

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

**August 13, 2018**

*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.*

The Vice Chair called the meeting to order (00:00:20).

Commissioner Zich led the Pledge of Allegiance.

**ROLL CALL**

Present: Vice Chair Byron de Arakal  
Commissioner Jeffrey Harlan  
Commissioner Carla Navarro Woods  
Commissioner Jon Zich

Absent: Chair Stephan Andranian

Staff: Barry Curtis, Director of Economic and Development Services  
Jennifer Le, Assistant Director of Development Services  
Scott Porter, City Attorney's office  
Bart Mejia, City Engineer  
Willa Bouwens-Killeen, Zoning Administrator  
Johnwilly Aglupos, Assistant Planner  
Julie Colgan, Recording Secretary

**ANNOUNCEMENTS AND PRESENTATIONS:**

None.

**PUBLIC COMMENTS:**

An unidentified speaker spoke about the voting that occurred at the last meeting on the small cell design guidelines and asked if the Commissioners should be recusing themselves from those items.

The Vice Chair closed the public comments.

**PLANNING COMMISSIONER COMMENTS AND SUGGESTIONS:**

Commissioner Harlan addressed the public comment about the Commissioners recusing themselves.

**CONSENT CALENDAR:**

**1. MINUTES FOR THE MEETING OF JUNE 25, 2018**

**MOTION: Move approval of the consent calendar.**

**Moved by Commissioner Harlan, seconded by Commissioner Zich.**

The motion carried by the following roll call vote:

Ayes: de Arakal, Harlan, Navarro Woods, Zich

Noes: None

Absent: Andranian

Abstained: None

## **PUBLIC HEARINGS (00:05:39)**

### **1. ZONING APPLICATIONS 18-04, 18-05, AND 18-06, A REQUEST FOR THREE MINOR CONDITIONAL USE PERMITS TO INSTALL SMALL CELL FACILITIES ON TOP OF THREE SOUTHERN CALIFORNIA EDISON STREETLIGHT POLES**

**Project Description:** A request for three Minor Conditional Use Permits (MCUP) to allow the installation of small cell facilities on top of three Southern California Edison (SCE) streetlight poles, located within public street rights-of-way adjacent to 88 Fair Drive, 100 Fair Drive, and 2701 Fairview Road.

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

No ex-parte communications to report.

Johnwilly Aglupos, Assistant Planner, presented the staff report.

Scott Porter from the City Attorney's office stated that under federal law, the Planning Commission cannot consider the radio frequency emissions of the proposed facilities when making their decision.

Commissioners, Jennifer Le, Assistant Director of Development Services, discussed when the City Council will consider the Small Cell Design Guidelines and Ordinance that the Planning Commission recommended; the findings for an MCUP; the approval process for a small cell facility application located within 500-feet from a residentially-zoned property; and whether any correspondence was received from the OC Fair Event Center staff, Vanguard University, or College Park residents.

## **PUBLIC COMMENTS**

Peter Blied, applicant, provided a letter to the Commission at the meeting; clarified that the small cell pole off Wilson Street which was approved by the City has not been constructed; explained the submittal process; and the proposed radio remote units (RRUs) specifications.

Commissioner Zich, Mr. Blied, and staff discussed whether the RRUs can be placed underground; why the proposed application's design deviates from the streamlined design proposed in the City's draft design guidelines; whether the cell tower off Wilson Street will be installed; how long after a small cell facility is approved does construction have to occur before

approvals expire; the size and height of the proposed shroud; and the Costa Mesa City Area Coverage Map (Attachment 4 to the staff report).

An unidentified speaker spoke in support of staff recommendations; asked whether the City has a small cell facility plan; and asked for the best small cell tower equipment to be installed.

An unidentified speaker asked that staff come up with a wireless master plan first and then move forward with approving the small cell facilities applications.

Beth Refakes, Costa Mesa resident, stated concerns with the visual blight and asked whether these small cell towers would be acceptable in other surrounding cities.

Mr. Blied responded to public comments.

Commissioners and Mr. Blied discussed whether the RRUs could be integrated into the shroud; whether the equipment is exclusively provided by Ericsson; what cities are developing design guidelines for small cell tower facilities; and why each cell phone carrier chooses the technology they do.

The Vice Chair closed the public hearing.

Vice Chair de Arakal, Ms. Le, and Mr. Curtis discussed whether the design guidelines for small cell facilities had been heard by City Council; whether the City has a master plan in the works for cell sites; and whether other cities have master plans for cell sites.

Ms. Le explained how staff came to the recommendation in the staff report.

The Commissioners discussed whether to approve or deny the proposed applications.

**MOTION: Move that the Planning Commission deny Zoning Application 18-04 based on the findings f in the staff report.**

**Moved by Commissioner Navarro Woods, seconded by Commissioner Zich.**

**RESOLUTION PC-18-55 - A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA DENYING MINOR CONDITIONAL USE PERMIT ZA-18-04 TO INSTALL A SMALL CELL FACILITY ON TOP OF A STREETLIGHT POLE LOCATED ADJACENT TO 88 FAIR DRIVE**

The motion carried by the following roll call vote:

Ayes: de Arakal, Harlan, Navarro Woods, Zich

Noes: None

Absent: Andranian

Abstained: None

**MOTION: Move that the Planning Commission deny Zoning Application 18-05 based on the findings in the staff report.**

**Moved by Commissioner Navarro Woods, seconded by Commissioner Zich.**

**RESOLUTION PC-18-56 - A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA DENYING MINOR CONDITIONAL USE PERMIT ZA-18-05 TO INSTALL A SMALL CELL FACILITY ON TOP OF A STREETLIGHT POLE LOCATED ADJACENT TO 100 FAIR DRIVE**

The motion carried by the following roll call vote:

Ayes: de Arakal, Harlan, Navarro Woods, Zich

Noes: None

Absent: Andranian

Abstained: None

**MOTION: Move that the Planning Commission deny Zoning Application 18-06 based on the findings in the staff report.**

**Moved by Commissioner Navarro Woods, seconded by Commissioner Zich.**

**RESOLUTION PC-18-57 - A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA DENYING MINOR CONDITIONAL USE PERMIT ZA-18-06 TO INSTALL A SMALL CELL FACILITY ON TOP OF A STREETLIGHT POLE LOCATED ADJACENT TO 2701 FAIRVIEW ROAD**

The motion carried by the following roll call vote:

Ayes: de Arakal, Harlan, Navarro Woods, Zich

Noes: None

Absent: Andranian

Abstained: None

The Vice Chair explained the appeal process for all three applications.

**2. PLANNING APPLICATION 18-15, A REQUEST FOR A CONDITIONAL USE PERMIT TO ALLOW A FULL BATHROOM IN AN ART STUDIO LOCATED ABOVE A DETACHED GARAGE IN AN R-1 ZONE LOCATED AT 1989 ORANGE AVENUE**

**Project Description:** Planning Application 18-15 is a request for a Conditional Use Permit (CUP) to allow a full bathroom in a 466-square-foot art studio above a 528-square-foot detached two-car garage located at 1989 Orange Avenue.

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

No ex-parte communications to report.

Johnwilly Aglupos, Assistant Planner, presented the staff report.

Commissioner Harlan and Ms. Le discussed whether a property with a land use restriction for an art studio could be eligible for an accessory dwelling unit.

Commissioner Zich asked whether a partial certificate of occupancy would be given if the studio was incomplete; whether any other accessory structures with a full bath were approved

and if it had a land use restriction; and what the parking requirements are for a three-bedroom house versus a four-bedroom house.

## **PUBLIC COMMENTS**

Jim Boyman, applicant, explained the reasons for the proposed request.

Commissioner Navarro Woods and Mr. Boyman discussed whether the bathroom had been completed when the conditional use permit was applied for and what the original plan included.

An unidentified speaker spoke in opposition to this item.

Mr. Boyman responded to public comments.

Andreas Zil, neighbor, spoke in favor of the house's architecture and in support of this item.

Commissioner Woods and Mr. Boyman discussed why the request for a full bathroom is necessary in the studio when there is a full master bathroom in the main residence that could be used.

The Vice Chair closed the public hearing.

Commissioners and staff discussed the potential issues if the art studio was used for a second housing unit in an R1 zone; how often the City inspects a house with an approved accessory structure; whether it is possible to require removal of the bathroom if homeownership changed; and the City's definition of a living unit.

**MOTION: Move that the Planning Commission find that the project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15301, Class 1, Existing Facilities; and approve Planning Application 18-15, subject to conditions of approval.**

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

The Commissioners discussed the motion.

**RESOLUTION PC-18-58 - A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA APPROVING PLANNING APPLICATION 18-15 TO ALLOW A FULL BATHROOM IN AN ART STUDIO ABOVE A DETACHED GARAGE IN AN R-1 ZONE AT 1989 ORANGE AVENUE**

The motion carried by the following roll call vote:

Ayes: de Arakal, Harlan, Navarro Woods

Noes: Zich

Absent: Andranian

Abstained: None

The Vice Chair explained the appeal process.

## **NEW BUSINESS:**

### **1. POLICY DISCUSSION – MODIFICATIONS TO PROPERTIES WITH LEGAL NON-CONFORMING DEVELOPMENT**

Jennifer Le, Assistant Director of Development Services, presented the staff report and clarified that an initial presentation was planned for this evening and no action was needed. The topic was also agendaized for discussion at the next Planning Commission meeting.

Commissioner Zich discussed how important it is for construction to be conforming and what parts of construction would need to be conforming.

Vice Chair de Arakal and Ms. Le discussed what the City's fifty percent rule is for a unit to be brought up to conformity and whether a non-conforming property would have to be brought up to parking code if a bedroom was added.

Vice Chair de Arakal stated that he would like to see the bar set very low for when we require a property to be brought into conformance.

Commissioner Harlan stated that he would like to see projects fit within the surrounding neighborhood and be harmonious with the aesthetics of the neighborhood.

Commissioner Navarro Woods stated support for the idea of establishing a threshold when renovations occur; asked what would constitute the property becoming legal conforming; and what kind of modifications do other cities use as trigger points to define a minor remodel versus a complete renovation.

### **PUBLIC COMMENTS**

Beth Refakes, Costa Mesa resident, stated concerns with the cost and affects to homeowners when a house is brought into conformity and would like to see a chart showing what the criteria is for determining a remodel versus demolition/renovation.

Robin Young spoke on a letter he submitted regarding a legal non-conforming property he is working on and asked for direction.

An unidentified speaker asked that when the guidelines are in place the neighborhoods will be considered and that the property's character will be kept.

Commissioner Harlan provided comments on Mr. Young's request.

No action was taken.

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

1. Public Services Report – Bart Mejia, City Engineer, reported that the City Council awarded a contract for the construction of landscaped medians on Redhill Avenue between Bristol Street and McCormick Avenue and that the next phase for landscaped medians on Harbor Boulevard between 19<sup>th</sup> Street and Wilson Street was recently approved.

2. Development Services Report – Mr. Curtis reported that a request from Vanguard University was received to continue their item from the August 27<sup>th</sup> meeting to the first meeting in October.

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

1. City Attorney – none.

**ADJOURNMENT (02:18:46)**

Submitted by:



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BARRY CURTIS, SECRETARY  
COSTA MESA PLANNING COMMISSION