REGULAR MEETING OF THE CITY OF COSTA MESA PLANNING COMMISSION

May 12, 2014

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.

Vice-Chair Dickson led in the Pledge of Allegiance.

ROLL CALL:

Present: Chair Jim Fitzpatrick
Vice-Chair Robert Dickson
Commissioner Colin McCarthy
Commissioner Jeff Mathews
Commissioner Tim Sesler

Staff: Jerry Guarracino, Interim Assistant Development Services Director
Yolanda Summerhill, Planning Commission Counsel
Fariba Fazeli, City Engineer
Mel Lee, Senior Planner
Antonio Gardea, Senior Planner
Martha Rosales, Recording Secretary

PUBLIC COMMENTS

Scott Morlan, spoke about a video posted by Chair Fitzpatrick's nextdoor.com thread that lacked character and integrity by Chair Fitzpatrick's office. Mr. Morlan felt the video that mocked public speakers was inappropriate, mean-spirited and disrespectful. He asked Chair Fitzpatrick what his intentions were when he chose to post the You Tube video that mocked public speakers.

PLANNING COMMISSIONER COMMENTS AND SUGGESTIONS:

Vice-Chair Dickson lives on the West Side and thanked the Fire Departments from Costa Mesa, Newport Beach, Fountain Valley and Huntington Beach for a job well done putting out another blaze.

Commissioner McCarthy thanked Dane Bora and Brad Long of the Video Production Department for the presentation at the Mayor's Dinner and staff from the Public Services Department, Ernesto Munoz and Fariba Fazeli for the amazing improvements on Harbor Blvd.

CONSENT CALENDAR:

1. Minutes for the meeting of April 28, 2014

2. Code Enforcement Update

3. Development Phasing and Performance Monitoring Program Report (DPPMP)

4. Proposed Vacation of a Portion of Superior Avenue at 1677 Superior Avenue **(PC Resolution 14-22)**

   MOTION: Approve the four (4) Consent Calendar items with correction to the recommendation for Consent Calendar Item No. 4 (should be "adopt by Planning

Commission resolution" and not "receive and file"). Moved by Vice-Chair Dickson, second by Commissioner McCarthy.

The motion carried by the following roll call vote:

Ayes:	Fitzpatrick, Dickson, McCarthy, Mathews, Sesler
Noes:	None
Absent:	None
Abstained:	None

PUBLIC HEARINGS:

1. **Application No.:** ZA-14-06
   Applicant: Rick Wallace
   Site Address: 2175 Placentia
   Zone: R1
   Project Planner: Chelsea Crager
   Environmental Determination: Exempt- per Section 15303 New Construction or conversion of small structures

Description: Call for review by Planning Commission of minor conditional use permit to allow a detached, two story four-car garage over 700 sq. ft. (928 sq. ft. proposed; 835 sq. ft. amended proposal; second story proposed as a game room) to be constructed next to an existing single family residence.

Chelsea Crager, Assistant Planner, presented the staff report and advised the decision was called to review by the Planning Commission due to community concern.

The Commission inquired about tools available to prevent living space in a detached accessory structure from becoming a separate living unit. Also, they asked about which side of the lot is considered the front property line and about the projec't address (why not on Governor instead of on Placentia). Finally they asked how the tandem garage parking would work.

PUBLIC COMMENTS

Rick Wallace with Wallace Design Group, applicant and architect on the project, explained that the narrower lot frontage is defined in the code as the front of the lot. Mr. Wallace also explained the dangers of the existing driveway on Placentia Avenue, impacted parking in the neighborhood and their proposal to construct a conforming driveway and garage along Governor to remedy the situation. He worked closely with Assistant Planner Crager with regards to the conditions for the project and was baffled as to why the project had to go before Planning Commission. Mr. Wallace provided answers to questions posed by the Commission regarding parking, living space, room additions and a separate exterior entrance.

Sharon Sutton, 40 year Costa Mesa resident, was concerned with the size of the expansion and the ingress/egress on Governor. She felt the project was a huge infringement on the neighbors and would end up as a multi-residence or rehabilitation facility.

Wes Courvoisier, neighboring homeowner since 1979, objected to the project because it did not fit the make-up of the community (low-density, single-family residences). If approved, the expansion would add more to the current density and traffic congestion. He urged the Commission to reject the request.

Laurene Keane, Costa Mesa resident, said the project had the look, feel and orientation of a rehab/sober living home. There were already two rehab/sober living homes on Governor and the Commission needed to consider that a possibility. Ms. Keane wanted to see issues (low-density, effects of multiple stories, additional traffic) addressed when projects are up for review and resolved before the projects are built. Ms. Keane hoped the Commission would turned down the project.

Dana Lavin, Costa Mesa resident, asked if one person was going to be occupying the house why so many bedrooms (5), parking spaces (6) and a huge game room? The project looked like a rehab home and the second story (proposed game room) resembled a meeting room. Ms. Lavin asked what the City had in place to ensure this expansion did not become a rehab home.

Paul Steiner, East Side resident, was concerned with the home becoming a rehab home. Mr. Steiner spoke over the phone with Code Enforcement Office Mike Tucker and felt the City was at a disadvantage because they lacked the necessary tools to fight State issues. However, the Commission did have the tool to deny the request - he urged the Commission to work with the tools they had and if someone wanted to build something to not issue variances and make them work within the rules that exist.

Mr. Wallace stated it was not his client's intent to turn the home into a rehab home. He suggested adding a condition of approval stating the home could not be turned into a rehab home. Mr. Wallace clarified the home would be for a family or extended family and not just one person and spoke about the parking concerns.

MOTION: Reverse the Zoning Administrator's decision to approve a minor conditional use permit to construct an oversized garage and second story game room at 2175 Placentia, based on the fact that the proposed application is not harmonious and compatible with the neighborhood. Moved by Commissioner McCarthy, second for discussion by Chair Fitzpatrick. (PC Resolution 14-23)

The motion carried by the following roll call vote:

Ayes:	Fitzpatrick, Dickson, McCarthy, Mathews, Sesler
Noes:	None
Absent:	None
Abstained:	None

Chair Fitzpatrick explained the appeal process.

2. **Application No.:** PA-09-107 A1
Applicant: Mark Hassan
Site Address: 1343 Logan Avenue
Zone: MG
Project Planner: Antonio Gardea
Environmental Determination: Exempt- per Section 15270(a) Projects which are disapproved

Description: Amendment to Conditional Use Permit to legalize a towing service for an existing body shop approved under PA-90-107.

Antonio Gardea, Senior Planner, reported the applicant was requesting a two week continuance and requested the matter be continued to a date certain.

PUBLIC COMMENTS - None

MOTION: Continue PA-90-107 A1 to the May 27, 2014 Planning Commission meeting. Moved by Chair Fitzpatrick, second Commissioner McCarthy.

The motion carried by the following roll call vote:

Ayes:	Fitzpatrick, Dickson, McCarthy, Mathews, Sesler
Noes:	None
Absent:	None
Abstained:	None

3. **Application No.:** PA-14-01 & TT-17709
Applicant: Diamond Star Assoc.
Site Address: 573-591 Victoria Street
Zone: R2-MD
Project Planner: Antonio Gardea
Environmental Determination: Exempt-per Section 15332 Infill Development

Description: The proposed project involves:

1) Master Plan to construct a 37-unit, three-story, detached, condominium development within the Mesa West Residential Ownership Urban Plan with the following deviations from the Zoning Code and Residential Design Guidelines:
   a) Second story rear yard setback requirement: 20 feet required, 10 proposed;
   b) Distance between buildings, minimum ten feet required, minimum eight feet proposed;
   c) Minimum required open space: 40 percent required, 36 percent proposed; and
   d) Bulk/Massing - Maximum percentage of second and/or third floor to first floor gross floor area: 100 percent maximum recommended, 102 and 112 percent for second and third floor proposed.

2) Tentative Tract Map to subdivide a 2.28-acre parcel for condominium purposes.

Senior Planner Antonio Gardea presented the staff report and stated the proposed project would replace three (3) existing residential apartment buildings with a 37-unit, three-story detached condominium development and includes four (4) deviations.

Chair Fitzpatrick spoke about the Costa Mesa Sanitary District's new program for handling organics and asked staff for an update. Interim Development Services Director Jerry Guarracino, per his communications with the Costa Mesa Sanitary District, did not see a reason to require more than two (2) bins per unit for this particular project. Chair Fitzpatrick wanted staff to work with the Sanitary District in developing a standard design condition so applicants did not have to go to negotiate with another agency.

Mr. Gardea answered questions pertaining to deviation/variances for open space, possible provision for construction noise on Victoria, balconies, tandem parking and remedies for Urban Plan/Zoning Code inconsistencies.

PUBLIC COMMENTS

Don Lamm, representing the applicant, stated they had read the conditions of approval and were in agreement. Mr. Lamm provided a detailed overview of the proposed project and offered a clarification regarding the tandem parking. Mr. Lamm believed the project would improve the property values in the area and said it was designed to provide small lot, single-family ownership units.

Barrie Fisher, Costa Mesa resident, had parking concerns and inquired if the 47 open parking spaces were for guests, residents or a combination of guests/residents parking.

Laurene Keane, Costa Mesa resident, thanked Mr. Lamm for his presentation because it helped her get a better understanding of the proposed project. Ms. Keane was concerned about handicapped (Americans with Disabilities Act) requirements and the displacement of tenants in the apartment building that was getting bull-dozed.

Misau Villanueva, Costa Mesa resident, had questions because he was a tenant at the 579 Victoria Street apartments. Mr. Villanueva also served as interpreter for his mother, Laura Villanueva. Through her son, Ms. Villanueva stated that tenants were in attendance due to a letter they received informing them to attend the Planning Commission meeting to find out the outcome of the apartment building they resided in. Ms. Villanueva said the proposed project was beautiful but the tenants were concerned about what would happen to them. She asked if the City was going to give them advance notice prior to demolition and what steps would be decided tonight?

Kendall Castle, resident of the San Michel community located across the street from the proposed project also thanked Mr. Lamm for his thorough presentation. She asked if the intent was to gradually transition to 3-story residences along Victoria Street and change the feel and aesthetics of the neighborhood to that of an extreme high-density, high-rise community and if it was anticipated to ultimately eliminate one and two-story buildings in the future.

Mr. Lamm explained that open parking spaces were "open and unassigned"; therefore, they could be used by guests or residents. He also mentioned the Building Code and Americans with Disabilities Act did not require single-family homes to provide disabled accommodations. Mr. Lamm added that if the Commission approved the project, the home builder would accommodate the tenants in a compassionate way and provide them with ample notification (8 to 12 months) for relocating.

The Commission discussed staff's interpretation of Condition of Approval No. 6 that pertained to open, unassigned parking spaces and Homeowner's Associations enforcing parking.

MOTION: Approve PA-14-01 and TT-17709 for a 37-unit residential development at 573-591 Victoria Street based on the evidence of the records and the Findings in Exhibit A, subject to the Conditions of Approval in Exhibit B as follows:
<u>Condition of Approval No. 6</u> – strike the last sentence (*The parking spaces next to units 1, 21, and 22 shall be marked as unassigned, guest parking spaces.*)
<u>Condition of Approval No. 8</u> – strike the entire condition.
<u>Condition of Approval No. 18</u> – add "F" to read "*Include in the CC&R's that all open parking shall be unassigned and available to guests and residents.*"
<u>Under "Code Requirements" – Condition No. 18</u> – strike entire condition.
With the caveat that if the project is approved, the applicant will reach out to the homeowners and advise them so they have time to make alternative plans. Moved by Commissioner McCarthy, second Vice-Chair Dickson. (PC Resolution 14-24)

Chair Fitzpatrick had questions that required further dialoguing and said his No vote was in no way reflective of the quality of the project and the success it will have.

The motion carried by the following roll call vote:

Ayes:	Dickson, McCarthy, Mathews, Sesler
Noes:	Fitzpatrick
Absent:	None
Abstained:	None

The Chair explained the appeal process.

4. **Application No.:** CO-14-01
Site Address: Citywide
Zone: City of Costa Mesa
Project Planner: Mel Lee
Environmental Determination: Exempt-per Section 15061(b)(3) General rule

Description: An Ordinance of the City Council of the City of Costa Mesa amending Title 13 of the Costa Mesa Municipal Code related to Smoking Lounges:

- The Costa Mesa Planning Commission will hold a public hearing to consider Code Amendment CO-14-01 related to Smoking Lounges. The amendments would define smoking lounges for hookah, cigars, and electronic cigarettes (also known as vapor lounges or vaping lounges) in Title 13 of the Costa Mesa Municipal Code and further would limit these types of uses to specific zoning districts within the City of Costa Mesa.

Mel Lee, Senior Planner summarized the staff report pertaining to a proposed ordinance related to Smoking Lounges and reported that the only correspondence received was a letter from the Orange County Cigar Lounge.

Mr. Lee responded to questions from the Commission regarding the zoning for Orange County Cigar Lounge, permitted C1 and C2 zoning, definition for "lawfully existing", amortization provisions, permitted hours for hookah lounges, rewording the ordinance to give exemptions to good business owners, fines and identifying the magnitude of the problem.

PUBLIC COMMENTS

Nayef Amhaz, Costa Mesa resident and owner of Coastline Hookah Lounge (previously Sultana), gave an overview on hookah lounges. Mr. Amhaz did not have a problem relocating to a properly-zoned location as long as they would be able to operate their business at a profitable pace. He expressed a desire to clean up what they inherited and assured the Commission that they would not be conducting their business in the same fashion the previous owner had.

Beth Refakes, East Side resident, asked if any of the establishments on Attachment 3 had conditional use permits and noticed that an e-cigarette lounge in the Goat Hill area was not on the list. She was concerned with C1S-zoned establishments being within 200 feet of residential areas due to the fumes and noise levels, the Operating Requirements and the Application to Existing Businesses.

Chris McDonald, affiliated with Orange County Cigars, said they were in a free-standing building and thought the sliver was zoned C1 General Business purpose. Mr. McDonald was numb over the whole thing – they just want to conduct business and the only thing they sell is cigars—nothing else. The purposely opened their business in a free-standing building, they have never had problems with the City and have always gone through all the proper channels. He asked the Commission to consider grandfathering them where they are at because moving would be detrimental to them.

Laurene Keane, Costa Mesa resident, urged the Commission to keep the residents in mind when adopting smoking lounge ordinances. Ms. Keane was a homeowner, allergic to smoke and did not want to be exposed to it in her neighborhood. Ms. Keane did not

think Mr. McDonald's business was in the same category as hookah and e-cigarette lounges.

MOTION: Move proposed CO-14-01, an amendment to Title 13 of the Costa Mesa Municipal Code related to Smoking Lounges off-calendar. Moved by Commissioner McCarthy, second Vice-Chair Dickson.

The motion carried by the following roll call vote:

Ayes:	Fitzpatrick, Dickson, McCarthy, Mathews, Sesler
Noes:	None
Absent:	None
Abstained:	None

5. **Application No.:** GPA-14-02, R-14-02
Site Address: Citywide
Zone: City of Costa Mesa
Project Planner: Jerry Guarracino
Environmental Determination: Exempt- per Section 15319(a) Annexation of Existing Facilities and Lots for Exempt Facilities

Description: A public hearing to establish new General Plan designation and Zoning for a 14-acre County Island commonly referred to as the Colleen-Santa Ana Annexation Area, located north of 22nd Street and east of Santa Ana Avenue; in association with the proposed annexation of this area from the County of Orange. General Plan Amendment GPA-14-02 would change the designation from MFR (Multi-Family Residential) to SFR (Single Family Residential); and R-14-02 would rezone the area to R-1) Single Family Residential. The proposed General Plan Amendment and rezoning are being considered to pre-zone the property as part of a larger effort to annex the 14-acre County Island through the Local Agency Formation Commission (LAFCO).

Interim Development Services Director Jerry Guarracino presented the staff report and stated that as part of a separate action, the City Council would be developing a Property Tax Agreement between the City and the County for purposes of sharing the tax revenue for this area. Correspondence was received from a resident who had attended two previous public meetings that included four (4) additional items not included in the summary of the meeting.

Mr. Guarracino provided answers regarding the City's interest in the process, associated costs and revenue, impacted residents, average lot sizes rear setbacks and the proposed rezone for the Island.

PUBLIC COMMENTS

Rick White, Colleen Place resident, wanted to keep the current R1 zone and lot sizes (9,000 to 10,000 square feet) throughout the neighborhood in order for it to be harmonious and compatible. Mr. White spoke of past County experiences relative to compounds and setbacks.

Liz Parker, Colleen Place resident since 1983, also, the resident who wrote the email to staff. Ms. Parker said residents had purchased in the East Side because the lots were bigger and more eclectic than other parts of Costa Mesa. Ms. Parker also provided background information and added that her biggest concern was preserving the quality of life that residents purchased the homes for. Many residents were happy to become Costa Mesa residents and wanted to remain there because they enjoy the quality of life,

the lot sizes and how the homes all match together in the neighborhood. Ms. Parker was also concerned about the high density traffic along Santa Ana Avenue.

The Commission followed-up with questions regarding appropriate land use designation and County setback compliance.

Chair Fitzpatrick asked if in the future Ms. Parker could produce a name because he lived in the East Side and the Mayor served on the Airport Land Use Commission and her comments regarding the airport expansion (Concern No. 1) was an unacceptable position for anyone to be taking.

MOTION: Find that the project is exempt from the provisions of the California Environmental Quality Act under Section 15319(a) – Annexation of Existing Facilities and Lots for Exempt Facilities; approve GPA-14-02 by adoption of resolution, and give first reading to ordinance approving rezone R-14-02. Moved by Commissioner McCarthy, second Vice-Chair Dickson with comment. (PC Resolution 14-25)

Vice-Chair Dickson stated R1 was the lowest intensity zone in Costa Mesa and this was an annexation into Costa Mesa. He encouraged future decision-makers to abide by the Municipal Code as it talked about compatible and harmonious.

The motion carried by the following roll call vote:

Ayes:	Fitzpatrick, Dickson, McCarthy, Mathews, Sesler
Noes:	None
Absent:	None
Abstained:	None

Mr. Guarracino advised that the first reading would be at the June 17th Council meeting; the second reading would be at the July 1st Council meeting and the ordinance would become final with the adoption of the General Plan cycle which was tentatively scheduled for July or August.

NEW BUSINESS:

1. Report and discussion possible recommendation for 2014-15 Fiscal Year Planning Commission Goals

Interim Development Services Director Jerry Guarracino asked what goals the Planning Commission wanted discussed at a Joint City Council-Planning Commission Study Session. He advised the staff report contained a list of articulated goals that staff wanted feedback on, and a separate list produced by Chair Fitzpatrick.

Chair Fitzpatrick wanted to make Group Homes his priority project for the next fiscal year. He asked Counsel Yolanda Summerhill and Commissioner Sesler to focus on the matter and ensure they were within the 9th Circuit Court of Appeals guidelines. Chair Fitzpatrick asked Commissioner Sesler and the Neighborhood Improvement Task Force (NITF) to reconcile the City's list of Group Homes with the list generated by Neighborhood Groups that identified a significantly higher number of Group Homes than the City's list. He also wanted to know how complaints and evidence were categorized and associated with the different Group Homes and asked if Code Enforcement Officer Mike Tucker or Assistant CEO Rick Francis could attend a Planning Commission meeting and offer clarification.

Commissioner Mathews reported that the topic of Group Homes had been coming up at the NIFT meetings. He was going to get answers to "understanding the process of reporting and recording issues and determining what impacts rise to the level of nuisances". He also felt that someone from the NITF should attend a Planning Commission meeting to provide an update on their efforts.

Counsel Yolanda Summerhill said her office could provide available lists and/or documentation to see if it corresponded with what was going on in the field. With regards to regulating, sufficient facts would have to be established to determine what the issues are, identify the secondary effects and determine if regulations are needed and what they would be based on the secondary effects.

Other goals for the Joint Study Session were Code Enforcement, the Newport Blvd. Specific Plan and Funding for Randolph.

ADJOURNMENT: NEXT PLANNING COMMISSION MEETING AT 6:00 P.M. ON TUESDAY, MAY 27, 2014.

Submitted by:

Gary Armstrong for:

CLAIRE FLYNN, SECRETARY
COSTA MESA PLANNING COMMISSION