

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

September 8, 2014

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.

Interim Assistant Development Services Director Jerry Guarracino led in the Pledge of Allegiance.

ROLL CALL:

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

Staff: Jerry Guarracino, Interim Assistant Development Services Director
Yolanda Summerhill, Planning Commission Counsel
Fariba Fazeli, City Engineer
Mino Ashabi, Principal Planner
Mel Lee, Senior Planner
Martha Rosales, Recording Secretary

PUBLIC COMMENTS

Elaine Kaspar, Costa Mesa resident, wanted to make sure the new parking in Pinkley Park was in conformance with what the City Council approved two years ago (10-foot setback from the gutter) and the parking be public not private.

Celeste Ames, Costa Mesa resident, echoed Ms. Kaspar's comments. She added the crews had broken ground and told them they were going 1 to 2 feet past what had originally been agreed upon for the parking.

Daniel Barnes, Costa Mesa resident, was disheartened to see the City giving a portion of Pinkley Park to a business. Mr. Barnes read a 2014 excerpt from the American Planning Association's website pertaining to parks as food for thought.

Chair Fitzpatrick granted Ms. Kaspar 30 additional seconds to speak.

Ms. Kaspar added she was a real estate appraiser who lived within 10-feet from the construction site and said the project would diminish their property values. She agreed with Mr. Barnes with regards to taking public property and giving it to a private entity for their own good.

Fariba Fazeli, City Engineer, explained the vacated area at Pinkley Park was a 10-foot easement dedicated for alley purposes. Staff vacated the area (10-foot private property and 10-foot City property) and kept an easement for utility purposes and public parking. Staff was working with the developer to execute a deed restriction that would require, in perpetuity, the new spaces to be public parking. Ms. Fazeli added that the developer was conditioned to add a wrought-iron fence, plant trees, add a bench and an ADA-walkway to the bench leading from the public parking to the park. Ms. Fazeli provided answers to questions posed by the Commissioners.

Chair Fitzpatrick granted Laura Ricker time to make a comment.

Laura Ricker, Costa Mesa resident, appreciated the explanation. She said the residents were all at Pinkley Park when the contractor was there. The contractor was not listening to the residents and was very aggressive in his nature. The residents wanted someone from the City to be at Pinkley Park with the appropriate certificate showing exactly what was supposed to happen before the contractor started.

Chair Fitzpatrick confirmed that City staff could be at Pinkley Park on Tuesday, September 9th. Ms. Fazeli stated if she could get a phone number, she would call the residents before an Inspector went out and arrange a meeting between the contractor and residents if necessary.

PLANNING COMMISSIONER COMMENTS AND SUGGESTIONS

Commissioner McCarthy announced it was Interim Assistant Director Jerry Guarracino's last Planning Commission meeting and thanked him for his service while Assistant Director Claire Flynn was on leave. He wished him well with his new assignment.

Vice-Chair Dickson stated Mr. Guarracino did an admirable job filling the seat vacated by Ms. Flynn when she took a leave. He appreciated Mr. Guarracino's depth of knowledge, long experience in Planning, excellent ability to research and present items and thanked him for his service to the Planning Commission. He also announced that he and his wife were very excited over finding out that they were going to have a little girl.

Commissioner Sesler stated Mr. Guarracino was a true professional and celebrated the good news that he was going to be able to stay with the City of Costa Mesa.

Chair Fitzpatrick was going to continue working with Mr. Guarracino on developing best practices for reporting problem properties. He addressed concerns from a School City Liaison meeting he attended for Vice-Chair Dickson – 1) Vaping – inclusion of “no vaping” to any existing No Smoking Ordinances and introducing “proximity to school” issues, and 2) challenging bike routes – Commissioner Graham, Chair Fitzpatrick and Mr. Sethuraman will be meeting in October/November to discuss the matter. The public would be invited to comment when staff reviewed the Master Plan of Bikes in early 2015. He thanked Mr. Guarracino for providing the Commission with intricacies of law and best practices. The Commission presented Mr. Guarracino with a Certificate of Appreciation.

CONSENT CALENDAR:

1. Minutes for the meeting of August 25, 2014.
2. Code Enforcement Update

MOTION: Approve Consent Calendar items. 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
Abstained: None

PUBLIC HEARINGS:

1. **Application No.** PA-14-12 & TT-17781
Applicant: Matt Hamilton/Seaboat LLC

Site Address: 2026 Placentia Avenue
Zone: MG
Project Planner: Minoo Ashabi
Environmental Determination: Exempt - Section 15332 Infill Development

Description:

- 1) Master Plan to construct a 15-unit detached, three-story, live/work development within the Mesa West Bluffs Urban Plan on a 0.79-acre site containing an industrial building with a request for waiver of the requirement of undergrounding utility lines; and
- 2) Tentative Tract Map for the subdivision of the property into 16 parcels including a common lot for fee simple ownership.

Minoo Ashabi, Principal Planner, presented the staff report. She stated the applicant was requesting that Condition of Approval No. 34 (requiring undergrounded utility lines) be waived and added that no public comments were received for the project. Ms. Ashabi announced the applicant also had a presentation.

Commissioner McCarthy commented the project met all the Urban Plan code requirements. He asked if there was a global plan for undergrounding utilities or available funding. Ms. Fazeli gave a detailed explanation regarding Rule 20A (underground utilities) and Rule 20B (assessment districts).

Vice-Chair Dickson asked how the undergrounding discussion would impact Condition of Approval No. 34. Ms. Ashabi stated the project was in an Urban Plan area; therefore, Condition of Approval No. 34 was not a requirement but rather a recommended condition and the Commission could choose to strike the condition if they so desired.

Vice-Chair Dickson said the word "bedroom" (referenced in Condition of Approval No. 23 and CC&R Condition No. 26 and 26F) needed to be reworded to indicate that it "must be maintained as a work space". Mr. Guarracino, who authored Condition of Approval No. 23, stated staff identified the bedroom specifically because bedroom count is what affected parking and impacted other development standards within the project. He added that a broader definition such as "bedroom or other non-work space" could be included.

PUBLIC COMMENTS

Don Lamm, representing for the Applicant, mentioned they had read all the Conditions of Approval and were in agreement with all of them except Condition of Approval No. 34 (required undergrounded utility lines) which the applicant was requesting be removed. Mr. Lamm gave a presentation justifying why Condition of Approval No. 34 would be a financial hardship for the applicant and not necessarily resulting in fewer utility poles.

Martin H. Millard, Costa Mesa resident, explained the West Side Plan gave small lot builders the opportunity to come in and build. He urged the Commission to do away with Condition No. 34, approve the project and have the City Council work on the assessment districts. Mr. Millard asked the Commission to encourage developers to bring forward more "work/live" projects in the heavy industrial areas because they allow more work space and less live space.

Phyllis Diller, stated most live/work units were designed as residences with a small work area. If this was a true work and live project, the opposite ratio of floor space to work space would be expected. Ms. Diller asked what perk came with approving this project in accordance with the Mesa West Bluffs Urban Plan. She said Mr. Lamm spoke about

having more residential units and these were work units that happened to have residences. Ms. Diller questioned the address on the applicant's application.

Marice White, Costa Mesa resident, supported the project because it was exactly the type of project needed in the West Side. It will bring vitality, with a great infill and encourage other property owners to invest. Ms. White encouraged the Commission to support and approve the West Side project.

Martha Velastegui, Placentia Avenue property owner, addressed concerns with insufficient parking. The project was work/live and would generate clients; special occasions would also generate parking issues. Guests/invitees would be taking up parking spaces from the adjacent properties because there was no public parking on Placentia Avenue. She suggested the Commission strongly review the project, due to the numerous issues, prior to approving it.

In closing, Mr. Lamm addressed the parking concerns raised by the residents, encouraged assessment districts and explained the commercial office spaces. He stated Costa Mesa was currently a genuinely hot market – the Inland Empire was not.

The Commission supported the project.

MOTION: Based on the evidence in the record, the Findings set forth in Exhibit A and subject to modified Conditions of Approval set forth in Exhibit B, delete Condition of Approval No. 34 regarding the undergrounding of the utilities, find the project is exempt from the provisions of the California Environmental Quality Act under Section 15332 for Infill Development, approve PA-14-22 and TT-17781 for a development of 15 live/work units at 2026 Placentia Avenue. Moved by Commissioner McCarthy and seconded by Vice-Chair Dickson with comment. (PC Resolution 14-41).

Vice-Chair Dickson asked the Maker of the Motion (Commissioner McCarthy) if he would be amenable to including a limited, broader language in the live/work **Conditions of Approval Nos. 23 and 26F**. Commissioner McCarthy agreed to include “**bedroom and/or living/recreational space**” in both conditions.

The Commission discussed the variations of live/work and work/live units contemplated in the Urban Plans and agreed to begin dialoguing with staff on the topic. They also discussed conditioned signage for open parking spaces and the use of garage space to be used for parking only.

The motion carried by the following roll call vote:

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

The Chair explained the appeal process.

2. **Application No.:** PA-14-10 & VTT-17771
Applicant: Shea Homes
Site Address: 789 and 795 Paularino
Zone: R2-HC
Project Planner: Minoo Ashabi
Environmental Determination: Exempt – Section 15332 Infill Development
Description:

- 1) Design Review to construct a 19-unit, two story detached condominium residential development on a 1.72-acre vacant site; and
- 2) Vesting Tentative Tract Map for the subdivision of the property as an airspace condominium development in accordance with common interest development subdivision standards.

Minoo Ashabi, Principal Planner, presented the staff report for a site previously approved as a 10-unit development in 2012. She reported that a total of 9 letters were received; 8 were in opposition of the project.

The Commission discussed the project's density, driveway width and access issue on Randolph. Ms. Ashabi believed the site plan worked well for emergency access (fire/police), trash pick-up and the residents. Due to the tight proposed radius, the Fire Department would not be able to go on-site; they would need access from Randolph and was not oppose to having gated access. Regarding trash pick-up, the applicant had provided an exhibit showing proposed storage for the trash carts and access for Costa Mesa Sanitation. Ms. Asabi said a gated emergency access off of Randolph for emergency vehicles only would be acceptable to staff.

PUBLIC COMMENTS

Mike O'Melveny, representing the Applicant (Shea Homes) stated that he had read the Conditions of Approva. He said Condition No. 28 stated the right-of-way was 30-feet and needed to be changed to 25-feet per the Master Site Plan. Mr. O'Melveny proceeded to give a project presentation.

Phyllis Diller, Costa Mesa resident, pointed out properties with substantial green space and extra parking on the Vicinity Map. She did not object to the project but felt it would be more beneficial if two units were eliminated in the middle to create more open space and added that a gate off of Randolph would not work.

Anna Vrska, Costa Mesa resident, did not see park fees referenced in the Conditions of Approval and asked if they were referenced elsewhere or not applicable to the project. She requested clarification and asked if the park fee per dwelling unit was \$13,500.

Sandra Hayes, Costa Mesa resident, said that although she lived on Baker her only access was from Randolph. She added that the Vicinity Map did not depict Randolph as it was and addressed parking and access issues.

Linda Miller, Costa Mesa resident, addressed the following concerns: how many vehicle parking spaces would be included on the property, how many spaces would each owner be assigned to, would there be a visitor parking area on the property, if the project is approved, where will the construction crews park, could their tract be converted to permit parking only? She also asked if a traffic study had been done for Paularino and how the additional traffic would impact the signals for off-and-on freeway ramps. She felt the space would better serve the community if it were completely green space and stated if the project was approved, that access to the development should be limited to Randolph only.

Marice White, Costa Mesa resident and Pentridge Cove Board Member, was confused because the applicant originally came in with a project that had access off of Paularino only and now wanted exit gate access from Randolph. The neighbors had made it clear that no access, other than Fire or emergency access, would be the preferred option. She wanted to know how best to address an issue with a wall that was 28" from Pentridge Cove's property line. Ms. White asked how the construction access and

staging was going to work and requested that no access for construction or construction workers be taken from Randolph.

Kelly Gear, Costa Mesa resident, spoke of parking issues on Trinity, Hudson and Platt. The homeowners had to park further down the street due to the insufficient parking. If access was granted from Randolph, there would be cut-through due to the traffic backed-up on Bear. She said 19 units was too many, there was illegal parking on weekends and supported permit parking.

Mr. O'Melveny, in closing, explained that access during the construction phase would be through Paularino. He would have to check with his Civil Engineer regarding the Pentridge Cove wall to see if an ALTA survey had been done and any discrepancies in the property ownership would be rectified.

The Commissioners were excited to see Shea Homes in Costa Mesa - they did not see how a 19-unit development with an exit only off of Randolph could impact circulation on Paularino and Baker.

The Chair re-opened the Public Comments session and granted Mr. O'Melveny time to provide vital information. Mr. O'Melveny stated that in light of Commissioner McCarthy's comments and despite not contacting any waste haulers, Shea Homes would be amenable to having egress only out to Randolph for trash pick-up once a week; the gate would be operable for emergency vehicles as well.

MOTION: Based on the evidence of the record, Findings contained in Exhibit A and subject to the Conditions of Approval contained within Exhibit B, adding at staff's discretion, a condition of approval stating that "egress on to Randolph will be for emergency vehicle access and trash egress only one day a week to the satisfaction of the Development Services Director and recorded on the CC&R's", find the project to be exempt from further CEQA review per Section 15332, approve PA-14-10 and TT-17771. Moved by Vice-Chair Dickson, seconded by Commissioner McCarthy with a correction - Condition of Approval No. 28 to indicate 25-feet instead of 30-feet. (PC Resolution 14-42)

Chair Fitzpatrick gave the residents instructions for moving forward with residential permit parking.

The original motion carried by the following roll call vote:

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

The Chair explained the appeal process.

3. **Application No.** PA-88-134 A2
Applicant: Dennis Flynn Architects
Site Address: 2600 Harbor Boulevard
Zone: C1
Project Planner: Mel Lee
Environmental Determination: Exempt – Section 15332 Infill Development Projects

Description: This project was continued from the July 14, 2014 Planning Commission agenda to allow time for community outreach and revisions for the project which includes:

1. Second amendment to Planning Application PA-88-134 for the Orange Coast Buick/GMC/Cadillac dealership to construct a 34,000 square foot second floor parking deck over a portion of the previously permitted 52,779 square foot automotive dealership building, as well as a portion of the proposed parking lot, for storage of vehicle inventory.
2. Administrative adjustment to deviate from rear yard setback requirements for the proposed second floor parking deck (50-foot rear yard setback required; 32-foot setback proposed). A previous variance for a zero-foot rear setback was approved under PA-88-134. A 32-foot rear yard setback for the dealership building was approved under PA-88-134 A1.
3. Consideration of a Planned Sign Program for the following signage: Remove the existing 40-foot high freestanding sign and replace with two new freestanding signs. The two proposed freestanding signs are separated by approximately 190 feet. The overall square footage of the proposed freestanding and wall signs complies with code. The overall square footage of freestanding and wall signs is 442 sq. ft.

Mel Lee, Senior Planner, briefly summarized the staff report to allow the Applicant time for his presentation.

The Commission discussed the five (5) items which the Applicant had improved since the July meeting – trees, living wall, light fixtures, signage and test drives.

PUBLIC COMMENTS

Peter Naghavi, representing the Applicant (Orange Coast Cadillac), and his team consisting of Charles Lamb, Landscaping Architect; Mathew Ghobadi, Lighting Expert and Rob McEachern, Buick/GMC/Cadillac Regional Representative, gave a lengthy presentation depicting the mitigated solutions community outreach the Applicant had made since the July 14, 2014 Planning Commission meeting.

Dan Huber, Costa Mesa resident, did not know how additional parking for a dealership would generate additional revenue when other vibrant and successful dealerships like the Connells and Grays had off-site parking. Mr. Huber did not feel there was a real answer for why the roof deck was needed.

JJ Mullis, Costa Mesa resident, said her property was not on the map that was displayed. Ms. Mullis explained the pictures she had (all the variations of the wall, lush landscaping, trees, construction view from her TV room, etc.). She did not think an 8-foot wall was big enough and said the Commission had a clean slate to rectify all the past errors and make it right for the residents.

Teresa Drain, Costa Mesa resident, handed out copies of a petition containing 50 signatures against the project – 50 signatures times \$500,000 (property value) per signature came to approximately \$25 million so the residents also had an investment in the neighborhood. The proposed structure was not better than the current structure, which was the original plan approved by the residents last year. Ms. Drain read a letter in opposition of the project that covered concerns regarding light spillage, luminous concerns, sound, the living wall and cut-through traffic. Ms. Drain was granted additional time by the Chair but was not able to address CEQA concerns.

Scott Nguyen, Costa Mesa resident, felt the community outreach was lackluster consisting only of a letter and one meeting. The loss/damage to his pets were not addressed at the community meeting nor did anyone reach out to him or his attorney to find a workable solution. Mr. Nguyen expressed concern with employee's smoking, test drives, light poles, waiting 5 years for trees to grow, plans for the wall design and L-shaped footings. The

project was being force-fed to the residents and the residents had no say in it. He urged the Commission to reject the amendment until the applicant provided information addressing the community's concerns.

Anna Vrska, Costa Mesa resident, thought it was unconscionable that Ms. Drain was not allowed to address CEQA concerns especially since the developer was granted over an hour for his presentation. Ms. Vrska addressed the CEQA concerns on behalf of Ms. Drain.

Beth Refakes, Costa Mesa resident, was concerned with the trees (waiting 5 years for them to grow and the roots being invasive), signs and the proposed site plan on Page 53 not addressing the noise issues. She felt the amendment needed to be denied until the original project was completed and then revisited.

Jay Humphrey, Costa Mesa resident, raised additional concerns regarding broken curbs and gutters that result from roots and wanted to know the response time for repairing the wall once it became a notable item for the residents. He wanted to make sure that test drives for customers vs. repairs were controlled.

Brad and Jennifer Doane, Costa Mesa residents, handed out two sets of documents (a petition containing signatures rejecting the amendment and monument entry signs and photographs). Mr. Doane was not happy with how the dealer's representative (former Transportation Manager) reached out to the community. He addressed concerns with rats harboring on the living wall and entering their backyards; tree roots going 25-feet into the wall and into their properties; tree leaves dropping into their backyards (who was going to clean them up?) and the 18-foot high light stanchions. The residents' biggest complaint was their legally protected property value which would be affected by the structure.

Carmen Sanchez, Costa Mesa resident, reported damage to her property in April. Pacific West told her they would take care of the situation but she had not heard back from them. The comment about the dealership being a lackluster was true because no one contacted her about the community outreach. Ms. Sanchez wanted her property fixed and sympathized with residents who had to see the construction on a daily basis.

In closing, Mr. Naghavi was sorry to hear the residents still felt there was no community outreach. He addressed concerns raised by the residents (cut-through traffic, digital signs, loss/damage of pets, noise, construction of the wall, inventory parking spaces, light spillage, etc.) and responded to questions from the Commission.

Ron McEachern, from the Suburban Collection parent company, apologized to the residents for the grief they had gone through and not meeting their outreach expectations. Mr. McEachern provided background information regarding the purchase of the dealership and expressed a desire to be a good neighbor. He offered explanations for the roof deck, off-site parking vs. the deck, right-hand turns only on all test drives, the living wall, lighting issues and lack of communications.

The Commission discussed footings, roof deck setbacks, what could be built by right under PA-88-134-A1, monument entrance signs, adding compliance verbiage to Condition of Approval No. 18, making the Demo Routes attachment part of Condition of Approval No. 16 and adding "lights go off at 10 p.m." to Condition 18E.

MOTION: Based on the evidence of the record, the Findings in Exhibit A and subject to the modified Conditions of Approval in Exhibit B, find the project to be exempt from further CEQA review per Section 15532, approve the dealership to construct at 34,000 square foot parking deck; an Administrative Adjustment for the rear setback; introduction of consideration of a Planned Sign Program and that both signs be 23-feet high. Modifications to the Conditions of Approval to be as follows:

Condition of Approval No. 6 – striking the second sentence and replacing it with “*Test driving, fueling and storage routes shall be in accordance with the exhibit provided by the applicant at the September 8, 2014 meeting.*”

Condition of Approval No. 18e to read: “*The parking deck lighting to be turned off between 10 p.m. and dawn.*”

Add Condition of Approval No. 18f to read: “*The applicant to conduct an “as built” lighting survey to demonstrate there is no light spillage upon completion of the project.*”

Condition of Approval No. 15 – change 24-inch box trees to 36-inch.

Moved by Chair Fitzpatrick, seconded by Commissioner Mathews. (PC Resolution 14-43)

SUBSTITUTE MOTION: Same Motion made by the Chair plus deletion of Condition of Approval No. 21 (monument signs). Moved by Vice-Chair Dickson. Motion failed due to lack of a second.

Chair Fitzpatrick knew the residents wanted a different outcome but believed the applicant had proposed a good project and had gone over and above with mitigation solutions.

The motion carried by the following roll call vote:

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

The Chair explained the appeal process.

DEPARTMENTAL REPORT(S):

1. Public Services – None
2. Economic and Development Services – None

CITY ATTORNEY’S OFFICE REPORT(S)

1. City Attorney – Counsel Yolanda Summerhill thanked Mr. Guarracino for the time they had together and looked forward to Ms. Flynn’s return.

ADJOURNMENT: NEXT PLANNING COMMISSION MEETING AT 6:00 P.M. ON MONDAY, SEPTEMBER 8, 2014.

Submitted by:



CLAIRE FLYNN, SECRETARY
COSTA MESA PLANNING COMMISSION