

UNOFFICIAL UNTIL APPROVED

**REGULAR MEETING OF THE CITY OF
COSTA MESA PLANNING COMMISSION****October 12, 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 Sesler led in the Pledge of Allegiance.

ROLL CALL

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

Staff: Claire Flynn, Assistant Development Services Director
Yolanda Summerhill, Planning Commission Counsel
Tarquin Preziosi, Planning Commission Counsel
Raja Sethuraman, Transportation Services Manager
Willa Bouwens-Killeen, Zoning Administrator
Mel Lee, Senior Planner
Ryan Loomis, Associate Planner
Chelsea Crager, Assistant Planner
Julie Colgan, Recording Secretary

PUBLIC COMMENTS

Beth Refakus, Costa Mesa resident, reminded everyone of the candy drive event for the families of the 1/5 Marines at Camp Pendleton.

Teresa Drain, Costa Mesa resident, spoke about the construction noise happening at 3 a.m. at the Cadillac dealership located at 2600 Harbor Boulevard.

A Costa Mesa resident thanked everyone who attended the chili cook off and suggested in the areas that have fast traffic flow in Costa Mesa that the City looks into using the effective speeds bumps used by Newport Beach.

A Costa Mesa resident spoke about the rights to speak at the meetings and thanked Commissioner Andranian for pursuing Solid Landings on W. 19th Street.

Chair closed public comments.

PLANNING COMMISSIONER COMMENTS AND SUGGESTIONS

McCarthy thanked the Fire department for their great open houses and announced the Battle of the Bell football game.

Commissioner Sesler stated wanting to see civil discussion at the meeting.

Commissioner Andranian asked for an updated report on Solid Landings on W. 19th Street at the next Planning Commission meeting. He also asked staff for an update about a letter received on September 9th about group counseling being conducted at 230 East 17th Street and 204 East 17th Street. Mel Lee, Senior Planner, responded that both locations had received citations and the City had received written confirmation that 230 East 17th Street location had ceased their group counseling but have not heard from the 204 East 17th Street location.

Vice Chair Mathews asked staff if the speed bumps mentioned in public comments were in Newport Beach or in an unincorporated area. Raja Sethuraman, Transportation Services Manager, responded Newport Beach. Mr. Sethuraman also responded by going over the City's guidelines of installing speed bumps.

Chair Dickson asked Mr. Sethuraman about the process and criteria of the speed bumps. Chair Dickson also asked about the public comment regarding the construction noise at the Cadillac dealership. Claire Flynn, Assistant Development Services Director, responded by stating the reasons for the construction activity and waivers for pouring the concrete. Chair Dickson thanked everyone who came out to the chili cook-off.

CONSENT CALENDAR

Chair Dickson asked if anyone wanted to pull item number 1. No one responded.

1. Minutes for the meeting of September 28, 2015

**MOTION: Approve Consent Calendar Item number 1
Moved by Commissioner McCarthy , seconded by Chair Dickson .**

The motion carried by the following roll call vote:

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

PUBLIC HEARINGS

1. **Application No.** PM-15-114
Applicant: Jim Cefalia
Site Address: 2136 Thurin Street
Zone: R2-HD
Project Planner: Mel Lee
Environmental Determination:

The project is categorically exempt under Section 15315 of the State CEQA (California Environmental Quality Act) Guidelines – Class 15 (Minor Land Divisions).

Description: Tentative Parcel Map to subdivide and create four two-story condominium units. The four-unit, two-story residential project was previously approved by Planning Commission on January 12, 2015 (PA-14-44).

Mel Lee, Senior Planner, presented the staff report.

PUBLIC COMMENTS

Jim Cefalia, applicant, has read and is in agreement with the conditions of approval.

No public comment.

Chair closed the public hearing.

Chair Dickson asked staff about the construction management plans and drainage.

MOTION: Move that the Planning Commission hereby approves Tentative Parcel Map 2015-114 for a condo map for four units at 2136 Thurin Avenue based on the findings in Exhibit A, and subject to the conditions set forth in Exhibit B. Moved by Commissioner McCarthy, second by Chair Dickson.

RESOLUTION 15-57– A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA APPROVING TENTATIVE PARCEL MAP 2015-114 FOR CONDOMINIUM DEVELOPMENT FOR PROPERTY LOCATED AT 2136 THURIN AVENUE

The motion carried by the following roll call vote:

Ayes: Dickson, Mathews, McCarthy, Sesler, Andranian

Noes: None

Absent: None

Abstained: None

2. **Application No.:** CO-15-04
Applicant: City of Costa Mesa
Site Address: Citywide
Project Planner: Mel Lee
Environmental Determination:

This project is categorically exempt under Section 15061(b)(3), General Rule, of the California Environmental Quality Act (CEQA) Guidelines.

Description: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA TO AMEND TITLE 13 OF THE COSTA MESA MUNICIPAL CODE BY ADDING CHAPTER XVI (GROUP HOMES, SOBER LIVING HOMES, AND RESIDENTIAL CARE FACILITIES) IN THE R2-MD, R2-HD AND R3 RESIDENTIAL ZONES AND THE PDR-LD, PDR-MD, PDR-HD, PDR-NCM, PDC, AND PDI (PLANNED DEVELOPMENT ZONES) OF TITLE 13 AND AMENDING SECTION 13-6 (DEFINITIONS) OF ARTICLE 2 (DEFINITIONS) OF CHAPTER I (GENERAL) AND SECTION 13-30 TABLE 13-30 (LAND USE MATRIX) OF CHAPTER IV AND REPEALING SECTION 13-32.2 (REFERRAL FACILITIES) OF ARTICLE 1 OF CHAPTER V OF TITLE 13.

Tarquin Preziosi, Planning Commission Counsel, presented the staff report.

Commissioner Andranian, thanked staff for the detailed analysis on the effect of the character of the neighborhood the group homes have. He also asked for clarification with who would decide which group home would operate if two or more apply within 650 of each other. Mr. Preziosi responded the Planning Commission would. Mr. Andranian also asked where the information came from for the map of the group homes, attachment 5 of the staff report. Mr. Lee responded that it came from a list known to City staff and complaints from the residents.

Commissioners and staff discussed the proposed Ordinance and the R1 Ordinance.

PUBLIC COMMENTS

Barrie Fisher, Costa Mesa resident, stated concerns with having state licensing group homes versus City regulated ones.

Jay Humphrey, Costa Mesa resident, stated concerns with the sober living homes that should not still be in operation and what goals the City should have with them.

Dan Huber, Costa Mesa resident, stated concerns with having sober living homes as businesses in our City.

A Costa Mesa resident stated the need for state regulation on group homes not city by city.

Commissioner Andranian asked for clarification how the Ordinance will work with abutting R1 and R2 zone area. Mr. Preziosi responded that the homes will have to be 650 feet from each other.

Michelle Clark, Costa Mesa resident, stated concerns with the sober living homes in our City.

A Costa Mesa resident stated concerns with the sober living homes in our City.

Mary-Helen Beatifacatl, Morningside Recovery, stated concerns with the Ordinance's conditions that violate the privacy rights of the individuals in recovery.

Amy Phee, Costa Mesa resident, stated she would like the Ordinance to move forward, limit the amount of group homes, the need for qualified staff, be regulated like treatment centers and the affects they are having on the community.

Angela Hareyu, Costa Mesa resident, stated concerns with the Ordinance and the over concentration of group homes in our City.

Nancy Clark, Nancy Clark and Associates Inc (The Recovery Center), stated concerns with the Ordinance and what is the reason behind the group homes.

Letisha Freeman, Costa Mesa resident, stated problems she is having with a group home located by her on Center Street.

Chair closed the public hearing.

Commissioners and staff discussed the public concerns and questions.

Commissioner McCarthy talked about City of San Clemente Moratorium, what a moratorium is, reminded everyone that we are looking at a zoning ordinance, stated state wide approach is not an option right now and what the City's options are.

Vice Chair Mathews asked who could originate a request for a moratorium. Claire Flynn responded City Council would direct staff to initiate a moratorium. A moratorium could be requested after the proposed Ordinance gets passed.

Chair Dickson asked staff to bring forth a regulation included as a recommendation to Council requiring out of state residents who drop out or relapse under the program of a sober living home to be relocated, at the operator's expense, to prevent former residents from ending up homeless within the surrounding neighborhoods. He also urged the community to contact the City with any concerns or complaints of group homes that are impacting their neighborhoods and applauded staff for bringing the Ordinance forward.

Commissioners and staff discussed the enforcement necessary for the group homes, the regulations with the state facilities and how the City can better locally regulate the state facilities.

MOTION: Hereby approve that the Planning Commission recommend that the City Council give first reading to Ordinance with the following modifications:

Handwritten page 13 change: adult to adults

Handwritten page 15 change: exit to exists

Handwritten page 16 in section 13-322. (a)(3) to read: “The group home or sober living home is at least 650 feet from any other property, as defined in Section 13-321, that operates the same or similar home or facility including, but not limited , GH, SCF, and state licensed facilities.”

Handwritten page 17 in section 13-323. (b) to read: “The group home, residential care facility or state licensed drug and alcohol treatment facility is at least six-hundred fifty feet from any property, as defined in Section 13-321, that operates such the same or similar home or facility as measured from the property line.

Moved by Commissioner McCarthy, seconded by Vice Chair Mathews.

The motion carried by the following roll call vote:

Ayes: Dickson, Mathews, McCarthy, Sesler, Andranian

Noes: None

Absent: None

Abstained: None

Chair called a 5 minute break.

3. **Application No.:** GP-14-04/R-14-04/CO-14-02/PA-14-27
Applicant: Diamond Star Associates, Inc.
Site Address: 2277 Harbor Boulevard
Zone: C1
Project Planner: Ryan Loomis
Environmental Determination:

The City of Costa Mesa proposes to adopt a Mitigated Negative Declaration for the Project. The Initial Study/Negative Declaration is available for review and comment from September 11, 2015 to October 10, 2015. The Mitigated Negative Declaration is based on the finding that, through compliance with the Standard Conditions and Mitigation Measures, the Project's potential significant adverse impacts would be reduced to a less than significant level. The reasons to support such a finding are documented by an Initial Study prepared by the City of Costa Mesa.

Description:

1. Adoption of an ***Initial Study/Mitigated Negative Declaration (IS/MND)***;
2. **Proposed Project:** The 4.15-acre project site is currently occupied by the 236-room (94,500 square foot) Costa Mesa Motor Inn motel at 2277 Harbor Boulevard in the General Commercial land use designation and C1 zone (Local Business District). The proposal involves demolition of the existing motel and the construction of a four-story, 224-unit luxury apartment project, inclusive of twenty affordable units for moderate-income households. Parking onsite would be accommodated within a proposed five level parking structure containing 503 parking spaces. The proposed project consists of the following discretionary requests:
 - a. **General Plan Amendment GP-14-04** to change the land use designation from General Commercial to High Density Residential. Per the applicant's request, the proposed base density is 166 units (40 du/acre) with a density incentive for an additional 58 dwelling units to be justified by (a) provision of 20 affordable units for moderate-income

households and (b) complete demolition of the Costa Mesa Motor Inn. Therefore, for the 4.15-acre project site, the General Plan Amendment would specify an overall site-specific density of 54 du/acre for the proposed 224-unit apartment complex and a site-specific building height for the 5-level parking structure.

- b. **Rezone R-14-04** from C1 (Local Business District) to PDR-HD (Planned Development Residential – High Density) with site-specific height and density.
- c. **Zoning Code Amendment CO-14-02** to make specific reference to the parcel, where appropriate, and the site-specific height and density for the development site in the PDR-HD zone in Title 13 (Zoning Code) of the Costa Mesa Municipal Code, as well as any other related changes.
- d. **Planning Application PA-14-27**, a Master Plan for the 224-unit apartment project.

Willa Bouwens-Killeen, Zoning Administrator, and Ryan Loomis, Associate Planner, presented the staff report.

Commissioner McCarthy asked for an explanation on how the parking on the fifth floor parking structure constituted a story. Ms. Flynn responded that it is referred to as a site specific building height, why it is defined as that, and included examples where this same configuration has been approved in the past.

Chair Dickson asked Yolanda Summerhill, Planning Commission Counsel, if there were any requirements for relocation assistance with this application. Ms. Summerhill responded no. Since it a private applicant, the City, under State definition, would not be displacing tenants.

Commissioner Andranian stated concerns with the project's design having continuity within the area.

Vice Chair Mathew asked if the City can require the applicant, a private business owner, to include low income housing units in this project. Ms. Summerhill responded they could ask for a density bonus but this project did not ask for one.

PUBLIC COMMENTS

Donald Lamm, applicant, has read and is in agreement with the conditions of approval. He also gave a presentation on the proposed project.

Commissioners and applicant discussed the project.

Kathy Esfahani, Costa Mesa Affordable Housing Coalition, stated concerns with the Negative Declaration and that 20 percent of the units should be affordable for low and very low income families.

Addison Stansfield, Costa Mesa business owner, spoke in support of the project.

Greg Sullivan, Costa Mesa resident, spoke in support of the project.

Jay Humphrey, Costa Mesa resident, stated concerns with the building height exemption, potential service calls, traffic impact, parking and affordable housing issue.

Linda Tang, Costa Mesa Affordable Housing Coalition and The Kennedy Commission, stated concerns with the project and the relocation of the tenants.

Mick Meldrom, Costa Mesa resident, spoke in support of the project.

Richard Walker, attorney from the Public Law Center representing the Costa Mesa Motel Resident Association, asked Planning Commission not to recommend adoption of the Initial Study Negative Mitigated Declaration and stated concerns with the lack of affordable housing within the City.

Mark Austin, representing a client from Phil Luchesi and Luchesi Enterprises, stated concerns that the project would potentially interfere with his client's cell towers located on the adjacent property.

Richard Huffman spoke in opposition of the project.

A Costa Mesa resident gave a website address to read about the history of Costa Mesa's campaign against the motels and stated issues with the project.

Christina Bogner Costa Mesa resident, spoke in support of the project.

Richard Russell, Costa Mesa resident, spoke in support of the project.

Mr. Lamm responded to the public comments.

Lionel Levy, chief operator officer for owner Miracle Mile Properties, responded to the public comments.

Chair closed the public hearing.

Commissioner McCarthy asked for clarification regarding the public comment about the Initial Study Negative Mitigated Declaration's lack of discussion regarding environmental impacts based on the large amount of people that will be displaced with the demolition of the motel. Christine Donoghue, First Carbon Solutions Consultant, and Ms. Summerhill responded.

Commissioners discussed the project in length, the public comments and whether to condition the relocation financial assistance offer made by the applicant.

MOTION: Hereby move that based on the evidence in the record that the Planning Commission recommends that the City Council approve the IS/MND and adopt General Plan Amendment GPA-14-04, approve/give first reading to the Ordinances for Rezone R-14-04 and Zoning Code Amendment CO-14-02, approve Master Plan PA-14-27, subject to conditions of approval (Exhibit B) and mitigation measures contained in the IS/MND with the following modification:

Adding Condition of Approval No. 27 to read: "The applicant shall implement the Long-Term Occupant Relocation Assistance Plan, as described in the October 12, 2015 communication (attached as Exhibit B1), prior to issuance of building permits. An action report, indicating that the relocation of long-term occupants, shall be submitted and approved to the satisfaction of the Development Services Director". First moved by Chair Dickson, seconded by Vice Chair Mathews. The motion was withdrawn and a substituted motion occurred; moved by Commissioner McCarthy, seconded by Commissioner Andranian.

RESOLUTION 15-58 – A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA RECOMMENDING THAT THE CITY COUNCIL (1) ADOPT THE INITIAL STUDY/MITIGATED NEGATIVE DECLARATION, (2) ADOPT GENERAL PLAN AMENDMENT GP-14-04 FOR THE 224-UNIT RESIDENTIAL PROJECT LOCATED AT 2277 HARBOR BLVD (STATE CLEARINGHOUSE NUMBER 2015091026)

RESOLUTION 15-59 – A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA RECOMMENDING THAT THE CITY COUNCIL OF THE CITY OF COSTA MESA: (1) APPROVE AND GIVE FIRST READING TO REZONE ORDINANCE R-14-04 AND (2) ADOPT ZONING CODE AMENDMENT CO-14-02 TO AMEND COSTA MESA MUNICIPAL CODE TITLE 13 FOR A SITE-SPECIFIC DENSITY OF 54 DWELLING UNITS PER ACRE AND SITE SPECIFIC BUILDING HEIGHT FOR THE 2277 HARBOR BOULEVARD APARTMENT PROJECT.

RESOLUTION 15-60 – A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA RECOMMENDING THAT THE CITY COUNCIL OF THE CITY OF COSTA MESA ADOPT MASTER PLAN PA-14-27 FOR THE PROPOSED DEVELOPMENT OF A FOUR-STORY 224-UNIT RESIDENTIAL APARTMENT BUILDING (60 FEET OVERALL HEIGHT) THAT WRAPS AROUND A FIVE-LEVEL PARKING STRUCTURE (50 FEET OVERALL HEIGHT) WITH 503 PARKING SPACES IN THE STRUCTURE WITH A SITE-SPECIFIC BUILDING HEIGHT DEVIATION TO ALLOW A FIVE LEVEL PARKING STRUCTURE (MAXIMUM 4 LEVELS ALLOWED)

The motion carried by the following roll call vote:

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

4. **Application No.:** PA-14-36
Applicant: Matt Ward
Site Address: 126 Rochester Street
Zone: C2
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: Conditional Use Permit requested by a corporate office tenant in a 10,530 square foot building (Element Skateboards) for the following:

- Legalize a 31 foot long by 34 foot wide skateboard ramp for the use of employees and clients of Element. The ramp is not proposed for use by the general public.
- Legalize 9 shipping containers located in the parking lot which do not comply with the following outdoor storage requirements in the C2 zone: (a) Parking spaces are reduced; (b) The containers are visible from Rochester Street; (c) FAR beyond the maximum permitted (0.40 permitted, 0.42 proposed); (d) and feature a zero side yard setback (15 foot setback required);
- Specified outdoor corporate events and functions, including events utilizing the skateboard ramp.

Chelsea Crager, Assistant Planner, presented the staff report.

Commissioner McCarthy had questions about the proposed storage containers and parking.

PUBLIC COMMENTS

Libby Stockstill, applicant, has read and is in agreement with the conditions of approval except with Condition of Approval No. 10 in the supplemental memo, requested additional time; proposed 120 days instead. She also explained why they want the shipping containers.

Neal Fisk, CEO Billabong International, stated they are happy to have their headquarters in Costa Mesa, are active members of the community and are open to work with the Commission with the partnership they have built within the interest of the City.

Johnny Schuler, founder of Element, stated the mission of the Element brand and all the charitable organizations they are involved with and the background of the business.

Libby and Frank Vought addressed the submitted public comments.

Commissioners and applicant discussed the public concerns and what steps they will take to address them.

Michael Conigliaro, adjacent Costa Mesa business owner, stated concerns with the aesthetics of the business such as the chain link fence, security, parking, loitering, and the shipping containers.

Beth Refakus, Costa Mesa resident, stated concerns with the appearance of the business and the exiting of the parking lot off of Rochester Street.

A women spoke on behalf of Jeff Wright, property owner of 126 Rochester, read a letter from him about how Element has been a positive tenant.

Matt Pike, Costa Mesa business owner, stated that Element skateboard gives back to the community. He gave an example of how Element gave skateboards to the students at Senora Elementary to help with their art program.

Ms. Stockstill, Mr. Vought and Mr. Conigliaro addressed the public comments.

Chair closed the public hearing.

Chair Dickson stated it is a great location for the business, requested a change to Condition of Approval No. 12 and stated that the application is fantastic with the conditions of approval.

Commissioner McCarthy stated concerns with the appearance of the project.

Commissioners, Counsel and staff discussed the condition of the chain link fence.

Ms. Flynn suggested modifying Condition of Approval No. 23 to remove all chain link fencing and replacing it with wrought iron fencing, wood fencing or other preferred fencing material.

Commissioner Andranian stated he would like to include a condition prohibiting stacking of the shipping containers.

MOTION: Move that based on the evidence in the record and the findings contained in Exhibit A and subject to the conditions of approval contained within Exhibit B in the Supplemental Staff Report the Planning Commission approves Planning Application PA-14-36 and find it to be exempt from the California Environmental Quality Act, under guidelines Section 15301 Existing Facilities, with the following modifications:

Condition of Approval No. 10 to read: “The applicant shall hire a certified sound engineer to determine which sound attenuation measures should be applied to the property to effectively mitigate noise impacts from the skateboard ramp to the surrounding commercial and residential neighbors. In lieu of a 7-foot block wall, applicant may collaborate with a sound engineer to design an appropriate sound

barrier constructed of other building materials (i.e. wood, foam baffling, etc.) that may be as effective as a masonry wall. The final design, location, and type of sound attenuation shall be reviewed and approved by the Development Services Director within 120 days of the approval of the CUP”.

Condition of Approval No. 12 to read: “Shipping containers shall be painted or otherwise beautified to the satisfaction of the Development Services Director to complement the office building and shall be maintained to prevent cracking and/or peeling”.

Condition of Approval No. 23 to read: “The applicant shall submit a landscape and fencing plan to the Planning Division showing the addition of planter areas to provide screening of the skateboard ramp and/or new landscaping to some extent, for the review and approval by the Development Services Director. The landscape plan shall include the removal of existing perimeter chain link fencing and replacement with either wood fencing, wrought iron fencing, or other acceptable fence material with a minimum height of 6 feet. The installation of the new landscaping shall occur within 6 months of the date of approval of this conditional use permit, unless an extension is granted by the Development Services Director for just cause”.

Add Condition of Approval No. 25 to read: “Shipping containers shall not be vertically stacked”.

Moved by Chair Dickson, seconded by Vice Chair Mathews.

RESOLUTION 15-61– A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA APPROVING PLANNING APPLICATION PA-14-36 FOR A CONDITIONAL USE PERMIT FOR CORPORATE OFFICES WITH AN OUTDOOR SKATEBOARD RAMP AND SPECIAL EVENTS AND A MINOR CONDITIONAL USE PERMIT FOR OUTDOOR STORAGE CONTAINERS LOCATED AT 126 ROCHESTER 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.

DEPARTMENTAL REPORT(S)

1. Public Services Report – Mr. Sethuraman announced the Bike Way and Walk Ability Committee meeting on October 14th at 6:30 p.m. at the Senior Center.
2. Economic and Development Services Report – None.

CITY ATTORNEY’S OFFICE REPORT(S)

1. City Attorney – None.

ADJOURNMENT: NEXT PLANNING COMMISSION MEETING AT 6:00 P.M. ON OCTOBER 26, 2015.

Submitted by:

CLAIRE FLYNN, SECRETARY
COSTA MESA PLANNING COMMISSION