REGULAR MEETING OF THE CITY OF COSTA MESA PLANNING COMMISSION

April 27, 2015

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 McCarthy led in the Pledge of Allegiance.

ROLL CALL

Present: Chair Robert Dickson
Commissioner Colin McCarthy
Commissioner Tim Sesler
Commissioner Stephan Andranian

Staff: Claire Flynn, Assistant Development Services Director
Yolanda Summerhill, Planning Commission Counsel
Fariba Fazeli, City Engineer
Minoo Ashabi, Principal Planner
Mel Lee, Senior Planner
Ryan Loomis, Associate Planner
Chelsea Crager, Assistant Planner
Martha Rosales, Recording Secretary

PUBLIC COMMENTS

Ann Parker, Costa Mesa resident, spoke about sober living issues and items on the Agenda.

Speaker, Costa Mesa resident, inquired about 167 Broadway and asked how a resident would know if a particular address is being planned for a sober living home.

PLANNING COMMISSIONER COMMENTS AND SUGGESTIONS

Commissioner McCarthy, in response to a public speaker's inquiry, reported that the topic of Maison (the night club on W. 19th Street)would not be discussed by any of the Commissioners.

Commissioner Sesler spoke on the subject of sober living situations and addressed questions from the public speakers.

Commissioner Andranian thanked staff for their enforcement efforts on some of the CC&R's.

Chair Dickson spoke about CC&R's being enforced in live/work units, encouraged the public to contact the Commissioners via social media with concerns. He asked staff if information was posted on the website that explained the mechanics of the current R2 ordinance and spoke about the nuisance ordinance as well. Ms. Flynn reported that a FAQ document was being prepared by the Community Improvement Division and explained the current process. She also suggested inviting Chief of Code Enforcement Fidel Gamboa to a future Planning Commission meeting to explain how Code Enforcement is enforcing the ordinance.

CONSENT CALENDAR:

1. Minutes for the meeting of April 13, 2015.
2. 2015 Development Phasing and Performance Monitoring Report
3. Review of Conditional Use Permit PA-14-25: Saddleback Church (1901 Newport Blvd.)
4. Capital Improvement Program (CIP) 1 Year Annual Report and 7 Year CIP

RESOLUTION 15-20 - A RESOLUTION OF THE PLANNING COMMISSION OF CITY OF COSTA MESA FINDING THAT THE PROPOSED ONE YEAR 2015-2016 AND SEVEN-YEAR 2015-2022 CAPITAL IMPROVEMENT PROGRAMS ARE IS CONFORMANCE WITH THE CITY OF COSTA MESA 2000 GENERAL PLAN

MOTION: Approve Consent Calendar items. Moved by Commissioner McCarthy, seconded by Chair Dickson.

The motion carried by the following roll call vote:

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

PUBLIC HEARINGS:

1. **Application No.** PA-11-06 and TT-17423: A Two-Year Time Extension for a 33-Unit Development at 2626 Harbor Blvd.
Applicant: Peter Naghavi
Site Address: 2626 Harbor Blvd.
Zone: R2-HD
Project Planner: Minoo Ashabi
Environmental Determination: An Initial Study/Mitigated Negative Declaration was adopted for the project on September 6, 2011. The Negative Declaration was based on the finding that, through compliance with the Standard Conditions of Approval and Code Requirements, the environmental effects from the project would be less than significant. The reasons to support such a finding are documented by an Initial Study prepared by the City of Costa Mesa.

Description: A two-year Time Extension request for Planning Application PA-11-06 and Tentative Tract Map 17423, for development of 33 detached units of common interest development on a 3.7 acre site in R2-MD zone (Multiple Family Residential-Medium Density) originally approved on September 6, 2011.

Minoo Ashabi, Principal Planner, summarized the staff report that was for a two-year time extension.

PUBLIC COMMENTS

Peter Naghavi, applicant, explained the reason for the delay and justified the second request for a time extension.

MOTION: Approval of the Planning Commission Resolution for a Second Two-Year Time Extension for Planning Application PA-11-07 and Tentative Tract Map No. 17423 for a 33-Unit Residential Common Interest Development at 2626 Harbor Blvd. Moved by Commissioner McCarthy, second by Chair Dickson.

RESOLUTION 15-21 – A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA APPROVING A TWO-YEAR TIME EXTENSION FOR PLANNING APPLICATION PA-11-06 AND TENTATIVE TRACT MAP NO. 17423, FOR A 33-UNIT DETACHED RESIDENTIAL COMMON INTEREST DEVELOPMENT AT 2626 HARBOR BOULEVARD

The motion carried by the following roll call vote:

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

Chair Dickson explained the appeal process.

2. **Application No.:** PA-14-50 and PM-2015-109: Design Review for a 2-Unit, Two-Story Detached Residential Small Lot Development at 161 East 18th Street

Applicant: Stephan A. Brahs, Urban Viking Properties

Site Address: 162 East 18th Street

Zone: R2-HD

Project Planner: Ryan Loomis

Environmental Determination: The project is categorically exempt under Section 15303 of the State CEQA (California Environmental Quality Act) Guidelines – Class 3 (new construction).

Description: The proposed project involves the following:

1) ***Planning Application PA-14-50*** – Design Review to construct a 2-unit, two-story, detached residential small lot development on a 6,263 sq. ft. lot.
2) ***Tentative Parcel Map PM-2015-109*** – Subdivision of the property for ownership units in accordance with the small lot subdivision standards.

Ryan Loomis, Associate Planner, presented the staff report.

Commissioner Mathews arrived at 6:36 p.m.

The Commissioners discussed the shed and the rear unit, as well as the project's zoning under the General Plan and access off of alleys.

PUBLIC COMMENTS

Stephen Brahs, applicant, had read and was in agreement with the Conditions of Approval.

Speaker, Costa Mesa resident, spoke about the zoning and asked why the project couldn't be a duplex.

Ann Parker, Costa Mesa resident, asked about the minimum square footage when subdividing lots with reference to the small lot ordinance and asked what residents in the East Side could do to do away with the small lot ordinance.

Mr. Brahs clarified the size of the lot and the fact that two units were on it. He felt the project enhanced the community significantly.

Commissioner McCarthy used the project as an example of why the City incorporated the Small Lot Ordinance. He thanked the developer for bringing forward a 2-unit, small lot residential project.

Commissioner Sesler responded to questions raised by the public speakers and thanked the applicant for investing in Costa Mesa.

MOTION: Approval of the Planning Commission Resolution for Planning Application PA-14-50 and Tentative Tract Parcel Map No. 15-109 for 2-Unit residential development at 162 E. 18th Street, including Design Review, based on the Findings set for in Exhibit A and subject to the Conditions of Approval set forth in Exhibit B. Moved by Commissioner McCarthy, second by Vice-Chair Mathews..

RESOLUTION 15-22 – A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA APPROVING PLANNING APPLICATION PA-14-50 AND TENTATIVE PARCEL MAP PM-15-109 AT 162 EAST 18TH STREET IN THE R2-HD ZONE

The motion carried by the following roll call vote:

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

The Chair explained the appeal process.

3. **Application No.:** PA-15-04 and VT-17848: Design Review for a 24-Unit, Two-Story Residential Common Interest Development at 650 Hamilton
Applicant: John Thomas/Shea Homes
Site Address: 650 Hamilton
Zone: R2-MD
Project Planner: Mel Lee
Environmental Determination: The project is categorically exempt under Section 15332 of the State CEQA (California Environmental Quality Act) Guidelines – Class 32 (In-Fill Development Projects).

Description: The proposed project involves the following:

1) Planning Application PA-15-04: Design Review for the development of a 24-unit, two-story, residential common interest development (12 dwelling units per acre proposed) with the following deviations from the R2-MD development standards:
   - Administrative Adjustment from rear yard setback for two-story buildings (20 feet required; 13 feet proposed)
2) Vesting Tentative Tract Map T-17848: The subdivision of the 2-acre property for ownership units accordance with the common interest development subdivision standards.

Mel Lee, Senior Planner, presented the staff report.

At the request of the Commission, Mr. Lee explained the chronology of events beginning with the prior approval leading up to the current project.

PUBLIC COMMENTS

John Danvers, applicant, stated he had read and was in agreement with the Conditions of Approval. He responded to questions raised by the Commission regarding the proposed project and selling price for the units.

Ann Parker, Costa Mesa resident, inquired about granting variances to developers who did not follow the guidelines.

Barrie Fisher, Costa Mesa resident, addressed parking concerns. The project was a nice addition but it was seriously under parked.

Mr. Danvers reported that in addition to the public notice for the hearing, letters were mailed to residents within 500-feet of the property – they had also reached out to the immediate neighbors. Mr. Danvers spoke about signage for open, unassigned parking spaces and parking concerns.

MOTION: Approval of the Planning Commission Resolution for Planning Application PA-15-04 and Vesting Tentative Tract Parcel Map No. T-17848 for a 24-unit residential development at 650 Hamilton Street, based on the Findings set for in Exhibit A and subject to the Conditions of Approval set forth in Exhibit B with the following revision:
<u>Condition of Approval 15d to read</u>: The CC&R's shall contain a notice that all open parking spaces not located on individual driveways shall be unassigned and available for visitors. These unassigned open parking spaces include the parking spaces located between residences and within the common parking log. Additionally, the CC&R's shall also contain a provision indicating that a property owner with an individual driveway must use open parking area on their driveway for resident and guest parking before using any other open parking space within the development. This requirement is to ensure that the individual driveways are fully utilized for parking purposes.
Moved by Commissioner McCarthy, second by Chair Dickson with comment. Chair Dickson state this project was another notch in curing parking problems and thanked Shea Homes.

<u>**RESOLUTION 15-22**</u> – A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA APPROVING PLANNING APPLICATION PA-15-04 AND VESTING TENTATIVE TRACT MAP VT-17848 FOR PROPERTY LOCATED AT 650 HAMILTON STREET

The motion carried by the following roll call vote:

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

The Chair explained the appeal process.

4. **Application No.:** PA-15-11: Conditional Use Permit to Allow Construction of a Hydrogen Fuel Station at 2050 Harbor Boulevard
Applicant: First Element Fueling
Site Address: 2050 Harbor Boulevard
Zone: C1
Project Planner: Daniel Inloes
Environmental

Determination: The project is categorically exempt under Section 15301 of the State CEQA (California Environmental Quality Act) Guidelines – Class 1 (existing facilities).

Description: The proposed project involves the following:

1) A Conditional Use Permit to allow for the construction of a hydrogen fuel cell dispensing station for hydrogen fuel cell vehicles on a lot with an existing gas station. The Conditional Use Permit also involves the consolidation of an existing CUP under Planning Application PA-98-95 for the gas station, smog check, and convenience store; with
2) Variance to allow deviation for compact parking spaces (6 standard spaces required; 8 spaces proposed inclusive of 3 compact stalls).

Chair Dickson reported Ms. Flynn would be presenting Public Hearing No. 4 in Dan Inloes' absence.

Claire Flynn, Assistant Development Services Director, presented the staff report for a conditional use permit for the construction of a hydrogen fuel cell dispensing station – the first in Costa Mesa.

Condition of Approval No. 10 was discussed.

PUBLIC COMMENTS

Dr. Shane Stevens, applicant, had read and was in agreement with the Conditions of Approval – he added he would be amenable to revising Condition of Approval No. 10.. Dr. Stevens gave a thorough presentation regarding the project that covered context, aesthetics and safety. He responded to questions raised by the Commissioners.

Michelle Baldwin, asked if hydrogen fuel cell dispensing stations could be placed in other locations besides gas stations.

Dr. Stevens reported that hydrogen fuel cell dispensing stations could be sited at different locations. However, in this early stage, it is easier to go into a gas station from the permitting stand point of view. Dr. Stevens responded to questions regarding dispensers with fire extinguishing properties and parking issues.

MOTION: Approval of the Planning Commission Resolution for Planning Application PA-15-11 for a Conditional Use Permit to construct a Hydrogen Dispensing Station on a lot with an existing gas station/small service convenience store with a variance to allow compact stalls at 2050 Harbor Boulevard including a Conditional Use Permit and a variance to allow the deviation on the compact parking spaces, based on the Findings set for in Exhibit A and subject to the Conditions of Approval set forth in Exhibit B. Moved by Commissioner McCarthy, second by Commissioner Sesler.

RESOLUTION 15-24 – A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA APPROVING PLANNING APPLICATION 15-11 FOR A CONDITIONAL USE PERMIT AND VARIANCE FOR COMPACT PARKING FOR A HYDROGEN FUEL DISPENSING STATION AT 2050 HARBOR BOULEVARD

The motion carried by the following roll call vote:

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

The Chair explained the appeal process.

5. **Application No.:** PA-15-09: Conditional Use Permit to Establish a Swim School at 2200 Harbor Boulevard
Applicant: Michelle Baldwin
Site Address: 2200 Harbor Boulevard, #P-120
Zone: C1-S
Project Planner: Chelsea Crager
Environmental Determination: The project is categorically exempt under Section 15301 of the State CEQA (California Environmental Quality Act) Guidelines – Class 1 (existing facilities).

Description: The proposed project involves:
Conditional Use Permit to establish a swim school (Aqua Tots) in a 6,939 sq. ft. tenant space. Proposed hours of operation are 9:00 a.m. to 9:00 p.m. 7 days a week. Maximum class size is 4 students and 1 teacher, with up to 14 classes running simultaneously. The proposed space was formerly occupied by retail uses. The Conditional Use Permit will also include a request to deviate from shared parking requirements due to the unique operational characteristics of the proposed use and the application of a previously-adopted shared parking program for the K-Mart Plaza.

Chelsea Crager, Assistant Planner, reported that the description in the Agenda and staff report were outdated due to a revised description by the applicant. Hours of operation would be 9:00 a.m. to 9 p.m. 7 days a week; the maximum class size would still be 4 students and 1 teacher, with up to 14 classes running simultaneously.

The Commission and staff discussed parking and the parking study, the process for an indoor pool and notification to the property management company.

PUBLIC COMMENTS

Caroline Yacu, Aqua Tots Operating Manager, had read the Conditions of Approval and agreed with them. Ms. Yacu spoke about the parking, the revised description and responded to questions from the Commissioners.

The Commission spoke favorably about the project and was in support of it.

MOTION: Approval of the Planning Commission Resolution for Planning Application PA-15-09 for a Conditional Use Permit for an Indoor Swim School, Aqua Tots, with a deviation from shared parking requirements at 2200 Harbor Boulevard based on the Supplemental Memorandum dated April 27, 2015 and on the Findings set for in Exhibit A and subject to the Conditions of Approval set forth in Exhibit B and revised Conditions of Approval set forth in the Supplemental Memorandum dated April 27, 2015.. Moved by Commissioner McCarthy, second by Vice-Chair Mathews.

RESOLUTION 15-25 – A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA APPROVING PLANNING APPLICATION PA-15-09 FOR A CONDITIONAL USE PERMIT FOR A SWIM SCHOOL LOCATED AT 2200 HARBOR BOULEVARD SUITE P-120

The motion carried by the following roll call vote:
Ayes: Dickson, Mathews, McCarthy, Sesler, Andranian
Noes: None
Absent: None
Abstained: None

The Chair explained the appeal process and asked the applicant to install dryers machines.

DEPARTMENTAL REPORT(S)

1. Public Services Report – None.

2. Economic and Development Services Report – Ms. Flynn reported that reported that the deadline for submitting Agenda materials was being revised to 3:00 p.m. on the day of the hearing (no longer 5:00 p.m.). Chair Dickson asked staff to note that if adequate copies are provided they can be submitted by 5:00 p.m.

CITY ATTORNEY'S OFFICE REPORT(S)

1. City Attorney – None.

ADJOURNMENT: NEXT PLANNING COMMISSION MEETING AT 6:00 P.M. ON MAY 11, 2015.

Submitted by:

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CLAIRE FLYNN, SECRETARY
COSTA MESA PLANNING COMMISSION