

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

December 13, 2004

The Planning Commission of the City of Costa Mesa, California, met in regular session at 6:30 p.m., December 13, 2004 at City Hall, 77 Fair Drive, Costa Mesa, California. The meeting was called to order by Chairman Garlich, followed by the Pledge of Allegiance to the Flag.

ROLL CALL:

Commissioners Present:

Chairman Bruce Garlich
Vice Chair Bill Perkins
Commissioner Dennis DeMaio

Also Present: R. Michael Robinson, Secretary
Costa Mesa Planning Commission
Kimberly Brandt, Principal Planner
Thomas P. Duarte, Deputy City Attorney
Ernesto Munoz, City Engineer
Mel Lee, Senior Planner

MINUTES:

The minutes for the meeting of November 22, 2004 were accepted as distributed.

PUBLIC COMMENTS:

**PLANNING COMMISSION
COMMENTS/SUGGESTIONS:**

Commissioner DeMaio, Vice Chair Perkins and Chairman Garlich wished City Staff, and the residents and businesses of Costa Mesa, a happy holiday season.

Chairman Garlich also congratulated Eric Bever on his recent election to City Council. He thanked staff and his colleagues for another productive year on the Planning Commission and welcomed the Commission's new Deputy City Attorney, Thomas Duarte.

CONSENT CALENDAR:

On a motion made by Vice Chair Perkins, seconded by Chairman Garlich and carried 3-0, the item on the Consent Calendar received the action below.

2003 DEVELOPMENT PHASING
AND PERFORMANCE MONITORING
PROGRAM REPORT

The Planning Commission reviewed and approved the 2003 Development Phasing and Performance Monitoring Program Report.

PUBLIC HEARINGS:

DRAFT ORDINANCE AMENDING
THE LAND USE MATRIX IN THE
ZONING CODE

City of Costa Mesa

The Chair opened the public hearing for consideration of a Draft Ordinance amending the Zoning Code to modify the Land Use Matrix, public notice requirements, and various permit processes. Environmental determination: exempt.

Principal Planner Kimberly Brandt explained that this ordinance was a culmination of the Commissions' effort over several study sessions and the public hearing held on November 8th and November 22, 2004. She said the ordinance was a result of City Council direction regarding the budget hearings for the current fiscal year. She said Council directed staff to look at various ways to streamline permit processes in an effort to not only shorten review times for certain types of planning applications, but in the long-term, achieve cost savings to the City. She reviewed the information in the staff report and said that staff was recommending Planning Commission recommend to City Council, first reading of the draft ordinance.

At the Chair's request, Ms. Brandt briefly discussed the table that

analyzed 24 applications that were submitted for minor design review. Chair Garlich asked if staff were to modify their current requirements for when a minor design review is required (specifically, changing a threshold from 50% coverage of the second-story to the first story, to 80%), how many of these applications would be dropped out of the minor design review bracket. Of the 24 applications, 12 could be processed at a staff level review without going through the minor design review process.

In response to Vice Chair Perkins regarding the use of the term, “excluding” in the Land Use Matrix, Ms. Brandt clarified that this language was added in an effort to clarify, for instance, in the example of “motels” it says, “excluding hotels” which are listed separately. Previously, it said, “see also hotels” which makes it sound synonymous in terms of processing. She said the City Attorney’s Office advised using the word “excluding.”

The Chair pointed out that there were individual votes that were made in the previous public hearing, but because some had tied, it resulted in “no recommendation.” He expressed that he wanted City Council to understand that the 3 items involved were: (1) how master plan amendments would be processed; (2) reducing the public notice radius from 500 feet to 300 feet; and (3), elimination of the on-site public notice posting.

MOTION:
Land Use Matrix/Permit Processing
Recommended to City Council

A motion was made by Chairman Garlich, seconded by Commissioner DeMaio and carried 3-0 to recommend to the City Council, first reading of the draft ordinance.

During discussion on the motion the Chair commented that on the 3 items stated above and for the record for City Council: (1) that the delegation of the major amendments to master plans to staff level would be a burden for staff to have to decide when they would recommend those that would come to the Planning Commission, or not. This was not something he would recommend to City Council and he did not support that change; (2 & 3) with regard to the public notice items, he did not support those changes because he felt that reducing the radius of notice from 500 to 300 feet was going backwards and it was adjusted approximately 2-3 years ago; he felt the perception from the public is that we are trying to take away some opportunities from people to know what’s going on. He mentioned that there were discussions during the Downtown Eastside Traffic Committee meetings when, they were trying to get notices to an even wider range of people in respect to the widening of Newport Boulevard. For example, the project would affect businesses that fell outside the radius, but the City relied on the 500’ radius as a basis for not mailing formal notices to property and business owners outside of that area. Similarly, he said for the on-site posting, particularly with regard to rental properties, the people who live there may not know the item is being considered because the notice goes to the property owner and not the renters, and the on-site posting is sometimes the only method where they would be informed.

Vice Chair Perkins disagreed because he had confidence in staff’s ability to make decisions on master plans since they researched the information, reports and recommendations vital to every item on the agenda. He said they are familiar with, and participate in, every aspect of Planning including the City’s General Plan, the Zoning Code, etc.

He said with regard to noticing, he had always felt that 300 feet was adequate over the 500 feet it had been changed to, and when the increase was implemented, he felt it particularly drew people that were not directly affected by second-story additions in other neighborhoods.

He also felt that on-site posting had some merit, but the signs are unsightly, they get stolen and end up in other places throughout the City. He did not believe they are necessary, mainly because of their appearance in neighborhoods for several weeks at a time.

Commissioner DeMaio agreed with Vice Chair Perkins that staff could adequately make decisions on master plans. He agreed with the Chair regarding the 500-foot notices, including posting on site and commented that the more people in the neighborhood that know what's going on was better.

There was confirmation between the Chair and staff regarding the motion.

DRAFT ORDINANCE AMENDING ZONING TO CLARIFY EXISTING ZONING DEFINITIONS AND STANDARDS

City of Costa Mesa

The Chair opened the public hearing for consideration of a Draft Ordinance amending the Zoning Code to clarify existing zoning definitions and standards and add regulations for seasonal events and landscaping requirements in the R1, single-family residential district. Environmental determination: exempt.

Principal Planner Kimberly Brandt reviewed the information in the staff report. She explained that the purpose of the ordinance is to clarify and make minor editing corrections, which is done on an annual basis. Ms. Brandt stated that staff was recommending to Planning Commission, that they recommend to City Council, first reading of the draft ordinance.

There was discussion between Vice Chair Perkins and Ms. Brandt concerning areas without landscaping because of the lack of space. Ms. Brandt confirmed with both Mr. Perkins and the Chair that the way the proposed code amendment is drafted, the unpaved areas are the only areas required to be landscaped.

MOTION:
Clarification of Existing Zoning Definitions and Standards
Recommended to City Council

A motion was made by Chairman Garlich, seconded by Vice Chair Perkins, and carried 3-0 to recommend to the City Council, first reading of the draft ordinance.

Mr. Robinson announced that this and the previous item would be going to the City Council meeting on January 17, 2005 for their consideration.

PLANNING APPLICATION PA-04-33

D'Alessio/DeFrenze

Planning Application PA-04-33 for John DeFrenza, authorized agent for D'Alessio Investments, for a proposed 4,245 sq. ft. restaurant within 200 feet of residential property to be open until 2 a.m., 7 days a week, with live entertainment and dancing, located at 1777 Newport Blvd. in a C2 zone with off-site valet parking at 1764 Anaheim Avenue in an R2-HD zone, and 640 W. 17th Street in a C2 zone. Environmental determination: exempt.

Staff recommended that this item be continued to the Planning Commission meeting of January 10, 2005, to allow additional time for preparation of the parking plan and for staff review.

MOTION:
PA-04-33
Continued

A motion was made by Chairman Garlich seconded by Vice Chair Perkins, and carried 3-0 to continue this item to the Planning Commission meeting of January 10, 2005.

PLANNING APPLICATION PA-04-39

Solter Family Trust/Fox

Planning Application PA-03-39 for Melissa J. Fox, authorized agent for Solter Family Trust, for variances from parking (7 spaces required; 4 spaces provided) and from landscape setback requirements (10' required; 5' proposed) to legalize a 2nd dwelling unit, located at 703 Center Street in an R2-HD zone. Environmental determination: exempt.

Staff recommended that this item be continued to the Planning Commission meeting of January 10, 2005, to allow additional time for plan revisions and a comprehensive staff report.

MOTION:
PA-04-39

A motion was made by Chairman Garlich, seconded by Vice Chair Perkins and carried 3-0, to continue this item to the Plan-

Continued

PLANNING APPLICATION
PA-04-42

Cefalia

ning Commission meeting of January 10, 2005.

Planning Application PA-04-42 for Joseph Cefalia, for a design review to construct 3, 2-story single-family detached residences with a minor modification to allow 4'-1" side yard setbacks (5' required) in conjunction with variances from minimum lot size requirements (12,000 sq. ft. required; 4,666 sq. ft. proposed) and minimum lot width requirements (100' required; 47' proposed) to facilitate a parcel map to subdivide the property into 3 lots, located at 2307 and 2325 Orange Avenue in an R2-MD zone. Environmental Determination: exempt.

Staff recommended that this item be continued to the Planning Commission meeting of January 10, 2005, to allow additional time for plan revisions and a comprehensive staff report.

MOTION:
PA-04-42
Continued

A motion was made by Vice Chair Perkins, seconded by Commissioner DeMaio, and carried 3-0 to continue this item to the Planning Commission meeting of January 10, 2005.

PLANNING APPLICATION
PA-04-43

TSK Assoc./Buckels

The Chair opened the public hearing for consideration of Planning Application PA-04-43 for Michael Buckels, authorized agent for TS&K Associates, for a conditional use permit to allow a martial arts studio in an industrial building with a minor conditional use permit to reduce the parking required for the studio based on off-set hours of operation, located at 1304 Logan Avenue, Suite J, in an MG zone. Environmental determination: exempt.

Senior Planner Mel Lee reviewed the information in the staff report and said staff was recommending approval of this application.

Michael Buckels, authorized agent, 7852 Speer Avenue #B, Huntington Beach, agreed to the conditions of approval.

No one else wished to speak and the Chair closed the public hearing.

MOTION:
PA-04-43
Continued

A motion was made by Vice Chair Perkins, seconded by Commissioner DeMaio and carried 3-0 to approve by adoption of Planning Commission Resolution PC-04-77, based on information and analysis contained in the Planning Division staff report, and findings contained in exhibit "A", subject to conditions in exhibit "B."

The Chair explained the appeal process.

REPORT OF THE DEVELOPMENT SVS. DEPARTMENT:

Mr. Robinson briefly outlined the status of annual report for the Rental Housing Inspection Program. He said last year's report was much more comprehensive in that the Building Official was involved in a proactive housing inspection program in a targeted area of the Westside for multiple family apartments. He noted JANUARY 2005. that was only a 1-year trial program, there was only a limited amount of success in gaining access to the interior properties.

It was determined that the Code Enforcement program would revert to its previous "complaint-driven" format for interior complaints, but remain proactive for enforcement of outdoor complaints. When the Planning Division received the report last year, they requested a second annual report, which was included in the Planning Commission packets this evening.

As noted in the memorandum (dated December 7, 2004), it is also subject to change with recommendations forthcoming from the Westside Revitalization Oversight Committee who has recommended the formation of a citizen's oversight committee for Code Enforcement and they have recommended to City Council, adoption of an ordinance similar to Newport Beach that would

require inspection of rental housing units at the time of sale. He commented that there may be additional code enforcement activity redirected to include all apartments Citywide.

Mr. Robinson recommended the Planning Commission “receive and file” this report.

MOTION:
Rental Housing Inspection Program
Status Report
Received and filed.

A motion was made by Chairman Garlich, seconded by Vice Chair Perkins and carried 3-0 to receive and file.

As a reminder, Mr. Robinson advised everyone that as noticed on the agenda, the Planning Commission is adjourning to the Planning Commission meeting of January 3, 2005 study session. He confirmed that City Council has cancelled the December 20th Planning Commission study session and the December 27th Planning Commission meeting.

**REPORT OF THE CITY
ATTORNEY’S OFFICE:**

None.

ADJOURNMENT:

There being no further business, Chairman Garlich adjourned the meeting at 7 p.m. to the study session of January 3, 2005.

Submitted by:

R. MICHAEL ROBINSON, SECRETARY
COSTA MESA PLANNING COMMISSION