

**REGULAR MEETING OF THE CITY OF
COSTA MESA PLANNING COMMISSION
April 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.

II. ROLL CALL:

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

Absent: None

III. PUBLIC COMMENTS:

John Hawley, resident, commented that the Westside of does not need high density residential development.

IV. PLANNING COMMISSIONER COMMENTS AND SUGGESTIONS:

Commissioner Sesler suggested checking out Twinkle Park and Fairview pond.

Vice Chair Dickson commented that things are moving along with the City's 60th anniversary celebration and suggested that the Commissioners give comments on staffs proposal to combine westside plans into a new document that will be more appropriate with the development community.

Commissioner McCarthy commented that the City is doing some things at a local level to keep businesses in the community like: a small lot ordinance, revisiting the turn around impact from our fire trucks on site design, and modifying our park impact fees.

Chair Fitzpatrick commented that he will be focusing on the motels in the city and asked staff to invite CEO Tom Hatch, assistant CEO Rick Francis, and Costa Mesa Police department to the Planning Commission meetings to provide periodic updates. He also suggested having a study session to develop with a draft of a mission statement from the Planning Commission.

V. CONSENT CALENDAR:

1. Minutes for the meeting of March 11, 2013.
2. Code Enforcement Update.
3. Development Phasing and Performance Monitoring Program Report (DPPMP).

Motion: Approve Consent Calendar.

Moved by Commissioner McCarthy, seconded by Commissioner Mathews.

The motion carried by the following roll call vote:

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

Absent: None

VI. PUBLIC HEARINGS:

1. **Application No.:** PA-13-05
Applicant: Bill Munce
Site Address: 2204 Newport Boulevard
Zone: C1
Project Planner: Mel Lee
Environmental Determination: Exempt

Description:

Conditional use permit to relocate a tattoo parlor to the existing commercial building (Blue Collar Tattoo). Hours of operation are 12:00 noon to 10:00 p.m., 7 days a week.

Commissioner McCarthy asked what other businesses' are nearby. Mr. Lee responded the immediate property is a liquor store and abutting it are commercially-zoned properties.

Commissioner Mathews asked if the parking is adequate for both businesses, the potential tattoo parlor and liquor store. Mr. Lee responded yes, that this is an existing non-conforming parking.

Jason Lewis, tattoo business owner, is in agreement with the conditions of approval.

Commissioner Sesler asked how many people come in on a typical day and what affects might it have on parking. Mr. Lewis said it is by appointment only and that he has one client per hour.

PUBLIC COMMENTS:

Michael Haskin, patron of the tattoo parlor, stated he supports the application and the applicant is an upstanding family man.

MaryAnn Kay, resident, stated she is a customer of Mr. Lewis and that he is a great person.

Beth Refakis, resident, stated concerns with the over concentration of tattoo parlors along Newport Boulevard.

Tony Zavala, patron of the tattoo parlor, stated there has never been a parking problem at the current location, and he is in support for the approval of his shop.

Rob Davis, part owner of Newport Dance Theater, stated his business abuts the proposed location and has concerns with the problems that have occurred there because of the liquor store, the parking issue, and the safety for his clients.

Alex Carril, part owner of Blue Collar Tattoo, stated that their customers are college students, mothers, fathers, and business owners. He urged that this application be approved.

Christy Turley, resident, stated concerns with parking and having too many tattoo locations close to each other.

Mr. Lewis responded to public concerns by stating that he is willing to work with the dance studio to clean up the area.

Vice Chair Dickson asked Mr. Lewis if he would be directing his clients to park in the back before they come. Mr. Lewis responded yes.

Ms. Flynn clarified that based on the existing conditional use permit which states that the parking is legal non-conforming; the parking then is significantly under parked. She also stated that revoking the existing conditional use permit at the current location can be done by agendizing it at a future meeting.

Chair Fitzpatrick asked staff to refer this property to the Neighborhood Improvement Task Force including the dance studio and the medical facility.

Commissioner McCarthy stated that he will not be approving the project based on opposition from the neighbors.

MOTION: Move that the Planning Commission approve based on the evidence in the record and the findings contained in Exhibit A, subject to the conditions of approval contained in Exhibit B that the Planning Commission approve planning application PA-13-05.

Moved by Vice Chair Dickson, seconded by Commissioner Mathews.

The motion carried by the following roll call vote:

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

The Chair explained the appeal process.

2. **Application No.:** DA-13-01 (DA-99-02)
Applicant: George Sakioka
Site Address: 14850 Sunflower Street
Zone: TC
Project Planner: Mino Ashabi
Environmental Determination: Exempt

Description:

Two-year review of the development agreement between the City of Costa Mesa and Roy K. Sakioka & Sons for Sakioka Lot 2.

George Sakioka, applicant, is in agreement with the conditions.

Commissioner McCarthy asked what the latest news was with the property. Mr. Sakioka said they had a tenant but it fell through, and it is taking time to find one that meets their criteria and quality.

PUBLIC COMMENTS:

There were no public comments.

MOTION: Move that based on the evidence in the record we determine that Sakioka & Sons is in good faith compliance with the terms with conditions of Development Agreement DA-13-01 (DA-99-02).

Moved by Commissioner McCarthy, seconded by Vice Chair Dickson.

The motion carried by the following roll call vote:

Ayes: Fitzpatrick, Dickson, McCarthy, Mathews, Sesler

Noes: None

Absent: None

- 3. Application No.:** PA-04-17 A1 &
PM-13-103
- Applicant:** Rob Hamers
- Site Address:** 1992 Anaheim Avenue
Units A-C
- Zone:** R2-HD
- Project Planner:** Mel Lee
- Environmental
Determination:** Exempt

Description:

- 1) A residential common-interest development conversion of an unoccupied, two-story, three-unit, residential development approved under PA-04-17. The conversion will facilitate the sale of the units for condominium purposes.
- 2) A tentative parcel map for subdivision of the property for condominium purposes.

Commissioner McCarthy asked why the homes could not be sold individually back in 2004 based on the application. Mr. Lee responded that was because a condominium map was not processed as part of that request.

Rob Hamers, applicant, is in agreement with conditions of approval

PUBLIC COMMENTS:

There were no public comments.

Chair Fitzpatrick asked if we could make this kind of application more routine and over the counter. Ms. Flynn responded that because it is associated with a parcel map it automatically goes to the Planning Commission and requires a notice with a public hearing.

Commissioner Sesler commented that this project is a dramatic improvement over the surrounding properties.

MOTION: Move that based on the evidence in the record and the findings contained in Exhibit A, subject to the conditions of approval contained in Exhibit B, the Planning Commission approve Planning Application PA-04-17 A1 & Parcel Map 13-103. Moved by Vice Chair Dickson, seconded by Commissioner McCarthy.

The motion carried by the following roll call vote:

Ayes: Fitzpatrick, Dickson, McCarthy, Mathews, Sesler

Noes: None

Absent: None

The Chair explained the appeal process.

Ms. Flynn announced that item number 5 has been recommended for continuance to the April 22nd meeting.

- 4. Application No.:** PA-13-04 & TT-17519
- Applicant:** Matt White

Site Address: 2157-2159 Tustin
Avenue
Zone: R2-MD
Project Planner: Mino Ashabi
**Environmental
Determination:** Exempt

Description:

- 1) Design review to construct a 14-unit, two-story detached single-family residential development, including the following:
 - a. Variance from open space requirement (40% required, 39% proposed);
 - b. Variance from common lot requirement;
 - c. Administrative Adjustment to reduce the front setback requirement for main buildings (20 feet required, 11 to 13 feet proposed);
 - d. Administrative Adjustment to reduce the distance between main buildings (10 feet required, 6 feet proposed);
 - e. Minor Modification to reduce front setback requirement for a perimeter wall along Tustin Avenue (10 feet required, 8 feet proposed);
 - f. Deviation from residential design guidelines related to second floor to first floor ratio (80% recommended, 99% to 108% proposed).
- 2) Tentative Tract Map for the subdivision of the property for condominium purposes.

Commissioner Mathews announced that under their rules he recued himself from this item because he owns a property near the location of the application.

Vice Chair Dickson asked how the maintenance association will enforce the use of the garage for parking not storage. Ms. Ashabi responded it is a shared agreement between the home owners and if they do not enforce it then the City would.

Matt White, applicant, is an agreement with the conditions of approval.

PUBLIC COMMENTS:

Jonathan Atha, resident, stated he supports the development of the project but does have concerns with safety on the street and quality of life.

Kathryn Anderson, resident, stated she supports the development because it is meeting people needs for a home.

Mark Buchanan, resident, stated he is glad that Mr. White is the one developing it but is concerned with the maximum density being allowed.

Jim Little, neighbor, stated concerns with the views into his house, and the three-foot side yard setback which could cause problems with noise, privacy, and access issues.

Jeff Krolopd, neighbor, stated concerns with the density.

John Garrett, neighbor, stated concerns with construction traffic safety, parking, and traffic.

Elizabeth Bader, resident, stated concerns with guest parking, traffic, and garbage.

Charles Massingill, neighbor, stated concerns with traffic, parking, and having too many houses built.

Monica Atha, resident, stated concerns with the variations and number of houses proposed to be built.

Jennie Massingill, neighbor, stated concerns with traffic, density, and the number of cars on Tustin Avenue from the project.

Lance Ryan, resident, stated that he is happy about the development but has concerns with the number of homes, variances, setbacks, limiting open space, traffic safety, and privacy.

Daniel Simon, resident, stated he concurs with what his neighbors stated, and he wanted to keep the quality of life there.

Michael Magnani, resident, stated he believes that Mr. White is the right person to development there, but has concerns with the density, setbacks, and distances between the homes.

Sara Rollins, resident, stated concerns with the variances, trash cans, parking, and dangerous conditions in the construction zone.

Keith Palmer, architect for the project, asked if an apartment complex were to go in instead based on the zoning, would it be reviewed and approved at staff level without a public hearing.

Charles Rollins, resident, stated concerns with the driving safety, having no homeowners association, and the trash cans out on the street.

Matt White responded to the concerns of the public by stating that the only variance he asked for was for the front yard setbacks off of Tustin, and that in the rest of the variances he is only off by a small percentage.

Chair Fitzpatrick asked about where the trash cans will be stored. Mr. White responded that he would make a change to do a private trash service.

Commissioner McCarthy asked about the privacy issues. Mr. White responded that there will be a shed metal roof over the windows facing Tustin that would help cover the view, and that he is willing to explore other options.

Commissioner McCarthy moved to reopen public comments and Chair Fitzpatrick seconded it.

Dotty Wilson, resident, stated concerns with parking, trash, traffic, and safety.

Vice Chair Dickson asked how is Condition No. 22 going to be enforced with regards to the garage to be used for parking not storage if there is no homeowners association. Mr. White responded the maintenance association can hire a third party and have that be a part of the service.

Chair Fitzpatrick asked if Mr. White would agree on putting in a buyers note about potential lights that may go up at the school behind the potential property. Mr. White responded yes.

Ms. Flynn clarified that only two variances were being requested now, the open space requirement and common lot. She also clarified how the homeowner's agreement would work and that the setbacks meet the requirements.

MOTION: Move that based on the evidence in the record and the findings contained in Exhibit A, subject to the conditions of approval contained with in Exhibit B, the Planning

Commission approve Planning Application PA-13-04 and Tentative Tract Map TT-17519 with the following new and/or amended conditions:

No. 8: Prior to issuance of grading permits, developer shall submit for review and approval a Construction Management Plan. This plan features methods to minimize disruption to the neighboring residential uses to the fullest extent that is reasonable and practicable. The plan shall include construction parking and vehicle access and specifying staging areas and delivery and hauling truck routes. The plan should mitigate disruption to residents and also businesses during construction.

The truck route plan shall preclude truck routes through residential areas and major truck traffic during peak hours. The total truck trips to the site shall not exceed 200 trucks per day (i.e., 100 truck trips to the site plus 100 truck trips from the site) unless approved by the Development Services Director or Transportation Services Manager. There shall be no construction traffic or construction parking on Windward Lane.

No. 22: Prior to issuance of building permits, the developer shall provide the Conditions, Covenants, and Restrictions (CC&Rs) to the Development Services Director and City Attorney's office for review. The CC&Rs must be in a form and substance acceptable to, and shall be approved by the Development Services Director and City Attorney's office. The CC&Rs shall contain provisions that effectively implement the following requirements: (1) require that the maintenance association effectively manage parking. If onsite parking is not appropriately managed, the Development Services Director shall require implementation of corrective measure(s) to address onsite parking problems in the future; (2) require that the maintenance association contract with a towing service to enforce the parking regulations; (3) require that the maintenance association require and enforce that garage spaces are unobstructed for vehicle parking and are used for parking vehicles; and (4) Any subsequent revisions to the CC&Rs related to these provisions must be reviewed and approved by the City Attorney's office and the Development Services Director before they become effective. The Development Services Director may also require that the maintenance association include role and responsibilities of an unincorporated homeowners association.

No. 48: The applicant and future homeowners shall contract with a private waste disposal company that will provide full on-site trash and recyclable collection. There shall be no storage of trash bins or cans on Tustin Avenue with the exception of temporary use of the right-of-way for rolling containers or loading to larger trash trucks.

No. 49: A homebuyer notification shall be provided to future buyers that the property is adjacent to a City park and Newport Mesa Unified School District property to the west and south and that lighting may be intensified after dusk in the future.

No. 50: The street curb on Tustin Avenue adjacent to this property will be red painted to limit street parking and to ensure egress visibility subject to requirements of Transportation Division.

Moved by Vice Chair Dickson, seconded by Commissioner McCarthy.

The motion carried by the following roll call vote:

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

The Chair explained the appeal process.

5. **Application No.** PA-12-20 and TT-17551
Applicant: Fernando Miagany/
Tritech Associates
Site Address: 2573 Elden Avenue
Zone: R2-MD
Project Planner: Mel Lee

**Environmental
Determination:** Exempt

Description:

- 1) Design Review to construct five two-story residential units, including the following:
 - a. Variance from open space requirement (40% required, 28% proposed);
 - b. Variance from front setback/front landscape requirement for the location of a parking space (20 feet required, 10 feet proposed);
 - c. Variance from parkway landscaping (10 feet total, three feet on one side required; 8 feet total, 3 feet on one side proposed);
 - d. Deviation from Residential Design Guidelines for average second story side yard setback (average 10 foot side yard setback recommended, 9 foot average side yard setback proposed);
- 2) A tentative tract map for condominium purposes.

PUBLIC COMMENTS:

Richard Browne, resident, stated concerns with the open space that has been reduced and with no contact from the applicant.

Amber Wallace, resident, stated she would like to clean up the neighborhood and have something respectable there.

MOTION: Move that Planning Application PA-12-20 and Tentative Tract Map TT-17551 be rescheduled for the meeting of April 22, 2013.

Moved by Chair Fitzpatrick, seconded by Commissioner McCarthy.

The motion carried by the following roll call vote:

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

VII. ADJOURNMENT: NEXT PLANNING COMMISSION MEETING AT 6:00 P.M. ON APRIL 22, 2013.

Submitted by:

 *For:*

CLAIRE FLYNN, SECRETARY
COSTA MESA PLANNING COMMISSION