

UNOFFICIAL UNTIL APPROVED

**REGULAR MEETING OF THE CITY OF
COSTA MESA PLANNING COMMISSION****May 23, 2016**

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 Jeff Mathews
Commissioner Colin McCarthy
Commissioner Tim Sesler
Commissioner Stephan Andranian

Staff: Mel Lee, Senior Planner
Gary Armstrong, Economic Development & Development Services Director /
Deputy CEO
Tarquin Preziosi, Deputy City Attorney
Bart Mejia, Acting City Engineer
Ryan Loomis, Associate Planner
Julie Colgan, Recording Secretary

Chair Dickson announced that the Barley Forge item would not be heard at the meeting tonight and may come back at a future date per the applicant's request. Chair Dickson also announced that the sober living home conditional use permits off 165 Wilson Street and 2041 Tustin Avenue would not be heard at the meeting tonight.

PUBLIC COMMENTS

Penelope Venola, Costa Mesa resident, stated concerns with the traffic and parking at the corner of 22nd Street and Santa Ana Avenue.

Joanne Perler, Costa Mesa resident, stated an error in the Land Use and Planning document in the Environmental Impact Report for the proposed 2015-2035 General Plan incorrectly stating that the Santa Ana/Colleen Island Annexation was not a part of the City.

A Costa Mesa resident stated concern with the sober living homes in the City and their proximity to schools. She suggested amending the sober living home ordinance to reflect that the sober living homes cannot be located near schools.

Hillary Larson, Costa Mesa resident, stated concerns with the safety and security in the City because of the sober living homes.

Ron Moss, Costa Mesa resident, stated concerns with the sober living homes in the City and their proximity to schools.

The Chair closed the public comments.

PLANNING COMMISSIONER COMMENTS AND SUGGESTIONS

Gary Armstrong, Economic Development & Development Services Director / Deputy CEO, responded to the public comment about the error in the Environmental Impact Report.

Commissioner McCarthy shared that DeNova homes will be having a community meeting for their project at 929 Baker Street on Thursday, May 26th, at 6pm.

Commissioner Sesler explained the history of the City's Sober Living Home Ordinance 15-11 and clarified that the ordinance was carefully analyzed so it could be upheld by the courts and could be enforced.

Commissioner Andranian explained the process of a sober living home requesting a continuance and the time allowed by Ordinance 15-11 to complete the application before the home would be in violation. Commissioner Andranian asked the City Attorney if his explanation was correct. Tarquin Preziosi, Deputy City Attorney, responded that it was correct. Mr. Preziosi explained that the applicant has a year since Ordinance 15-11 came into effect to obtain a conditional use permit and after a year, the applicant would be cited if they did not comply.

Vice Chair Mathews asked for clarification of what the consequences would be if an applicant did not follow Ordinance 15-11. Mr. Preziosi responded the City's option could be to respond with enforcing any violation of the municipal code once the sober living home is out of compliance.

Chair Dickson explained the process of establishing the 650-foot radius with sober living home applications and that the City is constrained by the law when enforcing the sober living homes. Chair Dickson asked Mr. Armstrong to explain why the public cannot see Code Enforcement's citation process. Mr. Armstrong responded that code enforcement violations were not published but the public could come to the counter to inquire about them.

CONSENT CALENDAR

The Chair asked if any member of the public wanted to pull the minutes on the Consent Calendar. No one responded.

1. Minutes for the meeting of May 9, 2016

**MOTION: Approve minutes for the meeting of May 9, 2016
Moved by Commissioner McCarthy, seconded by Commissioner Andranian.**

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.:** PA-16-17
Applicant: Brett Engstrom
Site Address: 2145 Placentia Avenue
Zone: C1
Project Planner: Ryan Loomis

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 requests a conditional use permit for the following:

1. Extended hours of operation for a new restaurant (Public Trade with a Type 41 ABC license for beer and wine sales) located within 200 feet of a residential zone. The Public Trade restaurant proposes daily operating hours from 9:00 a.m. to midnight.
2. The sale of alcoholic beverages for on-site consumption after 11:00 p.m. within 200 feet of a residential zone and subject to a conditional use permit. The tenant space is 1,155 sq. ft. with a proposed 545 sq. ft. outdoor dining patio and 200 sq. ft. detached bathroom and storage.

No ex-parte communications to report.

Ryan Loomis, Associate Planner, presented the staff report.

PUBLIC COMMENTS

Brett Engstrom, applicant, has read and is in agreement with the conditions of approval. Mr. Engstrom gave an overview of the proposed business.

Tracy Jones, nearby property owner, stated concerns with having enough adequate parking.

Jay Humphrey, Costa Mesa resident, stated concerns with the parking.

Beth Refakes, Costa Mesa resident, wondered if the outdoor patio had music or television that will have sports events and the noise issues that come with it.

Becky Jones, nearby property owner, stated concerns with having enough adequate parking after employee's park there.

Mr. Engstrom responded to public comments.

The Chair closed the public hearing.

Chair Dickson stated wanting to add a condition of approval where a sign would be required to be posted to notify customers that they may not park at the adjacent commercial property.

Commissioner Andranian stated he is in agreement with Conditions of Approval No. 5 and No. 9 but reminded the applicant that if problems arise the application could be brought back to the Planning Commission for review.

Commissioner McCarthy stated the location being great for the application.

Chair Dickson stated that the application is a great addition to the neighborhood.

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 that the Planning Commission approves Planning Application PA-16-17 within Exhibit B with the following modification:

Condition of Approval No. 13 to read: “Applicant shall add signage on the premises, to the satisfaction of the Development Services Director, warning patrons that parking on adjacent properties may result in their car being towed”.

Moved by Chair Dickson, second by Commissioner McCarthy.

RESOLUTION PC-16-27 – A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA APPROVING CONDITIONAL USE PERMIT PA-16-17 LOCATED AT 2145 PLACENTIA AVENUE

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.

2. **Application No.:** PA-16-05 and TT-18006
Applicant: Melia Homes
Site Address: 326 22nd Street, and 2212, 2216, and 2220 Santa Ana Avenue
Zone: R1 (Single Family Residential)
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).

Description: The proposed project involves the following:

1. **Planning Application PA-16-05:** Design Review to construct a 13-unit, two-story, detached single-family residential development on a lot size of 2.1 acres in an R1 zone. The proposed project consists of the following:
 - 13 single-family detached units (15 units maximum allowed);
 - 11 units will take access from a 28-foot wide private street from Santa Ana Avenue; one unit will take access directly from 22nd Street; one unit will take access from an existing private street from 22nd Street;
 - R1 lot sizes range from 6,006 square feet to 6,863 square feet, excluding the private street (6,000 square foot minimum lot size required);
 - 56 on-site parking spaces are required for the project; 64 on-site parking spaces are proposed; and
 - No zoning code deviations are being requested for this project.
2. **Tentative Tract Map TT-18006:** Tentative Tract Map for the subdivision of the property into fee simple lots for homeownership in accordance with the R1 (Single-Family Residential) subdivision standards.

Two ex-parte communications to report. Commissioner McCarthy spoke with the applicant and Chair Dickson meet with the applicant.

Mel Lee, Senior Planner, presented the staff report.

Commissioner Sesler asked for clarifications with the open space calculations and if it included the private street. Mr. Lee responded no, it excluded it.

PUBLIC COMMENTS

Chad Brown, applicant, gave a detailed presentation on the proposed project and the changes that were made to the project based on the community outreach meetings. Also, Mr. Brown has read and is in agreement with the conditions of approval.

Anthony Agoni, Costa Mesa resident (neighbor), stated concerns with the parking during construction and after the project is built, and privacy.

Joanne Perler, Costa Mesa resident, stated the lot size should be 7,200 square feet to keep the integrity and character of the neighborhood.

Penelope Venola, Costa Mesa resident, stated concerns with accessing the freeway from the location, traffic, and the amount of homes proposed to be built.

Liz Parker, Costa Mesa resident, expressed opposition to smaller lots being developed and stated concern with traffic in the area.

Jay Humphrey, Costa Mesa resident, stated concerns with the clarity of parking on the private street in Condition of Approval No. 18 and traffic.

Mr. Brown responded to the public comments.

Chair Dickson asked Mr. Brown to explain the on-site construction plan.

The Chair closed the public hearing.

Chair Dickson asked Mr. Lee to address the privacy issue public comment. Mr. Lee responded that compliance with the development standards would address any privacy issues. Chair Dickson also asked Mr. Lee to clarify the private street location in the conditions of approval. Mr. Lee responded it only covers the proposed private street.

Commissioner McCarthy stated supporting the application.

Chair Dickson asked Bart Mejia, Acting City Engineer, to address the public comments about traffic concerns and if there are any plans to improve the area. Mr. Mejia responded the Transportation Department continues to monitor the traffic on the east side, continues to conduct traffic studies and will come up with a solution in the future.

Chair Dickson also stated supporting the application, what a wonderful addition to the neighborhood the project will be and liked how the applicant listened to the communities concerns.

MOTION: Hereby move that the Planning Commission approve Planning Application PA-16-05 and Tentative Tract Map TT-18006 for a 13-unit, detached single-family residential development at 326 22nd Street and 2212, 2216, and 2220 Santa Ana Avenue based on the findings set forth in Exhibit A and subject to the conditions set forth in Exhibit B. Also to include the supplemental staff memorandum dated May 23, 2016 regarding the change to Condition of Approval No. 26 and compliance with California Environmental Quality Act being categorically exempt under section 15332 for In-fill Development with the following modification:

Condition of Approval 18D bullet one to read: “The CC&Rs shall contain provisions requiring that the maintenance association submit a signed affidavit to the City of Costa Mesa on an annual basis to certify the following:

- **The garages in the residential community are being used for vehicle parking by the resident(s)”.**

Moved by Commissioner McCarthy, second by Chair Dickson.

RESOLUTION PC-16-28 - A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA APPROVING PLANNING APPLICATION PA-16-05 AND TENTATIVE TRACT MAP TT-18006 FOR A DETACHED, 13-UNIT, SINGLE FAMILY RESIDENTIAL DEVELOPMENT LOCATED 326 22ND STREET AND 2212, 2216, AND 2220 SANTA ANA AVENUE IN THE R1 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.

DEPARTMENTAL REPORT(S)

1. Public Services Report – none.
2. Economic and Development Services Report – none.

CITY ATTORNEY’S OFFICE REPORT(S)

1. City Attorney – none.

ADJOURNMENT: THE NEXT PLANNING COMMISSION MEETING AT 6:00 P.M. ON JUNE 13, 2016.

Submitted by:

CLAIRE FLYNN, SECRETARY
COSTA MESA PLANNING COMMISSION