

**REGULAR MEETING OF THE CITY OF
COSTA MESA PLANNING COMMISSION
August 13, 2012**

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 Colin McCarthy
Vice Chair Sam Clark
Commissioner Robert Dickson
Commissioner Edward Salcedo
Commissioner Jeff Mathews

Absent: None

III. PUBLIC COMMENTS:

There were no public comments

IV. PLANNING COMMISSIONER COMMENTS AND SUGGESTIONS:

Chair McCarthy encouraged everyone to go to Mesa football fundraising event, the Pop Warner inaugural event, and Costa Mesa Restaurant week.

All of the Commissioner’s congratulated Jeff Mathews on his appointment.

V. CONSENT CALENDAR:

1. Minutes for the meeting of July 9, 2012.
2. Code Enforcement Update.

**Motion: Approve Consent Calendar.
Moved by Chair Clark, seconded by Commissioner Salcedo.**

The motion carried by the following roll call vote:
Ayes: McCarthy, Clark, Dickson, Salcedo, Mathews
Noes: None
Absent: None

VI. PUBLIC HEARINGS:

1. **Application No.:** PA-07-02
Applicant: Harmony Way of Costa Mesa
Site Address: 372-382 Victoria St.
Zone: PDR
Project Planner: Minoo Ashabi
Environmental

Determination: Exempt

Description:

Third time extension request for Planning Application PA-07-02, for development of a 30-unit detached common interest development on a 1.67-acre site in a PDR-HD zone (Planned Development Residential – High Density).

PUBLIC COMMENTS:

There were no public comments.

MOTION: Based on the evidence in the record, Planning Commission approve the time extension for Planning Application PA-07-02 to be valid until July 3, 2014. Moved by Dickson, seconded by Commissioner Mathews.

The motion carried by the following roll call vote:

Ayes: McCarthy, Clark, Dickson, Salcedo, Mathews
Noes: None
Absent: None

The Chair explained the appeal process.

- 2. Application No.: CO-12-06**
- Applicant: City of Costa Mesa**
- Site Address: Citywide**
- Zone: N/A**
- Project Planner: Minoo Ashabi**
- Environmental Determination: Exempt**

Description:

The Costa Mesa Planning Commission will hold a public hearing to consider Code Amendment CO-12-06 to amend Title 13 (Zoning Code) of the Costa Mesa Municipal Code consistent with requirements of state law.

Chair McCarthy stated that CO-12-06 has been withdrawn by staff and will be re-noticed for a future date.

PUBLIC COMMENTS:

There were no public comments.

- 3. Application No.: ZA-12-19, PM-12-123**
- Applicant: MasterCraft Homes**
- Site Address: 2269 Santa Ana Ave.**
- Zone: R1**
- Project Planner: Minoo Ashabi**
- Environmental Determination: Exempt**

Description:

1) **Parcel Map PM-12-123:** Tentative parcel map to facilitate subdivision of the property into two lots for single-family residential development and an administrative adjustment for a nonconforming rear setback (10 feet required, six feet existing) for the existing single-story residence at 2269 Santa Ana Avenue.

- Parcel 1: 2269 Santa Ana Avenue, 8,734 sq.ft.
- Parcel 2: 283 Albert Place, 6,088 sq.ft.

2) **Zoning Application ZA-12-19:** Development of one single-family residence (Parcel 2 – 283 Albert Place).

- Deviation from Residential Design Guidelines for second floor side yard setback (10 feet recommended for two-story elevation, seven-foot average setback proposed).

Ray Dorme, the applicant, concurred with staff's recommended conditions of approval.

PUBLIC COMMENTS:

Chair McCarthy and Vice Chair Clark both agreed that this is a good improvement for this area

Ken Dafayo, resident, stated his objection to this application due to changes in the neighborhood and the density.

Hugh Bonavich, resident, stated his objections to this application because all the negative impacts will go to the residents in the neighborhood, and the city is approving the higher density lots to get more revenue.

Steve Auerbach, resident, stated that these new houses are causing extra traffic, speeding tickets, and accidents.

Mr. Dorme, gave a rebuttal on how the project off of Flower St improved the property, increased the value of the property, and this application will increase the value of this property too.

Minoo Ashabi, Project Planner, commented that the property meets the R1 zoning requirements and a rezone is not requested.

Commissioner Salcedo asked Minoo Ashabi the size of the lots for that neighborhood. She responded that the lot sizes can range between 6,000 to 8,000 square feet.

Vice Chair Clark commented how this is a legal conforming lot within the subdivision.

MOTION: Move based on the evidence in the record and the findings in Exhibit A and the conditions in Exhibit B, that the Planning Commission approve Parcel Map PM-12-123 and Zoning Application ZA-12-19.

Moved by Vice Chair Clark, seconded by Chair McCarthy.

Chair McCarthy stated his support for this project because the applicant is doing something beneficial with the 15,000 square-foot lot.

Commissioner Dickson commented on how the houses are not maximizing their lot coverage.

The motion carried by the following roll call vote:

Ayes: McCarthy, Clark, Dickson, Salcedo, Mathews
Noes: None
Absent: None

The Chair explained the appeal process.

4. **Application No.:** PA-07-43 A1
Applicant: Stantech Architects
Site Address: 1548 Adams Ave., #A
Zone: C1
Project Planner: Mel Lee
Environmental Determination: Exempt

Description:

Amend Conditional Use Permit PA-07-43 for hours of operation for an existing liquor store (Party Time Liquor) to allow 24-hour operation for a proposed convenience store (7-Eleven).

- Existing: Liquor store approved to be open from 8:00 am to 12:00 midnight, seven days a week.
- Proposed: Convenience store proposed to be open 24 hours a day, seven days a week.

Chair McCarthy asked if there is anything in the conditions that is controlling the outdoor pay phones at this location and expressed concerns about crime. Mr. Lee responded that a condition can be added. Chair McCarthy also expressed his concerns about keeping a clean store front.

Commissioner Salcedo asked about 7-11 selling liquor and how the 200 foot from residential area is measured. Mr. Lee responded that 7-11 does not sell liquor and they measure it from the edge of the property line.

Ms. Flynn indicated that the intent of the zoning code is to measure impacts with regards to residential uses from the outside perimeter of the property, not necessarily from the location of the tenant space. The reason being is that the impacts such as: loitering, vagrancy, noise, could occur anywhere on the property not necessarily where the store space is located.

Vice Chair Clark asked about staff's objection to the morning hours between five o'clock to eight o'clock. Mr. Lee responded that the noise and traffic are the concerns.

Matt Sliwinski, applicant, stated that it is imperative that they have extended hours at this location, mainly in the morning for the coffee rush, and he is willing to accept the condition for the store to open from 5:00 am to midnight.

Commissioner Dickson expressed his concern about the clientele that might be drawn and asked the applicant about the training the clerks. The applicant responded that the franchisee and their managers are trained to contact the police if they see any type of these problems occurring. Also, there is a panic button under every counter for sales associate to use; and no pay phones. Commission Dickson also expressed his concerns with their security measures and using only the police as a resource. Mr. Sliwinski responded by stating that the security measures they take involve camera's operating 24 hours with video and audio recording, incidents are reported to the police, and training of the staff.

Chair McCarthy stated his concerns about this 7-11 becoming like Baker St with homeless sleeping outside, littering, and loitering.

PUBLIC COMMENTS:

Jim Hurzeler, resident, stated his concerns with the loitering outside.

Wendy Crandall, resident, commented on there being a lot of vagrancy, fights, and drug dealers.

Nicole Erickson, resident, commented on her concerns with the loitering, daily drug transactions, trash, and traffic that already exist in this area.

Jessica Cotner, resident, commented that she does not want the store to open before eight because of traffic and safety reasons.

Blake, resident, stated his concerns about the foot traffic, loitering, and traffic.

Tom Sparks, property owner, stated these problems can be addressed by property management.

John Hill, architect for the property, stated that with the newly revised plans drivers now have accessibility to leave through the Adams parking lot and speed bumps are being added to reduce the speeding through the property.

Tristan Buddahmen, resident, commented that there have been problems with vagrancies trying to sleep in the office building next door.

Matt Swilinski, applicant, gave a rebuttal statement that he believes having the 7-11 there from five to midnight will not add any new incidents and they are adding value by replacing a liquor store with a convenience store.

Vice Chair Clark asked Mr. Lee about what would happen in the event of a denial of this application and what would go in there. Mr. Lee responded with stating that the CUP is for approval for a liquor store or a convenience market from eight to midnight as long as they follow the conditions.

Commissioner Dickson commented that one of the conditions of approval is that the store must operate for the quiet enjoyment of the neighborhood.

Commissioner Salcedo stated he would like there to be security cameras and lighting in the back.

Vice Chair Clark, Commissioner Salcedo, Commissioner Dickson, and Commissioner Mathews agreed that a 7-11 is better to have vs. a liquor store.

Commissioner Mathews commented that he would like to see on-site security guards during the day.

MOTION: Planning Commission approve PA-07-43 A1 based on the evidence in the record and finding in Exhibit A, subject to the conditions in Exhibit B with the following changes:

- No. 2: Hours of operation shall be limited to 6:00 am to 12:00 midnight, seven days a week.**
- No. 3: The 7-Eleven business operator shall contract with a security company to provide a roving security patrol for the 7-Eleven convenience store. Specifically, the security guard must be on-site to monitor the 1548 Adams Avenue property with a minimum of one on-site visit per hour between the hours of 6:00 am to 8:00 am, and between 10:00 pm to 12:00 midnight. These on-site patrols shall be documented in security report(s) which shall be made available upon request by the Development Services Director.**
- No. 4: No outside pay phones (exterior to the building) shall be located at 1548 Adams Avenue.**
- No. 5: Outdoor display or advertising of goods exterior to the building is expressly prohibited, excluding signage permitted by Code.**
- No. 6: A review of PA-07-43 A1 shall be considered by the Planning Commission during a noticed public hearing within one year from the date of store opening. The review shall include, but not be limited to, validation of compliance with the conditions of approval contained herein, summary of any security/safety issues, and other relevant analysis. Planning Commission may require the modification or revocation of Planning Application PA-07-43 A1 and/or pursue other legal remedies as may be deemed appropriate by the City Attorney, if the Planning Commission finds the use as operated or maintained: (a) constitutes a public nuisance or (b) does not comply with conditions of approval.**
- No. 7: The approved use shall be limited to the operation of a 7-Eleven convenience store as described in the staff report. Any change in the operational characteristics of the 7-Eleven convenience store, including, but not limited to, modified business hours and change of the convenience store to a different brand other than 7-Eleven, shall result in the nullification of the amendment to PA-07-43. Specifically, unless prior approval from the Planning Commission is obtained, for material changes the CUP shall revert to the original conditions of approval and operational characteristics for PA-07-43.**

Moved by Vice Chair Clark, seconded by Dickson.

The motion carried by the following roll call vote:

Ayes: Clark, Dickson, Salcedo, Mathews
Noes: McCarthy
Absent: None

The Chair explained the appeal process.

- 5. Application No.: PA-12-11 & PM-12-114**
- Applicant: SCEL properties**
- Site Address: 2427 & 2429 Santa Ana Avenue**
- Zone: R1**
- Project Planner: Minoo Ashabi**
- Environmental Determination: Exempt**

Description:

- 1) **Parcel Map PM-12-114** - Tentative parcel map to facilitate subdivision of the property into two lots for single-family residential development, including a variance related to lot size and lot width for Parcel 2 (6,000 SF and 50 feet required, 5,917 SF and 49.65 feet proposed).
 - Parcel 1: 2427 Santa Ana Ave., 6,000 sq. ft., 50.35 feet wide
 - Parcel 2: 2429 Santa Ana Ave., 5,917 sq. ft., 49.65 feet wide
- 2) **Planning Application PA-12-11** - Design Review of two detached units as follows:
 - Two-story residence and attached two-car garage (Parcel 1 – 2427 Santa Ana Ave.) with a deviation from Residential Design Guidelines related to average side yard setback (10 feet average required, five feet proposed).
 - Two-story residence and attached two-car garage (Parcel 2 – 2429 Santa Ana Ave. – new address proposed) with a deviation from Residential Design Guidelines related to average side yard setback (10 feet average required, five feet proposed).

Vice Chair Clark stated his concern about the master bedroom window not being a clerstory window and asked if it was possible to change it to one considering the fire code requirement. Ms. Ashabi responded with that she believed it could be.

Chair McCarthy asked about if the City has ever split lots this size (less than 12,000 square-feet) because it is less than the City's requirement. Ms. Ashabi responded that there may have been one similar subdivision by this developer.

Commissioner Salcedo asked about the potential drainage issues between the two properties. Ms. Ashabi responded that there is a condition stating that this new development should not change the existing drainage to the adjacent properties.

Mark Rosene, representative of SCEL properties, stated that he is in agreement with the conditions of approval.

Vice Chair Clark asked Mr. Rosene about the window facing the downhill side if there is an option to change the window configuration to a clerstory window. Mr. Rosene responded that they cannot because the structure is pre-engineered.

PUBLIC COMMENTS:

Mary Auerbach, resident, stated her issues with changing the zoning, potential flooding and drainage problems, and is requesting that no variances of any kind be approved.

Steve Auerbach, resident, commented on his concerns about privacy, noise, flooding, parking, and the size of the houses.

Tom Lahee, resident, stated his concerns with privacy and flooding.

Donna Johnson, resident, opposed any variances because it is not good for all the people that live there.

Mark Rosene, applicant, gave a rebuttal in regards to the drainage problem by stating that they are doing erosion control to address the drainage issue.

Chair McCarthy asked staff on what can be done by the City so the drainage issue does not get worse. Ms. Fazeli, City Engineer, responded that in the past they have changed out a

corrugated metal pipe (CMP) in that area to help with the flooding and she was not aware of any flooding since then. Chair McCarthy requested that staff follow up on the drainage issue.

Vice Chair Clark asked staff to follow up on the street sweeping issues raised by the public.

MOTION: Based on the evidence in the record and findings contained in Exhibit A, subject to the conditions contained in Exhibit B Planning Commission recommend approving Parcel Map PM-12-114 and Planning Application PA-12-11. Moved by Commissioner Salcedo, seconded by Chair McCarthy.

The motion carried by the following roll call vote:

Ayes:	McCarthy, Clark, Dickson, Salcedo, Mathews
Noes:	None
Absent:	None

The Chair explained the appeal process.

VII. ADJOURNMENT: NEXT PLANNING COMMISSION MEETING AT 6:00 P.M. ON September 10, 2012.

Submitted by: _____
CLAIRE FLYNN, SECRETARY
COSTA MESA PLANNING COMMISSION