**REGULAR PLANNING COMMISSION**
**MONDAY, JUNE 9, 2025 - MINUTES**

**CALL TO ORDER -** The Regular Planning Commission Meeting was called to order by Chair Jeffery Harlan at 6:08 p.m.

**PLEDGE OF ALLEGIANCE TO THE FLAG -** Commissioner Martinez led the Pledge of Allegiance

**ROLL CALL**

Present: Chair Jefferey Harlan, Vice Chair Jon Zich, Commissioner Angely Andrade, Commissioner Robert Dickson, Commissioner Karen Klepack, Commissioner David Martinez, Commissioner Johnny Rojas

Absent: None.

**ANNOUNCEMENTS AND PRESENTATIONS:** None.

**PUBLIC COMMENTS - MATTERS NOT LISTED ON THE AGENDA:**

Jay Humphrey expressed appreciation for the Planning Commission's acknowledgment of issues related to the Fairview Developmental Center and stated he looks forward to further input. He also encouraged the Commission, staff, and residents to engage in the planning process for the Randall Preserve, noting its proximity to Costa Mesa and potential positive impact on the community.

**PLANNING COMMISSIONER COMMENTS AND SUGGESTIONS:**

Commissioner Dixon shared personal experience with a residential remodel and acknowledged past challenges with the TESSA system. He noted that while issues remain, he was encouraged by staff's awareness of these problems and their proactive efforts to address them. He commended the staff for their responsive and solution-oriented approach and expressed appreciation for their ongoing improvements.

Commissioner Andrade acknowledged the challenges facing neighboring Los Angeles County and encouraged the community, particularly the Latino community, to seek support from organizations like Orange County Rapid Response, which offers legal and immigration-related resources and is active on social media. She expressed

appreciation for the strong community attendance and shared information about a free upcoming social impact networking mixer hosted by Orange County United Way, where she works. The event will focus on the corporate role in housing solutions, featuring speakers from the City of Irvine, FivePoint, and FirstService Residential, and will highlight Irvine's best practices in meeting affordable housing goals.

Chair Harlan took a moment to acknowledge the end of the school year, congratulating all graduates.

**CONSENT CALENDAR:**

1. **MAY 27, 2025 UNOFFICIAL MEETING MINUTES**
2. **MARCH 22, 2021 UNOFFICIAL MEETING MINUTES**
3. **DECEMBER 13, 2021 UNOFFICIAL MEETING MINUTES**

All 3 Consent Calendar items were pulled by a member of the public.

The Chair Opened for Public Comment.

Jay Humphrey, requested an amendment to the minutes of the previous meeting to clarify that he does *not* support the proposed reduced parking ratio of 1.75 spaces per unit. He stated that his prior comments may have been misunderstood and emphasized that he believes the standard is inadequate and shifts the burden onto surrounding streets. He also expressed concern over the Commission's ability to approve items two and three on the agenda, as only one commissioner was present at the original meetings. He questioned how a vote could be made on items nearly three years old without full participation or review and encouraged the Commission to ensure a fair and informed process.

The Chair closed Public Comment.

Chair Harlan asked Assistant City Attorney Tarquin Preziosi whether there was any remedy for approving older meeting minutes when only a limited number of current commissioners were present at those meetings. Assistant City Attorney Preziosi responded that aside from not approving the minutes, there is no alternative remedy. However, the Planning Commission may vote to approve the minutes if the commissioners have reviewed them and believe they accurately reflect what took place, regardless of their personal attendance.

Commissioner Martinez made a motion. Seconded by Chair Harlan.

**MOVED/SECOND: MARTINEZ/ DICKSON**
**MOTION:** to approve Consent Calendar items No. 1, 2 and 3. With the amendment to public comment section in consent calendar item No.1 made by Jay Humphrey for his public comment.
**The motion carried by the following roll call vote:**
**Ayes:** Chair Harlan, Commissioner Zich, Commissioner Andrade, Commissioner Dickson, Commissioner Klepack, Commissioner Martinez, Commissioner Rojas
**Nays:** None
**Absent:** None
**Recused:** None
**Motion carried:** 7-0

**----------END OF CONSENT CALENDAR----------**

**PUBLIC HEARINGS:**

1. **RECOMMENDATION TO THE CITY COUNCIL ON A MITIGATED NEGATIVE DECLARATION, GENERAL PLAN AMENDMENT (PGPA-24-0001), REZONE, MASTER PLAN (PMAP-24-0002), AND TENTATIVE TRACT MAP NO. 19351FOR THE DEVELOPMENT OF 40 RESIDENTIAL CONDOMINIUM UNITS LOCATED AT 220, 222, 234, AND 236 VICTORIA STREET ('VICTORIA PLACE")**

   One ex-parte communication from Commissioner Martinez.

   Senior Planning Victor Mendez presented the item.

   The Commission held a detailed discussion with staff regarding a proposed residential development, focusing on traffic impact fees, pedestrian and vehicle access, zoning standards, landscaping, and public safety. Clarification was provided that traffic impact fees typically support improvements outlined in the city's general plan, including active transportation projects. Concerns were raised about peak-hour traffic flow, pedestrian safety near Victoria Place and Newport Boulevard, and the lack of crosswalks in the area. Staff noted that while the project meets tree and shrub count requirements, there is limited flexibility due to space constraints. Commissioners discussed the project's use of the Residential Incentive Overlay District (RIOD), which allows for higher density and height compared to other zones, and acknowledged that no previous projects have utilized this overlay. The differences between RIOD and Residential Common Interest Development (RCID) standards were explained, as well as the environmental limitations of CEQA when addressing Caltrans comments. Additional questions were asked regarding public access, walkability within the development, the configuration of private spaces, and comparisons to nearby developments. Staff confirmed that while the project

aligns with applicable standards, concerns regarding public safety and connectivity remain important considerations.

The Chair Opened the Public Hearing.

The Commission engaged the applicant in a detailed discussion regarding project design, access, and compliance with development standards. Topics included the functionality and location of pedestrian gates, adequacy of guest parking, and reasons for deviations from open space and setback requirements. The applicant explained that the design prioritized private yards, rooftop decks, and full two-car garages, which limited the ability to meet certain code requirements. Commissioners raised concerns about the reduced garage width, potential traffic back-up at gated entries, and pedestrian safety near Victoria Place and Newport Boulevard. The applicant responded that the design meets fire and traffic standards, includes internal circulation flexibility, and that operational matters like gate timing would be handled by the future HOA [Homeowners Association]. Public safety improvements beyond the project site were acknowledged as a broader city responsibility. The applicant also clarified the month-to-month status of existing commercial tenants and noted they had been informed of the planned redevelopment.

The Chair opened Public Comment.

Jay Humphrey, expressed support for increasing ownership housing to improve the ratio of owner-occupied versus rental units. However, he cautioned against allowing such projects to negatively impact the surrounding community. He raised concerns about the true number of bedrooms per unit, suggesting that ground-floor flex spaces with bathrooms function as fourth bedrooms, which could increase vehicle ownership and parking demand. Humphrey criticized reliance on street parking for overflow, noting the potential for long-term vehicle storage, such as boats, reducing available daily parking. He also remarked that rooftop decks, particularly when outfitted with umbrellas, effectively function as a fourth story and add to the building's perceived height.

Cynthia McDonald, voiced strong concerns about the number of deviations required to fit 40 units onto a small parcel, comparing the design to "sardines in a can." She noted potential impacts to nearby residents, including noise from adjacent businesses and air pollution from nearby freeways and major roads. While she acknowledged the units are for sale, she criticized the lack of affordable housing and described the site as poorly suited for residential use due to limited walkability, inadequate bike access, and dangerous traffic conditions. McDonald questioned the absence of broader planning promised under Measure K, expressing frustration with inconsistent zoning practices and

urging the city to develop a more predictable and community-driven planning process.

Richard Huffman provided comments referencing a nearby development on Harmony Way, which he described as a similar-sized site with a less dense layout featuring 30 detached, three-story units without common walls. He noted the project includes ample guest parking—approximately 25 spaces—along with walkways, landscaped access, and common open space at the rear. Huffman contrasted that example with the current proposal, highlighting the benefits of lower density and increased parking. While he expressed support for condominium-style development to achieve higher unit counts, he emphasized the Harmony Way project as a useful comparison for design and density considerations.

The Chair closed Public Comment.

Commissioners sought clarification from staff regarding the availability of interior-facing exterior elevations in the project plans to ensure adequate design articulation along the internal drive aisles and avoid flat, unengaging facades. Staff directed the Commission to the appropriate plan sheets and confirmed that varied materials and treatments were included. Additional questions addressed the possibility of the development being converted to rental units in the future, to which staff and the City Attorney confirmed that, while the tentative tract map allows for individual ownership, the property could legally be retained or sold as a rental project. Staff also confirmed that the parcels involved were not identified as housing opportunity sites in the City's Housing Element.

The Chair Closed the Public Hearing.

Commissioner Dickson made a motion to recommend approval to City Council. Motion Failed for lack of second.

Vice Chair Zich made a motion to recommend denial of the project to City Council. Seconded by Chair Harlan.

During discussion of the motion, several commissioners expressed support for the project's ownership housing component, noting Costa Mesa's imbalance between rental and owner-occupied units. However, concerns were raised about the extensive number of deviations from zoning standards, including setbacks, open space, parking, and garage dimensions, which some felt compromised the integrity of the city's planning framework. While the improvements to landscaping and amenities in response to prior Council feedback were acknowledged, there was skepticism about whether the

Residential Incentive Overlay was the appropriate tool for the site and whether the entitlement process was being stretched too far. Others noted that the application reflects the direction of City Council and that advancing the item as a recommendation allows the Council to decide on the broader policy implications. Commissioners also discussed the challenges of balancing entry-level ownership goals with large unit sizes and site constraints. Overall, while some supported the motion due to the project's alignment with Council interest, others opposed it due to planning inconsistencies and concern over setting precedent.

**MOVED/SECOND: ZICH/ HARLAN**
**MOTION:** Planning Commission recommendation to the City Council to deny the project and to not adopt the mitigated negative declaration and not approve the general plan amendment, rezone, master plan, and tentative tract map.
**The motion carried by the following roll call vote:**
**Ayes:** Chair Harlan, Commissioner Zich, Commissioner Klepack, Commissioner Martinez, Commissioner Rojas
**Nays:** Commissioner Andrade, Commissioner Dickson
**Absent:** None
**Recused:** None
**Motion carried:** 5-2

The Chair called for a short break at 8:12pm.

The Chair called the meeting back into order at 8:26pm.

2. **RECOMMENDATION TO THE CITY COUNCIL PERTAINING TO THE PROPOSED HIVE LIVE PROJECT (PGPA-23-0002) INCLUDING A FINAL ENVIRONMENTAL IMPACT REPORT, GENERAL PLAN AMENDMENT, REZONE, SPECIFIC PLAN AMENDMENT, MASTER PLAN, VESTING TENTATIVE PARCEL MAP, DENSITY BONUS AGREEMENT, AND DEVELOPMENT AGREEMENT FOR A THREE-PHASED, 1,050-UNIT, RESIDENTIAL DEVELOPMENT WITH 3,692- SQUARE-FOOT RETAIL COMPONENT AT 3333 SUSAN STREET**

Five Ex-parte communications reported by Chair Harlan, Vice Chair Zich, Commissioner Andrade, Commissioner Dickson and Commissioner Martinez.

Senior Planner Chris Yeager presented the item.

The Commission engaged staff with detailed questions regarding the proposed project's compliance with city standards, phasing, affordability obligations, and potential future development under the Urban Center

Commercial land use designation. Clarifications were made about a typo in unit counts and the required distribution of affordable units across all unit types, buildings, and floors. Staff explained that while the project falls short of certain RHNA income category targets, the city's housing element includes a buffer to accommodate such shortfalls. Commissioners questioned the practicality of relying on this buffer if units remain unbuilt. Staff also addressed concerns regarding zoning implications, confirming that while a 25-story building could be allowed under the amended land use designation, it would still require future entitlements and public review. Additional questions focused on open space access, parking conditions, unbundled parking, Paseo hours, and public improvements along Susan Street—all of which staff confirmed would be developer obligations. Commissioners also verified that renter protections and affordable housing compliance will be reviewed by the city attorney.

The Chair opened the Public Hearing.

The Commission questioned the applicant regarding parking policies, affordability commitments, and unit composition. The applicant clarified that parking will be assigned, with one space included per unit and additional spaces available for a fee, distinguishing this from traditional unbundled parking. Commissioners also confirmed that 10% of the total 1,050 units—equating to 105 units—will be designated as affordable housing, exceeding the city's code requirement by 20%. The affordable units will be reserved for low-income households, a category that now includes many essential workers given the high cost of living in Orange County. The applicant confirmed their decision to apply the affordability percentage to the overall unit count rather than the base density, despite having the right to calculate a lower number. In response to additional questions, the applicant explained that the project is rental-only due to both the property owner's preference to retain the land and the developer's business model, which focuses exclusively on rental properties. Approximately 67% of the proposed units will be one-bedroom apartments.

The Chair opened Public Comment.

Cynthia McDonald, expressed concern over the proposed project, stating that it reflects spot zoning and requires multiple amendments that deviate from the North Costa Mesa Specific Plan. She criticized the site's car-dependent location, citing a lack of walkable services and increased traffic impacts. While she acknowledged the developer's payment of standard fees, she argued that true community benefits (CBs) should be tangible, measurable, and negotiated with the public—such as new fire stations or parks—not amenities like EV parking or solar panels. She also objected to the 20-year term with five-year extensions in the development agreement, noting it is unusually long compared to other cities. She urged the City to shorten the entitlement term and require fee

payments at building permit issuance rather than occupancy, emphasizing that the City should not act as a "developer's banker."

The Chair closed public comment.

The Chair closed the Public Hearing.

Commissioner Martinez made a motion. Seconded by Commissioner Dickson.

Several commissioners expressed support for the Hive Live project, citing its contribution of 1,050 total units–including 105 low-income units–and its alignment with the city's housing needs. They praised the design, open space features such as paseos and courtyards, sustainability measures like all-electric appliances and EV parking, and connectivity to the rail trail. While acknowledging the car-oriented nature of the site, commissioners emphasized the project's quality and livability. However, the Vice Chair voiced strong concerns about insufficient city planning for the area north of the 405 and stated he could not support the project. A discussion followed regarding the development agreement, with particular attention on clarifying that the $4.5 million in public benefit fees be specifically allocated to categories such as public safety and infrastructure, rather than being left to future council discretion. A friendly amendment to the motion was made striking the words, "but conceptually as follows" and replacing it with "to be allocated by the city, as follows" on Exhibit C of the draft Development Agreement.

**MOVED/SECOND: MARTINEZ/ DICKSON**
**MOTION:** To approve the staff recommendation, including adoption of the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program, and approval of the General Plan Amendment, Rezone, Master Plan, Tentative Tract Map, and Development Agreement, subject to the conditions of approval as outlined in the staff report, with the following modifications:

1. Amend Condition of Approval No. 6 to replace "Cultural Arts Committee" with "Arts Commission."
2. Recommend to the City Council that Exhibit C of the Development Agreement be revised to strike the phrase "but conceptually as follows" and replace it with "to be allocated by the city, as follows," to ensure the $4.5 million in public benefit funds are allocated as stated–for citywide bicycle/pedestrian infrastructure, community drainage improvements, police and animal services, and fire and rescue services–and not reallocated at the City's discretion in the future.

**The motion carried by the following roll call vote:**
**Ayes:** Chair Harlan, Commissioner Andrade, Commissioner Dickson, Commissioner Klepack, Commissioner Martinez, Commissioner Rojas
**Nays:** Commissioner Zich

**Absent:** None
**Recused:** None
**Motion carried:** 6-1

**OLD BUSINESS:** None.

**NEW BUSINESS:** None.

**REPORT - PUBLIC WORKS -** None.

**REPORT - DEVELOPMENT SERVICES -** Director Tai provided two brief announcements. First, she shared that with the approval of the consent calendar that evening, all outstanding Planning Commission minutes are now up to date. Second, she noted that the next Planning Commission meeting will be held on June 23 and will include several items: a small lot subdivision, the start of a technical code cleanup with municipal code clarifications, and a follow-up update on the Fairview Developmental Center to conclude last week's discussion and outline next steps. She concluded by stating she looks forward to seeing the Commission in two weeks.

**REPORT - ASSISTANT CITY ATTORNEY -** None.

**ADJOURNMENT AT 9:38p.m.**

Submitted by:

CARRIE TAI, SECRETARY
COSTA MESA PLANNING COMMISSION