances throughout the City.

Cindy Brenamen, Costa Mesa resident, spoke in opposition to the 440 Fair Drive project.

James Hambley, Costa Mesa resident, spoke in opposition to the 440 Fair Drive project.

Bobby Yates, Costa Mesa resident, spoke about 2041 Tustin Avenue and the Chair reminded her that the public comments section is for non-public hearing items.

A Costa Mesa resident spoke about issues affecting the City.

Lin Conan, Costa Mesa resident, spoke in opposition to the 440 Fair Drive project.

Lori Robnett, Costa Mesa resident, spoke in opposition to the 440 Fair Drive project.

The Chair closed the public comments.

PLANNING COMMISSIONER COMMENTS AND SUGGESTIONS

None

CONSENT CALENDAR

The Chair asked if anyone wanted to pull the minutes. No one responded.

1. **Minutes for the meeting of October 24, 2016**

   MOTION: Approve the minutes for the meeting of October 24, 2016.
   Moved by Commissioner Sesler, seconded by Commissioner Andranian.

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

PUBLIC HEARINGS

4. **Application No.:** SL-15-0013
   Applicant: Ryan Hampton of Hampton House, LLC
   Site Address: 1180 Augusta Street
   Zone: R1
   Project Planner: Sheri Vander Dussen
   Environmental Determination: The request is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15268 (Ministerial Projects), 15270 (Disapproved Projects) and 15301 (Existing Facilities).

   Description: The applicant applied for a Special Use Permit (SUP) to operate a group home with six or fewer all-male residents at 1180 Augusta on March 16, 2015. The Director of Economic and Development Services/Deputy CEO denied the SUP and the applicant has appealed that decision to the Planning Commission.

   No ex-parte communications to report.

   Sheri Vander Dussen, Interim Assistant Development Services Director/Community Improvement Division, presented the staff report.

   PUBLIC COMMENTS

Steven Polin, attorney for the applicant, presented reasons to not deny the special use permit.

Ryan Hampton, applicant, gave a background on himself and the Hampton House.

Jeremy Lorwick, former resident of Hampton House, stated how the Hampton House helped him and stated concerns with denying the special use permit.

Barrie Fischer, Costa Mesa resident, presented a map of her neighborhood showing state licensed facilities versus sober living homes; and spoke about how her neighborhood is highly impacted by sober living homes.

Jay Humphrey, Costa Mesa resident, asked the Planning Commission not to deviate from the rules in the Group Home Ordinances.

A Costa Mesa resident stated they have not heard a complaint about the Hampton House but are concerned with the over concentration of sober living homes.

Steven Chan, Costa Mesa resident, presented a video of the Planning Commissioners' comments from the August 8, 2016 meeting discussing the sober living home problems and what the solution is and asked to halt the process so the new City Council can take a look at it.

Rick Huffman, Costa Mesa resident, suggested following the Group Home Ordinance with a strict interpretation.

Robin Leffler, Costa Mesa resident, stated concerns with the Group Home Ordinance and spoke about the impacts of the sober living homes in the City.

A Costa Mesa resident spoke about sober living homes in the City; stated operators should follow the City's Group Home Ordinances; and the over concentration of sober living homes needs to be addressed.

Richard Russell, Costa Mesa resident, requested to not give variances to the group home applications.

Mr. Polin responded to public comments.

The Chair closed the public hearing.

Commissioner Sesler stated how the Group Home Ordinance was crafted and that he is in favor of upholding the director's denial.

Commissioner Andranian stated his support of upholding the denial of the special use permit.

Vice Chair Mathews stated his support of the denial of the special use permit.

MOTION: Move that based on the evidence in the record and the findings contained in the resolution that the Planning Commission uphold the director's denial of Special Use Permit Application SL-15-0013 to operate a sober living home at 1180 Augusta Street.
Moved by Chair Dickson, second by Commissioner Andranian.

<u>RESOLUTION PC-16-56</u> - A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA TO UPHOLD THE DIRECTOR'S DENIAL OF SPECIAL USE

PERMIT APPLICATION NO. SL-15-0013 TO OPERATE A SOBER LIVING HOME WITH SIX OR FEWER OCCUPANTS AT 1180 AUGUSTA STREET

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

The Chair explained the appeal process.

5. **Application No.:** SL-15-0019
Applicant: Richard Perlin
Site Address: 653 Joann Street
Zone: R1
Project Planner: Sheri Vander Dussen
Environmental Determination: The request is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15268 (Ministerial Projects), 15270 (Disapproved Projects) and 15301 (Existing Facilities).

Description: The applicant applied for a Special Use Permit (SUP) to operate a group home with six or fewer all-male residents at 653 Joann Street on April 8, 2015. The Director of Economic and Development Services/Deputy CEO denied the SUP and the applicant has appealed that decision to the Planning Commission.

No ex-parte communications to report.

Sheri Vander Dussen, Interim Assistant Development Services Director/Community Improvement Division, presented the staff report.

PUBLIC COMMENTS

Richard Perlin, applicant, gave a history of his properties and his group home. He suggested that the City work with the operators.

A Costa Mesa resident suggested that the operator be allowed to keep one of his group homes and stated concerns with the process of allowing some group homes and not others.

Mila Weber, Costa Mesa resident, stated concerns with the impacts of sober living homes in the City and asked the Planning Commission to uphold the Group Home Ordinance.

Steven Chan, Costa Mesa resident, presented a video of the Planning Commissioners' comments from the August 8, 2016 meeting.

Barrie Fischer, Costa Mesa resident, stated issues she had regarding the City's Nuisance Ordinance on group homes and asked the Planning Commission to adhere to the Group Home Ordinance.

Jay Humphrey, Costa Mesa resident, suggested the City enforce the Group Home Ordinance until a dialogue with everyone could occur.

Grant McNiff, Costa Mesa resident, talked about how the Sober Living Coalition of Orange County cooperated with the City staff by meeting with them and giving them materials; stated concerns with the tactics being used by the City to stop some of the group home operators; and spoke in support of helping the people that have an addiction.

Alfred Kirsch, Costa Mesa resident, stated issues he is having with a sober living home behind a house he owns.

The Chair closed the public hearing.

Commissioner and staff discussed when the Capital Street facility was licensed, when the application for 653 Joann Street was deemed complete and how long the current application process takes.

MOTION: Based on the evidence in the record and the findings contained in the resolution the Planning Commission upholds the director's denial of Special Use Permit Application SL-15-0019 to operate a sober living home at 653 Joann Street. Moved by Chair Dickson, second by Vice Chair Mathews.

RESOLUTION PC-16-57 - A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA TO UPHOLD THE DIRECTOR'S DENIAL OF SPECIAL USE PERMIT APPLICATION NO. SL-15-0019 TO OPERATE A SOBER LIVING HOME WITH SIX OR FEWER OCCUPANTS AT 653 JOANN STREET

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

The Chair explained the appeal process.

6. **Application No.:** SL-15-0041
Applicant: Richard Perlin
Site Address: 647 Joann Street
Zone: R1
Project Planner: Sheri Vander Dussen
Environmental Determination: The request is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15268 (Ministerial Projects), 15270 (Disapproved Projects) and 15301 (Existing Facilities).

Description: The applicant applied for a Special Use Permit (SUP) to operate a group home with six or fewer all-male residents at 647 Joann Street on June 24, 2015. The Director of Economic and Development Services/Deputy CEO denied the SUP and the applicant has appealed that decision to the Planning Commission.

No ex-parte communications to report.

Sheri Vander Dussen, Interim Assistant Development Services Director/Community Improvement Division, presented the staff report.

PUBLIC COMMENTS

Richard Perlin, applicant, asked when the Capital Street facility received its state license because he believed his application was submitted before it.

Chair Dickson asked Ms. Vander Dussen to respond to Mr. Perlin's question. Ms. Vander Dussen clarified that Mr. Perlin's application was submitted before the Capital Street facility obtained its state license but Mr. Perlin's application was not deemed complete till after the Capital Street facility received its license.

Mr. Perlin stated concerns with the application process for his facility.

No public comments.

The Chair closed the public hearing.

Commissioner Andranian and Ms. Vander Dussen discussed if the applicant had a fair opportunity to obtain a special use permit for his facility.

MOTION: Based on the evidence in the record and the findings contained in the resolution the Planning Commission upholds the director's denial of Special Use Permit Application SL-15-0041 to operate a sober living home at 647 Joann Street. Moved by Chair Dickson, second by Commissioner Sesler.

RESOLUTION PC-16-58 - A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA TO UPHOLD THE DIRECTOR'S DENIAL OF SPECIAL USE PERMIT APPLICATION NO. SL-15-0041 TO OPERATE A SOBER LIVING HOME WITH SIX OR FEWER OCCUPANTS AT 647 JOANN STREET

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

The Chair explained the appeal process.

7. **Application No.:** PA-16-03
Applicant: Keith Randle
Site Address: 165 East Wilson
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 PA-16-03 is a request for an all-male sober living facility housing 11 occupants (including one resident house manager) within two existing attached condominium units.

One ex-parte communication to report: Vice Chair Mathews exchanged emails with the applicant.

Sheri Vander Dussen, Interim Assistant Development Services Director/Community Improvement Division, presented the staff report.

Commissioner Andranian and Ms. Vander Dussen discussed the difference between Group Home Ordinance 14-13 and Group Home Ordinance 15-11 and why staff is recommending approval of the application.

Commissioner Sesler and Ms. Vander Dussen discussed how many parking spaces are required, street parking, calls for service, complaints, process of receiving complaints, and number of residents allowed.

PUBLIC COMMENTS

Steven Polin, attorney for the applicant, asked that the application be approved and stated the applicant is not in agreement with Condition of Approval No. 4 and asked that Condition of Approval No. 5 be modified.

Keith Randle, applicant, explained the available parking; total number of residents in each unit; gave a history on the property; stated only one call for police service has occurred; stated no services are offered, only housing; stated concerns with Conditions of Approval Nos. 4 and No. 5.

Commissioner Sesler asked what a tenant pays and how it is funded. Mr. Randle responded the charge of $1,550 per bed a month is funded by the tenants or the tenants' parents. He does not take any insurance.

Jill Randle, applicant's wife, talked about addiction, the need for Summit Coastal Living, and asked to not shut out the good operators.

Jim Dillon, resident of Summit Coastal Living, gave his testimony of being a recovered alcoholic and the need for sober living homes.

Nancy Brundage, representative for Cape Series Homeowners, spoke against 2041 Tustin Avenue application. She stated she could not stay for Public Hearing Item No. 8 so she wanted to state her opposition and she left her notes to be submitted into the record.

Dan Miller, Irvine resident, suggested the operators of sober living homes reach out to the community to help with the perceptions of the sober living facilities and asked if the sober facilities have to be ADA compliant.

Jeremy Lorwick asked how the 650-foot distance was calculated, stated the ordinance is exclusive and spoke in support of Keith Randle's operations.

Paul Steiner, Costa Mesa resident, stated concerns with the occupants of sober living homes moving in and out and agreed with the 650-foot distance.

Robin Leffler, Costa Mesa resident, stated the reasons why people are concerned with sober living homes and requested that public comments be included in the public record, especially the ones that were stated before the public hearings began.

Barbara Morihiro, Costa Mesa resident, stated a concern with the conditional use permit running with the property if approved.

A Costa Mesa resident asked why some homes were not on a 650-foot radius map for 165 East Wilson.

Mr. Randle responded to public comments.

Mr. Polin responded to public comments.

The Chair closed the public hearing.

Commissioner Andranian and Yolanda Summerhill, Deputy City Attorney, discussed Condition of Approval Nos. 4 and No. 5.

Vice Chair Mathews asked if the ADA compliance issue stated during public comments applied to this application. Tarquin Preziosi, Deputy City Attorney, responded it was not appropriate to the 165 East Wilson residential use.

Vice Chair Mathews asked for clarification if all sober living homes need to be identified on the 650- foot radius map and if all of them were currently on the 165 East Wilson map. Ms. Vander Dussen responded that licensed facilities are depicted as well as applications submitted to or approved by the City. Potential code violations are not mapped.

Mr. Preziosi addressed Mr. Polin's reasonable accommodation statements and clarified that the director gave Mr. Randle a conditional reasonable accommodation to extend the time to come into compliance with the terms of the Group Home Ordinance 15-11. Staff is still recommending approval based on the fact that the application was scheduled to be heard in April, before the nearby facility received its individual state licenses. Staff does not believe the proximity to the licensed facilities should be a factor when approving the application because the City continued the original hearing date.

Vice Chair Mathews and Chair Dickson stated their support of the application.

Commissioner Sesler suggested added verbiage that cars will be parked in the garage, and expressed support of modifying Conditional of Approval No. 5, and keeping Condition of Approval No. 4.

Commissioner Andranian stated concerns with the concentration of people living at one residence and the conditional use permit running with the land.

Commissioners and the Deputy City Attorney discussed the Planning Commission's role in determining the maximum number of occupants allowed at a sober living home facility.

MOTION: Move that based on the evidence in the record and the findings contained in Exhibit A and subject to the conditions of approval contained within Exhibit B that the Planning Commission approve Planning Application PA-16-03 with the following modifications:
<u>Condition of Approval No. 3 to read:</u> "The use shall be limited to the type of operation described in the staff report and applicant's project description submitted with the application on January 4, 2016, subject to conditions. Any change in the operational characteristics including, but not limited to, home rules and regulations, intake procedures or relapse policy, shall be subject to Community Improvement Division review and may require an amendment to the conditional use permit, subject to Planning Commission approval, depending on the nature of the proposed change. The applicant is reminded that Code allows the Planning Commission to modify or revoke any planning application based on findings related to public nuisance and/or noncompliance with conditions of approval [Title 13, Section 13-29(o)]".
<u>Condition of Approval No. 5 to read</u>: "A copy of the conditions of approval for the conditional use permit must be kept on premises and presented by the house manager to any authorized City official upon request during normal business hours (9:00 a.m. to 5:00 p.m., Monday through Saturday). New business/property owners shall be notified of conditions of approval upon transfer of the business or ownership of land".
<u>Condition of Approval No. 25 to read</u>: "By December 1 of every year, the applicant shall submit written confirmation that all parking spaces on the property remain accessible for parking. This confirmation shall be accompanied by photographs that document the accessibility of each space for automobile parking".
Moved by Chair Dickson, second by Commissioner Sesler.

Commissioners and Deputy City Attorneys discussed if approving the project would set a precedent for future applications with the amount of residents allowed per bedroom in sober living homes in a multi-family zone. Mr. Preziosi clarified that the Planning Commission is not setting a legally binding precedent.

Commissioners and Deputy City Attorney discussed wanting the Planning Commission to hear revisions to the conditional use permit and asked to strike "Zoning Administrator" and replace it with Planning Commission in Conditional of Approval No. 3.

RESOLUTION PC-16-59 - A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA APPROVING PLANNING APPLICATION PA-16-03 FOR AN ALL-MALE SOBER LIVING FACILITY OPERATED BY SUMMIT COASTAL LIVING HOUSING 11 OCCUPANTS (INCLUDING 1 LIVE-IN HOUSE MANAGER) WITHIN 2 EXISTING UNITS ON PROPERTY LOCATED AT 165 EAST WILSON STREET

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

The Chair explained the appeal process.

The Chair called for a break.

8. **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 PA-16-04 is a request for an all-male sober living facility housing 13 occupants (including one live-in manager) within three existing units.

No ex-parte communications to report.

Sheri Vander Dussen, Interim Assistant Development Services Director/Community Improvement Division, presented the staff report.

Commissioner Sesler asked for clarification regarding how many parking spaces are provided in the garage and at the facility. Ms. Vander Dussen responded.

PUBLIC COMMENTS

Steven Polin, attorney for the applicant, stated opposition to Condition of Approval Nos. 4 and 5. He also stated positive reasons for the number of occupants being requested and is in favor of the Planning Commission adopting staff's recommendation for approval.

Keith Randle, applicant, explained the reasons for requesting the number of occupants in the application.

Ron Moss, Costa Mesa resident, stated concerns with the application's proximity to a school.

Bobbie Yates, Costa Mesa resident, spoke in opposition to the application.

Kathryn Rollins, Costa Mesa resident, spoke in opposition to the application.

Debra Davis, Costa Mesa resident, spoke in opposition to the application.

Van Hasewinckle, Costa Mesa resident, stated he knew the 2041 Tustin Avenue sober living facility was at the location before he received a notice of public hearing.

Barbara Morihiro, Costa Mesa resident, spoke in opposition to the application.

Matt Mendoza, Costa Mesa resident, stated he was a sober living facility occupant and addressed the negative public comments.

Jeff Davis, Costa Mesa resident, stated issues he has experienced from the 2041 Tustin Avenue sober living facility and requested to reduce the number of occupants to seven and if that cannot happen, then the application should be denied.

A Costa Mesa resident asked why a state licensed group home was not included in the 650-foot radius for 2041 Tustin Avenue and stated issues with the application.

Durran Mongul, Costa Mesa resident, spoke in opposition to the application.

Mr. Polin responded to public comments.

The Chair closed the public hearing.

Chair Dickson asked for clarification on land-use suitability for the lot. Ms. Vander Dussen responded the property is legal non-conforming and the City does not preclude residential uses on legal non-conforming properties.

Commissioner Andranian stated opposition to the application based on the intensity of the use.

MOTION: Move that the Planning Commission continue Planning Application PA-16-04 until the November 28, 2016 Planning Commission meeting so that staff can bring back a resolution for denial based on the comments made by Commissioner Andranian and Chair Dickson.
Moved by Chair Dickson, second by Commissioner Andranian.

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

The Chair moved to continue the remainder of the agenda to the November 28, 2016 Planning Commission meeting. He asked the public to come forward and comment on the proposed continuance.

A Costa Mesa resident asked to continue the hearing but came back to clarify that he meant to say that he did not want to continue Public Hearing Item No. 10.

A Costa Mesa resident proposed a solution for the sober living homes in the City.

Ms. Summerhill stated that the Planning Commission should vote on each public hearing item separately.

9. **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 PA-16-15 is a request to allow a Sober Living Facility housing 14 residents within three existing units. The application includes an appeal of the decision of the Economic and Development Services Director to deny a request for a 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.

Mr. Polin stated he was not available on November 28, 2016 and requested that Public Hearing Item Nos. 8, 9 and 10 be heard on December 5, 2016.

MOTION: Move that the Planning Commission continue Conditional Use Permit PA-16-15 to operate a sober living home serving 14 women at 166 East 18th Street, including an appeal of denial of reasonable accommodation for land use requirements, to the meeting of December 5, 2016.
Moved by Chair Dickson, second by Vice Chair Mathews.

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

Chair Dickson changed his motion on Public Hearing Item No. 8 to the following:

MOTION: Move that the Planning Commission continue Planning Application PA-16-04 for an all-male sober living facility operated by Summit Coastal Living in three existing units housing 13 occupants, including one resident house manager, at 2041 Tustin Avenue to the December 5, 2016 Planning Commission meeting and recommend that staff bring back a resolution for denial.
Moved by Chair Dickson, second by Commissioner Sesler.

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

11. **Application No.:** PA-16-42 and PA-16-43
Applicant: Windward Way Recovery
Site Address: 351 and 357 Victoria 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 PA-16-42 and PA-16-43 are requests for a Sober Living Facility housing up to 28 residents in eight units on two parcels. The application includes an appeal of the decision of the Economic and Development Services Director to deny a request

for a reasonable accommodation to allow these facilities 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.

MOTION: Move that the Planning Commission continue Conditional Use Permit PA-16-42 and PA-16-43 to operate a sober living facility serving 28 residents at 351 Victoria Street and 357 Victoria Street, including an appeal of denial of reasonable accommodation for a land use requirement, to the November 28, 2016 Planning Commission meeting.
Moved by Chair Dickson, second by Vice Chair Mathews.

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

MOTION: Move that the Planning Commission continue Conditional Use Permits PA-16-41 and PA-16-44 to operate a sober living facility serving 28 residents, including an appeal of denial for reasonable accommodation for land use requirement, at 269 and 271 16th Place to the December 5, 2016 Planning Commission meeting.
Moved by Chair Dickson, second by Commissioner Andranian (but stated opposition to it).

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

10. **Application No.:** PA-16-41 and PA-16-44
Applicant: Casa Capri, LLC
Site Address: 269 and 271 16th Place
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 PA-16-41 and PA-16-44 are requests to allow a Sober Living Facility housing 28 residents in four units on two parcels. The application includes an appeal of the decision of the Economic and Development Services Director to deny a request for a reasonable accommodation to allow these facilities 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, presented the staff report.

PUBLIC COMMENTS

Steven Polin, attorney for the applicant, talked about an article in the Orange County Register about sober housing; spoke positively about Casa Capri; and stated concerns with the negative impacts stated in the staff report.

Melissa Goodman, co-owner of Casa Capri, spoke about her business.

Jeremy Brodrick, co-founder of Casa Capri, spoke about his business and the positive affects he has had on peoples' lives through his facility.

Darrell Pash, Costa Mesa resident, asked that the Planning Commission uphold the director's denial of reasonable accommodation to limit the number of occupants.

Kurtis Johnson, Costa Mesa resident, stated concerns with the parking, and supported the denial being upheld.

Terry Lee, Costa Mesa resident, asked that the rules that have been put into place be enforced/upheld and stated concern with the density.

Drew Graham, Costa Mesa resident, asked that the Planning Commission uphold the director's denial and not approve Conditional Use Permit PA-16-44.

Steve Brahs asked that the density for sober living homes be the same standard as an apartment and the parking be kept on-site.

Drew Graham, Costa Mesa resident, came back up to use the remainder of his time and asked that the public record show he testified for the following families that charged him to be here: the Abrogeli family, Vera Family, Kess family, tenants Joy and Adrianna, Christopher family, Tamalas family, Hopkins family, Thomason family, Doyle family, Burns family, Eidy family, Kennedy family, Klimer family, Kess family, Swanson family, Beach family, Kleemo family, Waite family, members from the Newport Heights community whose foundation he serves and supports.

Mr. Polin responded to public comments.

The Chair closed the public hearing.

MOTION: Move that based in the evidence in the record and findings contained in this resolution, the Planning Commission upholds the director's denial of Casa Capri LLC's reasonable accommodation request to allow the operation of a group home professional care facility or state license drug and alcoholic treatment facility on contiguous properties and denies Conditional Use Permit PA-16-41.
Moved by Chair Dickson, second by Commissioner Andranian.

<u>RESOLUTION PC-16-60</u> - A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA UPHOLDING THE DIRECTOR'S DENIAL OF CASA CAPRI RECOVERY'S REASONABLE ACCOMMODATION REQUEST TO ALLOW THE OPERATION OF A GROUP HOME, RESIDENTIAL CARE FACILITY OR STATE LICENSED DRUG AND ALCOHOL TREATMENT FACILITY ON TWO CONTIGUOUS PROPERTIES AT 269 AND 271 16th PLACE; AND DENYING CONDITIONAL USE PERMIT PA-16-41 TO ALLOW A SOBER LIVING FACILITY SERVING UP TO 14 WOMEN AT 269 16TH PLACE

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

Abstained: None

The Chair explained the appeal process.

MOTION: Move that based in the evidence in the record and the findings contained in Exhibit A and subject to conditions of approval contained in Exhibit B that the Planning Commission approve Planning Application PA-16-44 to allow a sober living facility serving 14 women within four existing units on the property located at 271 16th Place. Moved by Chair Dickson, second by Vice Chair Mathews.

The motion failed by the following roll call vote:
Ayes: Dickson, Mathews
Noes: Sesler, Andranian
Absent: McCarthy
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: TO A SPECIAL PLANNING COMMISSION MEETING AT 6:00 P.M., OR SHORTLY THEREAFTER, ON MONDAY, NOVEMBER 21, 2016.

Submitted by:

JAY TREVINO, ACTING SECRETARY
COSTA MESA PLANNING COMMISSION