

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

September 22, 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.

Assistant Development Services Director Claire Flynn led in the Pledge of Allegiance.

ROLL CALL:

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

Absent: Vice-Chair Dickson

Staff: Claire Flynn, Assistant Development Services Director
Yolanda Summerhill, Planning Commission Counsel
Elena Gerli, Deputy City Attorney
Greg Palmer, Deputy City Attorney
Keith Collins, Deputy City Attorney
Bart Mejia, Parks Project Manager
Jerry Guarracino, Assistant Community Improvement Programs Director
Mel Lee, Senior Planner
Antonio Gardea, Senior Planner
Mandy Wadsworth, LEX Court Reporter
Stacey Deeble-Reynolds, Orange County Department of Education
Martha Rosales, Recording Secretary

PUBLIC COMMENTS

Martin Millard, Costa Mesa resident, praised the Planning Commission and the City Council for improving the City and making it the City to be and not the City to flee.

Beth Refakes, Costa Mesa resident, spoke about the candy collection for the 1/5 Trunk or Treat.

Laurene Keane, Costa Mesa resident, expressed concerns relating to a blog.

Ann Parker, Costa Mesa resident, asked if it was legal for Commissioners to call citizens and tell them not to speak up at public meetings. Ms. Summerhill explained the Public Comments period was to receive comments.

PLANNING COMMISSIONER COMMENTS AND SUGGESTIONS

Chair Fitzpatrick spoke on undergrounding utilities and best practices for reporting problem properties. He asked Ms. Flynn to agendize the matter.

CONSENT CALENDAR:

1. Minutes for the meeting of September 8, 2014.

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

The motion carried by the following roll call vote:

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

PUBLIC HEARINGS:

- Application No.** CO-14-03
Applicant: City of Costa Mesa
Site Address: Citywide
Project Planner: Jerry Guarracino
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 repealing and amending Section 13-6 (definitions) of Article 2 (definitions) of Chapter I (general), adding Chapter XV (group homes), and repealing and replacing Article 15 (reasonable accommodations) of Chapter IX (special land use regulations) of Title 13 (zoning code) and amending the City of Costa Mesa Land Use Matrix - Table No. 13-30 of Chapter IV. (City Wide Land Use Matrix) of the Costa Mesa Municipal Code relating to group homes. The Costa Mesa Planning Commission will hold a public hearing to consider Code Amendment CO-14-03 related to Group Homes. The code amendment would amend and expand the definitions related to Group Homes and establish permit requirements, occupancy limits, operational standards and concentration limits on group homes in the R1 zone. The code amendment will also revise the Reasonable Accommodation procedures and required findings.

The staff report, consisting of a brief background, simplified summary of the applicable laws and an outline of the ordinance was provided by Elena Gerli, Deputy City Attorney and Jerry Guarracino, Community Improvement Division Assistant Director.

The Commission requested explanations for the difference between "licensed" vs. "unlicensed", "Sober Living Homes" vs. "Group Homes" and a definition for "integral homes."

Chair Fitzpatrick requested that a clause regarding integral homes be included on the application.

The Commissioners discussed radius, concentration, disclosure, cost recovery costs, enforcement / monitoring mechanisms, parking restrictions, amortization and having an onsite Housing Manager.

PUBLIC COMMENTS

Martin Millard, Costa Mesa resident, wanted to see a relief from Group Homes because the City was legitimizing them. He wanted Costa Mesa to follow Newport Beach's lead. Barrie Fischer, Costa Mesa resident, stated there are four Sober Living homes where she lives. She encouraged the Commission to move the matter forward so something could be done.

Jay Humphrey, Costa Mesa resident, inquired about having an onsite Facility Manager and addressed concerns with parking, permitted residences providing proof of resident rents and enforcement for unlicensed homes.

Mary Spidoni, Costa Mesa resident, felt the residents needed a tighter, finely crafted and legally sufficient ordinance. She suggested waiting until after the elections to ensure the new Council is fully aware of the situation.

Beth Refakes, Costa Mesa resident, opposed any attempts of handling this with a conditional use permit. She addressed multiple concerns and suggested waiting until the new Council is seated because they may have different views.

Ann Parker, Costa Mesa resident, asked why this was being done in an R1 neighborhood. Costa Mesa's ordinance should be like Newport Beach's because they did not separate R1 neighborhoods. She urged the Commission to wait until after the elections.

Chair Fitzpatrick was surprised to see members of the community that advocated the City to hurry up, now urging the item be temporarily tabled. Commissioner Mathews concurred.

MOTION: Based on the evidence in the record, move that the Planning Commission recommend that City Council approve and give first reading to the Ordinance Code Amendment CO-14-03 to Title 13, repealing and amending Section 13-6 (definitions) of Article 2 (definitions) of Chapter I (general), adding Chapter XV (group homes), and repealing and replacing Article 15 (reasonable accommodations) of Chapter IX (special land use regulations) of Title 13 (zoning code) and amending the City of Costa Mesa Land Use Matrix – Table No. 13-30 of Chapter IV (City Wide Land Use Matrix) of the Costa Mesa Municipal Code relating to group homes and to recommend that the City Council find that the ordinance is exempt from California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) General Rule because there is no possibility that the proposed amendment to the Zoning Code will have a significant effect on the environment; with the proposed recommended revisions including: 1) 650-foot radius, 2) House Manager residing on premises, 3) parking restrictions, 4) Integral listing on the application. Moved by Commissioner McCarthy, seconded by Chair Fitzpatrick.

Chair Fitzpatrick asked the Maker of the Motion (Commissioner McCarthy) if his **Motion could include amortization of 1-2 years.** Commissioner McCarthy agreed.

The motion carried by the following roll call vote:

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

At the request of Chair Fitzpatrick, Mr. Mejia gave an update on the Parkway Street Rehab and Slurry Seal Programs.

- 2. **Application No.:** PA-87-154
- Applicant:** Brian Jackson
- Site Address:** 2180 Newport Boulevard
- Zone:** C1
- Project Planner:** Mel Lee
- Environmental**

Determination: This project is categorically exempt under Section 1532 of the California Environmental Quality Act (CEQA) Guidelines related to enforcement actions by regulatory agencies.

Description:

The proposed project is a review of a conditional use permit for an existing neighborhood recycling facility (RePlanet, formerly EarthWize) within the Stater Bros. Market parking lot for modification or revocation of the conditional use permit for the neighborhood recycling facility.

Mel Lee, Senior Planner, announced Greg Palmer was joining him and would be presenting the evidence for the revocation of a Conditional Use Permit for RePlanet.

Mel Lee, DeAnne Hemmens, Christy Turley and Tyler Turley were sworn-in as Witnesses for the City by Recording Secretary/Notary Public Martha Rosales.

Mr. Palmer provided background history and stated his case presentation was partially based on documentation as well as neighborhood witnesses.

Mr. Palmer called Witness No. 1, DeAnne Hemmens, Rural Lane resident, to testify.

Mr. Palmer called Witness No. 2, Christy Turley, Rural Lane resident, to testify.

Mr. Palmer called Witness No. 3, Tyler Turley, Rural Lane resident, to testify.

Mr. Palmer called Witness No. 4, Mel Lee, Senior Planner, to testify.

PUBLIC COMMENTS

Brian Jackson, RePlanet Recycling (applicant), spoke about a relocation meeting with staff, the conditions of approval, the vestibule and said they had not had any curfew violations since 5/18/14.

Lee Brown, Stater Bros. Manager, was present to take the Commission's decision to revoke or not to revoke back to their Real Estate Division and move forward. Chair Fitzpatrick asked Mr. Brown to inform the Real Estate Division that the City has been trying for two decades to get the blighted corner beautified and Stater's has only invested in paint for the store. Mr. Brown agreed to do as requested.

Angela Miner, Rural Lane resident, stated the recycling facility encouraged loitering and attracted homeless people. She addressed the current situation and wanted the recycling center moved.

Amy Peters, Costa Mesa resident, spoke of numerous issues with the recycling center and encouraged the Commission to revoke the conditional use permit.

DeAnne Hemmens, Costa Mesa resident, stated she stopped sending complaints since the March meeting because she thought the recycling center's move was a done deal.

Brian Jackson, addressed concerns raised by the residents and hoped the Commission would let RePlanet stay open until they moved.

Doug Sanchez, Regional Manager for RePlanet Recycling, apologized for the negativity resulting from the recycling center and addressed some of the resident's concerns. Commissioner McCarthy apologized to Rural Street residents. His only desire was to revoke the conditional use permit and declare RePlanet a public nuisance.

MOTION: Based on the evidence of the record, the Findings set forth in the RePlanet Recycling Evidence Packet PA-87-154 and the testimony provided in the Public Comments, that the Planning Commission hereby make findings that RePlanet Recycling Facility has been operating in violation of the Conditions of Approval in Conditional Use Permit PA-87-154 and as a public nuisance, such that revocation of the Conditional Use Permit is justified and revoke the Conditional Use Permit. Moved by Commissioner McCarthy, seconded by Commissioner Mathews.

RESOLUTION NO. 14-44 - A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA REVOKING CONDITIONAL USE PERMIT PA-87-154 FOR REPLANET RECYCLING FACILITY TO OPERATE AT 2180 NEWPORT BLVD.

The original motion carried by the following roll call vote:

Ayes: Fitzpatrick, McCarthy, Mathews, Sesler

Noes: None

Absent: Dickson

Abstained: None

The Chair explained the appeal process.

Chair Fitzpatrick moved Departmental Report No. 3 out-of-order.

DEPARTMENTAL REPORT(S)

3. Report on regulations for Electronic Cigarettes

Stacey Deeble-Reynolds, Prevention Coordinator for the Orange County Department of Education, gave a brief presentation regarding electronic cigarettes from an education perspective.

PUBLIC HEARINGS - continued

3. **Application No.** PA-14-21 & TT-17762

Applicant: Susan McDowell

Site Address: 650 Hamilton Street

Zone: R2-MD

Project Planner: Mel Lee

Environmental

Determination: This project is categorically exempt under Section 15332 of the California Environmental Quality Act (CEQA) Guidelines related to Infill Development.

Description: The proposed project involves:

1. Design Review to construct an 18-unit, two-story, detached residential common interest development on a vacant 2.05 acre site.
2. Administrative adjustment from rear yard setback (20 feet required, 12 feet and 15 feet proposed).
3. Tentative Tract Map for the subdivision of the property for ownership units in accordance with the common interest development subdivision standards.

Mel Lee, Senior Planner, provided the staff report.

The Commission confirmed the density and inquired about solar panels and Condition of Approval No. 13 (stamped concrete or pervious pavers).

PUBLIC COMMENTS

Susan McDowell, representing RSI Homes, addressed the solar panels, stated RSI Homes had read and accepted the Conditions of Approval; she requested the Commission's approval.

Chair Fitzpatrick wanted the project to be considered for a Green Design Award and requested the Commission be notified if Ms. McDowell's project was approved tonight and they achieved a net zero of community.

Jay Humphrey, Costa Mesa resident, applauded the developer for bringing forward a profitable project and hoped the subfloor could tolerate the weight of trash trucks.

Chair Fitzpatrick asked Ms. McDowell to work with staff and come up with other treatments to break up the alley-look appearance of the private street. Ms. McDowell agreed to work with staff.

MOTION: Based on the evidence in the record, the Findings set forth in Exhibit A and subject to the Conditions of Approval set forth in Exhibit B, that the Planning Commission hereby approve PA-14-21 and Tentative Tract Map 17762 for an 18-unit residential unit at 650 Hamilton Street. Moved by Chair Fitzpatrick, seconded by Commissioner Mathews.

RESOLUTION NO. 14-45 – A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA APPROVING PLANNING APPLICATION PA-14-21 AND TENTATIVE TRACT MAP TT-17762 FOR PROPERTY LOCATED AT 650 HAMILTON STREET.

Chair Fitzpatrick asked Ms. Flynn to encourage applicants to provide before and after pictures and to inform them of other options besides the restrictiveness of the inflexible contract with the Sanitary District.

The motion carried by the following roll call vote:

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

The Chair explained the appeal process.

4. **Application No.** PA-14-25
Applicant: Steve Camp, AIA
Site Address: 1901 Newport Blvd., Suites 100, 177, 261, and 271A
Zone: PDC
Project Planner: Antonio Gardea
Environmental Determination: This project is categorically exempt under Section 15301 of the California Environmental Quality Act (CEQA) Guidelines related to existing facilities.

Description:

Conditional use permit to establish a church with a deviation from the shared parking requirements due to off-set hours of operation. Saddleback Church is proposed to occupy 19,312 sq. ft. of tenant space within the 1901 Newport office building; uses include a 10,651 sq. ft. assembly/worship hall in Suite 100, 3,690 sq. ft. religious education in Suite 177, 2,000 sq. ft. youth education in Suite 261, and 2,471 sq. ft. administrative offices in Suite 271A. The proposed hours of operation are Saturday from

3:00 p.m. to 7:00 p.m. and Sunday from 8 a.m. to 2:00 p.m. for the main services, and evenings Monday through Saturday from 6:30 p.m. to 10:00 p.m. for ministry services.

Antonio Gardea, Senior Planner, presented the staff report and Supplemental Memo.

Mr. Gardea and Ms. Flynn provided answers to questions posed by the Commissioners regarding parking, auditorium occupancy limit, traffic management plan and ministries.

Steve Camp, Architect representing Saddleback Church, had read all of the Conditions of Approval including the conditions on the Supplemental Memo and agreed with them. Mr. Camp reported that Saddleback was making arrangements with staff from the Turnip Rose.

Ron Keck, Saddleback Church Pastor, spoke about the ministries, explained Christmas services and said they would abide with the parameters of the conditional use permit.

PUBLIC COMMENTS

Beth Refakes, Costa Mesa resident, addressed parking issues in the neighborhood, Condition of Approval No. 11 and feeding programs.

Mr. Camp spoke about the parking agreement with The Triangle.

Pastor Keck confirmed they would not have food services in the parks.

MOTION: Continue PA-14-25 to give staff and the applicant time to conduct outreach and consider the Commission's concerns regarding ministries, transportation management plan, parking, occupancy limits and The Triangle Agreement. Moved by Chair Fitzpatrick, seconded by Commissioner McCarthy.

The motion carried by the following roll call vote:

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

Ms. Flynn reported the matter would be brought back to the Planning Commission at its October 27, 2014 meeting.

DEPARTMENTAL REPORT(S):

1. Public Services – None.
2. Economic and Development Services – Ms. Flynn reported the Costa Mesa Connect item would be brought forward to the Planning Commission on October 27, 2014.

CITY ATTORNEY'S OFFICE REPORT(S)

1. City Attorney – None.

ADJOURNMENT: NEXT PLANNING COMMISSION MEETING AT 6:00 P.M. ON MONDAY, OCTOBER 13, 2014.

Submitted by:



CLAIRE FLYNN, SECRETARY
COSTA MESA PLANNING COMMISSION