Unofficial Until Approved

REGULAR MEETING OF THE CITY OF COSTA MESA PLANNING COMMISSION July 8, 2013

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.

Commissioner Dickson led in the Pledge of Allegiance.

ROLL CALL:

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

Absent: Commissioner Jeff Mathews

PUBLIC COMMENTS:

Martin H. Millard addressed concerns regarding the Neighborhood Enhancement Program and the practices by Code Enforcement and Planning Commissioners. Mr. Millard also inquired about the City's Welcome sign on West 19th Street.

PLANNING COMMISSIONER COMMENTS AND SUGGESTIONS:

Commissioner Sesler spoke about the new Costa Mesa 311 application. He encouraged the public to report Code violations and submit constructive comments as well.

Commissioner Dickson thanked everyone who worked on the 60th Anniversary and provided a summary of the event. He reported the City 311 communications was down and explained the practices of the Neighborhood Enhancement Program.

Commissioner McCarthy thanked Commissioner Dickson and everyone who worked on the 60th Anniversary event. He invited the public to attend the O. C. Fair and asked staff when Commissioners would get a draft of the Small Lot ordinance. Staff advised the first review of the Small Lot Ordinance would be in early August.

Chair Fitzpatrick thanked Commission Dickson for his participating in the 60th Anniversary event and spoke of having a balance when addressing Code Enforcement issues.

CONSENT CALENDAR:

1. Minutes for the meeting of June 24, 2013

2. Code Enforcement Update.

MOTION: Approve Consent Calendar Items 1 and 2. Moved by Commissioner McCarthy, seconded by Commissioner Dickson.

The motion carried by the following roll call vote:

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

Chair Fitzpatrick advised that code violations reported by Commissioners were reflected in the monthly Code Enforcement Update.

PUBLIC HEARINGS

1. **Application No.:** PA-05-33
Applicant: City of Costa Mesa
Site Address: 2156 Newport Blvd., Suite A
Zone: C1
Project Planner: Mel Lee
Environmental Determination: Exempt

Description:
Revocation of Conditional Use Permit (PA-05-33) for a tattoo parlor within an existing commercial building. A Conditional Use Permit to relocate the business to 2204 Newport Boulevard was approved by the Planning Commission on April 8, 2013.

Mr. Lee presented the staff report.

Chair Fitzpatrick said the basis for the revocation was over concentration in the area and non-continuance use, and the action taken addressed future tattoo parlors wanting to target the area. Mr. Lee confirmed Chair Fitzpatrick's statement.

PUBLIC COMMENTS:

Chair Fitzpatrick opened the session for public comments. There were no public comments.

Chair Fitzpatrick thanked Beth Refakes for following up with the Commissioners regarding the revocation of the conditional use permit.

MOTION: Based on the evidence of the record and the findings contained in Exhibit A that Conditional Use Permit PA-05-33 be revoked. Moved by Commissioner Dickson, seconded by Commissioner McCarthy.

The motion carried by the following roll call vote:

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

The Chair explained the appeal process.

2. **Application No.:** PA-12-25 & TT-17509
Applicant: Peter Zehnder
Site Address: 2519 ½ and 2525 Santa Ana Avenue
Zone: R2-MD

Project Planner: Minoo Ashabi
Environmental Determination: Exempt

1) ***Design Review PA-12-25*** to construct an 8-unit, two-story detached single-family residential development, including the following:
    a. Variance from open space requirement (40% required, 38% proposed);
    b. Variance from common lot requirement and establishment of a homeowners association;
    c. Variance from minimum driveway length (19 feet required, 16 feet proposed for two front units);
    d. Variance from parkway landscaping (3 feet required on one side / 10 feet total on both sides, 2 feet proposed one side / 7 feet total on both sides)
    e. Administrative Adjustment to reduce the front setback requirement for main buildings (20 feet required, 15 feet proposed);
    f. Administrative Adjustment to reduce the rear second floor setback (20 feet required, 15 feet proposed);
    g. Administrative Adjustment to reduce the distance between the buildings (10 feet required, 8 feet proposed);
    h. Minor Modification to reduce the side yard setback requirement for main buildings (5 feet required, 4 feet proposed);
    i. Minor Modification to reduce front setback requirement for a perimeter wall along Santa Ana Avenue (10 feet required; 8 feet proposed)
    j. Deviation from residential design guidelines related to second floor to first floor ratio (80% recommended, 92% proposed); and,
    k. Deviation from residential design guidelines related to second floor average side setback (10 feet recommended, 4 feet proposed).
2) ***Tentative Parcel Map No. 17509*** to subdivide a 0.708-acre parcel for an 8- unit fee simple residential development.

Ms. Ashabi presented the staff report.

PUBLIC COMMENTS:

Peter Zehnder, applicant, gave a detailed summary and description of the alternative design that was developed after meeting with the community. Mr. Zehnder stated there were a number of conditions that he was not in agreement with.

Mark Austin, attorney with Ruttan & Tucker and representing some homeowners, spoke in opposition of the development. He highlighted some of the points referenced in his letter (encroachments into setbacks, driveway limitations, building proximity issues, elimination of open spaces and common lots, etc.).

Carlton Waters, Costa Mesa resident, reviewed the City's zoning requirements due to extreme concerns he had after reviewing the development application, staff report and attending a meeting with the applicant. A major concern was sub-standard compact parking spaces.

Daniel Hoffman, Costa Mesa resident, supported Mr. Austin's comments regarding deviations from standards. He addressed the issue of utilizing the process of deviations to rezone a property into a small lot development when the City did not have a small lot ordinance and felt the City should be objecting to using the variance process to fit a

project to a particular vision rather than feeding the lot to a vision that was in acceptance with the City's standard Code practices.

John Bushnell, resident and owner of the historical R2-MD-zoned lot, requested corrections and indicated he would pursue any civil action necessary if the City or the applicant continued to use language or references to the easement in any plans.

Beth Refakes, East Side resident, stated there was no real articulation in the left and rear elevations for Plan 1A (page 89) and rear elevation for Plan 1C (page 91). She suggested that trash pick-up not be on Santa Ana Avenue because it would be unattractive. She mentioned that the project was too dense and would like to see a landscape plan.

Jeff Lassiter, Costa Mesa resident, was concerned that if the 5-foot setback was not required, the 2nd floor would be towering over their yards and decrease their property value.

Mr. Zehnder stated he would provide a landscape plan and would continue to see if there were other options for the concerns addressed by the public (short driveways, side yards, access from Santa Ana Blvd., etc.).

The Commission expressed concerns with the easement because it affected critical elements such as driveway lengths, landscaping and compact spaces; the project's density, northern property line setbacks, rear and side yard setbacks, trash receptacles, garage storage, etc. The Commission encouraged the applicant to work on the easement issue as it was the Commission's goal to get a high quality, detached product that would satisfy the residents and the developer, as well as enhance the neighborhood.

Commissioner Dickson praised Mr. Zehnder on his outreach efforts and past projects that created beautifull neighborhoods. He stated there would have to be variances in order to have high-quality developments and felt the conditions of approval had eliminated a lot of the variances.

Mr. Zehnder said he was comfortable working with staff to see if the July 22, 2013 meeting date was potentially feasible to return with a project that all parties involved would give serious consideration. If additional time was needed, Mr. Zehnder requested the matter be continued to the second meeting in August (August 26, 2013).

Chair Fitzpatrick closed the Public Comments session.

MOTION: Continue PA-12-25 and TT-17509 to the July 22, 2013 Planning Commission meeting with the possibility that said matter could be continued to the August 26, 2013 Planning Commission meeting. Moved by Commissioner Dickson, seconded by Commissioner McCarthy.

The motion carried by the following roll call vote:

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

Ms. Fazeli reported on the design completion for the West 19th Pedestrian Improvement project and said construction was anticipated to begin in September.

ADJOURNMENT

NEXT PLANNING COMMISSION MEETING AT 6:00 P.M. ON JULY 22, 2013.

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