

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

**August 11, 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](http://www.costamesaca.gov) or purchased on DVD upon request.*

Commissioner Dickson led in the Pledge of Allegiance.

**ROLL CALL:**

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

Staff: Jerry Guarracino, Interim Assistant Development Services Director  
Yolanda Summerhill, Planning Commission Counsel  
Bart Mejia, Parks Project Manager  
Antonio Gardea, Senior Planner  
Chelsea Crager, Assistant Planner  
Martha Rosales, Recording Secretary

**PUBLIC COMMENTS**

Robert Graham, Parks and Recreation Commissioner, spoke on the importance of addressing future bicycle accommodations (bike ways, routes, lanes, off-road trails, etc.) especially in the West Side area due to the emphasis on building high density projects.

Beth Refakes, Costa Mesa resident, reported the Costa Mesa Military Affairs Team was collecting items for the 1/5 care packages through the end of August. A list of requested items was posted on the City's website in the Military and Veterans Affairs page.

**PLANNING COMMISSIONER COMMENTS AND SUGGESTIONS**

Commissioner Sesler talked about downloading the Costa Mesa Connect application for reporting graffiti, parking or any other issues. Residents without smart phones could always call the City hotlines or report the issues online at the City's website ([www.costamesaca.gov](http://www.costamesaca.gov)).

Commissioner Dickson, at the request of a resident who could not be present, reported a dangerous intersection at Yellowstone and Trinity that was experiencing severe parking impacts. He thanked staff for immediately addressing issues when brought to their attention.

Commissioner McCarthy reported there was a 3500-car threshold when considering speed bumps/humps. Regarding bike-ability, he stated Costa Mesa was not a bike-friendly City. The residents were in favor of bike paths but they did not want bike paths in front of their homes - despite there being tremendous opportunities for bike-ability that type of logic would not have a lot of traction.

Chair Fitzpatrick would be contacting the Parks and Recreation Chair to re-establish bike-ability dialogues. He thanked Vice-Chair Dickson for referring the residential parking complaint because residential parking impacts are on their 2014-25 list of Planning Commission Goals and they needed real live complaints to begin studying the problems. He encouraged everyone

to support the local restaurants during Costa Mesa's Restaurant Week – August 15<sup>th</sup> through the 22<sup>nd</sup>.

**CONSENT CALENDAR:**

1. Minutes for the meeting of July 14, 2014.
2. Code Enforcement Update

**MOTION: Approve the Consent Calendar items. Moved by Commissioner McCarthy, 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

**PUBLIC HEARINGS:**

1. **Application No.** PA-14-07 & PM-14-115  
**Applicant:** Don McDougall  
**Site Address:** 1944 Church Street  
**Zone:** R2-MD  
**Project Planner:** Chelsea Crager  
**Environmental Determination:** Exempt-per Section 15303 New Construction or Conversion of Small Structures and 15315 Minor Land Divisions

**Description:**

1. Design Review to construct two, 2-story, detached single family homes; and
2. Tentative Parcel Map for subdivision of the property into two, fee simple lots, in accordance with the standards of the small lot ordinance.

Chelsea Crager, Assistant Planner presented the staff report. Staff was recommending the Commission move the project to be exempt from the provisions of the California Environmental Quality Act under Section 15303 for New Construction or Conversion of Small Structures and Section 15315 for Minor Land Divisions and approve the resolution subject to conditions of approval.

Ms. Crager provided answers to the Commission regarding density and trees.

**PUBLIC COMMENTS**

Don McDougall, applicant representing RSI Homes and SCEL Properties, had read the Conditions of Approval. He agreed with them except for Condition of Approval No. 5 on Page 5 of the Supplemental Memorandum. Mr. McDougall understood the reasoning for requiring a decorative masonry wall around the perimeter of the project and requested that the condition be modified to allow the interior fencing (wall) to be a vinyl fence (something they typically did on interior property lines) instead of masonry. Mr. McDougall added this project was a good example for the small lot subdivision ordinance.



J Paul Wilson, Costa Mesa resident, stated there were no sidewalks on Church Street and asked if the sidewalks on the rendering were for the 1944 Church address only and what, in general, was the plan for the sidewalks. Chair Fitzpatrick asked staff if sidewalks were a requirement. Interim Assistant Development Services Director Jerry Guarracino confirmed it was standard with most new projects to require the installation of sidewalks with subdivisions of land. Chair Fitzpatrick stated it was his intention to facilitate sidewalks especially in properties with corner lots and intersections.

The Commission discussed block walls vs. vinyl fencing in between multi-family units, tree requirements and giving deference to the Parks and Recreation Commission (PRC). Commissioner McCarthy requested a follow-up on the provision regarding a block wall between units.

At the request of Chair Fitzpatrick, Ms. Summerhill explained the standard language for the severability clause that would be included.

Commissioner Mathews inquired about Conditions of Approval Nos. 17 and 18 and asked if the PRC denied the removal of a tree, would staff and the Planning Commission be okay with the sidewalk meandering around the trees or was there an alternative remedy. Chair Fitzpatrick asked Parks Project Manager Bart Mejia how the PRC handled matters of this nature. Mr. Mejia stated the PRC looked at: 1) reports from the Arborist to determine the health of the trees and 2) the proposed development and the benefits it would bring prior to rendering a decision

**MOTION: Based on the evidence of the record, the Findings contained in Exhibit A and subject to the Conditions of Approval contained within Exhibit B as modified to include Conditions of Approval contained in the Supplemental Memorandum dated August 11, 2014, including the addition of Condition of Approval No. 20 that landscape trees (as depicted in the landscape plan provided by the applicant) shall be a minimum of 36" box trees; approve PA-14-07 and Tentative PM-14-115 and find that the project is exempt from provisions of the California Environmental Quality Act (CEQA) under Sections 15303 and 15315. Moved by Vice-Chair Dickson, seconded by Commissioner McCarthy with comment. (PC Resolution 14-35).**

Commissioner McCarthy praised the applicant on bringing forward a fantastic and good looking project that met all of the requirements and would be great for the area.

Chair Fitzpatrick echoed Commissioner McCarthy's comments and asked if enough deference was given to the Parks and Recreation Commission under the added Condition of Approval No. 20 regarding language for trees in the motion. Mr. Guarracino assured the Commission that staff would work it out. Mr. Guarracino asked if the motion included the Severability Clause.

The Maker of the Motion (Vice-Chair Dickson) confirmed the **inclusion of the Severability Clause in his motion**. The Second of the Motion (Commissioner McCarthy) was also in agreement.

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.:** 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 PA-90-107 for an existing body shop to legalize the operation of a tow company (Hadley Tow) with outdoor storage of vehicles and tow trucks.

Commissioner Sesler recused himself at the May 27, 2014 Planning Commission meeting and recused himself at this meeting as well, due to a potential conflict of interest between Hadley Tow and his employer the Automobile Club of Southern California.

Antonio Gardea, Senior Planner, reported the item was continued from the May 27, 2014 Planning Commission meeting, where the applicant was directed to provide additional information regarding anticipated improvements for the site. Since then the applicant provided staff with a Noise Study included in the Supplemental Memorandum along with a resolution for approval should the Commission choose to approve the application. Mr. Gardea presented the staff report.

Commissioner McCarthy asked if the Noise Study and analysis changed staff's conclusion regarding compatibility issues with the surrounding residential use. Mr. Gardea explained the issues pertained to the developmental standards for the auto repair facility - the operations for the tow truck use would be in direct violation of those standards. The Noise Study addressed some of staff's concerns but it did not address the fundamental question regarding compatibility.

Mr. Guarracino provided an update regarding the results of the Noise Study.

Mr. Gardea gave the Commission a rundown of events that had unfolded since the first public hearing on May 27, 2014 to the present. He advised that in the interim, the applicant continued to use the site for a towing operation. Commissioner McCarthy stated the applicant was still not in compliance with what he was allowed to do - Mr. Gardea confirmed the comment and added the original violation notice was for operating a tow company from the site and not just a dispatch office.

Mr. Gardea responded to questions posed by the Commission regarding noise complaints, surrounding businesses, communications with the applicant, vehicle drop off after hours, a security gate and masonry wall, and the issues pertaining to the business being a 24-hour operation and towing inoperable vehicles.

**PUBLIC COMMENTS**

Mark Hassan, applicant, confirmed he had read the Conditions of Approval and stated he was in agreement with them. He gave a brief summary of the process he went through with City Hall at the time he was awarded the contract for the tow business. Mr. Hassan mentioned they reached out to the abutting neighbors and provided them with phone numbers to call if they had any complaints, questions or concerns.

Chair Fitzpatrick wanted to know what limits there were regarding scale and intensity on late night noises if they were to approve the request.

Ms. Summerhill, suggested bringing back the item if the Commission sensed they were going to approve the request. Due to the CEQA section that was noticed (15270(a) projects which are denied), a different exemption would have to be used and noticed. Mr. Gardea advised the public notice that went out on July 30, 2014 did include an exemption for approval under Section 15301-Existing Facilities; the recommendation was changed to denial on the Agenda because staff did not have the requested information. Ms. Summerhill stated the Commission could approve the matter since it had had been properly noticed with the Existing Facilities Exemption.

Vice-Chair Dickson felt if the Commission was going to move forward with this matter, it was important to place a numeric limit on the amount of vehicles dropped off after hours so as to contain and mitigate noise issues. Mr. Hassan stated the property line from Logan Avenue to the apartment building was 477 feet (where offloading would occur); cars needing to be moved to the back lot at 7 a.m. would be driven or moved using a dolly.

Ed Alikhani, owner of Euro-American Collision Center, appreciated if the Commission approved their project. It would be a great addition, help their business and a good cause for Costa Mesa.

**MOTION: Based on the evidence of the record, the Findings contained in Exhibit A and subject to the modified Conditions of Approval contained in Exhibit B: Condition of Approval No. 14 – include the word “not” in front of “limited to” Add a provision that a maximum of 6 vehicles may be dropped off after hours in a designated drop off area to the front of the property before any security gate adjacent to Logan Avenue (per site plan), as well as the other Conditions of Approval; find the project to be exempt from further CEQA review per Section 15301-Existing Facilities and inclusion of the Severability Clause; approve PA-90-107 A1. Moved by Vice-Chair Dickson, seconded by Commissioner Mathews. (PC Resolution 14-36)**

Vice-Chair Dickson thanked Mr. Guarracino and Mr. Gardea on the new and innovative Conditions of Approval and added they should be used in other projects going forward.

The motion carried by the following roll call vote:

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

The Chair explained the appeal process.

Commissioner Sesler returned to Council Chambers.

3. **Application No.:** PA-14-24  
**Applicant:** Malik Abbas  
**Site Address:** 1370 Logan Avenue, Unit F  
**Zone:** C1  
**Project Planner:** Antonio Gardea  
**Environmental Determination:** Exempt per - Section 15301 Existing Facilities

**Description:**

Conditional Use Permit to operate an automobile service use (smog check station) within 200 feet of residentially-zoned property.



Antonio Gardea, Senior Planner, presented the staff report. The site and floor plans showed the proposed use would be located in the middle of the building, away from the apartments, and the hours of operation would be limited - no repairs would be taking place at the site and no inoperative vehicles would be kept there.

## **PUBLIC COMMENTS**

Frank Malik, applicant, had read the Conditions of Approval and agreed with them. His business was a test station only; their business hours were Monday through Friday 8 a.m. to 5:30 p.m. and 8 a.m. to 4 p.m. on Saturdays.

**MOTION: Based on the evidence of the record, Findings set forth in Exhibit A and subject to the Conditions of Approval set forth in Exhibit B, approve PA-14-24 for a Conditional Use Permit for a smog check station located within 200 feet of residential property at 1370 Logan Avenue, Unit F including a finding that the project is exempt from further CEQA review per Section 15301-Existing Facilities. Moved by Commissioner McCarthy, seconded by Vice-Chair Dickson with comment. (PC Resolution 14-36)**

Vice-Chair Dickson asked the Maker of the Motion (Commissioner McCarthy) if he would agree to **striking Condition of Approval No. 6**. The Maker of the Motion agreed.

Mr. Guarracino added if the Maker of the Motion would agree to **adding the Severability Clause to his motion**. The Maker of the Motion and the Second agreed.

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.

## **DEPARTMENTAL REPORT(S):**

1. Public Services – None
2. Economic and Development Services – None

## **CITY ATTORNEY'S OFFICE REPORT(S)**

1. City Attorney - None

**ADJOURNMENT: NEXT PLANNING COMMISSION MEETING AT 6:00 P.M. ON MONDAY, AUGUST 25, 2014.**

Submitted by:

  
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CLAIRE FLYNN, SECRETARY  
COSTA MESA PLANNING COMMISSION