

**REGULAR MEETING OF THE CITY OF
COSTA MESA PLANNING COMMISSION
December 10, 2012**

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.

II. ROLL CALL:

Present: Chair Colin McCarthy
Vice Chair Sam Clark
Commissioner Robert Dickson
Commissioner Edward Salcedo
Commissioner Jeff Mathews

Absent: None

III. PUBLIC COMMENTS:

There were no public comments.

IV. PLANNING COMMISSIONER COMMENTS AND SUGGESTIONS:

Chair McCarthy announced the grand opening of the Snoopy House.

V. CONSENT CALENDAR:

1. Minutes for the meeting of November 13, 2012.
2. Code Enforcement Update.

**Motion: Approve Consent Calendar.
Moved by Commissioner Dickson, seconded by Commissioner Salcedo.**

The motion carried by the following roll call vote:

Ayes: McCarthy, Clark, Dickson, Salcedo, Mathews
Noes: None
Absent: None

PUBLIC HEARINGS:

1. **Application No.:** PA-12-23 & PM-12-149
Applicant: Harbinger Homes, Inc.
Site Address: 135 and 141 Monte Vista Avenue
Zone: R2-MD
Project Planner: Minoo Ashabi
**Environmental
Determination:** Exempt

Description:

- 1) Design Review to construct four two-story, detached single-family homes with the following:
 - A variance from common lot requirement for residential common interest developments.
 - Deviation from the Residential Design Guidelines related to average second floor side yard setback (10 feet recommended, five feet proposed).
- 2) Tentative parcel map to facilitate subdivision of the property into four lots with a variance from common lot requirement.

Chair McCarthy asked for clarification about the variances related to having a common lot. Ms. Ashabi responded the houses are in a R2MD zone and do not qualify as individual single lots or single-family detached home so a variance would have to be requested to allow for small lot subdivision.

Kerry Smith, applicant, is in agreement with the conditions of approval except Condition Nos. 3, 4, 5, and 27.

PUBLIC COMMENTS:

Nick, resident, stated his support for the project.

Vice Chair Clark, Commissioner Salcedo, and Commissioner Dickson stated their support for this project.

Chair McCarthy asked about leaving the dedication open ended in Condition No. 27.

Ms. Flynn suggested that the condition of approval should state prior to issuance of the first Certificate of Occupancy for the first dwelling unit, the applicant shall finalize full dedication of all land 30 feet from the Centerline of Elden Avenue, which would not allow sales of any of the units before the full dedication is finalized.

MOTION: Move that the Planning Commission hereby approve Planning Application PA-12-23 and Parcel Map PM-12-149 based on the evidence in the record and the revised findings in Exhibit A from Supplemental Memorandum dated December 10, 2012 with the following changes:

No. 4: The newly-created parcels would strictly be developed under the requirements of the Residential Common Interest Development with required maintenance association and CC&Rs.

No. 5: A minimum six-foot high decorative perimeter masonry wall (split-face, stucco finish, or other material approved by Planning) shall be installed facing Elden Avenue and Monte Vista Avenue. Note: walls located along the interior property lines of the individual dwelling unit lots may feature different materials and finishes.

No. 27: Prior to issuance of the first Certificate of Occupancy for the first unit in the development, the applicant shall finalize dedication of all land 30 feet from the Centerline of Elden Avenue.

Moved by Vice Chair Clark, seconded by Chair McCarthy.

The motion carried by the following roll call vote:

Ayes: McCarthy, Clark, Dickson, Salcedo, Mathews

Noes: None

Absent: None

The Chair explained the appeal process.

2. **Application No.:** PA-12-17
Applicant: Ralph Deppisch
Site Address: 1904-1906 Harbor Boulevard
Zone: C1
Project Planner: Mel Lee
Environmental Determination: Exempt

Description:

Conditional use permit for a 24-hour convenience store (7-Eleven) in conjunction with a finding of public convenience or necessity to allow a premise-to-premise transfer of a State Alcoholic Beverage Control License Type 20 (Off-Sale Beer and Wine) for the proposed convenience store.

Vice Chair Clark asked what the parking requirements are and what it currently has. Mr. Lee responded 23 on-site parking spaces are required and the parking is non-conforming based upon the current code.

Commissioner Dickson asked if there have been any other potential uses for this site besides 7-Eleven. Mr. Lee responded no.

Ralph Deppisch, agent, representative for the applicant, gave his presentation for the 7-Eleven.

PUBLIC COMMENTS:

Carolyn Whitlinger, resident, stated her opposition to the project because of the homeless problems in that area and having another facility that sells alcohol.

Debbie McGuire, business resident, stated her opposition to the project because it will draw more of the homeless, involve alcohol sales, and the parking issue.

Beth Refakus, resident, stated her concern with the parking, the homeless, the transients, the difficulty turning into the property, and the negative impact it would have on the surrounding area.

Nancy Gwin, resident, stated her concern with the increase it might cause with loitering and homelessness.

Brian Cleugh, representing the property owner, stated his support for 7-Eleven because they would be good tenants.

Mr. Deppisch responded that 7-Eleven would be an improvement, serve the community, and decrease the homelessness and loitering problems.

Vice Chair Clark asked staff to look into how people are getting from a parking structure onto the roof of the nearby condos.

All Commissioners agree that 7-Eleven is a good corporation but that it is not a good business for this location.

Commissioner Mathews asked if staff can check in on new convenience stores and on the conditions taking place.

Chair McCarthy suggested having an ordinance for convenience stores for an extended period after they open, where staff makes sure the store is complying with their conditions of approval.

MOTION: Move that the Planning Commission hereby deny Planning Application PA-12-17.

Moved by Vice Chair Clark, seconded by Chair McCarthy.

The motion carried by the following roll call vote:

Ayes: McCarthy, Clark, Dickson, Salcedo, Mathews

Noes: None

Absent: None

The Chair explained the appeal process.

- 3. Application No.: PA-12-12 & TTM 17456**
Applicant: SCEL properties
Site Address: 785 and 795 Paularino Avenue
Zone: R2-HD
Project Planner: Minoo Ashabi
Environmental Determination: Exempt

Description: The proposed project involves:

1) A 10-unit residential common interest development including a variance to reduce the visible landscape setback along Randolph Avenue from 10 feet to zero feet for a block wall, and a deviation from Residential Design Guidelines related to average side yard setback for interior lots (10 feet recommended, five feet proposed).

2) A tentative parcel map to subdivide a 1.7-acre parcel for residential development.

Mark Rosene, applicant, is in agreement with the conditions approval and requested modifications to Condition Nos. 13, 14, 36, and 42.

PUBLIC COMMENTS:

There are no public comments.

Vice Chair Clark commented that he is in support of this project and the changes to the conditions are workable.

MOTION: Planning Commission approve Planning Application PA-12-12 and Tentative Tract Map 17456 based on the evidence in the record and the findings contained in Exhibit A, subject to the condition of approval in Exhibit B and Exhibit C with the following changes:

- No. 13: Provide proof of recordation of TTM 17456 prior to issuance of building permits.**
 - No. 17: Prior to issuance of building permits, the developer shall provide the Conditions, Covenants, and Restrictions (CC&Rs) to the Development Services Director and City Attorney's office for review. The CC&Rs must be in a form and substance acceptable to, and shall be approved by the Development Services Director and City Attorney's office and recorded prior to issuance of first certificate of occupancy.**
 - No. 36: An entrance of a minimum 20 feet shall be provided for fire apparatus access unless otherwise approved by Fire Prevention.**
 - No. 42: Prior to issuance of Building Permits, dedicate all land 31 feet from the centerline of Randolph Avenue.**
- Moved by Commissioner Dickson, seconded by Vice Chair Clark.**

The motion carried by the following roll call vote:

Ayes: McCarthy, Clark, Dickson, Salcedo, Mathews
Noes: None
Absent: None

The Chair explained the appeal process.

- 4. Application No.: CO-12-06**
- Site Address: Citywide**
- Zone: City of Costa Mesa**
- Project Planner: Minoo Ashabi**
- Environmental**
- Determination: Exempt**

Description:

Code Amendment CO-12-06 related to Costa Mesa Municipal Code regulations for Emergency Shelters, Transitional Housing, and Supportive Housing in compliance with State Law. Amendments are proposed, but not limited to the following Code Sections in Title 13 (Zoning Code) of the Costa Mesa Municipal Code: Chapter 1, Article 2, Section 13-6, Definitions; Chapter IV, Table 13-30 City of Costa Mesa Land Use Matrix; Chapter IX, Special Land Use Regulations.

Chair McCarthy announced that CO-12-06 will be continued to the Planning Commission meeting of January 14, 2013.

VII. ADJOURNMENT: NEXT PLANNING COMMISSION MEETING AT 6:00 P.M. ON JANUARY 14, 2013.

Submitted by: _____
CLAIRE FLYNN, SECRETARY
COSTA MESA PLANNING COMMISSION