

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

May 27, 2014

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.

Vice-Chair Dickson led in the Pledge of Allegiance.

ROLL CALL:

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

Absent: Commissioner Jeff Mathews

Staff: Jerry Guarracino, Interim Assistant Development Services Director
Yolanda Summerhill, Planning Commission Counsel
Fariba Fazeli, City Engineer
Mino Ashabi, Principal Planner
Martha Rosales, Recording Secretary

PUBLIC COMMENTS - None

PLANNING COMMISSIONER COMMENTS AND SUGGESTIONS

Vice-Chair Dickson spoke about the City's website being a great tool for searching Agendas or Neighborhood Plans (General Land Use, Zoning, etc.). He encouraged the public to use the "Sign-up for City News" tab to receive emails from various Departments.

At the request of Chair Fitzpatrick, City Engineer Fariba Fazeli provided an update on current Citywide Street Rehabilitation projects.

CONSENT CALENDAR:

1. Minutes for the meeting of May 12, 2014

MOTION: Approve the May 12, 2014 Minutes. Moved by Commissioner McCarthy, seconded by Vice-Chair Dickson.

The motion carried by the following roll call vote:

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

PUBLIC HEARINGS:

1. **Application No.:** PA-90-107 A1
Applicant: Mark Hassan

Site Address: 1343 Logan Avenue
Zone: MG
Project Planner: Antonio Gardea
Environmental Determination: Exempt- per Section 15270(a) Projects which are disapproved

Description: Amendment to Conditional Use Permit to legalize a towing service for an existing body shop approved under PA-90-107.

Mino Ashabi, Principal Planner, presented the staff report which was an amendment to revise an existing conditional use permit for the site and advised that staff was recommending denial of the request. Ms. Ashabi added the applicant was going to present proposed physical and operational changes to the towing business that had not been presented to staff prior to the release of the staff report.

The Commission discussed parking issues, a proposed block wall to replace a wooden fence and the purpose/use of a security gate.

PUBLIC COMMENTS

Mark Hassan, applicant and owner of Hadley Tow, gave a presentation that covered their contract with the Automobile Club of Southern California (AAA) and the operations of the towing service and auto body shop.

Commissioner Sesler recused himself upon learning of the contractual arrangement between Hadley Tow and his employer the Automobile Club of Southern California (conflict of interest).

Mr. Hassan suggested a condition of approval stating that any business conducted after 7 p.m. would be towards the north (front) part of the property. Vehicles dropped off after hours would be parked in the front of the property and moved to the rear tandem parking the following morning so as to not impact the residents after 7 p.m.

Mr. Hassan responded to questions from the Commission regarding employee parking, number of employees, rear security gate, dispatch accessory use, and AAA guidelines. Mr. Hassan reported they did not conduct private property impounds or tow for the police; therefore, he did not foresee any parking issues if their businesses expanded and reported that one of their 6 locations could easily accommodate any overflow business.

Ed Khalini, owner of Euro-American, said that in the 24 years that he has been in business they have never had a complaint. Their business had decreased since the recession and as a result 30-40% of their 13,000 square-foot facility was not being used. Partnering with Hadley Tow would help them sustain the business and keep their employees. Mr. Khalini advised the Commission of the pending upgrades to improve the look and feel of the property.

Vice-Chair Dickson asked if a past complaint against Hadley Tow was noise-related. Interim Assistant Development Services Director Jerry Guarracino stated the complaint, filed by an outside business was operational-related.

MOTION: Continue PA-90-107 A1 indefinitely to allow Staff and the applicant to consider a project that may or may not be approved by the Planning Commission with consideration to the addition of a block wall, removing some of the rear structures, residential distance, on-site parking for all customers and employees, review of any possible conflicts regarding AAA requirements related to the tow and land-use, outreach to property owners, managers and businesses of abutting

apartments and the inclusion of a noise-study. Moved by Chair Fitzpatrick, seconded by Vice-Chair Dickson.

The motion carried by the following roll call vote:

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

Commissioner Sesler returned to the Council Chambers.

2. **Application No.:** PA-14-12 and PM-14-113
Applicant: Rod Jeheber
Site Address: 389 Rochester Street
Zone: R2-MD
Project Planner: Antonio Gardea
Environmental Determination: Exempt- per Section 15332 In-fill Development Projects

Description: The proposed project involves:

- (1) Design Review to construct two, 2-story detached residential units on a 10,101 square foot lot.
- (2) Tentative Parcel map for subdivision of the property into two, fee simple lots in accordance with the small lot subdivision standards.

Mino Ashabi, Principal Planner, presented the staff report for a 2-lot subdivision that met the Small Lot Subdivision Ordinance standard.

Vice-Chair Dickson inquired if a Homeowner's Association was required. Ms. Ashabi advised that the project had no common areas and each lot functioned individually so a Homeowner's Association was not required. As a result, Condition of Approval No. 13 to be stricken.

Vice-Chair Dickson asked where staff could add a Condition of Approval to ensure that the landscaping between the driveways along Rochester remain intact and not be paved over to make one continuous driveway. Ms. Ashabi advised staff could add a new Condition of Approval if the Commission wanted extra assurance or at the time the Landscaping Plan was submitted staff would ensure that it was consistent with the Site Plan.

PUBLIC COMMENTS

Tom St. Claire, partner with the applicant, had read the Conditions of Approval and with the exception of Condition of Approval No. 13, he was in agreement with the conditions. Mr. St. Claire gave an overview of his company, Rincon Real Estate Group.

Rob Jeheber, applicant, stated the floor plans of the homes were mirrored but they were going to be architecturally different on the outside. Mr. Jeheber was in agreement to preserving the landscape along Rochester and said the Small Lot Ordinance was a big improvement that made things simpler for them.

Rick Huffman, Costa Mesa resident, mentioned the Small Lot Ordinance was a good tool. It was refreshing to see a development following the rules and proposing a project that was clean and simple with normal density and plenty of parking.

Kathleen Reid, Costa Mesa resident, made a request to save the Sycamore tree that was adjacent to the fence. Ms. Reid felt it was a beautiful and mature tree that added

value to the property and the neighborhood – it also served as a buffer and gave the neighborhood shade in the summer time.

Chair Fitzpatrick asked the applicant if they would give every consideration to saving trees without hindering or adversely impacting the project. Mr. St. Claire stated they would do everything to save the Sycamore tree. Chair Fitzpatrick asked Mr. St. Claire and Ms. Reid to exchange information and resolve the issue on an informal level.

MOTION: Based on the evidence of the record and findings contained in Exhibit A, subject to the Conditions of Approval contained in Exhibit B modified as follows:

Condition of Approval No. 13 – strike condition in its entirety.

Planning Condition of Approval No. 8 (Pg. 14) – strike condition in its entirety.

Add Condition of Approval No. 17 to read “Landscape and driveway areas to remain as submitted on the Site Plan. No additional driveway areas shall be permitted unless approved by the Development Services Director”;

Approve PA-14-12 and PM-14-113. Moved by Vice-Chair Dickson, seconded by Commissioner McCarthy.

Counsel Yolanda Summerhill requested a motion with respect to the environmental. Chair Fitzpatrick asked the Maker of the Motion to amend his motion to include CEQA exemption.

Vice-Chair Dickson amended his motion to find the project Exempt from further CEQA review per Section 15332, In-Fill Development. Commissioner McCarthy who seconded the motion was in agreement with the amended motion. (PC Resolution 14-26)

The motion carried by the following roll call vote:

Ayes: Fitzpatrick, Dickson, McCarthy, Sesler

Noes: None

Absent: Mathews

Abstained: None

The Chair explained the appeal process.

- 3. Application No.:** PA-13-35 & TT-17705
Applicant: Peter Zehnder
Site Address: 2294 Pacific Avenue
Zone: R2-MD
Project Planner: Mino Ashabi
Environmental
Determination: Exempt-per Section 15332 Infill Development Projects

Description: The proposed project involves:

- 1) Design review to construct a 5-unit, two-story detached, small lot single-family residential development on a 0.47-acre parcel, including the following:
 - a. Administrative Adjustment to reduce the front setback requirement for main buildings (20 feet required, 12'-11" proposed); and,
- 2) Tentative Tract Map for the subdivision of the property for a 5-unit fee simple subdivision in accordance with the small lot subdivision standards.

Mino Ashabi, Principal Planner, summarized the staff report and stated this project was also taking advantage of the Small Lot Ordinance.

The Commission spoke about the Administrative Adjustment for the proposed 12'-11" setback and Condition of Approval No. 16 regarding a homeowner's association.

PUBLIC COMMENTS

Peter Zehnder, applicant, thanked Ms. Ashabi for her assistance and gave an overview of the project. He told the Commission that the product was the same architectural design as the 2525 Santa Ana Avenue project. Mr. Zehnder inquired about the materials mentioned in Condition of Approval No. 4 and was advised that Condition of Approval No. 4 was a standard condition and not restrictive. Mr. Zehnder responded to questions raised by the Commission regarding the Administrative Adjustment

Rick Huffman, Costa Mesa resident, was opposed to the project - it had a deviation, was under-parked and he did not like the design. He asked the Commission to pressure the developer for more parking and to possibly come up with an alternative.

At the request of the Commission, Mr. Zehnder elaborated on the materials being used on the project and touched on parking concerns.

MOTION: Planning Commission approve PA-13-35 and TT-17705 for a 5-unit residential development at 2294 Pacific Avenue as follows: 1) Find that the project is exempt from further CEQA review per Section 15532-In-fill Development; and approve PA-13-35 via resolution to allow development of a 5-unit detached residential development with an Administrative Adjustment from front setback requirements based on the evidence of the record, the findings set forth in Exhibit A and subject to the Conditions of Approval in Exhibit B with Condition of Approval No. 24 revised to read: "The project is subject to installation of three 24-inch box Pinus Canariensis along Pacific Avenue, or other similarly sized and approved trees, subject to approval of Public Services Director".
Moved by Commissioner McCarthy, seconded by Chair Fitzpatrick. (PC Resolution 14-27)

The motion carried by the following roll call vote:

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

The Chair explained the appeal process.

4. **Application No.:** PA-13-29 and TT-17668
Applicant: South Coast Communities – David Hutchins
Site Address: 2095 Harbor Blvd.
Zone: PDC
Project Planner: Mino Ashabi
Environmental Determination: Mitigated Negative Declaration
Description: The proposed project involves:
- 1) A Master Plan for construction of 28, three-story detached live/work units at the southwest corner of Harbor/Hamilton
 - 2) A Tentative Tract Map for a 28-lot subdivision for condominium purposes.
 - 3) Deviation from Residential Design guidelines related to second floor and third floor ratios to first floor (100% allowed, 104-110% proposed).

Mino Ashabi, Principal Planner, summarized the staff report for a 28-units Master Plan project on 1.53 acre. Ms. Ashabi reported receipt of 17 letters of support and 2 letters of opposition and added that the exhibit in Attachment 7 (Pg. 87) needed to be replaced with a revised version that included two additional parking spaces.

The Commissioners discussed density, parking, circulation, fire access, reduction of perimeter open space, plate line in Condition of Approval No. 6, Notice to Buyer provisions, practical ways of protecting the adjacent businesses, noise levels, pervious pavers in Condition of Approval No. 16,

PUBLIC COMMENTS

David Hutchins, representing the applicant South Coast Communities, stated they agreed with most of the Conditionals of Approval except Condition of Approval No. 6 that they wished to discuss further and the removal of Code Requirement No. 37 that pertained to an alley (alley not applicable to this project). Mr. Hutchins provided background information regarding the project.

Lynn Redman, Costa Mesa resident, has been the original renter of Parcel No. 1 since the Hamilton Community Gardens opened. Mr. Redman was concerned that a block wall would create continuous shading on the garden. He addressed parking and hazardous materials concerns and asked that the new development going on the site be sensitive to the Community Gardens.

Tim Lewis from Red-E-Rentals, submitted a letter with his concerns. He said the applicant's presentation did not mention his request to leave an extra 10 feet for an additional lane at Hamilton to make the driveway effective. Mr. Lewis felt the project's traffic flow was an error because instead of dumping the traffic onto Charle Street (a street severely impacted) they should have moved the traffic flow to Harbor Boulevard.— a street capable of handling the traffic. Mr. Lewis said the City Council's vote on the zoning issue was an error.

Marina Renka, representing Rudy's Garage, said the developer had never approached them. They were opposed to the project because the area was for commercial projects not residential and the proposed project was non-conforming to the surrounding businesses. Ms. Renka was disappointed with the City of Costa for allowing a residential project at the corner of Harbor and Hamilton. She understood that the Hamilton/Harbor corner needed to be revitalized but approving a residential project for that area was a mistake.

Rick Huffman, Costa Mesa resident, agreed with a lot of Mrs. Renka's comments. He felt that approving mixed-use live/work units was just an excuse to jam units in and urged eliminating the pretense. The Commission should be encouraging commercial uses such as store front shops and restaurants on the southern part of Harbor Boulevard. He felt that three-story residences backing up to Harbor Boulevard was preplanned blight and knew that replacing obsoleted buildings was necessary but not with live-work projects. Mr. Huffman offered alternatives for the project.

Beth Refakes, Costa Mesa resident, was concerned with the project's location, parking and egress on to Hamilton. She was happy that a big eye sore on Harbor Boulevard that attracted transients was going to be eliminated and felt it should have been declared a nuisance a long time ago. Ms. Refakes was concerned that the rules and regulations for the Community Garden did not prohibit the use of any types of chemicals and felt the existing businesses needed to be protected.

Dale Frankhouse, owner of the medical building at 2077 Harbor Boulevard, did not think the development had sufficient parking. He was concerned that the project's overflow would go into his parking lot leaving his tenants and customers without parking and losing money. He requested 30-foot bamboo to act as a buffer and replace the beautiful tree that gave him privacy and did not want to see his neighbors involved in litigations or people complaining about the noise when it already pre-exists.

Greg Sullivan, representing Red Mountain, empathized with the concerns of the public speakers and felt it was fear of the unknown. The project received wide-area support from other businesses in the neighborhood – it was a good project that was going to benefit Costa Mesa and hoped the Commission would support it.

Chair Fitzpatrick asked Mr. Sullivan for a brief overview of the project's history. Mr. Sullivan deferred the Chair's request to Eric Nelson who provided the overview.

MOTION: Adopt Initial Study / Mitigated Negative Declaration and approve PA-13-29 and TT-17668 based on the evidence of the record, the findings in Exhibit A and subject to the modified Conditions of Approval in Exhibit B as follows:

Amend Condition of Approval No. 4, middle of sentence one after "site" to read: "with the exception of the property lines adjacent to Red-E-Rental and the medical office which shall be 8-foot high masonry walls,

Amend Condition of Approval No. 10 to read: "Landscaping and irrigation shall be installed in accordance with the approved plans prior to final inspection or occupancy clearance, including screening by trees and/or landscaping along the property line with Red-E-Rentals and the medical office to the satisfaction of the Development Services Director."

Amend Condition of Approval No. 16 by adding at the end: "as approved by the Development Services Director."

Amend Condition of Approval No. 17A to read "The CC&R's shall contain provisions requiring that the HOA homeowner's association (HOA) effectively manage parking and contract with a towing service to enforce the parking regulations, and prevent to the extent possible resident or guest parking in adjacent businesses".

Amend Condition of Approval No. 26 by adding "shall be provided to all adjacent property owners upon recordation" at the end of the second-to-the-last sentence (after whichever is longer)

Add Condition of Approval No. 32 to read: "With the concurrence of and to the satisfaction of the Transportation Department, extend the length of the eastbound left-turn storage lane on Hamilton Street by an additional 50-feet for a total storage length of 200-feet."

Code Requirements Condition No. 31 – strike in its entirety.

Special District Requirements Condition No. 6 – strike in its entirety.

Moved by Vice-Chair Dickson, seconded by Chair Fitzpatrick for discussion.

As a neighborly effort, Chair Fitzpatrick asked the applicant to reach out to the members of the Community Garden, find out their needs and help them.

The motion carried by the following roll call vote:

Ayes: Fitzpatrick, Dickson, McCarthy, Sesler

Noes: None

Absent: Mathews

Abstained: None

The Chair explained the appeal process.

NEW BUSINESS:

1. Capital Improvement Program (CIP) 1 Year Annual Report & 7 Year CIP

Minoo Ashabi, Principal Planner and Fariba Fazeli, City Engineer made themselves available for questions from the Commission.

Chair Fitzpatrick gave a brief summary regarding the Capital Improvement Report.

MOTION: Approve the General Plan Conformity Resolution for the City of Costa Mesa One Year 2014-2015 and Seven Year 2014-2021 Capital Improvement Program and find that it is in conformance with the General Plan. Moved by Commissioner McCarthy, seconded by Chair Fitzpatrick

The motion carried by the following roll call vote:

Ayes: Fitzpatrick, Dickson, McCarthy, Sesler

Noes: None

Absent: Mathews

Abstained: None

2. Report and discussion about possible recommendations for Fiscal Year 2014-15 Planning Commission Goals

Interim Assistant Development Services Director Jerry Guarracino presented a revised list (Attachment A) of the 2014-15 Planning Commission Goals. Mr. Guarracino and the Chair worked on prioritizing the goals and categorizing them as suggested goals, policy items, and other considerations for discussion with the City Council (for Council review at another time/venue).

Chair Fitzpatrick said the title for Item No. 1 required fine-tuning due to issues with the 9th Circuit Court of Appeals ruling. Mr. Guarracino suggested "Residential Community Impacts" as a possible title. Commissioner Sesler said the suggestion was an acceptable solution because it was important to focus on the impacts instead of the homes.

Chair Fitzpatrick agreed to the revised titled and added he wanted to know the level of the issues that were happening and if they were rising to a nuisance level. He also thought it was important for the community to know to report adverse behaviors and impact to the City for them to become a body of evidence if and when any action was necessary.

Vice-Chair Dickson requested that as part of Goal No. 2 a Study Session be set to discuss the West Side Plans. He also felt that Goal Nos. 1 and 4 needed to be merged and a robust tracking system implemented.

PUBLIC COMMENTS

Beth Refakes, East Side resident, asked the Commission to add in the "Other Consideration" section of the Goals to review live/work projects closer and provide protection for the existing surrounding businesses.

The Commission agreed to add Condition H to Condition No. 2 in the "Other Consideration" section to read, "How best to protect existing businesses and corresponding jobs."

ADJOURNMENT: NEXT PLANNING COMMISSION MEETING AT 6:00 P.M. ON TUESDAY,
JUNE 9, 2014.

Submitted by:

Cary Armstrong for:

CLAIRE FLYNN, SECRETARY
COSTA MESA PLANNING COMMISSION