

**REGULAR MEETING OF THE CITY OF
COSTA MESA PLANNING COMMISSION****January 26, 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.

Linda Fitzpatrick, owner of Nothing Bundt Cakes, led in the Pledge of Allegiance and gave a brief summary regarding her business.

ROLL CALL:

Present: Chair Jim Fitzpatrick
Vice-Chair Robert Dickson
Commissioner Colin McCarthy
Commissioner Jeff Mathews
Commissioner Tim Sesler

Staff: Claire Flynn, Assistant Development Services Director
Yolanda Summerhill, Planning Commission Counsel
Elena Q. Gerli, City Attorney
Fariba Fazeli, City Engineer
Mino Ashabi, Principal Planner
Antonio Gardea, Senior Planner
Chelsea Crager, Assistant Planner
Martha Rosales, Recording Secretary

PUBLIC COMMENTS

Richard Russell, Costa Mesa resident, thanked Chair Fitzpatrick and the Planning Commission for their active roles in managing growth in Costa Mesa.

Barrie Fisher, Costa Mesa resident, thanked Chair Fitzpatrick for his service. Ms. Fisher spoke about the Costa Mesa Connect application and asked if there was an update on the R2 Zone ordinance.

Ann Parker, Costa Mesa resident, spoke about complaints and fines with regards to the Sober Living Ordinance and requested an update regarding the R2 Zone ordinance.

Mary Spadoni, Costa Mesa resident, spoke about growth in Costa Mesa, revising the General Plan and having a moratorium on three-story high rise buildings.

Laurene Keane, Costa Mesa resident, said the General Plan and Parks Plan needed to be revised and an Economic Development Plan developed and in place before anymore bulldozing took place.

Chuck Perry, Costa Mesa resident, spoke about growth on the West Side and thanked Chair Fitzpatrick and the Commission for their contributions for the betterment of the community.

Jay Humphrey, Costa Mesa resident, wished Chair Fitzpatrick well in his endeavors and thanked him for his service on the Planning Commission. Mr. Humphrey also spoke about Costa Mesa's growth factor.

Gay Royer, Costa Mesa resident, favored growth in Costa Mesa but opposed three-story buildings. Ms. Royer spoke about parking concerns.

PLANNING COMMISSIONER COMMENTS AND SUGGESTIONS

Vice-Chair Dickson presented Chair Fitzpatrick with a proclamation in appreciation for his extraordinary leadership and service to the Planning Commission.

Commissioners Dickson, McCarthy, Mathews and Sesler thanked Chair Fitzpatrick for his dedication and service to the City and Planning Commission and wished him the best.

Chair Fitzpatrick inquired about the R2 Zone ordinance for group homes. Ms. Gerli, Deputy City Attorney, gave a brief update and said the ordinance would be coming soon.

Chair Fitzpatrick requested a Costa Mesa Connect report explaining the programs it interfaces with. Ms. Flynn gave a brief update and added that a CM Connect launch party was slated for March.

Chair Fitzpatrick thanked everyone in attendance for their friendship and assistance during his tenure.

CONSENT CALENDAR:

Chair Fitzpatrick pulled Consent Calendar Item No. 2 for discussion.

1. Minutes for the meeting of January 12, 2015.

MOTION: Approve the January 12, 2015 Planning Commission Minutes. Moved by Commissioner McCarthy, seconded by Commissioner Mathews.

The motion carried by the following roll call vote:

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

2. A resolution of the Planning Commission of the City of Costa Mesa Denying Yellowstone Recovery's Reasonable Accommodation to Allow 15 Individuals to Reside in a Residential Care Facility in an R1 Zone.

Ann Parker, Costa Mesa resident, presented a City of Costa Mesa document from 2010 that addressed issues with Yellowstone Recovery since 2000. Ms. Summerhill advised the Commission to refrain from any fact-finding actions; the action was to decide if the Findings in the resolution were appropriate and if they wished to adopt them.

PUBLIC COMMENTS

Jay Humphrey, Costa Mesa resident, supported staff's recommendation to deny the Reasonable Accommodation. It would have been more effective to agendize the item under Old Business instead of the Consent Calendar.

MOTION: Adopt resolution to uphold the denial of the Reasonable Request. Moved by Commissioner McCarthy, seconded by Vice-Chair Dickson with comment.

Vice-Dickson explained why the item was agendized under the Consent Calendar.

RESOLUTION NO. 15-03 – A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA TO UPHOLD THE DENIAL OF YELLOWSTONE RECOVERY’S REASONABLE ACCOMMODATION TO ALLOW 15 INDIVIDUALS TO RESIDE IN A RESIDENTIAL CARE FACILITY IN AN R1 ZONE

The motion carried by the following roll call vote:

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

PUBLIC HEARINGS:

- Application No.** PA-06-75/VT-17172: A Two-Year Time Extension for a Master Plan for a High-Rise Residential Building at 3350 Avenue of the Arts
Applicant: Rosanna, Inc.
Site Address: 3350 Avenue of the Arts
Zone: PDR-HD
Project Planner: Minoo Ashabi
Environmental Determination: Final EIR No. 1054, previously certified on September 14, 2007 by City Council.

Description: A request for a two-year time extension for PA-06-75, a Master Plan for development of a 200-room hotel with meeting rooms, restaurant, spa and fitness center, and a 23-story high-rise residential building with 120 condominium units, a 3,450 square foot lounge/bar, 1,740 square feet of ancillary retail uses, and a seven-level 480-space parking structure. The project includes Vesting Tentative Tract Map 17172 for subdivision of the residential units for condominium purposes.

Minoo Ashabi, Principal Planner, presented the staff report for a time extension request.

PUBLIC COMMENTS

David Lurker, legal representative for Rosanna, Inc. explained the reason for the time extension request and respectfully requested that the request be granted.

MOTION: Approve Time Extension Request for PA-06-75, the Master Plan and Vesting Tentative Tract Map 17172 for 3350 Avenue of the Arts.. Moved by Commission McCarthy, seconded by Chair Fitzpatrick.

RESOLUTION NO. 15-04 - A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA APPROVING A TWO-YEAR TIME EXTENSION FOR PLANNING APPLICATION PA-06-75 AND VESTING TENTATIVE TRACT MAP 17172.

The motion carried by the following roll call vote:

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

- Application No.:** PA-13-19: A Two-Year Time Extension for a Proposed Mid-Rise Residential Building at 580 Anton Boulevard
Applicant: Timothy O’Brien

Site Address: 580 Anton Boulevard
Zone: PDR-HD
Project Planner: Stephanie Roxas
Environmental Determination: Addendum to the Final Program EIR No. 1052/Previously Certified on November 21, 2006 by City Council.

Description: A request for a two-year time extension for PA-13-19 for the proposed Anton Mid-Rise Residential Building at 580 Anton Boulevard in the PDR-HD zone. The proposed project involves: Final Master Plan PA-13-19 involving: (a) demolition of 21,349 sq. ft. of The Lakes Pavilions Retail Center; (b) construction of a maximum 250-unit midrise residential building consisting of seven stories above grade and one subterranean level. The five story, Type III, fully sprinklered residential building is over a three level parking garage (one parking level below grade). The building is proposed at a height of 87 feet. It includes 438 parking spaces with additional ancillary retail and amenity spaces; (c) variance from parking requirements [minimum 450 required; 438 spaces proposed]; (d) variance from the open space perimeter setback requirement for the corner of the building at Avenue of the Arts and Anton Boulevard [20 foot setback required; 10-11 foot setback proposed]; and (e) reduction in the landscape easement.

Claire Flynn, Assistant Development Services Director, presented the staff report.

PUBLIC COMMENTS

Tim O'Brien with Legacy Partners Residential and applicant, stated the time extension would allow them adequate time to proceed with the cost of the development plan and obtain all the necessary requirements.

MOTION: Approve Time Extension Request for PA-13-19. Moved by Chair Fitzpatrick, seconded by Commissioner McCarthy.

RESOLUTION NO. 15-05 – A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA APPROVING A TWO-YEAR TIME EXTENSION FOR PLANNING APPLICATION PA-13-19.

The motion carried by the following roll call vote:

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

3. **Application No.:** CO-15-01: An Ordinance of the City Council of the City of Costa Mesa Amending Article 2.5, Residential Small Lot Subdivisions of Title 13 of the Costa Mesa Municipal Code
- Applicant:** City of Costa Mesa
Site Address: Citywide
Project Planner: Mino Ashabi
Environmental Determination: The project is exempt under Section 15061 (b) (3) (general rule) of the CEQA Guidelines.

Description: Code Amendment CO-15-01 to amend the Zoning Code regulations related to small lot subdivisions. The proposed code amendment relates to modifying certain development standard requirements for new residential small lot subdivisions.

Mino Ashabi, Principal Planning, presented the staff report that delineated the proposed amendments. Ms. Ashabi answered questions from the Commissioners pertaining to parking, setbacks and variances.

PUBLIC COMMENTS

Jay Humphrey, Costa Mesa resident, spoke about the Small Lot Ordinance, incorporating “no exception” verbiage to it and opposed 5-foot setback deviations.

Mary Spadoni, Costa Mesa resident, spoke on the importance of adhering to the requirements of the Small Lot Ordinance.

Beth Refakes, Costa Mesa resident, was happy to see a 5-foot setback. She felt developers needed to work within the parameters of the Small Lot Ordinance or reconfigure projects that did not meet the standards of the Small Lot Ordinance.

Laurene Keane, Costa Mesa resident, shared that a number of residents who were watching online wanted the Small Lot Ordinance to remain intact.

Ann Parker, Costa Mesa resident, spoke in opposition of the Small Lot Ordinance and asked why Costa Mesa was the only city with a Small Lot Ordinance.

The Commission spoke about setbacks, reasons for having a Small Lot Ordinance and its benefits; suggestions for parking issues and the possibility of adding an HOA condition of approval regarding directional parking.

MOTION: Recommend the City Council approve CO-15-01, an amendment to Title 13, Chapter 5, Article 2.5 – the Residential Small Lot Subdivision of the Costa Mesa Municipal Code, including establishing an interior side yard setback requirement of 5 feet; removing reference to a further reduction of the side rear setback based on certain findings by the Development Services Director, adding language providing flexibility to allow 2-car and 3-car garages provided that the overall number of parking spaces are still met and that a minimum of one open parking space is provided per unit, and direct staff to explore parking of the “apron” issue. Moved by Commissioner McCarthy, seconded by Vice-Chair Dickson with comment.

Vice-Chair Dickson explained the amendment removed discretion for the Development Services Director to make findings to reduce backyard setbacks.

The motion carried by the following roll call vote:

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

- 4. **Application No.:** PA-14-09: Design Review for a Duplex with an Existing Detached Single Family Residence at 530 Hamilton Street
Applicant: PH&D Co.
Site Address: 530 Hamilton
Zone: R2-MD
Project Planner: Chelsea Crager

Environmental

Determination: This project is categorically exempt under Section 15303 of the State CEQA (California Environmental Quality Act) Guidelines – Class 3 (new construction).

Description: Design Review for the construction of a duplex behind an existing detached single family residence. The Design Review includes the following deviations from code requirements:

- Variance from overall open space (40% required; 35% proposed).
- Variance from parkway landscaping requirements (minimum 10-foot width total with three feet on one side required; zero-foot total width proposed).
- Variance to allow an open parking space to be located in the front setback in an area not leading to a garage or carport.
- Minor modification for minimum shared driveway width (16 feet required; 13.5 feet proposed).

Chelsea Crager, Assistant Planner, presented the staff report.

The Commission expressed concern with the project's intensity of use - bedroom reductions to alleviate variances, parking issues, trash bins and garage uses were discussed.

PUBLIC COMMENTS

Dean Tran, Architect and applicant, discussed parking, open space and variances. Mr. Tran asked the Commission for options/suggestions to make the project approvable.

Jay Humphrey, Costa Mesa resident, was concerned with allowing variances and suggested giving the applicant the opportunity to resubmit his project.

Beth Refakes, Costa Mesa resident, spoke in opposition of the project because it was overbuilt.

Barrie Fisher, Costa Mesa resident, was concerned with the number of bathrooms and felt the project needed to be reviewed further before making any decisions.

In closing, Mr. Tran said the project was not as big as it looked on the rendering. He addressed the concerns from the public.

MOTION: Based on the evidence of the record, continue PA-14-09 off calendar for re-noticing at a later date. Moved by Commissioner McCarthy, seconded by Commissioner Mathews.

The motion carried by the following roll call vote:

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

5. **Application No.:** PA-14-32: Conditional Use Permit for a Vintage Automotive Museum at 729 Farad Street

Applicant: Jerauld Clarke

Site Address: 729 Farad Street

Zone: MG

Project Planner: Antonio Gardea

Environmental

Determination: This project is categorically exempt under Section 15301 of the State CEQA (California Environmental Quality Act) Guidelines – Class 1 (existing facilities)

Description:

- Request to establish Beverly Hills Motorsport Museum and café. This involves conversion of an existing 12,674 square foot industrial building to a vintage automotive museum with a two-level café (280-square foot at ground and 2,805 square foot at mezzanine level);
- The museum and café will be open from noon to 11:00 p.m. Monday through Saturday for general operation and membership meetings, and Sundays for special events.
- On-site valet parking is proposed for all membership events (maximum 50 people) and larger special events (maximum 150 people). Valet parking will increase the parking supply from 37 spaces to 48 spaces (11 additional spaces).

Antonio Gardea, Senior Planner, presented the staff report.

PUBLIC COMMENTS

Jerauld Clarke, Applicant, was in agreement with the Conditions of Approval.

Gary Kasaris, owner, said he had 60 signatures from surrounding neighbors who did not object to patrons parking in the cul-de-sac. Mr. Kasaris gave a brief project summary.

Joe Drucker, business owner, spoke in favor of the project.

Raymond Harsett, business owner, felt the parking was a small issue considering the benefits the project would bring to the neighborhood. Mr. Harsett supported the project.

Beth Refakes, Costa Mesa resident, felt parking might be a problem but overall the project would add to the City and neighborhood.

Chuck Perry, Costa Mesa resident, did not see a problem with parking. It was a great project and he could not wait to see it come to fruition.

Jim Liberty, business owner, was excited about the project because he would now have a place to take visitors and guests from the East Coast.

Mr. Kasaris thanked everyone for the positive comments. This project, if approved, would be the first of its kind in Orange County.

The Commission discussed rewording the number of maximum events and capacity stated in Condition of Approval No. 4.

MOTION: Based on the evidence of the record, the Findings contained in Exhibit A and subject to the Conditions of Approval contained in Exhibit B with the following modifications: strike Condition of Approval No. 4; change “greater than 150 persons” to “greater than 100 persons.” in Condition of Approval No. 18. Moved by Vice-Chair Dickson, seconded by Chair Fitzpatrick.

RESOLUTION NO. 15-06 - A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA APPROVING PLANNING APPLICATION PA-14-32 FOR AN AUTOMOTIVE MUSEUM, CAFÉ AND VALET PARKING ON WEEKENDS AND SPECIAL EVENTS AT 729 FARAD STREET IN THE MG ZONE

The motion carried by the following roll call vote:

Ayes: Fitzpatrick, Dickson, McCarthy, Mathews, Sesler

Noes: None

Absent: None

Abstained: None

The Chair explained the appeal process.

DEPARTMENTAL REPORT(S)

1. Public Services Report – Ms. Fazeli mentioned it had been a pleasure working with Chair Fitzpatrick and she was going to miss seeing him on a regular basis.
2. Economic and Development Services Report - Ms. Flynn thanked Chair Fitzpatrick for his leadership and service on the Planning Commission.

CITY ATTORNEY'S OFFICE REPORT(S)

1. City Attorney – Ms. Summerhill said she was going to miss working with Chair Fitzpatrick.

ADJOURNMENT: NEXT PLANNING COMMISSION MEETING AT 6:00 P.M. ON MONDAY, FEBRUARY 9, 2015.

Submitted by:

CLAIRE FLYNN, SECRETARY
COSTA MESA PLANNING COMMISSION