

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

June 12, 2017

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.

The Vice-Chair called the meeting to order (00:00:13).

Commissioner Harlan led the Pledge of Allegiance.

ROLL CALL

Present: Vice-Chair Byron de Arakal
Commissioner Jeffrey Harlan
Commissioner Isabell Kerins
Commissioner Carla Navarro Woods

Absent: Chair Stephan Andranian

Staff: Jay Trevino, Development Services Department Consultant
Peggy Schneble, Interim Assistant Development Services Director
Sheri Vander Dussen, Interim Assistant Director/Community Improvement
Scott Porter, Deputy City Attorney
Bart Mejia, City Engineer
Mino Ashabi, Principal Planner
Mel Lee, Senior Planner
Ryan Loomis, Associate Planner
Julie Colgan, Recording Secretary

Vice-Chair de Arakal announced that staff has recommended that Public Hearing Item No. 3, CO-17-01, be continued to a future meeting and will not be heard tonight.

Jay Trevino, Development Services Department Consultant, stated that CO-17-01 will be re-noticed.

ANNOUNCEMENTS AND PRESENTATIONS: None

PUBLIC COMMENTS:

A speaker asked for a moratorium on the City's Small Lot Ordinance.

A speaker stated concerns with the approval of the 1933 Church Street project; and the parking situation at The Triangle.

PLANNING COMMISSIONER COMMENTS AND SUGGESTIONS: None

CONSENT CALENDAR (00:09:20)

The Vice-Chair asked if anyone wanted to pull the Consent Calendar items. No one responded.

- 1. MINUTES FOR THE MEETING OF MAY 22, 2017**
- 2. MINUTES FOR THE SPECIAL STUDY SESSION MEETING OF MAY 22, 2017**

MOTION: Move approval of the minutes.

Moved by Commissioner Kerins, seconded by Commissioner Navarro Woods.

The motion carried by the following roll call vote:

Ayes: de Arakal, Harlan, Kerins, Navarro Woods

Noes: None

Absent: Andranian

Abstained: None

PUBLIC HEARINGS (00:10:36)

1. CODE AMENDMENT CO-17-04: TO AMEND SECTIONS OF TITLE 13 OF THE COSTA MESA MUNICIPAL CODE (PLANNING, ZONING AND DEVELOPMENT), RELATING TO APPLICATION SUBMITTAL REQUIREMENTS AND NOTICING FOR PUBLIC HEARINGS

Description: The proposed ordinance will modify the submittal requirements for all discretionary applications. In addition, the amendment will expand the notice provided for public hearings held by the Planning Commission and City Council.

Environmental Determination: The ordinance is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) under Section 15061(b)(3) (General Rule).

Sheri Vander Dussen, Interim Assistant Director/Community Improvement, presented the staff report.

Vice-Chair de Arakal and Mrs. Vander Dussen discussed Section 4 of the application submittal requirements in the staff report.

PUBLIC COMMENTS

A speaker spoke in support of the code amendment.

Vice-Chair de Arakal stated that this item was continued from the May 22, 2017 meeting.

The Vice-Chair closed the public hearing.

MOTION: Move that the Planning Commission find that the project is categorically exempt from the provisions of the California Environmental Quality Act per Section 15061; and recommend that the City Council approve Code Amendment CO-17-04. Moved by Commissioner Harlan, seconded by Commissioner Kerins.

The motion carried by the following roll call vote:

Ayes: de Arakal, Harlan, Kerins, Navarro Woods

Noes: None

Absent: Andranian

Abstained: None

2. PLANNING APPLICATION PA-17-08 AND TENTATIVE TRACT MAP TT-18109 FOR AN 11-UNIT DETACHED SINGLE-FAMILY RESIDENTIAL DEVELOPMENT AT 2850 MESA VERDE DRIVE EAST

Project Description: The proposed project involves the following:

1. **Planning Application PA-17-08:** A Design Review for the development of an 11-unit,

two-story, detached single-family residential development on a 2.05-acre lot. A density of 5.3 dwelling units per acre proposed (8 units per acre maximum density allowed). The units would take access from a 36-foot wide private street from Mesa Verde Drive East. R1 lot sizes range from 6,009 square feet to 7,983 square feet, excluding the private street (minimum 6,000 square feet required). No deviations from the zoning code are proposed for this project.

2. **Tentative Tract Map TT-18109:** Subdivision of the property into 11 parcels for homeownership in accordance with the R1 (Single-Family Residential) subdivision standards.

Environmental Determination: An Initial Study/Mitigated Negative Declaration (IS/MND) was previously prepared for the project for Rezone R-16-05 and General Plan Amendment GP-16-05, which was adopted by the City Council on September 26, 2016.

Commissioner Kerins recused herself and let the dais at 6:18 p.m.

One ex-parte communication to report: Commissioner Harlan had a telephone conversation with Mr. Zehnder.

Mel Lee, Senior Planner, presented the staff report.

Commissioners and staff discussed privacy concerns; if the response from Gabrieleno Band of Mission Indians to the IS/MND document was covered in Exhibit C; the block wall requirement in Condition of Approval No. 6; and the timeframe of deadlines for planning applications and tract maps.

PUBLIC COMMENTS

Peter Zehnder, representative for Pinnacle Residential, agrees to the conditions of approval except for Condition of Approval No. 6. He gave an overview on the proposed project.

Commissioner Navarro Woods and Mr. Zehnder discussed the window placement of the homes.

A speaker spoke in support of the project.

A speaker spoke in support of the project.

A speaker stated concerns with developing a commercial property into a residential project.

The Vice-Chair closed the public hearing.

Motion: Move that the Planning Commission determine that the Initial Study/Negative Declaration (IS/ND) previously prepared for Rezone R-16-05 and General Plan Amendment GP-16-05 remains applicable to the proposed project; and adopt a resolution to approve Planning Application PA-17-08 and Tentative Tract Map TT-18109, subject to the conditions of approval.

Moved by Commissioner Harlan with discussion, seconded by Vice-Chair de Arakal with discussion.

Commissioner Harlan stated concerns with applying the previous Planning Commission policy on block walls to Condition of Approval No. 6.

Vice-Chair de Arakal suggested to preserve the original motion but to include the removal of Condition of Approval No. 6 from Exhibit B and include in the motion subject to the conditions

of approval in Exhibit B1 and Exhibit C. Commissioner Harlan agreed to the suggestion and the Vice-Chair de Arakal concurred.

Vice-Chair de Arakal responded to public comments and spoke in support of the project.

Commissioner Navarro Woods liked the floor plans; that privacy issues were addressed; open space concept; project's layout; and spoke in support of the project.

Mr. Lee asked if the condition to have a Native American monitor on-site was included in the motion. Mr. Harlan asked to hear from the Mr. Zehnder regarding it.

Mr. Zhender responded that he did not see the need to have the Native American monitor on-site.

Mr. Trevino advised the Commissioners to add it according to Assembly Bill 52.

Commissioner Harlan amended his motion to include a condition for a Native American monitor only during the grading process. Vice-Chair de Arakal concurred.

Mr. Zehnder, Mr. Trevino, and Commissioners discussed the added condition for a Native American monitor.

Vice-Chair de Arakal asked to remove the added condition for a Native American monitor to the motion. Commissioner Harlan agreed with Vice-Chair de Arakal to remove it.

Final Motion: Move that the Planning Commission determine that the Initial Study/Negative Declaration (IS/ND) previously prepared for Rezone R-16-05 and General Plan Amendment GP-16-05 remains applicable to the proposed project; and adopt a resolution to approve Planning Application PA-17-08 and Tentative Tract Map TT-18109, subject to the conditions of approval including Exhibit B1 and Exhibit C with the following modification:

Condition of Approval No. 6 to read: "The interior fences or walls between the units shall be a minimum of six feet in height. All private property fencing shall consist of stained and pretreated lumber materials (i.e. redwood for example) or other natural and sustainable wood or wood composite material. The interior fences shall be compatible in design and materials to the adjacent "Miraval" residential development".

Moved by Commissioner Harlan, seconded by Vice-Chair de Arakal.

RESOLUTION PC-17-22 - A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA APPROVING PLANNING APPLICATION PA-17-08 AND TENTATIVE TRACT MAP TT-18109 FOR A DETACHED, 11-UNIT, SINGLE-FAMILY RESIDENTIAL DEVELOPMENT LOCATED AT 2850 MESA VERDE DRIVE EAST IN THE R1 ZONE

The motion carried by the following roll call vote:

Ayes: de Arakal, Harlan, Navarro Woods

Noes: None

Absent: Andranian

Abstained: Kerins

Commissioner Kerins returned to the Council Chambers at 7:11 p.m.

4. ONE-YEAR TIME EXTENSION FOR PLANNING APPLICATION PA-14-50 AND TENTATIVE PARCEL MAP 2015-109 FOR A TWO-UNIT RESIDENTIAL SMALL LOT DEVELOPMENT AT 162 EAST 18TH STREET

Project Description: The proposed project is a request for a one-year time extension to June 12, 2018, for the approved Planning Application and subdivision map as follows:

1. **Design Review PA-14-50** for a small lot subdivision consisting of two, two-story three bedroom detached single-family residences of 1,963 square feet (Unit 1) and 2,090 square feet (Unit 2) with attached two-car garages and off-street open parking at 162 East 18th Street. The proposed project complies with the Residential Small Lot Subdivision standards and the Residential Design Guidelines.
2. **Tentative Parcel Map 2015-109** to subdivide a 6,263 square-foot parcel into two separate parcels consistent with the requirements of the Residential Small Lot Subdivision Ordinance.

Environmental Determination: The project is exempt from the provisions of the California Environmental Quality Act (CEQA) under Section 15303 for New Construction.

No ex-parte communications to report.

Ryan Loomis, Associate Planner, presented the staff report.

Commissioner Harlan asked for clarification on the legal requirement to grant a time extension application if it's within the required time period to request one. Scott Porter, Deputy City Attorney, responded that it is a discretionary decision; The Planning Commission can choose to approve or deny it.

Vice-Chair de Arakal asked how the Planning Commission can extend an expired entitlement. Mr. Trevino responded the prior practice of the Planning Commission was to grant time extension with expired entitlements. Staff recommended that the applicant reapply.

PUBLIC COMMENTS

Bill Parker, owner of SouthPointe Construction representing the applicant, explained what has occurred on the project and reasons to approve the time extension request.

Commissioner Kerins asked how a denial of the time extension would affect the project. Mr. Parker responded it would affect the project's financing and carrying cost. Commissioner Kerins also asked how fast the application could be heard if the applicant reapplied. Mr. Trevino responded that the item could return to the Planning Commission relatively quickly.

Commissioner Harlan asked why the request for a time extension was requested after the entitlement expired. Mr. Parker responded the owner thought the entitlement would not expire because work had commenced on-site.

Commissioner Harlan asked Mr. Loomis if the applicant knew when the entitlement would expire. Mr. Loomis responded yes, in early April they did.

The Commissioners and Mr. Loomis discussed the communication he had with the applicant about the entitlement expiring and why the final map took so long to process.

Julian Cimbaluk, owner of 150 East 18th Street (neighboring property), and his son, John Cimbaluk, explained a code enforcement issues that occurred at the proposed property and what poor condition the property is in; and that no construction work had occurred.

A speaker stated concerns with the poor condition of the property; and with approving another

small lot development project.

Steve Brahs, property owner, responded to public comments.

Vice-Chair de Arakal asked Mr. Brahs when staff informed him to apply for an extension. Mr. Brahs responded after April 27th; after the entitlements expired.

Commissioner Navarro Woods stated concerns with approving the time extension.

Mr. Parker stated the applicant hired them two weeks ago and responded to public comments.

Vice-Chair de Arakal asked for clarification on when the policy changed requiring to record maps before building permits could be issued. Mr. Trevino responded that the California State Subdivision Map Act has required that subdivision maps be recorded prior to issuance of permits for a long time.

Commissioner Harlan asked Mr. Brahs if he read Condition of Approval No. 1 when his project got approved. Mr. Brahs said yes. Commissioner Harlan stated concerns with the timing of the requested time extension.

The Vice-Chair closed the public hearing.

MOTION: Move that the Planning Commission find that pursuant to Public Resources Code Section 21080(b)(5) and CEQA Guidelines Section 15270(a), CEQA does not apply to this project because it has been denied and will not be carried out; and adopt a resolution to deny a one-year time extension for Planning Application PA-14-50 and Tentative Parcel Map 2015-109, and require the applicant file a new application for Design Review and Tentative Parcel Map.

Moved by Vice-Chair de Arakal, seconded by Commissioner Kerins.

Vice-Chair de Arakal stated concerns with approving an expired entitlement.

RESOLUTION PC-17-23 - A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA DENYING A ONE-YEAR TIME EXTENSION FOR PLANNING APPLICATION PA-14-50 AND TENTATIVE PARCEL MAP 2015-109, FOR A TWO-UNIT RESIDENTIAL SMALL LOT DEVELOPMENT LOCATED AT 162 EAST 18TH STREET

The motion carried by the following roll call vote:

Ayes: de Arakal, Harlan, Kerins, Navarro Woods

Noes: None

Absent: Andranian

Abstained: None

The Vice-Chair explained the appeal process.

DEPARTMENTAL REPORT(S)

1. Public Services Report – none.
2. Development Services Report – Mr. Trevino announced Mr. Loomis' departure from the City; that the new Development Services Director, Barry Curtis, will be starting on July 5th; the new Building Official is Issam Shahrouri; and a joint study session that will be occurring in September with the Planning Commission and the City Council to discuss the City's Small Lot Ordinance.

CITY ATTORNEY'S OFFICE REPORT(S)

1. City Attorney – none.

ADJOURNMENT (02:11:08) TO A PLANNING COMMISSION MEETING AT 6:00 P.M., OR SHORTLY THEREAFTER, ON MONDAY, JUNE 26, 2017.

Submitted by:

A handwritten signature in black ink, appearing to read 'B. Curtis', written over a horizontal line.

**BARRY CURTIS, ACTING SECRETARY
COSTA MESA PLANNING COMMISSION**