

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

September 23, 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.

Commissioner Sesler led in the Pledge of Allegiance.

ROLL CALL:

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

PUBLIC COMMENTS - None

PLANNING COMMISSIONER COMMENTS AND SUGGESTIONS:

Commissioner Sesler announced that seven parks had received new volleyball nets as well as other improvements. He reminded the public to check the City's website to report any complaints.

Commissioner McCarthy spoke about the OCTA resurrecting the possibility of toll lanes on the I-405 Freeway and the adverse impacts it would have on the City. He said Transportation Services Manager Raja Sethuraman would be providing a presentation at the October 14, 2013 Planning Commission meeting.

Chair Fitzpatrick said the Mayor had directed the Commission and staff to look at conditional use permits for the Costa Mesa Motor Inn and the Sandpiper Motel. Parole checks conducted by the Police Department revealed that 6 out of 9 arrestees resided in motels.

CONSENT CALENDAR:

1. Minutes for the meeting of September 9, 2013

PUBLIC COMMENTS - None

MOTION: Approve Consent Calendar Item 1 (September 9, 2013 Minutes). Moved by Commissioner McCarthy, seconded by Chair Fitzpatrick.

The motion carried by the following roll call vote:

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

PUBLIC HEARINGS

1. **Application No.** PA-12-25, TT-17509
Applicant: Peter Zehnder
Site Address: 2519½ and 2525 Santa Ana Avenue
Zone: R2-MD
Project Planner: Mino Ashabi
Environmental Determination: Exempt
Description:

The proposed project involves:

1) **Design Review PA-12-25** to construct an 8-unit, two-story detached single-family residential development, including the following:

- a. Variance from common lot requirement and establishment of a homeowners association;
- b. Variance from parking requirements (41 foot back-up area required, 38'6" proposed for two front units; two standard parking stalls required per unit, two compacts stalls provided for two of the units);
- c. Variance from minimum driveway length (19 feet required, 18'6" proposed for two front units);
- d. Variance from parkway landscaping (3 feet required on one side/10 feet total on both sides, 2 feet proposed one side / 7 feet total on both sides)
- e. Administrative Adjustment to reduce the front setback requirement for main buildings (20 feet required, 15 feet proposed);
- f. Administrative Adjustment to reduce the rear second floor setback (20 feet required, 15 feet proposed);
- g. Administrative Adjustment to reduce the distance between the buildings (10 feet required, 8 feet proposed);
- h. Minor Modification to reduce front setback requirement for a perimeter wall along Santa Ana Avenue (10 feet required; 8 feet proposed);
- i. Deviation from residential design guidelines related to second floor to first floor ratio (80% recommended, 92% proposed); and,
- j. Deviation from residential design guidelines related to second floor average side setback (10 feet recommended, 5 feet proposed for three units).

2) **Tentative Parcel Map No. 17509** to subdivide a 0.708-acre parcel for an 8-unit small lot subdivision.

Ms. Ashabi reported that a public hearing for this project was held on July 8, 2013. Due to the matter being continued several times, a new public hearing had been noticed and was being held today. She summarized the staff report and made a power point presentation.

Chair Fitzpatrick commended Ms. Ashabi on her constant professionalism. She responded to questions from the Commissioners regarding deviation request for compact requirement, driveway ingress/egress, garage door dimensions, conditioning storage elements within garages, review of maintenance agreement.

Mr. Peter Zehnder, applicant, was in agreement with most of the conditions of approval but had landscaping issues regarding the westerly lots. He gave an overview of the project's revisions (dimensions, changing the site plan against the westerly property line, etc.) and provided a power point presentation. Mr. Zehnder added that he met with neighboring property owners, homeowners to the north and the homeowner's association to discuss the project's revisions.

PUBLIC COMMENTS:

John Bushnell commended Ms. Ashabi for her extreme professionalism. He stated the applicant had adjusted some of the issues but not all them. Neighbors would like the Commission to listen to their concerns and implement them. He encouraged the Commission to include all the conditions of approval that staff prepared if they chose to approve the project.

Carleton Waters echoed Mr. Bushnell's comments and was glad to see dilapidated structures removed. He was concerned with reaching the maximum allowable density of 12 dwelling units per acre, the variance from 80% of the second floor to the first floor ratio to 92% and inappropriate massing of units. He quoted Section 1331(d) of the Development Standards for Residential Districts and requested a block wall and limited-visibility windows for the project.

Daniel Hoffman said documentation had been submitted regarding their perspective on this project. They had always been in favor of the project and had worked with the applicant to ensure that all prevalent issues were addressed and fine-tuned. The project no longer had a clean-line architecturally and the setbacks diminished the open space areas and there was insufficient parking in the garages. He requested trees along the westerly property line and that the various plans be in conformance with one another.

Mr. Zehnder was in agreement to changing the setback condition from 8 feet to 5 feet and leaving the screening/privacy elements to the discretion of the owners if the Commission chose to do so. He was also open to dialogue and discussion with the owners regarding the easement if need be the case. A detailed discussion regarding the easement ensued.

Chair Fitzpatrick referred to Easement Note C on Page 63 and asked if all tract map issues had been resolved. Ms. Ashabi stated Easement Note C pertained to the easement coding recorded in the 1950s. If language were to be refined, there was a condition that stated the wording would have to be consistent with the latest information in the title report; said wording would be in the final map after the County reviewed the easements.

Chair Fitzpatrick closed the public comments session.

Mr. Bushnell asked the Chair for time to rebut Mr. Zehnder's comment. Chair Fitzpatrick denied Mr. Bushnell's request.

Despite the project's improved design and enhancement to the neighborhood, the Commissioners expressed strong concerns with the easement, the proliferation of variances and deviations and the parking.

Commission McCarthy asked City Attorney Bettenhausen if the Commission could condition the applicant to have good faith discussions with the adjacent property owner in an attempt to resolve the easement issue.

Mr. Bettenhausen said the Commission could approve the project conditioned on approving all or a portion of the easement area or they could approve the project without the easement. If the Commission felt the easement issue could be resolved, they could mandate the applicant to establish outreach efforts with the adjacent property owner.

Economic and Development Services Director Gary Armstrong advised there was a clause in the Subdivision Map Act (Section 66462.5 (a), (b), (c), (d) and (e)) relating to off-site issues whereby the Commission could condition the applicant to prove that he had made best efforts. If the developer did not make best efforts, staff would use a trigger to withhold the project from moving forward. Mr. Bettenhausen concurred with Mr. Armstrong's comments.

Ms. Ashabi mentioned that Condition of Approval No. 6 stated the project was independent of the easement. She suggested tying in any related conditions to Condition No. 6.

Chair Fitzpatrick opened up the public comments session to ask Mr. Zehnder if he was in agreement with the Commission's proposal of making best efforts to resolve the easement issue prior to recordation of the final map. Mr. Zehnder was in agreement with the Commission's proposal. Chair Fitzpatrick closed the public comment session. The Commission discussed not regulating the entitlement based on future negotiations that may hold up the project.

MOTION: Based on the evidence of the record and subject to findings in Exhibit A and subject to the conditions in Exhibit B and striking "southerly" from Condition 13, approve PA-12-25, TT-17509. Moved by Commissioner McCarthy, seconded by Commissioner Sesler.

The motion carried by the following roll call vote:

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

The Chair explained the Appeal process.

ADJOURNMENT: NEXT PLANNING COMMISSION MEETING AT 6:00 P.M. ON MONDAY, OCTOBER 14, 2013.

Submitted by:



CLAIRE FLYNN, SECRETARY
COSTA MESA PLANNING COMMISSION