

**REGULAR MEETING OF THE CITY OF  
COSTA MESA PLANNING COMMISSION  
June 10, 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](http://www.costamesaca.gov) or purchased on DVD upon request.

Commissioner McCarthy led in the Pledge of Allegiance.

**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 asked staff to keep the Commission informed with regards to zoning components for medical marijuana and reported on the Home Building BIA workshop he attended.

Commissioner Mathews encouraged the public to read the Orange County Business Journal because it had excellent article on what made Costa Mesa a good city for doing business.

Chair Fitzpatrick requested an update regarding Code Enforcement citations (fix-it vs. fine) and the Housing Element. Ms. Flynn stated staff would provide a citation update at the June 24, 2013 Planning Commission meeting. She provided a summary on the Housing Element.

Ms. Fazeli reported that the Wilson/Harbor widening project would be going before the Council on June 18, 2013 and if approved, construction would begin in July 2013.

Commissioner Dickson spoke about Costa Mesa's 60<sup>th</sup> Anniversary Committee and gave details regarding the 1<sup>st</sup> Annual Delgadillo Memorial Shoot-out fundraiser benefitting the children of Officer Mike Delgadillo.

**V. CONSENT CALENDAR:**

Chair Fitzpatrick pulled Consent Calendar Items No. 1 and No. 3. for discussion.

2. Code Enforcement Update

**MOTION: Approve the Code Enforcement Update. Moved by Chair Fitzpatrick, seconded by Commissioner McCarthy.**

The motion carried by the following roll call vote:

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

1. Minutes for the meeting of May 28, 2013

Commissioner Dickson mentioned that on Public Hearing Item No. 2 (2013-2021 Housing Element) the Minutes needed to be amended to reflect that all 5 Commissioners voted yes and he did not abstain.

**MOTION: Approve the May 28, 2013 Minutes as amended. 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: None

3. Amendment to the Planning Commission Bylaws

Ms. Flynn provided a summary of the proposed amendment to the Planning Commission Bylaws that included 1) addition of a Mission Statement, 2) meetings to be held twice a month (second and fourth Mondays of each month) and 3) inclusion of New Business and Reports from Staff (as applicable) to the existing Order of Business.

Beth Refakes, Seaside resident, said the proposed Mission Statement was too long and needed to be condensed to include goals. She also pointed out a minor correction.

**MOTION: Adopt the balance of the amendment to the Planning Commission Bylaws and Staff to return with a condensed Mission Statement and Goals. Moved by Chair Fitzpatrick, seconded by Commissioner McCarthy.**

The motion carried by the following roll call vote:

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

Chair Fitzpatrick announced that in consideration of staff's time, New Business Item No. 1 would be moved up and Public Hearing No. 3 (PA-12-25 & TT-17509) would follow.

## VII. NEW BUSINESS

1. Neighborhood Improvement Task Force Quarterly Update

Assistant CEO Rick Francis along with Lt. Mark Manley provided an update on the projects of the Neighborhood Improvement Task Force that were on their 1<sup>st</sup> Quarterly report for 2013. Lt. Manley thanked all staff involved with the collaborative tool.



Beth Refakes, Seaside resident and member of the Historical Society, stated the area had improved drastically. She thanked the Task Force and City staff for their efforts and hoped that implementing the Public Nuisance ordinance would help with the motel issues.

**MOTION: Receive and file the Neighborhood Improvement Quarterly Update. 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

## VI. PUBLIC HEARINGS

3. **Application No.:** PA-12-25 & TT-17509  
**Applicant:** Peter Zehnder  
**Site Address:** 2519 ½ and 2525 Santa Ana Avenue  
**Zone:** R2-MD  
**Project Planner:** Mino Ashabi  
**Environmental Determination:** Exempt

### Description:

The proposed project involves:

- 1) Design review to construct an 8-unit, two-story detached, small lot single-family residential development, including the following:
  - a. Variance from common lot requirement and establishment of a homeowners association;
  - b. Variance from minimum driveway length (19 feet required, 16 feet proposed for two front units);
  - c. Variance from rear yard setback requirement for first and second story of rear units (10 feet required for first story; 20 feet required for second story, 4 feet proposed);
  - d. Variance from parkway landscaping (2 feet proposed, 3 feet required)
  - e. Administrative Adjustment to reduce the front setback requirement for main buildings (20 feet required, 15 feet proposed);
  - f. Minor Modification to reduce the side yard setback requirement for main building (5 feet required, 4 feet proposed);
  - g. Deviation from residential design guidelines related to second floor to first floor ratio (80% recommended, 92% proposed); and,
  - h. Deviation from residential design guidelines related to second floor side setback (10 feet recommended, 4 feet proposed).
- 2) Tentative Tract Map for the subdivision of the property for an 8-unit fee simple subdivision.

### PUBLIC COMMENTS:

Chair Fitzpatrick opened the session for public comments. There were no public comments.

**MOTION: Continue matter to June 24, 2013 Planning Commission meeting. Moved by Chair Fitzpatrick, seconded by Commissioner McCarthy.**

The motion carried by the following roll call vote:

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

1. **Application No.:** ZA-13-10 & PM-13-117  
**Applicant:** Rudy Morales  
**Site Address:** 185 E. 19<sup>th</sup> Street  
**Zone:** R2-HD  
**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 for average second story side setback (10 feet recommended; 7 feet proposed).

2) A tentative parcel map to facilitate the subdivision of the property into a two-unit common interest development. The subdivision will allow the units to be sold independent of one another.

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

Bill Parker, owner of Southwest Equities said he was in agreement with the conditions but had a question regarding the block wall on Condition 11 but would get clarification from Mr. Lee later.

**PUBLIC COMMENTS:**

Chair Fitzpatrick opened the session for public comments. There were no public comments.

**MOTION: Based on the evidence of the record and the findings contained in Exhibit A and subject to the conditions of approval contained in Exhibit B (Condition 11 amended to strike the word "interior" in the first sentence), approve ZA-13-10 and PM-13-117. Moved by Commissioner Dickson, seconded by Commissioner McCarthy.**

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.

2. **Application No.:** VTT-17606  
**Applicant:** Psomas  
**Site Address:** 678 W. 19<sup>th</sup> Street  
**Zone:** R2  
**Project Planner:** Mel Lee  
**Environmental Determination:** Exempt



**Description:**

The proposed project is a vesting tentative tract map for a 20-lot airspace subdivision of an existing 269-unit residential development (The Tower on 19<sup>th</sup>, formerly Bethel Towers) for financing purposes to accommodate future renovations. Important Note: The application is not for conversion of the building to condominiums or any other common interest development. No change to the existing use is proposed. The project is intended to remain as rental units for senior citizens.

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

Paul Garey with Psomas and representing the owner (19<sup>th</sup> Street Affordable) thanked staff and the Commission for compiling the recommendations. Mr. Garry questioned the applicability of Conditions of Approval Nos. 7 and 8 regarding the drainage ordinance fee requirements. Mr. Garey understood that said fees were typically required for construction of new development and questioned if said fees were applicable to this type of subdivision since they were not constructing anything new or changing the conditions of the storm drain

Sean Burroughs with Reiner Communities, developer for the Tower on 19<sup>th</sup>, provided a detailed background regarding the Tower on 19<sup>th</sup> project at the request of Chair Fitzpatrick.

Chair Fitzpatrick asked Ms. Fazeli if the drainage fee could be waived. Ms. Fazeli stated that per the City's drainage ordinance and anytime a subdivision map was involved drainage fee was automatically triggered. City Council would have to decide whether or not to waive the required drainage fee.

Ms. Flynn explained the formal fee-waiving process.

Commissioner McCarthy requested follow-up information on why the nexus for triggering a drainage fee was a vesting tract map.

Mr. Garey preferred not having the drainage fee as a condition of approval. Ms. Flynn stated Conditions 7 and 8 could be modified to include "*unless waived by City Council.*" at the end of each condition.

**PUBLIC COMMENTS:**

Chair Fitzpatrick opened the session for public comments. There were no public comments

**MOTION:** Based on the evidence of the record, the findings in Exhibit A and subject to the conditions in Exhibit B approve VTT-17606 with the revised language regarding drainage fees for Conditions 7 and 8 to include "unless waived by City Council." Moved by Commissioner McCarthy, seconded with comment by Commissioner Dickson. Commissioner Dickson did not think the Commission could modify the Engineer's letter and asked the Maker of the Motion if he would propose modifying Condition of Approval No. 3 in Exhibit B with language stating, "Comply with the provisions of the City Engineer's letter dated May 30, 2013 (attached)" with the provision that "Conditions 7 and 8 can be waived by the City Council".

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.

**VII. ADJOURNMENT: NEXT PLANNING COMMISSION MEETING AT 6:00 P.M. ON JUNE 24, 2013.**

Submitted by:   
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CLAIRE FLYNN, SECRETARY  
COSTA MESA PLANNING COMMISSION