

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

November 28, 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.

Commissioner Sesler 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
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
Bart Mejia, City Engineer
Mino Ashabi, Principal Planner
Dan Inloes, Senior Planner
Katie Angel, Management Analyst
Julie Colgan, Recording Secretary

PUBLIC COMMENTS

Jay Humphrey, Costa Mesa resident, stated concerns with signal timing on Harbor Boulevard and suggested modifying the 1992 Party Ordinance to allow fining the residents that have routine police calls to their addresses.

Cindy Black, Costa Mesa resident, spoke about building permits not being issued at 1769 Anaheim Avenue; being able to video record at the public counter; and stated concerns with four sober living facilities off 685 18th Street.

Tim Lewis spoke about new boxes for traffic signals located off Bay Street, Hamilton Street, and Victoria Street and asked if there was a new Planning Director.

The Chair closed the public comments.

PLANNING COMMISSIONER COMMENTS AND SUGGESTIONS

Chair Dickson asked Bart Mejia, City Engineer, who the public can call regarding signal questions. Mr. Mejia responded the Public Services Department. Chair Dickson asked staff how the 1992 Party Ordinance coincides with the City's Nuisance Ordinance and to follow up on Ms. Black's concerns.

CONSENT CALENDAR: None

PUBLIC HEARINGS

1. **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.

No ex-parte communications to report.

Sheri Vander Dussen, Interim Assistant Development Services Director/Community Improvement Division explained that the applicant requested to continue the application.

Commissioners discussed whether to continue the item.

MOTION: Move that the Planning Commission continue Public Hearing Item No. 1, PA-16-42 and PA-16-43, to the Planning Commission meeting of December 12, 2016. Moved by Commissioner McCarthy, seconded by Commissioner Sesler.

The motion carried by the following roll call vote:

Ayes: Dickson, Mathews, McCarthy, Sesler

Noes: Andranian

Absent: None

Abstained: None

2. **Application No.:** PA-16-61 and PM-2016-190

Applicant: Gavin Sermon

Site Address: 353 East 18th Street

Zone: R2-MD

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-16-61** for the demolition of an existing single-family residence and construction of four units: three units with 4 bed/3.5 bath 2,187 square feet and one unit with 4 bed/3 bath 2,247 square feet. All units provide an attached two-car garage.
2. **Tentative Parcel Map PM-2016-190** for the subdivision of a 0.413-acre lot into four fee simple lots, per the Small Lot Subdivision Ordinance.

No ex-parte communications to report.

Dan Inloes, Senior Planner, presented the staff report and stated that the applicant is not in agreement with staff's proposed condition of approval requesting pavers for the decorative

banding in the driveway pavement.

Commissioner McCarthy asked for clarification on the applicant's objection to staff's recommendation for the driveway. Mr. Inloes responded that the concern is the with requiring pavers for the decorative banding. The applicant prefers to have stamped concrete but staff is recommending pavers.

PUBLIC COMMENTS

Gavin Sermon, South Pointe Construction (applicant), presented a slide show of the proposed application and stated the reason for requesting stamped concrete.

Commissioner McCarthy asked the reason for requesting to do the stamped concrete. Mr. Sermon responded the cost. They also discussed the project's parking.

Jay Humphrey, Costa Mesa resident, stated concern with the project's parking.

A Costa Mesa resident stated concern with the location of parking, design and the location; number of units being built; and asked if the last house faced the alley.

Mr. Sermon responded to public comments.

The Chair closed the public hearing.

Commissioners and staff discussed the parking in front of the proposed project.

Chair Dickson stated being in support of the project.

Commissioner McCarthy, Commissioner Andranian and Commissioner Sesler stated not supporting the project.

MOTION: Move that the Planning Commission hereby denies without prejudice Planning Application PA-16-61 and Parcel Map PM-2016-190 for a four-unit, small lot subdivision residential development, at 353 East 18th Street. Moved by Commissioner McCarthy, seconded by Vice Chair Mathews.

The motion carried by the following roll call vote:

Ayes: Dickson, Mathews, McCarthy, Sesler, Andranian

Noes: None

Absent: None

Abstained: None

The Chair explained the appeal process.

3. **Application No.:** SL-15-0014

Applicant: Greg Ohlhaber (Keystone Sober Living)

Site Address: 2152 Raleigh Avenue

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. The Director of Economic and Development

Services/Deputy CEO denied the SUP based on noncompliance with the zoning code 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.

Commissioner McCarthy asked if the arguments in the appeal have merit because Keystone Sober Living is not a state licensed facility. Tarquin Preziosi, Deputy City Attorney, responded the issues raised in the appeal are for state licensed facilities and the applicant is not a state licensed facility.

PUBLIC COMMENTS

Greg Ohlhaber, applicant, spoke about Keystone Sober Living and requested to approve the special use permit for his facility.

Mr. Olhaber responded to Commissioner Sesler's questions about other services they offer, how long the residents stay at the facility, and what it would take for his facility to become state licensed.

Tim Lewis spoke in support of the applicant and Keystone Sober Living facility.

Jay Humphrey, Costa Mesa resident, stated concerns with sober living facilities avoiding the City's group home ordinance by getting state licensed instead.

A Costa Mesa resident spoke in support of Keystone Sober Living facility and supports the approval of the special use permit request.

Rob Harrison, former resident of Keystone Sober Living, spoke in support of Keystone Sober Living facility.

Cindy Black, Costa Mesa resident, asked if a grant was possible to help the applicant obtain a state license for his facility and if there was a way to help a good neighbor run a good sober living facility in the City.

A former resident of Keystone Sober Living spoke in support of the application.

The Chair closed the public hearing.

Commissioner McCarthy stated he will be supporting the Director's denial.

MOTION: Hereby move that the Planning Commission uphold the Director's denial of Special Use Permit SL-15-0014 to operate a sober living home at 2152 Raleigh Avenue and include the environmental determination of exempt based on ministerial projects and disapproved projects.

Moved by Commissioner McCarthy, seconded by Chair Dickson.

RESOLUTION PC-16-64 - 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-15-0014 TO OPERATE A SOBER LIVING HOME WITH SIX OR FEWER OCCUPANTS AT 2152 RALEIGH AVENUE

The motion carried by the following roll call vote:

Ayes: Dickson, Mathews, McCarthy, Sesler, Andranian

Noes: None
Absent: None
Abstained: None

The Chair explained the appeal process.

5. **Application No.:** PA-16-50
Applicant: Wincome Group
Site Address: 3350 Avenue of the Arts
Zone: PDR-HD
Project Planner: Mino Ashabi
Environmental Determination: Addendum to the Final Program EIR No. 1054 (Previously Certified on November 20, 2007 by City Council)

Description: Final Master Plan PA-16-50 is an amendment to previously approved Master Plan (PA-14-33 approved in 2015) for development of a 23-story, 100-unit condominium development and a 6.5-level parking structure at the site of Wyndham Hotel's existing parking structure, and maintaining 238 hotel rooms. The proposed amendment involves:

1. Addendum to the Final Program EIR No. 1054.
2. Retaining the existing 238 rooms and demolition of an existing three-story parking structure and single story hotel lobby serving the existing Avenue of the Arts Hotel (former Wyndham Hotel).
3. Master Plan Amendment (PA-16-46) to allow development of a Boutique Hotel with 150 additional rooms (Avenue of the Arts Starwood Tribute Hotel) in a 15-story high rise building instead of condominiums and a 6-level parking structure with 335 parking spaces. The proposed amendment includes the following deviation:
 - a. Variance from perimeter open space setback requirement for encroachment of an outdoor patio area and a vehicular ramp into the landscape easement (20 feet required; 10'-5" proposed for outdoor patio and vehicular ramp).
 - b. Reduce parking for the existing hotel and the expansion from 364 spaces required per Zoning Code to 274 spaces per parking study approved in 2015 (335 provided).

One ex-parte communication to report: Chair Dickson spoke with a member of the applicant's representatives regarding the project's variance request.

Mino Ashabi, Principal Planner, presented the staff report.

Commissioner Andranian asked if the current project by code is 90 parking spaces short. Ms. Ashabi responded yes. They discussed the parking study and why staff is recommending approval.

Commissioner McCarthy asked if staff had any concerns with the parking study. Ms. Ashabi responded no.

PUBLIC COMMENTS

Paul Sanford, Asset Manager for Wincome Group, spoke about the proposed four diamond hotel.

Commissioner McCarthy asked how the project went from condos to a hotel. Mr. Sanford responded financial and long-term reasons.

Ken Farrell, from Arquitectonica (architect for the project), presented a slideshow of the proposed project.

No public comments.

The Chair closed the public hearing.

Commissioner McCarthy and Chair Dickson stated being in support of the project.

MOTION: Based on the evidence in the record and the findings contained in Exhibit A and subject to the conditions of approval contained in Exhibit B, and mitigated measures contained in Exhibit C, the Planning Commission recommends approval of the addendum to the Final Program EIR No. 1054 and Master Plan Amendment PA-16-50.

Moved by Chair Dickson, seconded by Commissioner McCarthy.

RESOLUTION PC-16-65 - RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA APPROVING THE ADDENDUM TO FINAL ENVIRONMENTAL IMPACT REPORT NO. 1054 AND MASTER PLAN PA-16-50 (AN AMENDMENT TO PA-14-33) FOR A 15-STORY HIGH-RISE HOTEL EXPANSION WITH 150 ROOMS AND A 6 LEVEL SHARED PARKING STRUCTURE AT 3350 AVENUE OF THE ARTS

The motion carried by the following roll call vote:

Ayes: Dickson, Mathews, McCarthy, Sesler, Andranian

Noes: None

Absent: None

Abstained: None

The Chair explained the appeal process.

DEPARTMENTAL REPORT(S)

1. Public Services Report – none.
2. Development Services Report – Jay Trevino, Development Services Department Consultant, reported that for the December 5, 2016 Planning Commission meeting there will be seven public hearings containing 11 group home cases. All applicants are represented by Steven Polin.

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, DECEMBER 5, 2016.

Submitted by:



JAY TREVINO, ACTING SECRETARY
COSTA MESA PLANNING COMMISSION