

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

October 23, 2017

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.

The Chair called the meeting to order (00:00:03).

Commissioner Kerins led the Pledge of Allegiance.

ROLL CALL

Present: Chair Stephan Andranian
Vice Chair Byron de Arakal
Commissioner Jeffrey Harlan
Commissioner Isabell Kerins
Commissioner Carla Navarro Woods

Staff: Barry Curtis, Director of Economic and Development Services
Yolanda Summerhill, Deputy City Attorney
Willa Bouwens-Killeen, Zoning Administrator
Mel Lee, Senior Planner
Vic Bakkila, Police Department
Roger Rath, Assistant Planner
Julie Colgan, Recording Secretary

ANNOUNCEMENTS AND PRESENTATIONS:

None.

PUBLIC COMMENTS:

Jay Humphrey, Costa Mesa resident, thanked Barry Curtis, Economic and Development Services Director, for his efforts on addressing the greenery wall at the Cadillac dealership on Harbor Boulevard.

A speaker thanked the Commissioners for denying three sober living home facilities; stated concerns with Code Enforcement regarding enforcement of these facilities; and suggested to advertise to not send people to the City's sober living facilities.

PLANNING COMMISSIONER COMMENTS AND SUGGESTIONS:

Chair Andranian welcomed Jennifer Le, new Assistant Director of Development Services, and asked for a Code Enforcement update. Mr. Curtis responded that would not be a problem.

CONSENT CALENDAR (00:06:05)

1. MINUTES FOR THE MEETING OF SEPTEMBER 11, 2017.

No member of the public wanted to discuss an item on the consent calendar.

**MOTION: Move Approval of the Consent Calendar.
Moved by Vice Chair de Arakal, seconded by Commissioner Kerins.**

The motion carried by the following roll call vote:

Ayes: Andranian, de Arakal, Harlan, Kerins, Navarro Woods
Noes: None
Absent: None
Abstained: None

PUBLIC HEARINGS (00:07:04)

1. REVIEW OF ZONING APPLICATION ZA-16-37 TO PERMIT FOUR SHIPPING CONTAINERS FOR STORAGE AT THE REAR OF THE PROPERTY AND TO ALLOW REDUCED REAR AND SIDE SETBACKS AT 777 AND 779 WEST 19TH STREET

Project Description: A review of the Zoning Administrator's approval of a minor conditional use permit (MCUP) to allow four shipping containers for storage at the rear of the property and to allow a 10-foot setback from the rear and 5-foot setback from one side.

Environmental Determination: The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) under Section 15301 (Class 1), Existing Facilities.

Four ex-parte communications to report: Commissioner Kerins met with the applicant on-site a month ago; Commissioner Navarro Woods was contacted by Mathew Brady, acting on the behalf of the owner of 777 West 19th Street, and corresponded by email but did not pursue it any further because she did not see his name in the application packet; Commissioner Harlan had a brief conversation with Mathew Brady by phone a month ago; and Chair Andranian read a brief statement about the contact he had with the applicant's agent.

Roger Rath, Assistant Planner, presented the staff report.

Commissioners and staff discussed whether the property owner can rent out the containers to a third party; what hazardous materials are being proposed for storage in the shipping containers; setback requirements; Condition of Approval No. 1; and the fence location.

PUBLIC COMMENTS

Jeremy Krout, applicant representative, read and agreed to all conditions of approval, except the deadlines in Conditions 4 and 5. He presented a slideshow on the proposed application.

Ray DeAngelo, property owner, explained the reasons for the shipping containers.

Commissioners and Mr. DeAngelo discussed whether the tenants by the French doors were told about the shipping containers; the reason for the need of five shipping containers; other businesses Mr. DeAngelo owns; and how many shipping containers are located on those sites.

A speaker asked if there is sufficient parking and if the shipping containers are taking up parking spaces; and stated concerns with the trash enclosures.

A speaker stated concerns with the application.

Denise Townsend, adjacent property owner, spoke in opposition to this item.

Kevin Rager, property owner of 778 Center Street, spoke in opposition to this item.

Joel Templeton, adjacent property owner, stated concerns with the visual impact the shipping containers will have and suggested limiting the property to two shipping containers.

A speaker spoke in opposition to this item.

A speaker spoke in opposition to this item.

A Costa Mesa resident spoke in opposition to this item.

Mr. Krout responded to public comments.

Vice Chair de Arakal, Mr. Krout, and Mr. DeAngelo discussed whether the property is currently fully leased; how materials are delivered to the site; the necessity of the shipping containers; and why a permit was not originally applied for.

The Chair closed the public hearing.

Chair Andranian stated he was the one that pulled the item up for review and stated concerns with the item and with the applicant not being able to comply with Condition of Approval No. 1.

Commissioner Harlan asked if shipping containers are allowed in commercial zones and the reasons why the item is before the Commission. Willa Bouwens-Killeen, Zoning Administrator, responded yes, they are allowed but that this project does not meet the setback requirements and FAR necessitating the minor conditional use permit.

The Commissioners and staff discussed how reducing the number of containers would still cause the property to be out of compliance with the FAR and how the building is non-conforming because of the FAR.

MOTION: Move that the Planning Commission reverse the Zoning Administrator's decision to approve a minor conditional use permit to allow four shipping containers for storage at the rear of the property and to reverse the decision to allow a 10-foot setback in the rear and a 5-foot setback on one side.

Moved by Chair Andranian, seconded by Commissioner Navarro Woods.

SUBSTITUTE MOTION: Move that the Planning Commission uphold the Zoning Administrator's decision approving Minor Conditional Use Permit ZA-16-37 to allow only two shipping containers at the rear of the property at 777 West 19th Street, subject to the findings contained in Exhibit A and condition of approvals contained in Exhibit B with the following modification:

Condition of Approval No. 1 to read: "Approval is limited to two shipping containers located in the rear of the property, behind 777 West 19th Street, setback a minimum of 16 feet away from the rear property line. The use of the shipping containers shall be limited to storage of only maintenance supplies, materials, tools, and equipment for the use of the property owner or his designee for the maintenance of the subject property. No businesses either on the property or off-site shall be permitted to store items in the containers. Storage of personal items unrelated to the maintenance of this property within the containers shall be prohibited. Lastly, no work of any kind may occur in the containers.

**Any change in the operational characteristics including, but not limited to, additional storage or shipping containers, will require approval of an amendment to the minor conditional use permit, subject to Zoning Administrator approval".
Moved by Vice Chair de Arakal, seconded by Commissioners Kerins.**

RESOLUTION PC-17-45 – A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA APPROVING MINOR CONDITIONAL USE PERMIT ZA-16-37 TO ALLOW TWO SHIPPING CONTAINERS AT THE REAR OF THE PROPERTY AT 777 WEST 19TH STREET

The motion carried by the following roll call vote:

Ayes: de Arakal, Harlan, Kerins
Noes: Andranian, Navarro Woods
Absent: None
Abstained: None

The Chair explained the appeal process.

2. PLANNING APPLICATION PA-17-36 TO ALLOW AN ANIMAL SHELTER FOR DOGS AND CATS TO BE OPERATED BY THE ORANGE COUNTY HUMANE SOCIETY (OCHS) AT 642 BAKER STREET

Project Description: Planning Application PA-17-36 involves the following requests:

1. Conditional Use Permit to allow an animal shelter for dogs and cats that will be operated by the Orange County Humane Society (OCHS). The shelter will be open to the public and receive and hold stray animals to be put up for adoption (no animals will be destroyed at this location). Outdoor walking and exercising of leashed animals is also proposed within the confines of the site, along with veterinary services for the animals brought to the facility (no veterinary services will be provided to the public). Hours of operation will be 10 a.m. to 6 p.m. Monday through Friday, and 9 a.m. to 5 p.m. Saturday and Sunday.
2. Minor Conditional Use Permit to allow a reduction in the number of required on-site parking spaces based on unique operating characteristics (11 spaces required; 8 spaces proposed).

Environmental Determination: The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) under Section 15301 (Class 1), Existing Facilities.

No ex-parte communications to report.

Mel Lee, Senior Planner, presented the staff report.

Commissioners, staff, and Lieutenant Vic Bakkila, Police Department, discussed who would be taking care of the animals during non-operating hours; if it was a good idea to approve the proposed CUP if the OCHS contract is not extended by City Council; drainage of each individual animal cage; how the facility will be cleaned; sizes of individual cages; how the open space will be used; noise impacts to the adjacent businesses; how often inspections of the facility will occur; where the overflow of animals will occur; whether this facility will be a temporary one; and if the City code allows a CUP to expire because the operator chooses to no longer operate.

Chair Andranian asked Ms. Summerhill what the standard and scope is for the Commissioners when considering the correspondences received about the Humane Society.

Ms. Summerhill responded that the Commissioners should focus on the land use of the proposed application not the perception of the Humane Society.

PUBLIC COMMENTS

Ramy Eskander, applicant, has read and agrees to the conditions of approval.

A speaker spoke in opposition to this item.

A speaker stated concerns with the location of the shelter.

Bill McCarty spoke in opposition to this item.

Jay Humphrey, Costa Mesa resident, stated concerns with the application.

Sandy Johnson, Costa Mesa resident, spoke in support of this item.

A speaker spoke in opposition to this item.

Linda Quan, Costa Mesa resident, stated support for having an animal shelter in the City but stated concerns with the Orange County Humane Society running the proposed facility.

A speaker spoke in opposition to this item.

William Manworne, Costa Mesa resident, spoke in opposition to this item.

Amy Manwarren, Costa Mesa resident, spoke in opposition to this item.

A speaker spoke in opposition to this item.

Bruce Parson, property owner at 636 Baker Street, spoke in opposition to this item.

Sharon Logan, representing Paw Protectors Rescue, spoke in opposition to this item.

A speaker spoke in opposition to this item.

Mr. Eskander responded to public comments.

Commissioner Kerins asked what is in between the exterior exercise yard area and the parking lot. Mr. Eskander responded a chain link fence.

Dr. Samir Botros, property owner, responded to public comments.

The Chair closed the public hearing.

The Chair called for a break at 8:40 p.m.

The Chair reconvened at 8:48 p.m.

Commissioners, staff, and Lieutenant Bakkila discussed whether the two additional parking spaces were feasible to add; whether there is anywhere in the City an animal shelter is allowed by right; and whether specific site characteristics were applied when looking for a location.

MOTION: Move that the Planning Commission adopt a resolution to approve Planning Application PA-17-36, subject to findings in Exhibit A and conditions of approval; and find that the project is exempt from the provisions of the California Environmental Quality Act (CEQA) under Section 15301 with the following modification:

Condition of Approval No. 15 to read: “The applicant shall provide two additional standard size parking spaces, bringing the total number of on-site spaces to 10, subject to approval by the Planning Division.”

Moved by Vice Chair de Arakal, seconded by Commissioner Harlan with discussion.

Commissioner Kerins asked how much will it cost to get the facility up and running. Lieutenant Bakkila responded at no cost to the City and the property owner will pay for everything.

RESOLUTION PC-17-46 – A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA APPROVING CONDITIONAL USE PERMIT PA-17-36 TO ALLOW AN ANIMAL SHELTER FOR DOGS AND CATS TO BE OPERATED BY THE ORANGE COUNTY HUMANE SOCIETY (OCHS) AT 642 BAKER STREET

The motion carried by the following roll call vote:

Ayes: Andranian, de Arakal, Harlan, Kerins, Navarro Woods

Noes: None

Absent: None

Abstained: None

The Chair explained the appeal process.

3. PLANNING APPLICATION PA-17-09 AND TENTATIVE PARCEL MAP PM-2016-172 FOR A THREE-UNIT SMALL LOT SUBDIVISION RESIDENTIAL DEVELOPMENT AT 134 SANTA ISABEL AVENUE

Project Description: The proposed project involves the following requests for:

- 1. Planning Application (Design Review) PA-17-09** for the construction of three, two-story detached single-family residences. The front residence is proposed to be 1,939 square feet in area, including 3-bedrooms and 2.5 bathrooms; the middle residence is a proposed to be 2,721 square feet, including 4 bedrooms and 3.5 bathrooms; and the rear residence is proposed to be 2,826 square feet in area, including 4 bedrooms and 3.5 bathrooms. All residences will provide attached two-car garages and two open parking spaces leading to each garage. The project satisfies all Small Lot Subdivision development standards and Residential Design Guidelines.
- 2. Tentative Parcel Map PM-2016-172** for the subdivision of a 11,176-square-foot lot into three separate parcels consistent with the Small Lot Subdivision Ordinance.

Environmental Determination: The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) under Section 15303 (Class 3), New Construction.

No ex-parte communications to report.

Mel Lee, Senior Planner, presented the staff report.

PUBLIC COMMENTS

Craig Wheeler, architect for the project, read and agreed to the conditions of approval. He talked about potential privacy issues in between the units.

Commissioner Navarro Woods and Mr. Wheeler discussed the privacy issues between the Unit

B's second floor master bedroom looking into a second floor bedroom in Unit A.

Stephanie Shermoen, landscape architect for the project, answered Commissioner Navarro Woods concerns regarding the landscaping that will be used to address the privacy issue between Unit B's bedrooms looking down on Unit A.

Jay Humphrey, Costa Mesa resident, stated concerns with the parking and trash pick being on-site.

A speaker spoke in opposition to this item.

Vice Chair de Arakal stated concerns with Unit A's right and left elevations. To help with the aesthetics of the project, he asked that clerestory windows be put in bedroom two of Unit A, the master bathroom in the right elevation of Unit A, and Unit B's bedroom number 4 on the second floor. Mr. Wheeler agreed to adding the clerestory windows.

The Chair closed the public hearing.

Mel Lee stated that Commissioner Navarro Woods recommended to him that permeable pavers be used in the driveways.

The Chair re-opened the public hearing for the purposes to ask Mr. Wheeler if he is in agreement to using permeable pavers. Mr. Wheeler responded that he would be happy to do so.

The Chair re-closed the public hearing.

MOTION: Move that the Planning Commission find that the project is categorically exempt from the provisions of the California Environmental Quality Act Section 15303; and adopt a resolution to approve Planning Application PA-17-09 and Tentative Parcel Map PM-2016-172, subject to conditions of approval with the following modifications: Condition of Approval No. 19 to read: "The applicant shall provide clerestory windows on the left and right elevations of Unit A, and on the right elevation of Unit B, as directed by the Planning Commission".

Condition of Approval No. 20 to read: "The CC&Rs shall contain provisions for the maintenance of privacy trees as directed by the Planning Commission".

Condition of Approval No. 21 to read: "Paved surfaces shall provide permeable pavers as directed by the Planning Commission."

Moved by Commissioner Kerins, seconded by Vice Chair de Arakal.

Commissioner Navarro Woods stated concerns with the project's privacy issues not being fully addressed and will not be supporting the motion.

RESOLUTION PC-17-47 – A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA APPROVING PLANNING APPLICATION PA-17-09 AND TENTATIVE PARCEL MAP PM-2016-172 FOR A THREE-UNIT SMALL LOT SUBDIVISION RESIDENTIAL DEVELOPMENT AT 134 SANTA ISABEL AVENUE IN THE R2-MD ZONE

The motion carried by the following roll call vote:

Ayes: Andranian, de Arakal, Harlan, Kerins

Noes: Navarro Woods

Absent: None

Abstained: None

The Chair explained the appeal process.

DEPARTMENTAL REPORT(S)

1. Public Services Report – none.
2. Development Services Report – none.
- 3.

CITY ATTORNEY'S OFFICE REPORT(S)

1. City Attorney – none.

ADJOURNMENT (03:33:02) TO A PLANNING COMMISSION MEETING AT 6:00 P.M., OR SHORTLY THEREAFTER, ON MONDAY, NOVEMBER 13, 2017.

Submitted by:



BARRY CURTIS, SECRETARY
COSTA MESA PLANNING COMMISSION