

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

**November 21, 2016**

*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 the Pledge of Allegiance.

**ROLL CALL**

Present: Commissioner Colin McCarthy  
Commissioner Tim Sesler  
Commissioner Stephan Andranian

Absent: Chair Robert Dickson  
Vice-Chair Jeff Mathews

Staff: Jay Trevino, Development Services Department Consultant  
Peggy Schneble, Interim Assistant Development Services Director  
Yolanda Summerhill, Deputy City Attorney  
Bart Mejia, City Attorney  
Raja Sethuraman, Public Services Director  
Dan Inloes, Senior Planner  
Ryan Loomis, Associate Planner  
Julie Colgan, Recording Secretary

**PUBLIC COMMENTS**

Steven Chan, Costa Mesa resident, requested that Commissioner Andranian recuse himself from 440 Fair Drive Public Hearing item; spoke about a request he made to forward conditions of approval for City issued public entertainment permits to the California Department of Alcoholic Beverage Control if the facility has an ABC License; and requested certain Planning Commissioners vacate their seats.

A Costa Mesa resident spoke about a homeless man that the residents helped out and asked for continued help with him.

Cindy Black, Costa Mesa resident, announced an upcoming Coastal Commission hearing regarding Banning Ranch.

**PLANNING COMMISSIONER COMMENTS AND SUGGESTIONS**

Commissioner McCarthy wished everyone a Happy Thanksgiving.

**CONSENT CALENDAR: None**

**PUBLIC HEARINGS**

1. **Application No.:** PA-16-54 AND PM-2016-167  
**Applicant:** Gavin Sermon  
**Site Address:** 166 Rochester Street  
**Zone:** R2-HD

**Project Planner:** Dan Inloes

**Environmental Determination:** The project is categorically exempt under Section 15303 of the State CEQA (California Environmental Quality Act) Guidelines – Class 3 (New Construction).

**Description:** The proposed project involves:

1. **Design Review PA-16-54** for the demolition of an existing single-family residence and construction of two residences (one with 4 bed/3.5 bath 2,393 square feet and one with 3 bed / 2.5 bath 2,049 square feet) with attached two-car garages.
2. **Tentative Parcel Map PM-2016-167** for the subdivision of a 0.16-acre lot into two fee simple lots, per the Small Lot Subdivision Ordinance.

No ex-parte communications to report.

Dan Inloes, Senior Planner, presented the staff report.

Commissioner McCarthy asked for clarification on the fencing that the applicant requested to keep.

## **PUBLIC COMMENTS**

Gavin Sermon, applicant, stated being in agreement with the conditions of approval except Condition of Approval No. 5.

Rafael Sandoval, South Pointe Construction, gave a presentation on the proposed project.

Mr. Sermon asked that the Planning Commission not require the block wall along the left hand side of the property and along the front side, and allow a vinyl fence instead.

No public comment.

Commissioner McCarthy closed the public hearing.

Commissioner Andranian asked for clarification on the reason for the standard to require a block wall on all new projects. Mr. Inloes responded the decorative block wall is more permanent, will block noise and provide more privacy.

Commissioner McCarthy clarified the reason behind requiring the block walls.

Commissioners and staff discussed amending Condition of Approval No. 5.

**MOTION:** Move that based on the evidence in the record and subject to the conditions of approval set forth in Exhibit B and the findings in Exhibit A and recognizing the fact that the project is exempt from California Environmental Quality Act under the report that was submitted that the Planning Commission approves Planning Application PA-16-54 and Parcel Map 2016-167 for a two-unit small lot subdivision residential development at 166 Rochester Street with the following modification:

**Condition of Approval No. 5 to read:** “Prior to final inspection, the applicant shall construct a minimum six-foot tall decorative masonry wall along the rear property line and a decorative masonry wall or vinyl fence around the rest of the perimeter of the project site. Where walls on adjacent properties already exist, the applicant shall work with the adjacent property owner(s) to minimize gaps in-between side-by-side walls and use flashing to enclose gaps between fencing. Also applicant shall provide adequate privacy screening by trees and landscaping”.

Moved by Commissioner Sesler, seconded by Commissioner Andranian.



**RESOLUTION PC-16-61 - A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA APPROVING PLANNING APPLICATION PA-16-54 FOR A TWO-UNIT SMALL LOT SUBDIVISION RESIDENTIAL DEVELOPMENT AND TENTATIVE PARCEL MAP NO. PM 2016-167 FOR PROPERTY AT 166 ROCHESTER STREET IN THE R2-HD ZONE**

The motion carried by the following roll call vote:

Ayes: McCarthy, Sesler, Andranian

Noes: None

Absent: Dickson, Mathews

Abstained: None

Commissioner McCarthy explained the appeal process.

2. **Application No.:** PA-16-57

**Applicant:** Mark Rogers

**Site Address:** 321 Rochester Street

**Zone:** R2-MD

**Project Planner:** Ryan Loomis

**Environmental Determination:** The project is categorically exempt under Section 15303 of the State CEQA (California Environmental Quality Act) Guidelines – Class 3 (New Construction).

**Description:** The proposed project involves the development of a 1,350 square-foot two-story detached accessory structure in the R2-MD zone to be used as an exercise room and storage on the first floor, and office on the second floor, with the following requests:

1. **Variance** from rear yard setback requirements (20 feet required; 5 feet proposed); and
2. **Minor Modification** from building separation requirements (6 feet minimum required; 5 feet – 6 inches proposed).

One ex-parte communication to report: Commissioner McCarthy met with applicant to review the project's site.

Ryan Loomis, Associate Planner, presented the staff report.

Commissioner McCarthy asked for clarification on the project's variance request and why the application is before the Planning Commission.

**PUBLIC COMMENTS**

Mark Rogers, applicant, stated he read and agreed with the conditions of approval. He presented a slide show on the proposed project.

Commissioner Sesler asked the applicant to clarify the potential parking issues once he moves his business to the location.

Commissioner McCarthy and Mr. Rogers discussed the application.

No public comments.

Commissioner McCarthy closed the public hearing.

Commissioners stated being in support of the project.

**MOTION:** Based on the evidence in the record and the findings contained in Exhibit A and subject to the conditions of approval contained in Exhibit B move that the

**Planning Commission approve Planning Application PA-16-57 variance request respect to the property located at 321 Rochester Street and the project is exempt from California Environmental Quality Act pursuant to section 15303 pursuant to the report.**

Yolanda Summerhill, Deputy City Attorney, asked that the following paragraph be added to the resolution: BE IT FURTHER RESOLVED that if any section, division, sentence, clause, phrase or portion of this resolution, or the documents in the record in support of this resolution, are for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions.

Commissioner Sesler and Commissioner Andranian were in agreement to adding the verbiage to the resolution.

**Moved by Commissioner Sesler, seconded by Commissioner Andranian.**

**RESOLUTION PC-16-62 - A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA APPROVING PLANNING APPLICATION PA-16-57 REQUESTING A VARIANCE TO DEVIATE FROM THE REQUIRED REAR YARD SETBACK, AND MINOR MODIFICATION TO DEVIATE FROM REQUIRED BUILDING SEPARATION DISTANCE FOR A DETACHED ACCESSORY STRUCTURE LOCATED AT 321 ROCHESTER STREET**

The motion carried by the following roll call vote:

Ayes: McCarthy, Sesler, Andranian

Noes: None

Absent: Dickson, Mathews

Abstained: None

Commissioner McCarthy explained the appeal process.

3. **Application No.:** ZA-16-34

**Applicant:** Marc Martine

**Site Address:** 3033 Bristol Street, Suite A

**Zone:** C1

**Project Planner:** Ryan Loomis

**Environmental Determination:** The project is categorically exempt under Section 15301 of the State CEQA (California Environmental Quality Act) Guidelines – Class 1 (Existing Facilities).

**Description:** The applicant is requesting approval of a Minor Conditional Use Permit to allow two reserved parking spaces in front of Suite A at the 3033 Bristol Street retail plaza to accommodate patrons of the Watch Connection as follows: **Days:** Tuesday through Saturday and **Hours:** 11 a.m. to 2 p.m.

No ex-parte communications to report.

Ryan Loomis, Associate Planner, presented the staff report.

Commissioner McCarthy and Mr. Loomis discussed the shared parking at the location.

**PUBLIC COMMENTS**

Kelly Johnson, attorney for the applicant, indicated reasons for the minor conditional use permit request.



Jason Ball, representative for 3033 Bristol Street, stated being in support of the request but questioned who was going to enforce the parking.

Mr. Johnson stated closing comments.

Commissioner McCarthy closed the public hearing.

Commissioner and staff discussed the 15-minute parking at the location and the impact the proposed application might have on the surrounding neighborhood parking.

**MOTION: Based on the evidence in the record and the findings contained in Exhibit A, the Planning Commission hereby denies ZA-16-34 a minor conditional use permit for two reserved parking spaces at 3033 Bristol Street, Suite A and find that it is exempt from California Environmental Quality Act pursuant to the Planning Commission agenda report and the reasons set forth in it.**

**Moved by Commissioner Sesler, seconded by Commissioner McCarthy.**

**RESOLUTION PC-16-63 - A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA DENYING MINOR CONDITIONAL USE PERMIT ZA-16-34 FOR TWO RESERVED PARKING SPACES LOCATED AT 3033 BRISTOL STREET, SUITE A**

The motion carried by the following roll call vote:

Ayes: McCarthy, Sesler, Andranian

Noes: None

Absent: Dickson, Mathews

Abstained: None

Commissioner McCarthy explained the appeal process.

4. **Application No.:** GP-16-01/R-16-01/PA-16-46/TT-18064

**Applicant:** Sheldon Development, LLC

**Site Address:** 440 Fair Drive

**Zone:** C1 (Local Business District)

**Project Planner:** Ryan Loomis

**Environmental Determination:** An IS/MND was prepared for the project in accordance with the Lead Agency's Guidelines implementing the California Environmental Quality Act. The IS/MND was available for public review and comment from October 4, 2016 to October 24, 2016. The IS/MND found that the environmental effects from the project would be less than significant with the incorporation of standard conditions of approval and compliance with the Code requirements. The proposed project site is not on a list compiled pursuant to Government Code Section 65962.5.

**Description:** The project involves the demolition of the existing two-story retail/office center, and the construction of 28 single-family new residential units. The proposed project involves the following discretionary requests:

1. Adoption of an Initial Study/Mitigated Negative Declaration (**IS/MND**).
2. **General Plan Amendment GP-16-01** to change the land use designation from Neighborhood Commercial (NC) to High Density Residential (HDR).
3. **Rezone 16-01** to change the zoning classification from C1 (Local Business District) to PDR-HD (Planned Development Residential – High Density).
4. **Planning Application PA-16-46** to implement a Master Plan for the 28-unit residential project with specified deviations from the PDR-HD development standards, for the following:
  - Variance to allow deviation from required open space requirements (42% required; 36.8% proposed);



- Variance for encroachment of block walls into required perimeter open space area (20 feet required; 6 feet proposed on Fair Drive and 4.7 feet proposed on Carnegie Avenue);
- Variance to allow deviation from required landscaped parkway requirements (10 feet with no dimension less than 5 feet on house side of private street required; 10 feet/3.6 feet proposed);
- Administrative Adjustment for encroachment of building into required perimeter open space area along Fair Drive (20 feet required; 15 feet proposed);
- Minor Modification for encroachment of building into required perimeter open space area along Carnegie (20 feet required; 18 feet proposed); and
- Deviation from Residential Design Guidelines for multi-story to first floor ratio (100% multi-story to first floor ratio recommended; 150% for 4-story units and 114% for 3-story units proposed).

5. **Tentative Tract Map 18064** for a single lot subdivision for condominium purposes.

One ex-parte communication to report: Commissioner McCarthy spoke with the applicant by phone.

Ryan Loomis, Associate Planner, presented the staff report.

Peggy Schneble, Interim Assistant Development Services Director, presented staff's recommendation for the project.

Commissioner Andranian and Ms. Schneble discussed the code enforcement violations at the property and any complications to the review process if they are not taken care of.

Jay Trevino, Development Services Director Consultant, clarified that staff's issue was to not support the approval of a project that is out of compliance with code enforcement issues.

Commissioner McCarthy asked that the razor wire on Carnegie Avenue be removed and asked Raja Sethuraman, Public Services Director, to comment on the circulation flow onto Carnegie Avenue. Mr. Sethuraman responded that the proposed project would add 100 cars daily onto Carnegie Avenue.

Commissioner McCarthy and Mr. Sethuraman discussed the possibility of having the traffic flow onto Fair Drive instead of Carnegie Avenue.

Commissioner McCarthy and staff discussed the project's four-story height, what could be built by right in the R1 zone, if medium density was ever discussed, units increased in size since the City Council screening process, and the open space variance.

## **PUBLIC COMMENTS**

Steve Sheldon, applicant, is in agreement with the conditions of approval. He clarified that the code enforcement violations are with the property owner, not with the applicant; conducted community meetings and reached out to the community; and presented a slide show about the proposed project.

Commissioner McCarthy asked Mr. Sheldon if they looked at having the entrance onto Fair Drive. Mr. Sheldon responded they would be willing to relocate the entrance to Fair Drive. They also discussed the building height and having the project keep with the R1 character of the neighborhood.

A Costa Mesa resident spoke in opposition to the project.

David McAllister, Costa Mesa resident, stated concerns with the project.

Marilyn Packer, Costa Mesa resident, presented a slide show with concerns about the project.

Croft Long, Costa Mesa resident, spoke in opposition to the project.

Cindy Black, Costa Mesa resident, spoke about the project, Planning Commissioners ex-parte communications and suggested the College Park residents appeal it if it gets approved.

Sue Carter, Costa Mesa resident, stated open space and parks are a necessary for the resident's enjoyment of life and gave hard copies of her comments to give to the Planning Commission.

Timree Gold, Costa Mesa resident, stated concerns with traffic and asked for speed bumps to be put in on Princeton Drive.

A Costa Mesa resident asked the applicant to look at a medium size plan instead that will bring down traffic and give an option that works for everyone including the City.

Matt Newman, Costa Mesa resident, stated a medium size plan would be better for the site and stated concerns with traffic and speeding on Princeton.

Ty Brown, Costa Mesa resident, spoke in support of removing the current businesses at the location; suggested having a medium density project instead of a high density one; and having the entrance for the project off Fair Drive.

Jerry Hebert, Costa Mesa resident, spoke in opposition to the project.

A speaker spoke in opposition to the project's high density.

Don Schenk, Costa Mesa resident, spoke in opposition to the project's high density.

A Costa Mesa resident spoke in opposition to the project.

Robert Van Sweden, Costa Mesa resident, spoke in opposition to the project.

Linda Chapman, Costa Mesa resident, spoke in support of the project.

Nick Matyas, Costa Mesa resident, spoke in opposition to the project.

Amit, stated the project will add value to the surrounding homes.

Norman Rutledge, Costa Mesa resident, stated the proposed project will change the area and stated concern with the parking and the traffic.

Skip Allen, Costa Mesa resident, spoke in opposition to the project.

A Costa Mesa resident spoke in support of the project.

Stefan Sion, Costa Mesa resident, spoke in opposition to the project.

Jennifer Doane, Costa Mesa resident, stated concern with the traffic on Princeton Drive and Carnegie Avenue and asked that the project change to fit the community.

Jeff Call, Costa Mesa resident, stated concern with the project's potential impact on traffic and noise; and spoke in opposition to the project.



Rick Huffman, Costa Mesa resident, spoke about Measure Y, condition of the property and future changes in City Council and Planning Commission.

Jack Morrison, Costa Mesa resident, spoke in opposition to the project.

Denise Davis (spoke for herself and on behalf of Lena Backhouse), Costa Mesa residents, stated the history of 440 Fair Drive and suggested to go to low or medium density and restore the neighborhood.

A Costa Mesa resident stated that he prefers that the location stays commercial and the zoning not change but if it does have to go through to change the entrance to be off Fair Drive not Carnegie Avenue.

Tony Massaro, Costa Mesa resident, stated concerns with the project's zoning, parking, variances, and administrative adjustments.

Jay Humphrey, Costa Mesa resident, stated concerns with the project's variances, deviations, and parking.

Shane, Costa Mesa resident, stated concern with changing the exit to Fair Drive because how busy it is.

Benjamin Bennani, Costa Mesa resident, spoke in support of the project.

A speaker spoke about the proposed building height, open space, parking, condition of the annual garage inspection, and stated concerns with the size of the garage space.

Katherine Craft, Costa Mesa resident, spoke in opposition to the project.

Lou Ru, Costa Mesa resident, spoke about the project's density and suggested the Planning Commission look at the project with a fresh set of eyes maybe get a third party reviewer involved.

Robin Leffler, Costa Mesa resident, asked if any Planning Commissioners should recuse themselves, and stated concerns with the project.

Robert, spoke about the project's high density and is in opposition to the project.

Hal Berry, Costa Mesa resident, requested to keep the location as commercial not residential.

A speaker urged the Planning Commission to follow staff recommendation for the application.

Cynthia McDonald, Costa Mesa resident, stated concerns with the project including the roof top deck being considered as open space.

Tim Drain, Costa Mesa resident, stated concerns with the project.

Allen Bowman, Costa Mesa resident, stated opposition to the project.

Cindy Brenaman, Costa Mesa resident, stated concern with traffic and speeding on Princeton Drive.

A Costa Mesa resident spoke in opposition to the project.

A Costa Mesa resident stated concerns with the project.



A Costa Mesa resident spoke in opposition to the project.

Mr. Sheldon responded to public comments.

Commissioner McCarthy closed the public hearing.

Commissioner Sesler and staff discussed the project's traffic impacts, noise complaints with projects that have roof top decks, and negative impacts from high density projects.

Commissioners stated they are recommending denial of the project and suggest a medium density project instead.

**MOTION: Planning Commission hereby recommends that the City Council deny General Plan Amendment GP-16-01, Rezone R-16-01, Master Plan PA-16-46 and Tentative Tract Map TT-18064 for condominium purposes for a 28-unit residential common interest development located at 440 Fair Drive.**

**Moved by Commissioner McCarthy, seconded by Commissioner Sesler.**

The motion carried by the following roll call vote:

Ayes: McCarthy, Sesler, Andranian

Noes: None

Absent: Dickson, Mathews

Abstained: None

Commissioner McCarthy stated the item is not appealable and asked Mr. Trevino when it will be going to City Council. Mr. Trevino responded it is tentatively scheduled for December 6, 2016 and will be publicly noticed.

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

1. Public Services Report – none.
2. Development Services Report – Mr. Trevino reported that for the next Planning Commission meeting on November 28<sup>th</sup> there will be five items including two development cases and three group home cases. There will be seven group home cases scheduled on the December 5<sup>th</sup> Planning Commission meeting. December 12<sup>th</sup> will be the last Planning Commission meeting of the year.

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

1. City Attorney – none.

**ADJOURNMENT: TO A PLANNING COMMISSION MEETING AT 6:00 P.M., OR SHORTLY THEREAFTER, ON MONDAY, NOVEMBER 28, 2016.**

Submitted by:



---

JAY TREVINO, ACTING SECRETARY  
COSTA MESA PLANNING COMMISSION