

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

September 14, 2015

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.

Chair Dickson led in the Pledge of Allegiance.

ROLL CALL

Present: Chair Robert Dickson
Vice-Chair Mathews
Commissioner Colin McCarthy
Commissioner Tim Sesler
Commissioner Stephan Andranian

Staff: Claire Flynn, Assistant Development Services Director
Yolanda Summerhill, Planning Commission Counsel
Bart Meja, Acting Principal Civil Engineer
Dan Stefano, Fire Chief
David Hollister, Fire Protection Analyst
Mel Lee, Senior Planner
Ryan Loomis, Associate Planner
Julie Colgan, Recording Secretary

PUBLIC COMMENTS

Beth Refakes announced the candy drive event for the families of the 1/5 Marines at Camp Pendleton.

Costa Mesa resident asked for clarification about their appeal of the Solid Landings (657 W. 19th Street), stated concerns of illegal building activity at 2860 Royal Palm and gave their opinion about what is going on with the radio tower site (440 Fair Drive).

PLANNING COMMISSIONER COMMENTS AND SUGGESTIONS

Commissioner Andranian commended the military affair team for the candy drive event, stated the joint study session was a good event, complimented code enforcement staffs recent activity with enforcing conditional use permit violations and responded to public comments.

Commissioner Sesler addressed that Planning Commission meetings were not the appropriate forum to bring up personal issues, discussed his experience with code enforcement, planners and staff as being professional and responsive.

Commissioner McCarthy stated his positive experience working with planners and the building inspectors. He also spoke on the unanimity and the feedback that occurred at the joint study session with City Council.

Chair Dickson responded to public comments, thanked staff for their work on the report for the joint study session and how great the event was. He also spoke on how many building permits

were pulled in August 2015 versus previous years and how City building inspectors are very proactive in situations that help the City and help protect the residents.

CONSENT CALENDAR

Chair Dickson stated that consent calendar item number 2 will be pulled for a presentation and asked if anyone wanted to pull item number 1. No one responded.

1. Minutes for the meeting of August 10, 2015

**MOTION: Approve Consent Calendar Item number 1
Moved by Commissioner McCarthy, seconded by Vice Chair Mathews.**

The motion carried by the following roll call vote:

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

2. Fire Plan Submittal Checklist Guidelines

Dan Stefano, Fire Chief, presented the staff report.

Commissioner McCarthy stated that he got positive feedback about the report and that it was a great resource.

Chair Dickson stated it was a great report that was very concise.

No public comments.

**MOTION: Approve Consent Calendar Item number 2.
Moved by Commissioner McCarthy, seconded by Vice Chair Mathews.**

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-96-14 and PA-00-45
Applicant: City of Costa Mesa
Site Address: 3033 Bristol Street, Suites
C and D
Zone: C1
Project Planner: Ryan Loomis
Environmental Determination:

The project is categorically exempt under Section 15321 of the State CEQA (California Environmental Quality Act) Guidelines – Class 21 (Enforcement Actions by Regulatory Agencies).

Description: Revocation of conditional use permits PA-96-14 and PA-00-45 for the former Orchid Restaurant (now closed). PA-96-14 allowed Orchid Restaurant to expand in size

from 2,880 square feet to 3,920 square feet (6,800 square feet total) and to have live entertainment. PA-00-45 allowed Orchid Restaurant to close at 4:00 am on Fridays and Saturdays. Both conditional use permits are being revoked due to the closure of the restaurant.

No public comments.

**MOTION: Continue to a future meeting and re-notice for a future date.
Moved by Chair Dickson, second by Commissioner Andranian.**

The motion carried by the following roll call vote:

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

2. **Application No.:** PA-13-32
Applicant: Ryan Walton
Site Address: 141 Melody Lane
Zone: R3
Project Planner: Mel Lee

Environmental Determination: The project is categorically exempt under Section 15303 of the State CEQA (California Environmental Quality Act) Guidelines – Class 3 (conversion of small structures).

Description: Design Review to legalize the conversion of an existing fourth unit with two bedrooms in an existing triplex apartment building in the R3 Zone. The proposed request involves reducing this fourth unit to a one-bedroom unit and comply with the current parking requirements for the unit (three spaces required, three spaces proposed). The proposed project involves compliance with all Building and Fire Code requirements. The legalization of the fourth unit will result in an overall parking requirement of nine spaces for the property, In order to create new parking, a minor modification is required for the encroachment of one parking space in the front yard setback (20-foot setback required; 16-foot setback proposed).

No public comments.

**MOTION: Continue to a future meeting and re-notice for a future date.
Moved by Chair Dickson, seconded by Commissioner McCarthy.**

The motion carried by the following roll call vote:

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

3. **Application No.:** PA-15-28 & PM-15-136
Applicant: Ryan Oldham
Site Address: 288 E. 15th Street
Zone: R2-MD
Project Planner: Ryan Loomis

Environmental Determination:

The project is categorically exempt under Section 15303 of the State CEQA (California Environmental Quality Act) Guidelines – Class 3 (New Construction or Conversion of Small Structures).

Description: The proposed project involves the following:

1. **Planning Application PA-15-28:** Design Review for the demolition of two existing one-story residences and construction of two new 2-story residences in the R2-MD zone. The 3-bedroom units are proposed at 2,460 and 2,357 square feet, and include an attached two-car garage for each unit.
2. **Tentative Parcel Map PM-2015-136:** To subdivide the lot into 2 fee simple lots per the Small Lot Subdivision Ordinance.

Ryan Loomis, Associate Planner, presented the staff report.

Commissioner McCarthy asked for clarification regarding who would be determining the requirements with undergrounding the utilities and if there was a mandate for it. Bart Meja, Acting Principal Civil Engineer, responded that Edison will come up with the requirements and it is not in the Municipal Code; it would be a discretionary decision.

Claire Flynn, Assistant Development Services Director, explained and gave examples of the process of approving undergrounding utilities on private property versus in the public right-of-way.

Commissioner Andranian asked if the Commission could consider the cost burden when deciding on requiring undergrounding the utilities. Ms. Flynn responded yes.

The Commissioners and staff discussed the cost of undergrounding the utilities.

PUBLIC COMMENTS

Tom Saint Clair, owner of the property, agreed with the conditions of approval except undergrounding the utilities and gave his reasons why.

Vice Chair Mathews asked staff for the reason behind requiring the undergrounding of the utilities at the property in the public right-of-way. Mr. Meja answered that the plan is to underground all the unsightly utility poles so there would be no more visual impact.

Richard Russell, Costa Mesa resident, stated he liked the project and does not agree with requiring the undergrounding of utilities.

A Costa Mesa resident stated concerns with having the front of the house facing the alley.

Mr. Saint Clair addressed public comments.

The Chair closed the public hearing.

Commissioners suggested having a policy to provide guidance on requiring undergrounding utilities in the public right-of-way before making it mandated.

MOTION: Based on the evidence in the record the finding contained in Exhibit A, subject to Conditions of Approval contained in Exhibit B, that the Planning Commission approves Planning Application PA-15-28 and Tentative Parcel Map PM-15-136 and that the Planning Commission find that the project is exempt from provisions of the California Environmental Quality Act Guidelines Section 15303 with the following modification:

Condition of Approval No. 12 to read: “Submit rough grading plans, an erosion control plan and a hydrology study”.

Moved by Chair Dickson, seconded by Commissioner Sesler.

RESOLUTION 15-51 – A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA APPROVING PLANNING APPLICATION PA-15-28 AND TENTATIVE PARCEL MAP NO. PM-15-136 FOR PROPERTY AT 288 15TH STREET IN THE R2-MD 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.

4. **Application No.:** PA-15-25 and T-17921
Applicant: Planet Home Living
Site Address: 527 and 531 Bernard Street
Zone: R2-HD
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 Projects).

Description: The proposed project involves the following:

1. **Planning Application PA-15-25:** Urban Master Plan for a 10-unit, 2-and-3 story detached residential development located in the R2-HD zone and Mesa West Residential Ownership Urban Plan with the following deviations from the Urban Plan standards:
 - Front setback (20 feet required; 17 feet proposed); and
 - Minimum one-acre lot size requirement (1 acre required; .57-acre proposed).

The proposed project consists of four 3-story units with 2 bedrooms and six 2-story units with 3 bedrooms. Project complies with the Residential Small Lot Subdivision requirement with regard to minimum open space (30%) and parking requirements (36 on-site spaces proposed).

2. **Tentative Tract Map T-17921:** The subdivision of the .57-acre property for ownership units consisting of 10 fee simple lots in accordance with the residential small lot subdivision standards.

Mel Lee, Senior Planner, presented staff report.

Commissioner McCarthy asked several questions about the proposed project regarding the Small lot Ordinance, open space, lot area, front setbacks changes made after the project went to City Council, and parking.

Chair Dickson asked if the Urban Master Plan had a policy on undergrounding utilities. Ms. Flynn responded yes. There is language under the public benefits section and it is not a requirement but an encouraged practice.

PUBLIC COMMENTS

Patrick Lynam, Senior Project Planner from Planet Home Living, has read and is in agreement with the original conditions of approval and wanted to discuss the condition of undergrounding the utilities.

The Commissioner and applicant discussed undergrounding the utilities for the project and the garage parking.

Commissioner McCarthy asked staff for clarification regarding undergrounding the utilities and if the item was discussed at the City Council meeting when it went through the screening process. Mr. Lee responded no.

Richard Russell, Costa Mesa resident, spoke about undergrounding the utilities for the project and adjacent property.

Mr. Lynam responded to the public comment.

The Chair closed the public hearing.

Commissioner and staff discussed mandating the undergrounding of the utilities for this project and future ones.

MOTION: Hereby move that the Planning Commission approves Planning Application PA-15-25 and Tentative Tract Map TT-17921 for the 10-Unit Small Lot Ordinance in the Mesa West Residential Ownership Urban Plan at 527 and 531 Bernard Street, based on the findings set forth in Exhibit A and subject to the conditions set forth in Exhibit B, with the following modifications:

Striking Condition of Approval No. 19

Add a Condition of Approval No. 30 to read: “The applicant shall be required to underground utilities in the public right-of-way along the Bernard Street frontage of the development site. The applicant shall submit an application to Southern California Edison (SCE) for a determination on the design and all other logistical requirements for the undergrounding. Unless the proposed undergrounding is not considered feasible by Southern California Edison (i.e. SCE determines that the pole must remain above ground for specified reasons), the Public Services Director shall require compliance with this condition of approval. If the applicant requests a waiver from this undergrounding requirement, the request shall be brought to the Planning Commission for consideration (re-submittal of the Planning Application and Tentative Tract Map is not required)”.

Moved by Commissioner McCarthy, seconded by Chair Dickson.

RESOLUTION 15-52 – A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA APPROVING PLANNING APPLICATION PA-15-25 AND TENTATIVE TRACT MAP TT-17921 FOR A DETACHED, 10-UNIT SMALL LOT DEVELOPMENT PROJECT LOCATED AT 527 AND 531 BERNARD STREET

The motion carried by the following roll call vote:

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

DEPARTMENTAL REPORT(S)

1. Public Services Report – None

Chair Dickson requested that pending an ordinance or official guidance from City Council, that new applicants be aware that as a preference they will have to underground the utilities on their project.

2. Economic and Development Services Report – None

CITY ATTORNEY'S OFFICE REPORT(S)

1. City Attorney – None.

The Chair explained the appeal process for Public Hearing Item number 4.

ADJOURNMENT: NEXT PLANNING COMMISSION MEETING AT 6:00 P.M. ON SEPTEMBER 28, 2015.

Submitted by:

A handwritten signature in blue ink, appearing to read "Claire Flynn", written over a horizontal line.

CLAIRE FLYNN, SECRETARY
COSTA MESA PLANNING COMMISSION