

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

July 27, 2020

CALL TO ORDER

The Chair called the Zoom webinar meeting to order at 6 PM.

PLEDGE OF ALLEGIANCE TO THE FLAG

Chair de Arakal led the Pledge of Allegiance.

Chair de Arakal read a brief statement into the record regarding COVID-19 and how the public can participate in the meeting.

ROLL CALL

Present: Chair Byron de Arakal, Vice Chair Jeffrey Harlan, Commissioner Marc Perkins, Commissioner Dianne Russell, Commissioner Jon Zich

Absent: Commissioner Kedarious Colbert, Commissioner Jenna Tourje

Officials Present: Director of Economic and Development Services Barry Curtis, Assistant Director of Development Services Jennifer Le, Assistant City Attorney Tarquin Preziosi, City Attorney's Office Scott Porter, Interim City Engineer Bart Mejia, Assistant Planner Johnwilly Aglupos, Assistant Planner Katelyn Walsh, City Clerk Brenda Green, and Recording Secretary Julie Colgan

ANNOUNCEMENTS AND PRESENTATIONS:

Presentation to the Director of Economic and Development Services, Barry Curtis, for his service to the City was moved to after the Public Hearing items.

PUBLIC COMMENTS:

No public comments.

The Chair closed public comments.

COMMISSIONER COMMENTS AND SUGGESTIONS:

Commissioner Zich spoke on the passing of Congressman John Lewis.

Commissioner Russell spoke on Congressman John Lewis life and legacy.

Commissioner Perkins spoke on his appreciation for working with Mr. Curtis; spoke on a traffic accident that happened today at 19th Street and Newport Boulevard; and on doing more to keep the City streets safe like Vision Zero.

Vice Chair Harlan spoke on today's traffic accident at 19th Street and Newport Boulevard; appreciated the responsiveness from Costa Mesa Fire and Rescue on the accident; and spoke on can proactive measures to avoid these type of accidents.

CONSENT CALENDAR:

None.

PUBLIC HEARINGS

1. PLANNING APPLICATION 20-04 FOR A CONDITIONAL USE PERMIT FOR THE ESTABLISHMENT OF A CHILD CARE LEARNING CENTER IN THE R2-HD (MULTIPLE-FAMILY RESIDENTIAL, HIGH DENSITY) ZONE IN CONJUNCTION WITH PROPOSED RENOVATIONS AND ADDITIONS, INCLUDING OUTDOOR PLAY AREAS AND SHADE STRUCTURES, LOCATED AT 1815 ANAHEIM AVENUE

Project Description: Planning Application 20-04 is a request for a Conditional Use Permit (CUP) for the establishment of a child care learning center (Kiddie Academy) in the R2-HD (Multiple-Family Residential, High Density) zone in conjunction with proposed renovations and additions. The proposed project involves the demolition of 2,122 square feet of building area, the remodel of the remaining structures (approximately 4,269 square feet), a new 2,468-square-foot building addition, and outdoor play areas and shade structures. The proposed 6,737-square-foot facility would serve up to 114 children and have 15 employees (13 teachers and 2 part-time administrative staff). The facility would be a drop-up/pick-up program only. Proposed hours of operation are from 6:30 AM to 6:30 PM, Monday through Friday; use of the outdoor play areas would be limited to the hours of 9:30 AM to 5 PM.

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.

One ex-parte communications to report: Commissioner Zich reported that he walked around the facility this weekend but did not meet with the applicant or any representatives.

Katelyn Walsh, Assistant Planner, presented the staff report.

Discussion with Commission and staff ensued on why construction of a new building would not activate the provisions of the City's Urban Plan; how might the urban plan influence this project; noise complaints from the previous use; compliance with the Community Care License regulations with regard to specific age groups; 25 parking spaces are proposed by the applicant; Condition of Approval No. 25 requires the installation of two bike racks as a minimum and the applicant can opt to provide more; whether the City would allow adding a new condition of approval that required parking spaces be reduced to seventeen if the demand is below requirements and extra parking spaces be replaced with bike parking or usable landscape; the reason for the requirement for impact resistant bollards; when the structures and block wall were built; if the existing block wall was evaluated for code compliance; that the use variance granted in 1959 acted like a CUP and carries with the land; whether staff reviewed the parking circulation, queuing, and how children were going to be dropped off; outdoor security lighting locations; that a photometric study will be required in plan check; that the parking lot will be resurfaced and restriped; parking lot is in compliance

with Title 24 in terms of slope and cross slope; and whether the walkways will come into ADA compliance.

PUBLIC COMMENT

The Chair opened the public hearing.

Applicant's team: Dave Sheegog, project architect; Chris Commarota, project Vice President of Construction for Kidde Academy; and Joseph Haikal, property owner.

Mr. Sheegog addressed Commissioners concerns about reinforcing the block wall; security lights; parking lot expansion; and walkways.

Discussion with Commission and applicant's team ensued on whether there is enough parking during drop off and pick up times; other jurisdictions where Kidde Academy operates that required a circulation or traffic management plan for picking up or dropping off the children; how the pickup and drop off times operate; that a new north wall on the property line will not be constructed unless it is less than six feet in height; security concerns during the evening and weekend and security cameras; and the number of children attending Tustin and Huntington Beach locations and number of required parking stalls.

The Chair opened for public comments.

No public comments.

The Chair closed the public comment.

MOVED/SECOND: Perkins/Russell

MOTION: Move staff's recommendation with an additional condition that would allow the applicant to reduce the parking provided down to 18 without having to come back to the Planning Commission or Zoning Administrator if they were to use the space for bike parking or convert the space to usable landscape area if they find there is not a need for all the required spaces.

Discussion with Commission and staff ensued on the new condition that Commissioner Perkins added in the motion as to what approval or action would be required if the applicant wants to reduce the number of parking stalls.

Commissioner Zich stated he would like the new condition to have Zoning Administrator approval so that there will be public notice.

Commissioner Perkins and Commissioner Russel both agreed to have the Zoning Administrator approval be a part of the new condition.

Chair de Arakal stated concerns with the intensity of the use and the number of potential vehicles onsite at once+ and that he cannot support the motion because it includes reducing the parking.

Commissioner Perkins explained his reasons for adding language in the motion that reduces parking.

The Chair closed the public hearing.

The motion carried by the following roll call vote:

Ayes: Harlan, Perkins, Russell, Zich

Nays: de Arakal

Absent: Colbert and Tourje

Motion carried: 4-1

ACTION: Planning Commission adopted a Resolution to:

1. Find that the project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15301 (Existing Facilities); and
2. Approve Planning Application 20-04, subject to conditions of approval with the added condition by the Commission below:

NEW CONDITION ADDED BY COMMISSION:

Condition of Approval No. 17: The property owner may reduce the total number of parking spaces within the parking lot to 18 as long as the remaining parking area is used as landscaping and/or bike racks, subject to modification of the Conditional Use Permit reviewed by the Zoning Administrator, per review procedures as outlined in the Zoning Code.

RESOLUTION PC-2020-18 - A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA, CALIFORNIA APPROVING PLANNING APPLICATION 20-04 FOR A CONDITIONAL USE PERMIT FOR THE ESTABLISHMENT OF A CHILD CARE LEARNING CENTER IN THE R2-HD (MULTIPLE-FAMILY RESIDENTIAL, HIGH DENSITY) ZONE IN CONJUNCTION WITH PROPOSED RENOVATIONS AND ADDITIONS, INCLUDING OUTDOOR PLAY AREAS AND SHADE STRUCTURES, LOCATED AT 1815 ANAHEIM AVENUE

The Commission took a break at 7:28 PM.

The Commission reconvened at 7:36 PM.

2. **A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA, CALIFORNIA RECOMMENDING THAT THE CITY COUNCIL GIVE FIRST READING TO AN ORDINANCE (CODE AMENDMENT CO-2020-04) AMENDING TITLE 13 OF THE COSTA MESA MUNICIPAL CODE RELATING TO ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS AND RELATED FEES**

Project Description: An ordinance to adopt Code Amendment CO-2020-04 to amend portions of Title 13 of the Costa Mesa Municipal Code (Planning, Zoning, and Development) to modify and establish standards and fees for Accessory Dwelling Units and Junior Accessory Dwelling Units consistent with State law. The update includes revisions to the following chapters:

- Chapter I, Article 2: Definitions
- Chapter IV, Citywide Land Use Matrix
- Chapter V, Development Standards
- Chapter VI, Off-site Parking Standards

- Chapter XI, Subdivisions
- Chapter XII, Special Fee Assessments

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

Ms. Colgan stated that three written comments from Rosemary Carone, Mike Gancar, and Mike Lingle have been provided to the Commission and made a part of the record.

Discussion with the Commission and staff ensued on how many ADU applications were received to date since 2017 and how many have had a permit issued; ADU applications average size, height, detached or attached; and whether the proposed ordinance allows a two story detached ADU independent of a garage to be built.

Mr. Porter spoke about an additional part of staff's recommendation; a revision to Section 9 in order to clarify that Urgency Ordinance 19-19 will be replaced upon approval of the proposed ordinance.

Discussion with the Commission and staff ensued on the current urgency ordinance's size limitation on ADU's ; why Section B and C are separate in the ordinance; why those sections cannot be merged together; what would be lost if those sections were merged together; whether it is possible to draft Section B and C with parallel structures so it is easier to compare; whether staff could make the various allowable ADU types less complex; impact fees; how to tell the difference between JADUs and small interior ADUs; when owner occupancy can be required; would an off-grid electric ADU be allowed; that the State standards can override the City's standards; that meeting open space is not required; whether ADUs and JADUs can be rented separately from the residence; when a second-story ADU is allowed; and what is the maximum area allowed for a detached ADU.

PUBLIC COMMENTS

The Chair opened public comments.

Randy Teteak asked why the 1,200-square-foot maximum limit is needed if the homeowner can meet all other requirements for open space, height, setback, and bedroom count etc.

Mr. Porter responded that it is a policy choice if the City wants to increase the limit or remove it entirely; however, the City must allow at least a 1,200-square-foot ADU. Discussion regarding CMMC open space requirements and whether the City wants to exempt the ADUs from those requirements.

Mr. Teteak continued his comment about the maximum ADU size with concerns.

Mike Gancar stated that he believes that the City code allowed ADUs to be rented before if the lot size was over 7,900 square feet and the problems he dealt with trying to build an ADU above his three car garage with the old City's ADU laws and now the State laws; spoke on how many ADUs exist in the City; and asked what a first reading of the ordinance means.

Roey Carone was thankful for the clarification that an ADU can be built over a detached garage in a single-family residential lot and suggested to add a footnote that it is allowed because of

the issues he had when getting a permit to build an ADU over his garage before the State laws came into effect.

Mr. Aglupos responded that Mr. Carone can now build an ADU over his detached garage as long as his single-story residence is towards the front and the detached garage is towards the rear and as long as it does not expand beyond the footprint of the existing garage.

Chair de Arakal and Mr. Carone discussed that he will have to wait for the proposed ordinance to be adopted by City Council before he can build his ADU.

The Chair closed public comments.

Discussion with the Vice Chair Harlan and staff ensued on that provisions can be added under Section 13-35, subsection B (8) - Open Space / Landscaping to limit the size of an ADU.

Vice Chair Harlan commented that there are some policy considerations that need to be taken into account such as the number of ADUs to be developed in our City; the impact ADUs will have on the neighborhood form; to encourage applicants to turn non-conforming structures into legal structures; rental versus ownership; does the City want the ADUs to contribute to RHNA numbers; and does the City want to promote multigenerational housing.

Commissioner Perkins and staff discussed what the City would do to help homeowners understand the ordinance. Commissioner Perkins stated that he would like the ordinance to be clarified as much as possible; simplify the maximum square foot requirements; allow the community to decide the maximum size as long as open space is retained and the ADU is of good design; and does not want to City to micromanage the designs of the ADUs.

Commissioner Zich spoke on the ordinance needing more work.

Commissioner Russell spoke on the lack of public input on the item; supportive of any kind of ADU; ensure the ordinance is easy to understand; and would like to see it move forward.

Discussion ensued on whether the City allows short-term rentals and whether ADUs are allowed to be short-term rentals.

MOVED/SECOND: Harlan/Zich

MOTION: Continue the item.

Commissioner and staff discussed continuing the item to the September 14 meeting.

Commissioner Perkins spoke in support of the motion and asked to reduce the complexity in the ordinance and spoke on ADU's as a way to address the City's RHNA numbers.

Chair de Arakal spoke in support of the motion and discussed the City's RHNA numbers and the State getting involved.

The motion carried by the following roll call vote:

Ayes: de Arakal, Harlan, Perkins, Russell, Zich

Nays: None

Absent: Colbert and Tourje

Motion carried: 5-0

ACTION: Continue the item to the September 14, 2020 meeting.

Staff and Commissioners recognized Mr. Curtis for his service to the City.

DEPARTMENTAL REPORT(S)

1. Public Services Report – no reports but Mr. Mejia thanked Mr. Curtis for his leadership and guidance.
2. Development Services Report – Mr. Curtis reported that at the last City Council meeting, the City Council voted to put a measure on the ballot for retail cannabis sale and delivery and took action to allow retail and services businesses to move outdoors.

CITY ATTORNEY'S OFFICE REPORT(S)

1. City Attorney – no reports but Mr. Preziosi thanked Mr. Curtis for his service.

ADJOURNMENT AT 9:28 PM

Submitted by:



JENNIFER LE, SECRETARY
COSTA MESA PLANNING COMMISSION