

**REGULAR MEETING OF THE CITY OF
COSTA MESA PLANNING COMMISSION
May 13, 2013**

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.

Chair Fitzpatrick invited everyone to rise for the Pledge of Allegiance and asked that they keep the citizens and victims of the Boston Marathon in their thoughts.

II. ROLL CALL:

Present: Chair Jim Fitzpatrick
Vice Chair Robert Dickson
Commissioner Colin McCarthy
Commissioner Jeff Mathews
Commissioner Tim Sesler

Absent: None

III. PUBLIC COMMENTS:

There were no public comments.

IV. PLANNING COMMISSIONER COMMENTS AND SUGGESTIONS:

Commissioner McCarthy thanked everyone who participated and helped with the Costa Mesa Marathon. He reminded the public of the upcoming General Plan Update and provided dates and times for the various workshops.

Vice-Chair Dickson spoke of the City’s 60th Anniversary celebration and referred the public to the City’s website (www.costamesaca.gov) to complete an application and obtain additional information on the event. Vice-Chair Dickson commented on his recent visit to the Triangle (El Corazon Restaurant and the Saddle Ranch Chop House) and thanked everyone who helped make the Triangle a vibrant center.

Chair Fitzpatrick spoke positively about the Mayor’s event because it showcased the City of Costa Mesa. He attended a Neighborhood Improvement Task Force (NITF) meeting, was pleasantly surprised and thanked Assistant CEO Rick Francis for the invitation to attend. Chair Fitzpatrick reported the Commissioners had attended a meeting with the City Council regarding 10 priorities and objectives that had been deemed important by the City Council and were cascading to the Planning Commission. He asked the Commissioners to “warm up” to a couple of the goals and added that his focus would be on Motel Resolutions and Enforcement.

Chair Fitzpatrick announced that to be efficient with the time of developers, consultants and experts, New Business Item 1 (Westside Improvements along W. 17th and W. 19th Street) was being moved up to the top and would be heard immediately following the Consent Calendar items. Public Hearing Item 6 (Public Nuisance Abatement Ordinance) would follow New Business Item 1.

V. CONSENT CALENDAR:

Chair Fitzpatrick pulled Consent Calendar Items No. 2 and 3 for discussion.

1. Minutes for the meeting of April 8, 2013.

**Motion: Approve Minutes for the meeting of April 8, 2013
Moved by Commissioner McCarthy, seconded by Commissioner Sesler.**

The motion carried by the following roll call vote:

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

2. Code Enforcement Update.

Chair Fitzpatrick gave a brief background regarding the Code Enforcement report and thanked staff for continuing to provide the report and addressing the issues. He stated there has always been a debate regarding the value of renters vs. home ownerships and pointed out that of 21 items on the report, only 3 were owner-occupied

**Motion: Receive and file
Moved by Chair Fitzpatrick, seconded by Commissioner Sesler.**

The motion carried by the following roll call vote:

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

3. Update/Closure of Fourth Residential Neighborhood Enhancement Program

Ms. Bouwens-Killeen summarized the staff report. She commended Code Enforcement Officer Manny Villa on a job well done and she provided answers to questions from the Commissioners.

**Motion: Receive and file the report and request that Staff return with a 4th Area Program and a proposal for a Mini-Enhancement Program.
Moved by Commissioner McCarthy, seconded by Commissioner Dickson with the comment that staff provide perspective relative to when and where the nuisance abatement begins as opposed to issuing an ex-number of fix-it tickets.**

The motion carried by the following roll call vote:

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

VII. NEW BUSINESS – NEW BUSINESS ITEM NO. 1 WAS TAKEN OUT OF ORDER

1. Westside Improvements along W. 17th and W. 19th Street

Ms. Fazeli gave an introduction and presented Mr. David Voltz from David Voltz Design who presented the proposed layout to the Commission.

Chair Fitzpatrick requested that New Business Item No. 1 be broken into two sections – Mr. Voltz’s presentation and a discussion of Babcock Avenue.

Mr. Voltz proceeded with his presentation and responded questions posed by the Commissioners.

Chair Fitzpatrick asked Ms. Fazeli what the source of funding was for this project and guidance on timelines. Ms. Fazeli reported that Council had approved \$250,000 out of Capital Outlay for fiscal year 2012-13. Staff had already requested an additional \$250,000 for next fiscal year that Council would be reviewing. She reported the project would be mainly funded by Capital Outlay funds but if it merited, Staff would apply for grants.

Commissioner Mathews asked if Staff had a redesign concept in the event the Banning Ranch Traffic Agreement was approved. Public Services Director Ernesto Munoz reported that street work on 17th Street (area impacted if Banning Ranch is approved) had been limited.

PUBLIC COMMENTS:

Beth Refakes, Seaside resident, expressed concern with significant improvements (roundabouts) at the intersections of Newport Blvd. and 19th Street and 17th Street and Newport Blvd. due to OCTA evaluating different options for the extension of the 55 Freeway.

Martin Millard, resident, stated he was on the committees that formulated the Westside’s plans and this project was not capturing what the committees wanted the project to do.

Commissioner McCarthy wanted to make sure that funds were not being spent on effectuating this project until the outcome of the circulation component of the General Plan Update was known.

Chair Fitzpatrick suggested staff meet with the property owner to discuss possible complimentary efforts. Ms. Fazeli said that would be fine.

Chair Fitzpatrick requested that staff target properties revitalized in the last 10 years and Council increase the amount requested by staff.

Chair Fitzpatrick moved to the second phase of this item – Babcock Avenue.

Ms. Fazeli reported the cost to provide landscape along Babcock would be \$35,000. No funds were currently available but Staff could request funds from the Council.

Rob Aris and Corey Alder from Nexus Development provided a slide presentation regarding Babcock and commended the Commissioners on their efforts to improve the right-of-way on Babcock Avenue.

Commissioner McCarthy inquired about a slide that depicted barb wire fencing on a major street and said the City had to do whatever it had to do and not allow a condition like that to exist on a street. He asked staff to follow-up because said conditions were unacceptable to the residents of Costa Mesa.

VI. PUBLIC HEARINGS – PUBLIC HEARING ITEM NO. 6 WAS TAKEN OUT OF ORDER

6. An Ordinance of the City Council of the City of Costa Mesa to amend Title 20 of the Costa Mesa Municipal Code. The Code Amendment to Title 20 -Property Maintenance Code- involves repealing Chapter 1 (in general) and providing substituted language in Chapter 1 (in general),

Chapter II (property maintenance standards) and Chapter III (public nuisance abatement) relating to the Abatement of Public Nuisances.

City Attorney Elena Gerli presented the staff report. She provided background information and spoke of the advantages of having a public nuisance abatement ordinance and explained how an Administrative and Appeals process would work.

MOTION: Move that the Deputy City Attorney return to the May 28, 2013 Planning Commission meeting with a 2nd Reading taking into consideration feedback and making the necessary changes.

Moved by Chair Fitzpatrick, seconded by Vice Chair Dickson.

The motion carried by the following roll call vote:

Ayes: Fitzpatrick, Dickson, McCarthy, Mathews, Sesler

Noes: None

Absent: None

Abstained: None

1. **Application No.:** DA-13-02 (DA-00-04)
Applicant: Jason Knudson
Site Address: 3201 Park Center Drive
Zone: TC
Project Planner: Mino Ashabi
Environmental Determination: Exempt

Description:

Two-year review of the development agreement executed between the City of Costa Mesa and the Irvine Company. The Agreement was approved in conjunction with a Preliminary Master Plan for South Coast Plaza Town Center and Final Environmental Impact Report No. 1047 for construction of an 18-story high-rise (400,000 sq. ft.) and a five-level parking structure (770 new spaces) in addition to the demolition of the South Coast Cinema Building (12,000 sq. ft.) and two-level parking structure.

Commissioner Dickson recused himself from Public Hearing No. 1 (the applicant had a business relationship with Commissioner Dickson's employer) and Public Hearing No. 2 (Commissioner Dickson's firm worked with entities seeking to purchase the applicant's property)

Ms. Ashabi summarized the staff report.

PUBLIC COMMENTS:

Jason Knudson from the Irvine Company, and applicant, responded to questions from the Commissioners.

MOTION: Move that based on the evidence in the record, determine and find that the property owner has demonstrated good faith compliance with the terms and conditions of the Development Agreement No. DA-00-04 (Pacific Arts Plaza)

Moved by Commissioner McCarthy, seconded by Chair Fitzpatrick.

The motion carried by the following roll call vote:

Ayes: Fitzpatrick, Dickson, Mathews, Sesler

Noes: None

Absent: None

Abstained: Dickson

2. **Application No.:** PA-05-048 and ZA-08-02
Applicant: Eric Strauss
Site Address: 580 Anton Blvd.
Zone: PDR-HD
Project Planner: Mino Ashabi
Environmental Determination: Exempt

Description:

A three-year time extension request for Maser Plan (PA-07-58 and Amendment ZA-08-02), for development of a 250-unit residential high-rise project. The approved project includes two high-rise residential buildings, and a five-level parking structure with 525 spaces.

Ms. Ashabi summarized the staff report.

Commissioner McCarthy commented that the Commissioners had given a previous applicant a hard time on a 3-year request. He asked what Staff's position was on 3-year extensions. Ms. Ashabi stated that given the significance of the project, a 3-year extension was appropriate.

PUBLIC COMMENTS:

Roger Allensworth, owner, stated the project had been previously approved but due to the economy they encountered problems with the developers. Currently, however, they had a developer who was interested in the property and was ready to begin work with the City.

**MOTION: Move to approve a 3-year time extension for PA-05-48 as amended by ZA-08-02 for a 249-unit high-rise residential project at 580 Anton.
Moved by Commissioner McCarthy, seconded by Commissioner Mathews.**

The motion carried by the following roll call vote:

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

3. **Application No.:** PA-12-20 and TT-17551
Applicant: Fernando Miagany / Trittech Associates
Site Address: 2573 Elden Avenue
Zone: R2-MD
Project Planner: Mel Lee
Environmental Determination: Exempt

Description:

The proposed project involves:

- 1) Design Review to construct five two-story residential units, including the following:
 - a. Variance from open space requirement (40% required, 28% proposed);
 - b. Variance from front setback/front landscape requirement for the location of a parking space (20 feet required, 10 feet proposed);
 - c. Variance from parkway landscaping (10 feet total, 3 feet on one side required; 8 feet total, 3 feet on one side proposed);

- d. Deviation from Residential Design Guidelines for average second story side yard setback (average 10-foot side yard setback recommended; 9-foot average side yard setback proposed);
- 2) A tentative tract map for condominium purposes.

Mr. Lee summarized the staff report. He stated that staff was recommending denial of this application due to the outstanding issue with the open space variance and the deviation from the City's Residential Design Guidelines. Various questions were posed by the Commissioners and staff that was on-hand provided them with answers.

PUBLIC COMMENTS:

Fernando Miagany, applicant, reported that his client originally wanted to build the 5 units as 3 bedroom units but due to the parking situation and to meet the City's parking requirements, they made some of the units 2 bedrooms. He also spoke regarding the open space challenge.

Nancy Pauley, neighbor to the north, spoke in opposition to the project and asked that the Planning Commission deny the project.

Amber Wallace, neighbor to the south, was excited that someone was stepping up to rejuvenate the area because the vacant lot was an eyesore that was bringing down value of their homes. She expressed concerns with the variances and requested that a sidewalk be built.

Jodi Martenson, neighbor to the south and current President of the HOA, echoed Ms. Wallace's statements and asked which options she should be reviewing because the options on the staff report and the options on the slide presentation were different.

Richard Browne, incoming HOA President, reported that at their last meeting everyone agreed that something had to be done because the rodent situation was worse. He liked the set up for the project but expressed concern with the setback from the main street and the fact that the architect had not contacted any of the neighbors for input.

Fernando Miagany apologized to residents for not contacting them and asking them for their input.

MOTION: Move that PA-12-20 and TT-17551 (2573 Elden Avenue) be denied without prejudice to the applicant and that the applicant return to the Commission with a new application.

Moved by Commissioner McCarthy, seconded by Commissioner Dickson.

The motion carried by the following roll call vote:

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

- 4. **Application No.:** PA-13-03 and PM-13-114
- Applicant:** Pete Volbeda
- Site Address:** 2590 Orange Avenue
- Zone:** R2-MD
- Project Planner:** Mel Lee
- Environmental Determination:** Exempt

Description:

The proposed project involves:

- 1) Minor design review to construct two, two-story, detached residential units with a deviation from the City's Residential Design Guidelines related to average second story side yard setback for the interior of the development lot (10-foot average second story side setback required, 5-foot average proposed)
- 2) A tentative parcel map to facilitate the subdivision of the property into two fee-simple lots with a variance from the common lot requirement. A common lot is defined as one lot to be held in common ownership and maintained by a homeowner's association. The subdivision will allow the units to be sold independent of one another.
- 3) Minor modification from the first and second floor front yard setback requirements for the unit on Parcel 1 (20 feet required; 16 feet proposed).
- 4) Minor modification from the second floor rear yard setback requirement for the unit on Parcel 2 (20 feet required; 16 feet proposed).

Mr. Lee presented the staff report and responded to the questions posed by the Commissioners.

PUBLIC COMMENTS:

Pete Volbeda, applicant, reported he was the current and past architect from the original submittal in 2005. He spoke about the concerns that surrounding neighbors had in 2005 with two drive approaches on Susannah Place. He stated that the owner, Jim Marino, spoke to all the neighbors and one concern from the resident to the east was that they provide increased side yard.

Norm Dias, neighbor, spoke in opposition of the project and asked the Commissioners to deny the project.

Teresa Catlin, Susannah Place resident, also spoke in opposition of the project. She is convinced that variances and deviations only help the developers and not the residents.

Brian Pezzolla, resident to the east, said the developer did speak with him and asked about his concerns. He understood his neighbor's concerns and spoke in favor of the developer.

MOTION: Move that based on the evidence in the record and the findings contained in Exhibit B and subject to the conditions of approval contain within Exhibit B, PA-13-03 & PM-13-114 be approved.

Moved by Vice Chair Dickson, seconded by Commissioner Mathews..

The motion carried by the following roll call vote:

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

The Chair explained the appeal process.

5. **Application No.** PA-13-07 and VTT-17554
Applicant: Intracorp Socal-1
Site Address: 132, 134 and 140 Industrial Way
Zone: MG and C2
Project Planner: Mino Ashabi
Environmental Determination: Exempt

Description:

The proposed project involves:

- 1) A master plan for construction of 22, three-story attached live/work units in the 19th West Urban Plan area adjacent to the Anchor Mobile Home site; and,
- 2) A vesting tentative tract map for condominium purposes. The plan is similar in site and architectural design to the 40-unit live/work project approved at 1527 Newport Blvd. The two sites are proposed to be connected by an interior street accessed from Industrial Way.

The following deviations are requested:

- Standard size garage (19' x 18'-6" proposed; 20' x 20' required)
- Ground floor work space (250 square feet required; 190 space square feet proposed) and;
- One-site open parking spaces requirement (22 spaces required; 19 spaces provided on-site, with 3 spaces provided on the approved project site on north). The 19 on-site open parking spaces include 6 compact parking spaces (8' x 15' proposed, 8'-6" by 18' required).

Ms. Ashabi summarized the staff report and staff provided answers to questions regarding deviations, noise ordinances and garages that were posed by the Commissioners.

Peter Lauener, applicant and president of Intracorp President, thanked staff for all their efforts with the project. He stated that all of the conditions had been reviewed and they were in support of them. Mr. Lauener assured the Commissioners that all the points that were raised would be reviewed through the CC&R's prior to the issuance of permits. Mr. Lauener provided a slide presentation.

PUBLIC COMMENTS:

There were no public comments.


MOTION: Move that based on the evidence in the record and the findings contained in Exhibit B and subject to the conditions of approval contain within Exhibit B modifying the CC&R's to include condition of approval #19

Moved by Vice Chair Dickson, seconded by Commissioner Mathews.

The motion carried by the following roll call vote:

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

VII. ADJOURNMENT: NEXT PLANNING COMMISSION MEETING AT 6:00 P.M. ON MAY 28, 2013.

Submitted by: 
 CLAIRE FLYNN, SECRETARY
 COSTA MESA PLANNING COMMISSION